



## Attachments

## Planning and Strategy Committee

Notice is hereby given that an Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Monday 10 October 2011**

Commencing at 7:30 PM for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

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## **Draft Manly Local Environmental Plan 2011**

under the  
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning

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## ATTACHMENT 1

### Planning And Strategy Division Report No. 18 - Draft Manly Local Environmental Plan 2011 Draft Pre-Exhibition Manly Local Environmental Plan 2011

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## **Part 1 Preliminary**

### **1.1 Name of Plan [compulsory]**

This Plan is **Manly** Local Environmental Plan 2011.

### **1.1AA Commencement [compulsory]**

This Plan commences on the day on which it is published on the NSW legislation website.

### **1.2 Aims of Plan [compulsory]**

- (1) This Plan aims to make local environmental planning provisions for land in **Manly** in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) **In relation to all land in Manly:**
    - (i) To promote a high standard of urban design that responds to existing or desired future character of areas.
    - (ii) To give council greater responsibility for environmental planning by creating only broad controls in this plan and leaving more detailed local environmental planning provisions in the development control plans approved by council.
    - (iii) To require the principles of ecologically sustainable development to be taken into consideration when determining development applications.
    - (iv) To foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit.
    - (v) To ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand.
    - (vi) To ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population.
  - (b) **In relation to residential:**
    - (i) To provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an aging population, changing demographics and all socio-economic groups.

- (ii) To ensure high quality landscaped areas in the residential environment.
- (iii) To encourage higher density residential to be located close to major transport nodes, services and employment opportunities.
- (iv) To maintain active retail, business and other non residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres.
- (c) In relation to business and the economy:
  - (i) To, encourage, provide and consolidate business opportunities for a range of uses in appropriate locations, which supports local employment, community services and economic growth in business centres and light industry zones.
  - (ii) To recognize that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability whilst protecting the needs of the local community.
- (d) In relation to transport, infrastructure and amenities:
  - (i) To reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling whilst concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres.
  - (ii) To provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities.
- (e) In relation to heritage:
  - (i) To identify, protect, sustain, manage and conserve all heritage, including archeological relics, sites and resources; places of Aboriginal heritage significance; heritage items (and their curtilages); heritage conservation areas and the cultural (natural and built) environmental heritage of Manly.
- (f) In relation to the natural environment:
  - (i) To conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses.
  - (ii) To promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment



management, stormwater pollution control, and flood risk management), and water sensitive urban design.

- (iii) To protect, enhance and manage environmentally sensitive land with special aesthetic, ecological scientific, cultural and/or conservation values for the benefit of present and future generations.
- (iv) To protect existing landforms and natural drainage systems and minimize the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip.
- (v) To provide a framework that facilitates & encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change.
- (vi) To give priority to retaining bushland for its own intrinsic value as well as a recreational, educational and scientific resource.
- (g) In relation to Manly's unique harbours, coastal lagoon and ocean beach setting:
  - (i) To preserve and enhance the amenity of public places and areas visible from navigable water around Manly.
  - (ii) To retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.

### 1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### 1.5 Notes [compulsory]

Notes in this Plan are provided for guidance and do not form part of this Plan.

### 1.6 Consent authority [compulsory]

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### 1.7 Maps [compulsory]

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:

- (a) approved by the Minister when the map is adopted, and
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

#### **1.8 Repeal of planning instruments applying to land [compulsory]**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note** The following local environmental plans are repealed under this provision:

*Manly Local Environmental Plan 1996*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

#### **1.8A Savings provision relating to pending development approvals [local]**

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

#### **1.9 Application of SEPPs [compulsory]**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

**1.9A Suspension of covenants, agreements and instruments [local]**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning instrument within the meaning of Division 6 of Part 4 of the Act, or
  - (h) to land affected by clause 3.3 (2) of this Plan, or
  - (i) to land affected by clause 4.5 (9) & (10) of this Plan, or
  - (j) to land affected by clause 5.10 of this Plan, or
  - (k) to land affected clause 6.6 of this Plan, or
  - (l) to land affected by clause 6.10 (1) of this Plan, or
  - (m) to land affected by clause 6.11 of this Plan, or
  - (n) to land affected by clause 6.12 of this Plan.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## Part 2 Permitted or prohibited development

### 2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre
- B6 Enterprise Corridor

#### **Industrial Zones**

- IN2 Light Industrial

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Environment Protection Zones**

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation;
- E3 Environmental Management
- E4 Environmental Living

#### **Waterways**

- W1 Natural Waterways

### 2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

### 2.3 Zone objectives and land use table [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:



- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

**2.4 Unzoned land [compulsory]**

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land [compulsory]**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
 in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

**2.6 Subdivision—consent requirements [compulsory]**

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

**Note.** If a subdivision is identified as exempt development in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal



dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of *secondary dwelling* in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## **2.7 Demolition requires consent [compulsory]**

- (1) The demolition of a building or work may be carried out only with consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2006*, as exempt development, the Act enables it to be carried out without consent.

## **2.8 Temporary use of land [optional]**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or has detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 12 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007* (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems)

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 62—Sustainable Aquaculture*

*State Environmental Planning Policy No 64—Advertising and Signage*

### Zone R1 General Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### 2 Permitted without consent

Home based child care; Home occupations

#### 3 Permitted with consent

Attached dwellings; Boarding houses; Boat launching ramps; Boat sheds; Bed and breakfast accommodation; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home business; Home industry; Hostels; Information and education facilities; Jetty; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Water recreation structures; Water recycling facilities; Water supply systems.

#### 4 Prohibited

Advertising structure; Home occupations (sex services); Sewage treatment plants; Sex services premises; Water treatment facilities; any development not specified in items 2 and 3.

### Zone R2 Low Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Child care centres; Community facilities; Dwelling houses; Dual occupancies; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home business; Home industry; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Water recreation structures; Water recycling facilities; Water supply systems

**4 Prohibited**

Advertising structure; Home occupations (sex services); Sewage treatment plants; Sex services premises; Water treatment facilities; any development not specified in items 2 and 3.

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

To provide for the housing needs of the community within a medium density residential environment.

- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the revitalization of residential areas by rehabilitation and suitable redevelopment;
- To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.

**2 Permitted without consent**

Home-based child care; Home Occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Boat sheds; Child care centres; Community facilities; Dual occupancies; Dwelling Houses; Emergency services facilities; Environmental protection works; Flood mitigation works Group homes; Home business; Home industry; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurant or Cafe; Roads; Secondary Dwellings; Semi-detached dwellings; Seniors housing; Service stations; Shop top housing; Signage; Take away food and drink premises; Tourist and visitor accommodation Water recycling facilities; Water supply systems



**4 Prohibited**

Advertising structure; Farm stay accommodation; Home occupations (sex services); Sewage treatment plants; Sex services premises; Water treatment facilities; any development not specified in items 2 and 3.

**Zone B1 Neighbourhood Centre**

**1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

**2 Permitted without consent**

Home-based child care; Home occupations.

**3 Permitted with consent**

Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Emergency services facilities; Medical centres; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home business; Home industry; Hostels; Information and education facilities; Kiosks; Markets; Office premises; Places of public worship; Public administration building; Neighbourhood shops; Roads; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurant or Cafe; Service stations; Shops; Signage; Shop top housing; Take away food and drink premises; Veterinary hospitals; Water recycling facilities; Water supply systems

**4 Prohibited**

Home occupations (sex services); Sewage treatment plant; Sex Service Premises; Water treatment facilities. Any development not specified in items 2 and 3.

**Zone B2 Local Centre**

**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling

**2 Permitted without consent**

Home-based child care; Home occupations.

**3 Permitted with consent**

Amusement centres; Boarding houses; Boat sheds; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Health consulting rooms; Home business; Home industry; Hostels; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facility; Water supply systems.

**4 Prohibited**

Home occupation (sex services); Industrial retail outlets; Light industries; Sewage treatment plants; Sex services premises; Water treatment facilities; Any development not specified in items 2 and 3.

**Zone B6 Enterprise Corridor**

**1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses)
- To maintain the economic strength of centres by limiting retailing activity.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Amusement centres; Bulky goods premises; Business premises; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Garden centres; Hardware and building supplies; Helipad; Hotel or motel accommodation; Industrial retail outlets; Kiosks; Landscaping material supplies; Light industries; Markets; Mortuaries; Office premises; Passenger transport facilities; Plant nurseries; Public administration building; Recreation facilities (indoor); Restaurant or Cafe; Restricted premises; Roads; Signage; Service stations; Shops; Take away food & drink premises; Timbryards; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies.

**4 Prohibited**

Sewage treatment plants; Water treatment facilities; Any development not specified in items 2 and 3

**Zone IN2 Light Industrial**

**1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To maintain economic strength and diversity by limiting large scale industrial activity.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Agricultural produce industries; Aquaculture; Boat building and repair facilities; Depots; Environmental protection works; Flood mitigation works; Freight transport facilities; Helipad; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Research stations; Restricted premises; Roads; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timberyards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wholesale supplies.

**4 Prohibited**

Bulky goods premises; Hazardous industries; Hazardous storage establishments; Heavy industries; Liquid fuel depots; Offensive industries; Offensive storage establishments; Sewage treatment plants; Any development not specified in items 2 and 3.

**Zone SP1 Special Activities**

**1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- 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.
- 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.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.



- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- Minimising loss of views to and from, and within heritage items and minimising intrusion in the heritage landscape and visual curtilage of heritage items.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP3 Tourist****1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Building identification sign; Business identification sign; Environmental Protection works; Flood mitigation works; Food and drink premises; Tourist and visitor accommodation; Roads; Water recycling facilities; Water reticulation system; Water storage facility

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation****1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Boat sheds; Building identification sign; Business identification sign; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Depots; Drainage; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education

centres; Jetties; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurant or Cafe; Roads; Take away food or drink premises; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities.

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation**

**1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

**2 Permitted without consent**

Nil.

**3 Permitted with consent**

Child care centres; Community facilities; Depots; Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered Clubs; Roads; Signage; Water recycling facilities; Water reticulation systems; Water storage facilities;

**4 Prohibited**

Advertising structures; Any development not specified in item 2 or 3

**Zone E1 National Parks and Nature Reserves**

**1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

**2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

**3 Permitted with consent**

Nil

**4 Prohibited**

Any development not specified in item 2 or 3



**Zone E2 Environmental Conservation**

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Eco-tourist facility; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Water reticulation systems; Water storage facilities.

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

**Zone E3 Environmental Management**

**1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values
- To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby, foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate and minimise the impact of hard surfaces and associated pollutants in storm water run-off on the ecological characteristics of the locality, including water quality.

**2 Permitted without consent**

Home based child care; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Drainage; Dwelling houses; Environmental protection works; Home business; Roads; Water supply systems

**4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone E4 Environmental Living**

**1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby, foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate and minimise the impact of hard surfaces and associated pollutants in storm water run-off on the ecological characteristics of the locality, including water quality.

**2 Permitted without consent**

Home based child care; Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Drainage; Dual occupancies (attached); Dwelling houses; Environmental protection works; Home business; Multi dwelling housing; Residential flat buildings Roads; Semi detached dwellings; Water supply systems

**4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Water treatment facilities; Any other development not specified in item 2 or 3

**Zone W1 Natural Waterways**

**1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.

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- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Environmental facilities; Environmental protection works

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

## Part 3 Exempt and complying development

### 3.1 Exempt development [compulsory]

**Note.** Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
  - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (5) To be exempt development, the development must:
    - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
    - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 Complying development [compulsory]

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this Part,
 is complying development.

**Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land, and
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

**3.3 Environmentally sensitive areas excluded [compulsory]**

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause:

*environmentally sensitive area for exempt or complying development* means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.



## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
  - (a) To retain the existing pattern of subdivision in residential zones and regulate the density of allotment in specific locations to ensure lots have a minimum size that would be sufficient to provide useable area for building and landscaping.
  - (b) To maintain the character of the locality and streetscape and, in particular, complement the prevailing subdivision patterns.
  - (c) To require larger lots where existing vegetation, topography, public views and natural features of a site limit its subdivision potential, including the foreshore.
  - (d) To ensure the location of smaller lots maximises the use of existing infrastructure, public transport and pedestrian access to local facilities and services.
  - (e) To provide for adequate consideration of storm water management, vehicular access, easements and servicing requirements.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) For the purpose of calculating the area of a lot with an access handle, the area of the access handle is excluded.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

### 4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

- (1) The objectives of this clause are as follows:
  - (a) To retain the existing pattern of subdivision in residential zones and regulate the density of allotment in specific locations to ensure lots have a minimum size that would be sufficient to provide useable area for building and landscaping.
  - (b) To maintain the character of the locality and streetscape and, in particular, complement the prevailing subdivision patterns.
  - (c) To require larger lots where existing vegetation, topography, public views and natural features of a site limit its subdivision potential, including the foreshore.
  - (d) To ensure the location of smaller lots maximises the use of existing infrastructure, public transport and pedestrian access to local facilities and services.
  - (e) To provide for adequate consideration of storm water management, vehicular access, easements and servicing requirements.

(2) This clause applies to a subdivision of land (being land under a community title scheme and shown on the Lot Size Map) that requires development consent and is carried out after the commencement of this Plan.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* provides that the strata subdivision of a building in certain circumstances is specified complying development.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.\

**4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6] [not applicable]**

**4.3 Height of buildings [optional]**

(1) The objectives of this clause are as follows:

- (a) To provide for building heights and roof form that are consistent with the topographic and climatic landscape, prevailing building height and desired future streetscape character in the locality,
- (b) To assist in controlling the bulk and scale of buildings,
- (c) To minimise disruption to views from adjacent and nearby residential development and public spaces, including the harbour and surrounding foreshores,
- (d) To provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,
- (e) To consider the effects on wind patterns and how this affects adjacent buildings and public spaces and the potential for natural ventilation of buildings and adjacent dwellings,
- (f) To ensure the height and bulk of any proposed buildings or structure in recreation or environmental protection zones has regard to existing vegetation and topography and any other aspects that might conflict with bushland and surrounding land uses.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

**4.3A Calculation of Height of buildings on steeply sloping sites below road level [local]**

- (1) The objective of this clause is to maintain public views to Sydney Harbour from street level on local roads above steeply sloping sites on certain land.
- (2) This clause applies to land shown as 4.3A *Crown of the road* on the *Key sites Map*
- (3) Despite 4.3(2), development consent must not be granted to development on land to which this clause applies unless the building heights on steeply sloping lots do not exceed the level of the crown of the road.



#### 4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
- (a) To ensure the bulk and scale of development is consistent with the existing and desired streetscape character,
  - (b) To control building density and bulk in relation to the site area to ensure that development does not obscure important landscape and townscape features,
  - (c) To maintain an appropriate visual relationship between new development and the existing character and landscape of the area,
  - (d) To minimise adverse environmental impacts on the use or enjoyment of adjoining properties and the public domain,
  - (e) To provide for the viability of business zones and encourage the development, expansion and diversity of business activities, which will contribute to economic growth, retention of local services and employment opportunities in local centres.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite Clause 2:
- (a) To encourage employment generating uses within the Local Centres above the level of the ground floor, the maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of development permitted on the land within Zone B2 Local Centre on which the development is to occur, plus:
    - (i) 0.5:1, if the percentage of the gross floor area of the development that is used for business, retail and office premises is 50 per cent or higher.
- (2B) Despite Clause 2:
- (a) Development consent must not be granted to development for the purposes of a building on land within zone B2 Local Centre unless the consent authority is satisfied that:
    - (i) A minimum 25% gross floor area is provided for business, retail or office premises,
    - (ii) A maximum of 1000 sqm gross floor area for retail premises is not exceeded.

#### 4.5 Calculation of floor space ratio and site area [optional]

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (i) require community land and public places to be dealt with separately.

**(2) Definition of "floor space ratio"**

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.

**(3) Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

**(4) Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

**(5) Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

**(6) Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

**(7) Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

**(8) Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying

a floor space ratio, whether or not the proposed development relates to all of the buildings.

**(9) Covenants to prevent "double dipping"**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

**(10) Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development.

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

**(11) Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards [compulsory]**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the

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- objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note** When this Plan was made, it did not include Zones RU1, RU2, RU3, RU4, RU6, or R5.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (d) ~~clause 6.18~~ *Essential services or a development standard in Part 7.*

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

### 5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
- does not cease to be a public reserve to the extent (if any) that it is a public reserve, and



- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries [optional]

### 5.4 Controls relating to miscellaneous permissible uses [compulsory]

#### (1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

#### (2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

#### (3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

#### (4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

#### (5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**(6) Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 55 square metres.

**(7) Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.

**(8) Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.

**(9) Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 30% of the total floor area of the principal dwelling.

**5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]****(1) The objectives of this clause are as follows:**

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
  - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
  - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
  - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
  - (iv) recognise and accommodate coastal processes and climate change, and
  - (v) protect amenity and scenic quality, and
  - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
  - (vii) protect and preserve native coastal vegetation, and
  - (viii) protect and preserve the marine environment, and
  - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
  - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
  - (xi) protect Aboriginal cultural places, values and customs, and
  - (xii) protect and preserve items of heritage, archaeological or historical significance.

**(2) Development consent must not be granted to development on land that is**

wholly or partly within the coastal zone unless the consent authority has considered:

- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
    - (i) maintaining existing public access and, where possible, improving that access, and
    - (ii) identifying opportunities for new public access, and
  - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
    - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
    - (ii) the location, and
    - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
  - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
    - (i) any significant overshadowing of the coastal foreshore, and
    - (ii) any loss of views from a public place to the coastal foreshore, and
  - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
  - (e) how biodiversity and ecosystems, including:
    - (i) native coastal vegetation and existing wildlife corridors, and
    - (ii) rock platforms, and
    - (iii) water quality of coastal waterbodies, and
    - (iv) native fauna and native flora, and their habitats, can be conserved, and
  - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
  - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (d) the proposed development will not:
    - (i) be significantly affected by coastal hazards, or
    - (ii) have a significant impact on coastal hazards, or



- (iii) increase the risk of coastal hazards in relation to any other land.

**5.6 Architectural roof features [optional]**

**5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

**5.8 Conversion of fire alarms [compulsory]**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:  
**private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

#### 5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
  - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
 unless the Council is satisfied that the proposed activity:
  - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
  - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation:
    - (i) that is authorised by a development consent or property vegetation plan under the [Native Vegetation Act 2003](#), or

- (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the [Native Vegetation Act 2003](#)) that is authorised by a development consent under the provisions of the [Native Vegetation Conservation Act 1997](#) as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the [Forestry Act 1916](#), or
  - (d) action required or authorised to be done by or under the [Electricity Supply Act 1995](#), the [Roads Act 1993](#) or the [Surveying and Spatial Information Act 2002](#), or
  - (e) plants declared to be noxious weeds under the [Noxious Weeds Act 1993](#).
- Note.** Permissibility may be a matter that is determined by or under any of these Acts.
- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management, or E4 Environmental Living.

**5.9AA Trees or vegetation not prescribed by development control plan [compulsory]**

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

**5.10 Heritage conservation [compulsory]**

**Note.** Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.

**(1) Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of Manly and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

**(2) Requirement for consent**

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

**(3) When consent not required**

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and



(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

**(4) Effect on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage impact assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

**(9) Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(10) Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**5.11 Bush fire hazard reduction [compulsory]**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note:** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,

- (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
  - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
  - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
    - (i) measures to remove any threat of serious or irreversible environmental damage,
    - (ii) the maintenance (or regeneration where necessary) of habitats,
    - (iii) efficient and minimal energy and water use and waste output,
    - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
    - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

## PART 6 Local Provisions

### 6.1 Acid sulfate soils [local]

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
- a preliminary assessment of the proposed works prepared in accordance with the *Acid Sulfate Soils Manual* indicates that an acid sulfate soils management plan is not required for the works, and
  - the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):



- (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or the works are not likely to lower the watertable.

## **6.2 Landslide risk [local]**

- (1) The objectives of this clause are to ensure that development in areas of landslide susceptibility:
  - (a) matches the underlying geotechnical conditions of the land, and
  - (b) is restricted on unsuitable land, and
  - (c) does not endanger life or property.
- (2) This clause applies to land identified as "Landslide risk" on the Landslide Risk Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development's design is responsive to the risk of landslide:
  - (a) site layout, including access,
  - (b) the building's design and construction methods,
  - (c) the amount of cut and fill that will be required,
  - (d) wastewater management, stormwater and drainage across the site,
  - (e) the specific geotechnical constraints of the site.
- (4) Development consent must not be granted to development on land to which this clause applies unless:
  - (a) the consent authority is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or
    - (ii) if that risk or impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that risk or impact, or
    - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact, and

- (b) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.

(5) In this clause:

**Landslide Risk Map** means the Manly Local Environmental Plan 2011 Landslide Risk Map.

### 6.3 Flood planning [local]

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
  - (a) land that is shown as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks of watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
 

**Flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**Flood Planning Map**

**Note.** When this Plan, was made, it did not include a Flood Planning Map.

### 6.4 Coastal risk planning [local]

- (1) The objectives of this clause are as follows:
  - (a) to avoid significant adverse impacts from coastal hazards,
  - (b) to enable evacuation of coastal risk areas in an emergency,
  - (c) to ensure uses area compatible with coastal risk.



- (2) This clause applies to the land identified as "Coastal risk" on the Coastal Risk Planning Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:
  - (a) is likely to be adversely affected by the impacts of coastal hazards; and
  - (b) is likely to cause detrimental increases in coastal risks to other development or properties; and
  - (c) is likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment; and
  - (d) incorporates appropriate measures to manage risk to life from coastal risks; and
  - (e) avoids or minimises potential adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if located seaward of the immediate hazard line; and
  - (f) makes provision for relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and NSW sea level rise planning benchmarks for NSW.
- (4) A word or expression used in this clause has the same meaning as it has in the *NSW Coastal Planning Guidelines: Adapting to Sea Level Rise* (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.
- (5) In this clause:
  - coastal hazard* has the same meaning as in the Coastal Protection Act 1979.
  - Coastal Risk Planning Map*. **Note.** When this Plan, was made, it did not include a Coastal Risk Planning Map

#### 6.5 Storm water management [local]

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining downstream properties, native bushland and receiving waters and groundwater systems.
- (2) This clause applies to all land in residential, business and industrial zones.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water,
  - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water,
  - (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be avoided, minimises and mitigates the impact,
  - (d) design incorporates water sensitive urban design (WSUD) principles, and
  - (e) has a stormwater management system that complies with Councils requirements.

- (4) In this clause: the principles of water sensitive urban design can be summarised as follows:
- i. protection and enhancement of natural water systems (including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater systems);
  - ii. protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments;
  - iii. minimisation of harmful impacts of urban development upon water balance and surface and groundwater flow regimes;
  - iv. integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity; and
  - v. reduction in potable water demand by using stormwater as a resource.

#### 6.6 Terrestrial biodiversity [local]

- (1) The objectives of this clause is to maintain terrestrial biodiversity by:
- (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:
- (a) will cause any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,
  - (b) will cause any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,
  - (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - (d) will cause any adverse impact on the habitat elements providing connectivity.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised – the development will be managed to mitigate that impact.
- (5) In this clause:
- Terrestrial Biodiversity Map** means the Manly Local Environmental Plan 2011 Terrestrial Biodiversity Map



#### 6.7 Riparian land and watercourses [local]

- (1) The objective of this clause is to protect and maintain the following:
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to land:
  - (a) identified as "Watercourse" on the Watercourse Map, and
  - (b) situated within 40 metres of the top of the bank of a watercourse.
- (3) Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:
  - (a) will have any adverse impact on the following:
    - (i) the water quality and flows within a watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems,
    - (iii) the stability of the bed, shore and banks of a watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along a watercourse,
    - (v) any future rehabilitation of a watercourse and riparian areas, and
  - (b) will increase water extraction from a watercourse.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (5) In this clause:  
**Watercourse Map** means the Manly Local Environmental Plan 2011 Watercourse Map.

#### 6.8 Wetlands [local]

- (1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.
- (2) This clause applies to land identified as "Wetland" on the Wetlands Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development will cause any adverse impact on the following:
  - (a) the condition and significance of the existing native fauna and flora on the land,
  - (b) the provision and quality of habitats for indigenous and migratory species,

- (c) the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

- (5) In this clause:

*Wetlands Map* means the [Manly] Local Environmental Plan 2011 Wetlands Map.

#### **6.9 Earthworks [local]**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land;
  - (b) To allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless:
  - (a) the work is exempt development under this Plan or another applicable environmental planning instrument; or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks and associated groundwater dewatering, the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).



- (i) the potential for any adverse impacts the dewatering has on any receiving watercourse, drinking water catchment or environmentally sensitive area.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

#### **6.10 Foreshore Scenic Protection Area**

- (1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Ocean and the foreshore in Manly.
- (2) This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
  - (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,
  - (b) measures to protect and improve scenic qualities of the New South Wales coast,
  - (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,
  - (d) measures to reduce the potential for conflict between land-based and water-based coastal activities,
  - (e) conservation and preservation of tree canopy, street trees, wildlife corridors and habitat,
  - (f) cumulative impacts on escarpments, rock shelves and other natural landscape features.

#### **6.11 Foreshore building line [local]**

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.
- (3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
  - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
  - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
  - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools (at or below existing ground level), fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).

- (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:
  - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
  - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
  - (c) the development is not likely to cause environmental harm such as:
    - (i) pollution or siltation of the waterway, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
    - (iii) an adverse effect on drainage patterns, and
  - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
  - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
  - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
  - (g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
  - (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

**6.12 Development on the foreshore must ensure access [local]**

- (1) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:
  - (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
  - (b) public access to link with existing or proposed open space,
  - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
  - (d) public access to be located above mean high water mark,
  - (e) reinforcing the foreshore character and respect for existing environmental conditions.

**6.13 Development on land in Recreation Zones [Local]**

- (1) The objective of this clause is to ensure development does not impact future use on public land.
- (2) This clause applies to all publically owned land within Zone RE1 or RE2.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
  - (a) the need to retain the land for its existing or likely future use,



- (b) the impact on existing or likely future use of the land and surrounding land uses,
- (c) continuous future public access is assured.

**6.14 Design excellence (local)**

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design of buildings and public spaces in Manly.
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the following zone in Manly, unless the consent authority considers that the development exhibits design excellence:
  - (a) B2 Local Centre
- (3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) form, bulk, massing and modulation of buildings do not overwhelm public open spaces and will improve streetscape and quality of public realm,
  - (b) clearly defines the edge of public places, streets, lanes and plazas, through consideration of separation, setbacks, amenity, and boundary treatments and,
  - (c) minimizes street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access,
  - (d) encourages casual surveillance and social activity in public places, streets, laneways and plazas,
  - (e) responds to its setting including neighbouring sites and existing or proposed buildings protection and enhancement of streetscape, natural landscape and vegetation including trees, escarpments or other significant natural features,
  - (d) safeguards vistas from public places to prominent natural and built landmarks such as water views to ocean beach and harbour, significant street trees, Manly Wharf, and Public Administration buildings, Places of public worship, Statues, Sculptures etc,
  - (e) use of high standards of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (f) environmental impacts such as, wind, reflectivity and permeability of surfaces,
  - (g) coordination of shared utility infrastructure to minimize disruption at street level in public spaces.

**6.15 Site Specific Development Control Plans**

- (1) The objective of this clause is to ensure development on certain land is only considered after a site specific development control plan has been prepared and adopted.
- (2) This clause applies to land identified on the Key Sites Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless a site specific development control plan has been prepared and adopted that provides for all of the following (but not limited to):
  - (a) principles drawn from an analysis of the site and its context,
  - (b) building envelopes and built form controls,
  - (c) subdivision pattern,
  - (d) distinct public and private spaces,

- (e) 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,
  - (f) traffic management facilities and necessary parking ratios,
  - (g) higher density living around transport and service nodes,
  - (h) public facilities and services,
  - (i) mix and distribution of uses,
  - (j) addresses environmental constraints and planning for climate change,
  - (k) site remediation and amelioration of natural and environmental hazards,
  - (l) infrastructure provision,
  - (m) phasing of development.
- (4) Subclause (3) does not apply to any of the following development:
- (a) subdivision for the purpose of a realignment of boundaries that does not create additional lots
  - (b) subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) subdivision of land in a zone in which the erection of structures is prohibited
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### 6.16 Active street frontages [local]

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.
- (2) This clause applies to land identified as 'Active street frontage' on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicle access.
- (5) In this clause, a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.



**6.17 Location of sex services premises [local]**

- (1) The objective of this clause is to minimise land use conflict and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant consent to a development for the purposes of sex services premises, the consent authority must consider the following:
  - (a) if the premises will be located on land that adjoins, is directly opposite, or is separated only by a local road from land:
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a child care centre, a community facility, a school, or a place of public worship,
  - (b) the impact the proposed development and its hours of operation would have on any place, likely to be regularly frequented by children:
    - (i) that adjoins the proposed development, or
    - (ii) that can be viewed from the proposed development, or
    - (iii) from which a person can view the proposed development.

**6.18 Essential services [local]**

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage,
  - (d) stormwater drainage or on-site conservation,
  - (e) suitable road access.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.

**6.19 Tourist and visitor accommodation**

- (1) The objective of of this clause is to maintain the supply and availability of approved tourist and visitor accommodation in Manly.
- (2) This clause applies to all land in Manly where tourist and visitor accommodation uses are permissible.
- (3) Development consent for tourist and visitor accommodation must not be granted on land to which this clause applies unless the consent authority is satisfied that tourist and visitor accommodation will not be rented for a period of more than three consecutive months.

## Part 7 Special Provisions

### Division 1 - Development on land in St Patrick's Estate

#### 7.1 Purpose of Division

(1) The Purpose of this division is to:

- (a) protect the heritage significance of St Patrick Estate, its historic buildings, cultural and natural landscape, archeologically; all significant elements and key features of the estate, including trees, setting, curtilage, subdivision, ownership pattern, remnant, significant fabric, relics, landscape and natural features, historic pathways and access routes to and from significant elements; views to and from the item and its significant features;
- (b) promote conservation of St Patrick's Estate and its significant elements and key features;
- (c) allow sympathetic adaptive reuse which maintains and enhances the significance of the place;
- (d) ensure that existing and future re-development does not adversely affect or erode (cumulatively or otherwise) the significant elements and key features of St Patrick's Estate.

**Note:** significant elements and key features of St Patrick's Estate are:

#### Precinct 7 & 14

- Moran House (St Patrick's College)
- Cardinal Cerretti Chapel
- Cardinal Freeman Pastoral Centre
- St Therese's Convent
- Kelly House
- Stone walls to Darley Rd & the National Park
- Iron gates to Darley Rd & Fairy Bower Rd
- Stone revetment wall, stairs, forecourt/lawn; palms & vegetation to base of revetment wall;
- Grotto & associated gardens
- Fig tree between the convent & the kitchen
- Garden walls & gardens to convent
- Radiata Pine plantation behind Moran House & near Cerretti Chapel
- Radiata Pine planting to College St
- Lawn area adjacent College St;
- Vegetation in northern view cone\*
- Major trees below Moran House & Kelly House plateau
- Vegetation adjacent stone boundary wall adjacent Bower St
- All early landscaping and access routes refer map 2.23 of 2000 CMP
- All the stone boundary walls of the whole estate
- Views to and from the Estate

Precinct 2: View corridor – from College St to Moran House

Precinct 3: – Original remnant bush-land.

#### Precinct 13

Archbishops Residence (Cardinal's Palace); Stone outbuilding; Former stables; Carriage loop - access route from Darley Rd to Residence; Gardens and revetment walls; The immediate gardens to the Residence; Stone walls to Darley Rd and the National Park; Iron gates to Darley Rd; Formal driveway and associated plantings; Mature plantings to west of residence; Remnants of secondary access paths –s tone steps and paths; Remnants of terraced gardens (dry stone wall) to south of residence; Figs (two) against stone walls (eastern stone wall) adjacent St Pauls College; Established vegetation including major trees on the embankments and on the lower plateaux of the site; Sundial and column; View cone (60 degree), centred on axial path\* –to Spring Cove.

\* **Note:** the axial pathway is specifically located within the following Coordinates, with a five metre buffer either side as follows:

Coordinates in Degrees/Minutes/Seconds or Decimal Value

Most Northern point is:

- Latitude: -33° 48' 19.7238" or -33.805479



- Longitude: 151° 17' 30.5262" or 151.291813

Most southern point is:

- Latitude: -33° 48' 28.7994" or -33.808
- Longitude: 151° 17' 21.5916" or 151.289331

Projection: Longitude / Latitude (WGS 84) (EPSG: 4326)

Precinct 5, 6 & 10 - The original pathway, plantings and stone steps from the Archbishops Residence to Spring Cove; remnants of this pathway are located within these precincts. The stone boundary wall adjacent to Sydney Harbour National Park (eastern boundary).

## **7.2 Application of Division**

- (1) This division applies to all land known historically as St Patrick's Estate, being: Lot 3, DP 1109497; Part Lot 2, DP 1032990; Lot 2, DP 544297; Lot 1556, DP 752038; part of SP 68046; part of SP 67855; part of SP 78900 and Lot 1 of DP 544297 in Manly as identified on the Manly Local Environmental Plan 2011 Key Sites Map and Manly Local Environmental Plan 2011 Heritage Map.

## **7.3 Planning Objectives for St Patrick's Estate**

- (1) The objectives relating to the planning and development of the land are as follows:
- To protect the heritage significance, including the archaeological, natural and cultural heritage values, of St Patrick's Estate.
  - To ensure that any future development (including any new building, and any addition or alteration to an existing structure) is on a smaller scale than, and does not detract from the heritage significance of, Moran House, Cerretti Chapel, St Therese's Convent and the Archbishop's Residence.

## **7.4 Restrictions on development**

- (1) Consent may be granted for development of land within St Patrick's Estate only if the consent authority is satisfied that the development will:
- achieve all planning objectives for St Patrick's Estate, and
  - be carried out in accordance with such of the controls for all development within St Patrick's Estate, and for development within the Precinct in which the land is situated, as are relevant to the proposed development.
- (2) 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 and steps relating to the historic use of St Patrick's Estate.
- (3) Consent may be granted for development in Precinct 11 only if the consent authority has considered a heritage impact statement relating to the impact of the proposed development on the Archbishop's Residence and a visual impact statement and is satisfied that:
- the development will be subordinate and sympathetic to the Archbishop's Residence;
  - 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 the Key Sites Map;
  - 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
  - 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 at RL5m to the edge of top of the terrace at RL47m.

- (4) Consent may be granted for development in Precincts 12 and 13 only if:
  - (a) the consent authority has taken into consideration a bandicoot amelioration strategy and management plan applying to the subject land, and
  - (b) the consent authority is satisfied that there will not be a significant impact on the natural and cultural heritage significance of St Patrick's Estate.
- (5) Consent must not be granted for the erection of or use of any building situated on the land to which this clause applies for the purpose of seniors housing.

#### **7.5 Development Standards**

- (1) The following development standards apply to all Land within St Patrick's Estate identified in 7.2 above.
  - (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 Theresa's Convent (excluding the addition of the 1960s) and the Archbishop's Residence.
  - (b) 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).
  - (c) New buildings may be constructed in Precincts 7 and 14 only within the "buildable area" identified on Key Sites Map.
  - (d) 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.
  - (e) 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.
  - (f) Buildings must be set back at least 10 metres from the National Park boundary.
  - (g) Residential forms should follow the natural topography of the land.
  - (h) Any new fencing of or within St Patrick's Estate, including the fencing of private landholdings, 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).
  - (i) 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 accessways.

#### **7.6 Precinct Development Standards**

- (1) The following development standards only apply to the selected development precincts:
  - (a) Precinct 1:
    - (i) Vehicular access must be obtained from College Street. There must not be any vehicular access from Precinct 1 directly to Bower Street.



- (ii) Development must not be carried out if it would result in a total of more than 13 dwellings in Precinct 1.
- (b) Precinct 2:
  - (i) Vehicular access must be obtained from College Street.
  - (ii) Development must not be carried out if it would result in a total of more than 21 dwellings in Precinct 2.
  - (iii) An unbuilt open view corridor (as shown on key sites map) is to be retained through the centre of the site to retain views to and from the Principal Building (Moran House).
- (c) Precinct 3:
  - (i) Development must not be carried out if it would result in a total of more than 68 dwellings in Precinct 3.
  - (ii) Only materials previously approved by the consent authority may be used.
- (d) Precincts 4, 5, 6, 10 and 11:
  - (i) Development is prohibited if it would prevent or impede the restoration or reinstatement of the historic central axial pathway with a five metre buffer either side and steps from the Archbishop's Residence to Spring Cove and including access to Spring Cove.
  - (ii) A building or structure (other than restoration of the historic pathway) must not be erected within 5 metres of the centreline of the axial pathway.
  - (iii) Development must not be carried out if it would result in a total of more than 38 dwellings in Precincts 5, 6 and 10.
- (e) Precinct 4: (St Paul's College)
  - (i) All buildings must be set back not less than 10 metres from Darley Road;
  - (ii) Buildings are not to exceed 2 storeys wholly above ground level;
  - (iii) Any new buildings are to be subservient in scale and setback from the Archbishop's Residence (Cardinals Palace) so as to retain a 20 metre curtilage and setting around the building to retain its significance;
  - (iv) Development must not be carried out between the existing St Paul's College buildings and the Archbishop's Residence, so as to retain the curtilage and setting of the Archbishop's Residence;
  - (v) Any development permitted elsewhere in Precinct 4, including buildings and structures are to be subservient in scale to the existing stone wall boundary on Darley Road and not impact on the heritage significance of the adjoining listed Archbishop's Residence and Manly Hospital (Principal building).
- (f) Precinct 5:
  - (i) Buildings are not to exceed 2 storeys wholly above ground level.
- (g) Precinct 6:
  - (i) All buildings must be set back not less than 5 metres from the boundary of the Precinct with residential properties adjoining St Patrick's Estate.
  - (ii) Buildings are not to exceed 2 storeys wholly above ground level.
- (h) Precinct 7
  - (i) 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.
- (ii) 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).
  - (iii) New buildings may be constructed in Precincts 7 and 14 only within the "buildable area" identified on the Key Sites Map.
- (i) Precinct 8
    - (i) Development must not be carried out on land in Precinct 8 to retain the natural bushland and heritage listed stone wall boundary of the precinct and access to and from Precinct 14.
  - (j) Precinct 10:
    - (i) Development must not be carried out if it would result in more than 24 dwellings in Precinct 10.
    - (ii) All buildings must be set back not less than 5 metres from land zoned Open Space at Spring Cove, and from the boundary of the Precinct with residential properties adjoining St Patrick's Estate.
    - (iii) Buildings are not to exceed 2 storeys wholly above ground level.
  - (k) Precinct 11: (known as Archbishop's Residence or Cardinals Palace)
    - (i) Development must not be carried out if it does not retain or conserve the significant elements and key features of the Estate or their setting/curtialge including
      1. the Archbishop's Residence (Cardinal's Palace);
      2. Stone outbuilding;
      3. Former stables;
      4. Carriage loop - access route from Darley Rd to Residence;
      5. Gardens and revetment walls;
      6. The immediate gardens to the Residence; Stone walls to Darley Rd and the National Park;
      7. Iron gates to Darley Rd;
      8. Formal driveway and associated plantings;
      9. Mature plantings to west of residence;
      10. Remnants of secondary access paths - stone steps and paths;
      11. Remnants of terraced gardens (dry stone wall) to south of residence;
      12. Figs (two) against stone walls (eastern stone wall) adjacent St Paul's College;
      13. Established vegetation including major trees on the embankments and on the lower plateau of the site;
      14. Sundial and column; View cone (60 degree), centred on axial path - path to Spring Cove.
    - (ii) Buildings and extensions must be subordinate in scale and built form to the closest principal heritage building. The principal heritage building in precinct 11 is the Archbishop's Residence.
    - (ii) 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)

- (iii) Also see 7.4 'restrictions on development' and 7.5 'Development Standards' above.

(l) Precinct 12:

- (i) Development must not be carried out if it would result in more than 24 dwellings in Precinct 12.
- (ii) A building must not be erected so that any part of the building exceeds RL75.4m AHD.
- (iii) Buildings in Precinct 12 must repeat the built form of, and be constructed of the same kinds of materials as approved by the consent authority in buildings in Precinct 3.

(m) Precinct 13:

- (i) Development must not be carried out if it would result in more than 13 dwellings in Precinct 13.
- (ii) All buildings are to be set back:
1. not less than 5 metres from the northern boundary of the Precinct with residential properties adjoining St Patrick's Estate, and
  2. not less than 10 metres from the boundary between the Precinct and Precinct 14.
- (iii) A building must not be erected so that any part of the building exceeds RL51m AHD.
- (iv) Vehicular access must be obtained from College Street. There must not be any vehicular access from Precinct 13 directly to Bower Street.

(n) Precinct 14

- (i) New buildings and extensions must be subordinate in scale and built form to the closest principal heritage building.
- (ii) The principal heritage buildings are:
1. Moran House (formerly the St Patrick's Seminary building),
  2. Cardinal Cerretti Memorial Chapel,
  3. Cardinal Freeman Pastoral Centre,
  4. St Therese's Convent (excluding the addition of the 1960s) and
  5. Archbishop's Residence.
- (iii) 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).
- (iv) New buildings may be constructed in Precincts 7 and 14 only within the "buildable area" identified on the Key Sites Map.

(o) Precinct 15 (Bear Cottage):

**Note:** In this clause *existing ground level* means the level of the site as at 1 November 2006

- (i) buildings are to be constructed so as to minimize and mitigate any loss of views to and from and within the St Patrick's Estate, and

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- (ii) buildings are to be constructed so as to minimize and mitigate any intrusion in the heritage landscape and visual curtilage of Moran House.
- (iii) vehicular access only from Fairy Bower Road.
- (iv) the outline of the building follows the natural ground level of the site to the maximum extent practicable; and
- (v) the building height may exceed 8.5 metres, but must not exceed 9.5 metres, if not more than 30% of the total length of all external walls of the building has a vertical height above existing ground level of more than 8.5 metres, and
- (vi) the ridge of any roof of the building does not exceed RL45 on the area marked in the key sites map.
- (vii) any building on the land to which the clause applies must be situated within the area marked on Key Sites Map .

## Schedule 1 Additional permitted uses

(Clause 2.5)

### 1 Fairlight

- (1) Use of certain land at 3 Thornton Street, Fairlight, being Lots 1,2,5 and 6 of SP 33847 (Amendment 3 of Manly LEP 1988).

- (a) This clause applies to land at 3 Thornton Street, Fairlight, being Lots 1,2,5 and 6 of SP 33847
- (b) Development for the following purposes is permitted with consent:
- Office premises**

### 2 Manly

- (1) Use of certain land at 93 – 95 North Steyne, Manly, being SP 40022 (Amendment 16 of Manly LEP 1988).

- (a) This clause applies only to retail premises on the ground floor of 93 – 95 North Steyne, Manly, being SP 40022, specifically in relation to the hire and sale of goods associated with recreational activities on the Manly ocean beach and beach front reserve
- (b) Development for the following purpose is permitted with consent:

**Shops**

### 3 Manly

- (1) Use of certain land at Collins Beach Road, Off North Head Scenic Drive, Manly, being Lot 2766 of DP 752038.

- (a) This clause applies to land at Collins Beach Road, North Head, Manly known as the Australian Institute of Police Management, accredited under the NSW Higher Education Act and a Registered Training Organisation used as a police training facility with ancillary uses.
- (b) Development for the following purpose is permitted with consent:

**Educational Establishments**

### 4 Balgowlah Heights, Fairlight, Manly and Seaforth

- (1) Use of certain land in Manly LGA

- (a) This clause applies to land zoned E3 Environmental Management and E4 Environmental Living in Manly LGA.

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(b) Development for the following purposes is permitted with consent only if it is either within the principle dwelling or otherwise attached to the principle dwelling house, specifically:

- (i) by alteration to the existing dwelling house;
- (ii) a new wing added to the existing dwelling house;
- (iii) no more than one new floor added to the existing dwelling house

**Health consulting rooms; and Secondary dwellings**



## Schedule 2 Exempt development

(Clause 3.1)

**Note 1.** State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. That Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### Signage – Business identification

- (1) Specified Development
  - (a) Signage for the purposes of business identification is development specified for this schedule.
- (2) Development Standards – general
  - (a) The general standards specified for that development are that the development must:
    - (i) 1 sign per premises;
    - (ii) Must relate to the lawfulness of the building;
    - (iii) Must not cover vents or windows;
    - (iv) Must not cause offence to a reasonable person;
    - (v) Must not be on walls facing or adjoining residential premises;
    - (vi) Must not be an "A" frame sign;
    - (vii) Must have the consent of the owner of the property on which the sign is located;
    - (viii) Must be non-flashing and not be flashing;
    - (ix) Must be structurally adequate.
- (3) Development Standards – business and industrial zones
  - (a) The standards specified for that development in business (B1, B2 & B6) and industrial zones (IN2) are that the development:
    - (i) Must meet the general requirements for advertisements;
    - (ii) Maximum area - 2.5m<sup>2</sup> for a projecting sign, flush wall sign or top hamper sign;
    - (iii) Maximum area - 1.5 m<sup>2</sup> for an under awning sign;
    - (iv) Maximum length - 2.5m for an under awning sign;
    - (v) Must be at least 600mm from any public road or a kerb;
    - (vi) Must be at least 2.6m above any public footpath.
- (4) Development Standards – residential zones
  - (a) The standards specified for that development in residential zones are that the development must:
    - (i) Must meet the general requirements for advertisements;
    - (ii) Be a maximum area of 0.75m<sup>2</sup>;
    - (iii) Must only be for a ground floor use for which consent has been granted;
    - (iv) Must not be illuminated.

**Signage - Real estate signs**

- (1) Specified Development
  - (a) Real estate signage is development specified for in this schedule.
- (2) Development Standards – general
  - (a) The general standards specified for that development are that the development must:
    - (i) 1 sign per premises;
    - (ii) Must not be an "A" frame sign;
    - (iii) Must be non-moving and not be flashing;
    - (iv) Must be structurally adequate;
    - (v) Must not obstruct drivers' sightlines;
    - (vi) Must be removed within fourteen days of the contract being signed for the sale or letting of the premises.
- (3) Development Standards – business and industrial zones
  - (a) The general standards specified for that development are that the development must:
    - (i) Must meet the general requirements for advertisements;
    - (ii) Maximum area - 4.5 m<sup>2</sup>;
- (4) Development Standards – Residential zones
  - (a) The general standards specified for that development are that the development must:
    - (i) Must meet the general requirements for advertisements.
    - (ii) Maximum area - 2.5 m<sup>2</sup>.

**Signage – Third Party Advertising**

- (1) Specified development
  - (a) Signage that contains third party advertising is development specified for this schedule.
- (2) Development Standards – General
  - (a) The general standards specified for that development are that the development must:
    - (i) Only one per premises;
    - (ii) Within business (B1, B2 & B6) and industrial zones (IN2) only;
    - (iii) Must not be located on an item of environmental heritage
    - (iv) Message must relate to a good, commodity or service dealt with or provided at the place or premises;
    - (v) No greater than 1.2m in length and 0.6m in height;
    - (vi) Not illuminated;
    - (vii) Does not encroach on a footway or road (within the meaning of the Roads Act 1993)

**Works by public authorities**

- (1) Specified Development
  - (a) Works by public authorities are development specified for this schedule if constructed by or on behalf of council on public land or in a public area and being any of the following:
    - (i) artworks and public monuments,
    - (ii) boardwalks,

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- (iii) bridges with a maximum span of 10m,
- (iv) cycle racks,
- (v) community and visitor information boards and maps,
- (vi) community gardens,
- (vii) demolition except heritage items or within heritage conservation areas,
- (viii) balustrades,
- (ix) bush regeneration,
- (x) directional and regulatory signs,
- (xi) earthworks,
- (xii) erosion control device,
- (xiii) environmental protection works,
- (xiv) gardening and landscaping,
- (xv) hand rails,
- (xvi) fences up to 2.15 m
- (xvii) flag poles,
- (xviii) internal building alterations,
- (xix) landscaping structures,
- (xx) light rail maintenance, signage and associated cables,
- (xxi) lighting,
- (xxii) line marking, kerb and gutter works,
- (xxiii) maintenance,
- (xxiv) pathways including pedestrian and cycle,
- (xxv) playground equipment,
- (xxvi) public barbeques,
- (xxvii) public furniture and seating walls,
- (xxviii) public showers and foot taps,
- (xxix) pollution control devices,
- (xxx) public plaza paving,
- (xxxi) public open air fitness equipment and structures,
- (xxxii) ramps,
- (xxxiii) retaining walls,
- (xxxiv) seawall repair and maintenance,
- (xxxv) sheds and store rooms with a maximum height of 3.5m,
- (xxxvi) shade structures,
- (xxxvii) sporting structure,
- (xxxviii) steps,
- (xxxix) stormwater/drainage and associated pumps,
- (xl) toilet blocks,
- (xli) waste and recycling receptacles,
- (xlii) water bubblers and drinking taps,
- (xliii) water features and fountains,
- (xliv) bus shelters including advertisements displayed on panels forming an integral part of a bus shelter, being panels designed, or used, for the display of advertisements and not being on a heritage item or in a heritage conservation area.

#### (1) Development Standards

- (a) The general standards specified for that development are that the development must:
  - (i) be consistent with relevant Plans of Management.
  - (ii) comply with National Parks and Wildlife Service standards where appropriate.
  - (iii) be installed in accordance with manufacturers specifications.
  - (iv) not being on a heritage item or in a heritage conservation area if an advertisement as part of a bus shelter.



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**Note:**

**Community gardens** means a form of public open space, which is managed by the community primarily for the production of food and to contribute to the development of a sustainable urban environment. They are places for learning and sharing about sustainable living practices, and for actively building community through shared activities. Specifically, Manly Council's Community Gardens Policy, issued March 2011, includes a number of terms to describe community gardening:

**Allotment Gardens** are a community garden where gardeners have exclusive access to a plot or small area of the garden. This term is common in the United Kingdom, where allotment gardens are normally managed by the relevant local government authority. In Australia, gardens with allotments are predominantly managed by the gardens members and supported by government organisations.

**Food forests** are used to describe an area used for the production of food where the design of the area mimics a natural ecosystem by including structured layers of plants such as edible groundcovers, shrubs and trees. Food forests in an urban environment can be part of a park or public open space.

**School kitchen gardens** are gardens which are developed within or outside school property for the purpose of educating children and parents about food production and supplying school kitchens with fresh food to teach cooking skills and serve fresh food to children.



### **Schedule 3      Complying development**

(Clause 3.2)

**Note.**      *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

#### **Part 1 Types of development**

#### **Part 2 Complying development certificate conditions**

**Note.**      Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

#### **General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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#### Schedule 4 Classification and reclassification of public land

(Clause 5.2)

##### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

##### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

##### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Land at North Harbour Reserve, Bulgowlan 2003	Lots A, B, C, D and E of DP 85651

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### Schedule 5

### Environmental Heritage

(Clause 5.10)

#### Part 1 Heritage Items

Suburb	Item Name	Address	Property Description	Significance	Item No.
All suburbs	Harbour foreshores	Manly Municipal area boundary adjacent to the Harbour		Local	I1
All suburbs	All Stone kerbs	Manly Municipal area		Local	I2
Balgowlah	Street Trees	Balgowlah Road (from Condamine St to Manly Golf Club House)		Local	I3
Balgowlah	Retaining Wall	West Street		Local	I4
Balgowlah	Street Trees	Bellevue Street (from Sydney Rd to Griffiths St)		Local	I5
Balgowlah	House – "Camden"	2 Boyle Street	Lot 1, DP 663551	Local	I6
Balgowlah	Seven Houses	33-45 Boyle Street 33 Boyle Street 35 Boyle Street 37 Boyle Street 39 Boyle Street 41 Boyle Street 43 Boyle Street 45 Boyle Street	Lot 1, DP 166668 Lot 1, DP 955439 Lot 1, DP 961856 Lot 1, DP 165269 Lot 1, DP 962787 Lot 1, DP 956830 Lot 1, DP 175524	Local	I7
Balgowlah	Street Trees	Condamine Street (from Griffiths St to Sydney Rd)		Local	I8
Balgowlah	House	155 Condamine Street	12, 8303	Local	I9
Balgowlah	House	169 Condamine Street	Lot 30, DP 9891	Local	I10
Balgowlah	Residential flat building	217 Condamine Street	SP 44055	Local	I11
Balgowlah	Residential flat buildings	12 and 14 Ethel Street 12 Ethel Street 14 Ethel Street	SP 3236 Lot 27, DP 9398	Local	I12
Balgowlah	Street Trees	Griffiths Street (from Condamine Street to Boyle Street)		Local	I13
Balgowlah	Substation – electricity	83 Griffiths St (Corner Boyle & Griffiths Street)	Lot 2, DP 9860 Lot 1, DP 9860	State	I14
Balgowlah	House	17 Jackson Street	Lot 35, DP 7357	Local	I15
Balgowlah	Houses	19-21 Jackson Street 19 Jackson Street 21 Jackson Street	Lot 2, DP 537557 Lot 1, DP 537557	Local	I16
Balgowlah	House "NorthWater"	13 King Avenue	Lot 19, DP 10627	Local	I17



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Suburb	Item Name	Address	Property Description	Significance	Item No.
Balgowlah	Street Trees	Lodge Street (from Woodland St to Condamine Street and Condamine St to Boyle Street)		Local	I18
Balgowlah	Street Trees	Lombard Street		Local	I19
Balgowlah	Waterfall	North Harbour, (nearby Clarence St)		Local	I20
Balgowlah	Moreton Bay Fig Tree (Ficus Macrophylla)	North Harbour Reserve		Local	I21
Balgowlah	Street Trees	Seaview Street (from New St to Upper Beach St)		Local	I22
Balgowlah	House (Edinboro)	297 Sydney Road,	Lot 4, DP666702	Local	I23
Balgowlah	Group of houses	303-307 Sydney Rd 303 Sydney Road 305 Sydney Road 307 Sydney Road	Lot A, DP335027 SP 5090 Lot D, DP 335027	Local	I24
Balgowlah	Commercial building	463 Sydney Road	L1&2, DP346059	Local	I25
Balgowlah	House	78 Wanganella Street	SP 63974	Local	I26
Balgowlah	Street Trees	Waratah Street		Local	I27
Balgowlah	Reserve (Wellings)	Wellings Reserve, Gounlay Ave & New St, North Harbour		Local	I28
Balgowlah	Street Trees	West Street (from Lombard to Griffiths Sts)		Local	I29
Balgowlah	St Ceilia's Catholic Church	White St (cnr White & Wanganella Sts)	13, DP722419; 14, 15, 16, DP165048	Local	I30
Balgowlah	House	28 White Street (cnr White & Jackson Streets)	Lot B, DP 305541	Local	I31
Balgowlah	House and Garden - "Whitehall"	37 White Street (cnr White & Woodland Streets)	Lot 1, DP 656477	Local	I32
Balgowlah	Row of Palm trees (Washingtonia robusta)	137 Woodland Street	S.P. 9100	Local	I33
Balgowlah Heights	Eastern facing (harbour facing) stone facade of original cottage	2A Beatty Street		Local	I34
Balgowlah Heights	Electricity Substation No. 15151	North Harbour Reserve, Condamine Street,		Local	I35

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Balgowlah Heights	Fortifications - Dobroyd Point	Dobroyd Head, Sydney Harbour National Park		Local	I36
Balgowlah Heights	Crater Huts	Dobroyd Head, Sydney Harbour National Park		Local	I37
Balgowlah Heights	Natural landscape	Dobroyd Headland and Grotto Point, Sydney Harbour National Park		Local	I38
Balgowlah Heights	Trees	Forty Baskets Beach Reserve off Beatty St		Local	I39
Balgowlah Heights	House	1 Woodland Street	Lot 3, DP12177	Local	I40
Clontarf	Grotto Point Light & timber picket fence	Grotto Point, Sydney Harbour National Park		Local	I41
Clontarf	Clontarf Park	Holmes Ave and Sandy Bay Road, Middle Harbour		Local	I42
Clontarf	Norfolk Island Pine Commemorative tree (Araucaria heterophylla)	Holmes Avenue, Clontarf Park, Middle Harbour		Local	I43
Clontarf	Middle Harbour Submarine Syphon (NSOOS)	Holmes Avenue, Clontarf Reserve		Local	I44
Clontarf	Middle Harbour Syphon (NSOOS)	Monash Crescent (East side) (The Spit)	Lot B, DP 434649	State	I45
Fairlight	Manly Golf Club House	Balgowlah Road	1, DP 1063317	Local	I46
Fairlight	Semi-detached houses	16&18 Crescent St 16 Crescent Street 18 Crescent Street	Lot 1, DP 996347 Lot 1, DP 541807	Local	I47
Fairlight	Street trees	Edwin Street		Local	I48
Fairlight	Esplanade Park & Fairlight Pool	Fairlight Foreshore, North Harbour		Local	I49
Fairlight	Manly Reservoir	Fairlight Street (cnr Ashley Parade & Fairlight Street)	Lot 1 DP 745080; 3548 -3000	Local	I50
Fairlight	Group of 3 houses	21-25 Fairlight Street 21 Fairlight Street 23 Fairlight Street 25 Fairlight Street	C, DP 308751 B, DP 308751 A, DP 308751	Local	I51

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Fairlight	Group of 6 houses	12-22 Francis Street 12 Francis Street 14 Francis Street 16 Francis Street 18 Francis Street 20 Francis Street 22 Francis Street	7, DP 78391 8, DP 72577 9, DP 86253 10, DP 87274 M, DP 441368 N, DP 441368	Local	I52
Fairlight	Street Trees	Francis Street (near corner of Arthur Street)		Local	I53
Fairlight	Street Trees	Griffiths Street (Hill Street to Bellevue Street)		Local	I54
Fairlight	Group of 4 houses	1, 3, 5 and 11 Griffiths Street 1 Griffiths Street 3 Griffiths Street 5 Griffiths Street 11 Griffiths Street	12&13, DP978699 11, DP 978699 10, DP 82577 7, DP 978699	Local	I55
Fairlight	Stone terrace & adjoining house	15, 17 and 19 Griffiths Street 15 Griffiths Street 17 Griffiths Street 19 Griffiths Street	1, DP744025 5, DP 978699 20, DP 812113 B, DP 107081	Local	I56
Fairlight	House (Unara)	1 Hill Street	Lot 2, DP 207050	Local	I57
Fairlight	Manly General Cemetery & Vegetation including: Corner Moreton Bay Fig (Ficus macrophylla), row of Camphor Laurels (Cinnamomum camphora) along Harland St and a row of Monterey Pines (Pinus radiata) along Hill St	Hill St, (cnr Harland & Griffiths Streets)	Lot 1, DP34468, Lot 1 DP 117863, Lot 7005 & 7006, DP1023270, 7176, DP1023269 & Lot 1 DP1121171	Local	I58
Fairlight	Trees	Hill St & Griffiths St (Manly West Public School)		Local	I59
Fairlight	Electricity Substation No. 16453	Reserve, Krui Street		Local	I60



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Suburb	Item Name	Address	Property Description	Significance	Item No.
Fairlight	Group of dwellings	Margaret Street (from Lauderdale Ave to Fairlight St) 17 Margaret Street 18 Margaret Street 20 Margaret Street 3 Margaret Street 5 Margaret Street 6 Margaret Street 7 Margaret Street 8 Margaret Street 10 Margaret Street 12 Margaret Street 14 Margaret Street 16 Margaret Street 24 Margaret Street 27 Margaret Street 25 Margaret Street 23 Margaret Street 21 Margaret Street 19 Margaret Street 15 Margaret Street 11 Margaret Street 9 Margaret Street 3 Margaret Street 2A Margaret Street 22 Margaret Street 13 Margaret Street 29 Margaret Street 4 Margaret Street 38 The Crescent	1, DP 303937 1, DP 953749 A, DP 334524 B, DP 337521 P125,C,DP978480 14, DP 667162 P123,C,DP978480 1, DP 932323 1, DP 932324 1, DP 983924 10, DP 658317 8, DP 665278 1, DP 917764 3, C, DP 3408 5, DP 658319 11, DP 584420 12, DP 584420 2, DP 303937 15, C, DP 3408 19, C, DP 3408 SP 51377 3, DP 705418 SP 1358 SP 1843 SP 2454 SP 3463 SP 41659 SP 5437	Local	I61
Fairlight	Street trees	Margaret Street (from Lauderdale Ave to Fairlight St)		Local	I62
Fairlight	Five dwellings (4 terraced, one free standing)	4-8 Mossiel Street 4 Mossiel Street 5 Mossiel Street 6 Mossiel Street 7 Mossiel Street 8 Mossiel Street	Lot 4, DP 445941 Lot 1, DP 782535 Lot 6, DP 445941 Lot 7, DP 445941 Lot 8, DP 516266	Local	I63
Fairlight	Manly Fire Station	128 Sydney Rd (cnr Thornton St)	DP 448277	Local	I64
Fairlight	Two commercial buildings "Rose Building"	152-154 Sydney Road	Lot 1, DP329155	Local	I65
Fairlight	House	6 Thornton Street,	Lot 11, DP 1464	Local	I66
Manly	Residential Flat Building 'Kilburn Towers'	1 Addison Road	S.P.7671	Local	I67
Manly	Mandalay (former Private Hospital & dwelling)	2 Addison Road	Lot 1, D.P.236271	Local	I68
Manly	House	44 Addison Road	Lot B, DP 333018	Local	I69

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	Two terrace houses	59-61 Addison Road	Pl.1,D.P.977239 & Lot 1, D.P.995175	Local	170
Manly	House	78 Addison Road	S.P.15319	Local	171
Manly	Houses	95-97, 99 & 101 Addison Road		Local	172
		95 Addison Road	SP 45344		
		97 Addison Road	Lot 151, 607941		
		99 Addison Road	Lot 151, 986631		
		101 Addison Road	Lot 1, DP 78131		
Manly	House (Wonga Binda)	116 Addison Road	Lot 1, DP 84968	Local	173
Manly	Residential flat buildings	124 -130 Addison Rd		Local	174
		124 Addison Road	SP 11626		
		126 Addison Road	SP 14880		
		128 Addison Road	SP 11567		
		130 Addison Road	Lot 1, DP17650		
Manly	Group	Addison Road (from Wood Street to Osborne Road)		Local	175
		16 Osborne Road	Lot 1DP 1038920		
		86A Addison Road	Lot 2, DP 258309		
		86 Addison Road	Lot 3, DP 258309		
		88 Addison Road	Lot A, DP 440067		
		90 Addison Road	Lot B, DP 440067		
		92 Addison Road	Lot 4, DP 258309		
		94 Addison Road	Lot 5, DP 258309		
		96 Addison Road	Lot 6, DP 258309		
		98 Addison Road	Lot 7, DP 258309		
		100 Addison Road	Lot 1, DP 258309		
		102 Addison Road	Lot 8, DP 258309		
		104 Addison Road	Lot 9, DP 258309		
		106 Addison Road	Lot 10DP 258309		
		63 Addison Road	Lot 1, DP 738781		
		57 Addison Road	Lot 1, DP 996593		
Manly	Street Trees	Addison Road (from Bruce Ave to Reddall Street)		Local	176
Manly	Street Trees	Alexander Street (from Collingwood St to Balgowlah Rd)		Local	177
Manly	House	30 Alexander Street	Lot 17 DP 5756	Local	178
Manly	Street Trees	Ashburner Street		Local	179
Manly	House	2 Ashburner Street	SP 49373	Local	180
Manly	Two adjoining residential flat buildings	37& 41 Ashburner St 37 Ashburner Street 41 Ashburner Street	SP10741 & SP10740	Local	181
Manly	Civic buildings (Council-Town Hall /Admin bldg, Police Station & Court House)	1-3 Belgrave Street	Lots 1-5, DP 126718; Lots 1- 2, DP 68569	Local	182
Manly	Commercial/	7 Belgrave Street	Lot 1, DP 77385	Local	183

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Suburb	Item Name	Address	Property Description	Significance	Item No.
	residential building				
Manly	Commercial/residential building	12 Belgrave Street	Lot 1, DP 510996	Local	184
Manly	Group	Birkley Road (from Sydney Road to Raglan Street) west side 21 Birkley Road 19 Birkley Road 17 Birkley Road 13 Birkley Road 7 Birkley Road 5 Birkley Road 3 Birkley Road 1 Birkley Road 23 Birkley Road 25 Birkley Road 15 Birkley Road 9-11 Birkley Road	B, DP 326054 C, DP 326054 16, DP 2428 B, DP 440550 1, DP 349249 2, DP 349249 3, DP 349249 4, DP 656273 SP 10276 SP 10928 SP 13819 14,15, DP1012867	Local	185
Manly	House	50 Bower Street	Lot 19, DP 8075 Lot 20, DP 8075	Local	186
Manly	House - Bower Hall	101 Bower Street	Lot 14, DP 3806	Local	187
Manly	House	105 Bower Street	Lot 12, DP 3806	Local	188
Manly	Residential flat building – "Borambil"	129 Bower Street	SP 6692	Local	189
Manly	Street trees (Acaucaria heterophylla)	Bower Street (from Cliff St to College St)		Local	190
Manly	Two Moreton Bay Fig trees (Ficus macrophylla)	Unnamed reserve off Bower St (Fairy Bower)		Local	191
Manly	House	14 Camera Street	Lot 1, DP 78519	Local	192
Manly	Group of two storey residential flat buildings	1 – 6 Cameron Ave 1 Cameron Avenue 2 Cameron Avenue 3 Cameron Avenue 4 Cameron Avenue 5 Cameron Avenue 6 Cameron Avenue	Lot 83, DP 14521 Lot 84, DP 14521 Lot 85, DP 14521 Lot 86, DP 14521 SP 11317 SP 11029	Local	193
Manly	Residential flat building 'Kylmore'	5a Carlton Street	Lots 1-4, SP16614	Local	194
Manly	Group of six semi-detached houses	2-12 Cliff Street 2 Cliff Street 4 Cliff Street 6 Cliff Street 8 Cliff Street 10 Cliff Street	Lot B, DP 318364 Lot A, DP 318364 Lot C, DP 318364 Lot D, DP 318364 Lot 1, DP 578235	Local	195

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Suburb	Item Name	Address	Property Description	Significance	Item No.
		12 Cliff Street	Lot 2, DP 578235		
Manly	House 'Strathmore'	14 Cliff Street	18, 2, DP 192496	Local	I96
Manly	Street tree Port Jackson Fig (Ficus rubignosa)	Cliff Street		Local	I97
Manly	Residential flat building 'Hilder Lea'	7 Commonwealth Pde	SP 70727	Local	I98
Manly	House	40 Collingwood St	Lot 37, DP 5824	Local	I99
Manly	Street Trees	Collingwood Street (from Iluka Ave to Eurobin Ave)		Local	I100
Manly	Collins Beach	Collins Beach Road, Spring Cove, North Head		Local	I101
Manly	Two cast iron pedestals - former street Lights	The Corso (central reservation), between The Esplanade and Darley Road		Local	I102
Manly	Monument – War Memorial (Centotaph)	The Corso		Local	I103
Manly	Street Trees	The Corso (from Whistler St to Sydney Rd)		Local	I104
Manly	Park	Unnamed triangular park in front of Council Chambers, The Corso & Belgrave St		Local	I105
Manly	Group	All Numbers, The Corso, Manly		Local	I106
Manly	Commercial building	36 The Corso	Lot 36, DP854439	Local	I107
Manly	Group of commercial buildings	41–45 The Corso	Lot 9, DP 26171 Lot 8, DP 26171 Lot 7, DP 26171	Local	I108
Manly	Group of commercial buildings	46–64 The Corso	Lot Y, DP162102; A & B, DP304309	Local	I109
Manly	New Brighton Hotel	69–71 The Corso	Lot 1, DP 63249 Lot 1, DP 86449	Local	I110
Manly	Hotel Steyne	75 The Corso	Lot 100, 101 & 102 DP 1069144; Lot 2, DP 172592	Local	I111
Manly	Group of 4 commercial buildings	102–108 The Corso	Lots 1–4, DP 39426	Local	I112
Manly	St. Matthew's Church and	44 The Corso (cnr The Corso & Darley Road)	Lot X & Z, DP 162102	Local	I113

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Suburb	Item Name	Address	Property Description	Significance	Item No.
	Church Hall				
Manly	Cast Iron Letter Receiver (letter box)	The Corso, (corner of The Corso and Whistler Street)	1.	Local	I114
Manly	House	10 The Crescent	1, DP 1036589	Local	I115
Manly	Residential flat building - "Cumberland"	32 The Crescent	SP 16991	Local	I116
Manly	Cast Iron Letter Receiver (letter box)	cnr Darley Rd & Victoria Pde (footpath)	2.	Local	I117
Manly	St. Matthew's Anglican Rectory	1 Darley Road		Local	I118
Manly	Commercial/residential building	2D Darley Road	Lot A, DP 405608	Local	I119
Manly	One of a pair of semi-detached cottages	11 Darley Road	Lot 9, DP 3340	Local	I120
Manly	One of a pair of semi-detached cottages	13 Darley Road	Lot 8, DP 3340	Local	I121
Manly	Residential cottage	15 Darley Road	Lots 6 and 7, DP 3340	Local	I122
Manly	Residential flat building	17 Darley Road	Lots 1-12, SP 49	Local	I123
Manly	Commercial/residential building	24A Darley Road	Lot 2, DP 222572	Local	I124
Manly	Commercial/residential building	26 Darley Road	Lot 3, DP 222572	Local	I125
Manly	Commercial/residential building	26A Darley Road	Lot 4, DP 222572	Local	I126
Manly	Commercial/residential building	28 Darley Road	Lot 5, DP 222572	Local	I127
Manly	One of a pair of semi-detached cottages	40 Darley Road	Lot 11, DP 631517	Local	I128
Manly	One of a pair of semi-detached cottages	42 Darley Road	Lot 12, DP 631517	Local	I129
Manly	House	62 Darley Road	Lot 4, DP 74690	Local	I130
Manly	St Patrick's Estate	151 Darley Road (Primary address)/ 106 Darley Road	Part Lot 2, DP 1032990; Lot 2, DP 1109497; Lot 2, DP	State	I131

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Suburb	Item Name	Address	Property Description	Significance	Item No.
		(Alternate address)	544297; SP 68046; Portion Lot 1556, DP 752038;		
Manly	St Patrick's Estate	Darley Road	St Patrick's Estate Portion Lot 1556, DP 752038;	Local	I132
Manly	St Patrick's Estate	Darley Road	St Patrick's Estate Portion Lot 1556, DP 752038;	Local	I133
Manly	Row House	26 Denison Street	9&16, DP 233249	Local	I134
Manly	Row House	28 Denison Street	10, DP 233249	Local	I135
Manly	Row House	30 Denison Street	11, DP 233249	Local	I136
Manly	Row House	32 Denison Street	12, DP 233249	Local	I137
Manly	Row House	34 Denison Street	13, DP 233249	Local	I138
Manly	Row House	36 Denison Street	14, DP 233249	Local	I139
Manly	Row House	38 Denison Street	15, DP 233249	Local	I140
Manly	Electricity Substation No. 16124	Dungowan Lane (off Ashburner Street)		Local	I141
Manly	Manly Rowing, Sailing, Yacht & Launch Club - group of buildings	East Esplanade	Lot 7011, DP 1074608	Local	I142
Manly	Park/Reserve	East Esplanade		Local	I143
Manly	Monument – Memorial (Broken Fountain)	East Esplanade Park, East Esplanade		Local	I144
Manly	Manly Wharf	East & West Esplanade (opposite The Corso, Harbour side)		State	I145
Manly	Pier (Former Fun Pier), Manly Wharf	East & West Esplanade		Local	I146
Manly	House	5 East Esplanade	Lot C, DP 928909	Local	I147
Manly	House	7 East Esplanade	Lot 2, DP 584617	Local	I148
Manly	Residential building 'Abbylax'	28 East Esplanade (aka 2 Victoria St)	Lot 1, DP 88142	Local	I149
Manly	Two terrace houses	41-42 East Esplanade	Lot 2, DP 1063680	Local	I150
Manly	Terrace building	46, 47 & 48 East Esplanade	Lots A, B & C, DP 441575	Local	I151
Manly	Commercial/residential building	50 East Esplanade	Lot 1, DP 80202	Local	I152

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	Commercial/ residential building	53 East Esplanade	SP 12435	Local	I153
Manly	Group	Eurobin Avenue - northern side (from Pittwater Road to Collingwood Street)		Local	I154
		Eurobin Avenue	SP 10663		
		Eurobin Avenue	B, DP 382088		
		Eurobin Avenue	SP 16862		
		Eurobin Avenue	SP 62282		
		Eurobin Avenue	75, DP 14521		
		Eurobin Avenue	1, DP 1033816		
		Eurobin Avenue	B, DP 184940		
		Eurobin Avenue	1, DP 328983		
		Eurobin Avenue	72, DP 14521		
		Eurobin Avenue	SP 54561		
		Eurobin Avenue	70, DP 14521		
		Eurobin Avenue	SP 56288		
		Eurobin Avenue	B, DP 329876		
		Eurobin Avenue	SP 52019		
		Eurobin Avenue	SP 518		
		Eurobin Avenue	SP 47558		
		Eurobin Avenue	SP 42119		
		Eurobin Avenue	53, DP 14521		
		Eurobin Avenue	62, DP 14521		
		Eurobin Avenue	61, DP 14521		
		Eurobin Avenue	SP 36272		
		Eurobin Avenue	59, DP 14521		
		Eurobin Avenue	SP 13982		
		Eurobin Avenue	E, DP 17744		
		Eurobin Avenue	D, DP 17744		
		Eurobin Avenue	C, DP 17744		
		Eurobin Avenue	B, DP 17744		
		Eurobin Avenue	80, DP 14521		
		Eurobin Avenue	A, DP 17744		
		Eurobin Avenue	81, DP 14521		
		Eurobin Avenue	SP 10063		
		Eurobin Avenue	54, DP 14521		
		Eurobin Avenue	53, DP 14521		
		Eurobin Avenue	SP 14914		
		Eurobin Avenue	SP 69959		
		Eurobin Avenue	SP 6307		
		Eurobin Avenue	SP 15126		
Manly	Houses	17 & 19-21 George St 17 George Street 19-21 George Street	Lot 1 DP 516728; 1 & 2, DP224261	Local	I155
Manly	Garage building (Auckland Garage) Former service station	Gilbert St (cnr West Promenade & Gilbert Street, opposite Gilbert Park)	Lot 1, DP 859455	Local	I156
Manly	Gilbert Park	Gilbert Park (bounded by Sydney Rd, Belgrave St, West Promenade & Gilbert St)		Local	I157
Manly	Sewerage Pumping Station No.36	Golf Parade (cnr Balgowlah Rd)	Lot 3 DP 5756	Local	I158

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	Convent of The Good Samaritan: Stella Maris	Iluka Avenue	L 2, DP 1053093	Local	I159
Manly	2 Moreton Bay Fig trees (Ficus macrophylla)	Courtyard in Stella Maris Convent, Iluka Avenue		Local	I160
Manly	The Ivanhoe Loop – former tram track route	Ivanhoe Park		Local	I161
Manly	Ivanhoe Park	Ivanhoe Park (bounded by Sydney Rd, Belgrave St & Raglan Street)		Local	I162
Manly	Group of Houses	45,47,49,53,61,63,65& 67 Kangaroo St	Lot 1, DP 4814 Lot 2, DP 4814 Lot 3, DP 4814 SP 54200 SP 48052 Lot 9, DP 4814 Lot 10, DP 4814 Lot 11, DP 4814	Local	I163
Manly	Natural escarpment	Kangaroo Reserve Park		Local	I164
Manly	Kangaroo (Statue) Sculpture	Kangaroo Reserve Park		Local	I165
Manly	Row of Norfolk Island Pine trees (Araucaria heterophylla)	Lagoon Park		Local	I166
Manly	Fairy Bower Pool	Fairy Bower, near Marine Pde & Bower Lane		Local	I167
Manly	Ocean foreshores	Manly Municipal area boundary adjacent to the Ocean		Local	I168
Manly	Street trees	Malvern Avenue		Local	I169
Manly	Street trees: 1 Norfolk Island Pine (Araucaria heterophylla); 1 Port Jackson Fig (Ficus rubiginosa); and 1 Norfolk Island Hibiscus (Lagunaria patersonii)	Marshall Street		Local	I170
Manly	Queenscliff Surf Club	North Steyne	Lot 7098, DP1077174	Local	I171
Manly	House	118 North Steyne	Lot 2, DP 928178	Local	I172
Manly	North Steyne Surf Club	North Steyne	Lot 7183, DP1074329	Local	I173

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	Beach Reserve (Merrett Park and The Steyne - North and South)	North and South Steyne		Local	I174
Manly	North Head	North Head Sydney Harbour National Park		Local	I175
Manly	Obelisk - North Head	North Head, Sydney Harbour National Park		Local	I176
Manly	Quarantine Station stone cairn	North Head, Quarantine Station, Sydney Harbour National Park		Local	I177
Manly	Quarantine Station stone walls	North Head, Quarantine Station, Sydney Harbour National Park		Local	I178
Manly	Quarantine Station & Reserve	North Head Scenic Drive, Sydney Harbour National Park, North Head		State	I179
Manly	Park Hill Reserve stone gateway	North Head, Entrance to North Head, Sydney Harbour National Park at end of Darley Road		Local	I180
Manly	North Head Fortifications	North Head		Local	I181
Manly	Stone walls	North Head, Sydney Harbour National Park		Local	I182
Manly	North Head Scenic Drive (Roadway)	North Head, Park Hill Reserve, Sydney Harbour National Park	Lot 2763, DP 752038	Local	I183
Manly	The School of Artillery/Group of Institutional Buildings	North Head, Commonwealth Military Reserve	Lot 2764, DP 752038	Local	I184
Manly	Australian Institute of Police Management (former Seaman's Isolation Hospital Complex)	North Head, Collins Beach Road		Local	I185
Manly	Cemetery (3 <sup>rd</sup> Quarantine Station)	North Head, Sydney Harbour National Park		Local	I186
Manly	Northern Suburbs Ocean Outfall Sewer (NSOOS)	North Head Ocean Outfall (to Flushchome Rd, Blacktown)		State	I187
Manly	House	19 Ocean Road	Lot11, 14, 2428	Local	I188
Manly	House	9 Osborne Road	Lot11, 589893	Local	I189

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	House - "Trevitt House"	12 Oyama Avenue	Lot 4, DP308519		I190
Manly	Street Trees	Pacific Parade		Local	I191
Manly	Street Trees	Pacific Street (from Collingwood Street to Malvern Avenue)		Local	I192
Manly	Street Trees	Pine Street (from Collingwood to Smith Sts)		Local	I193
Manly	House	7 Pine Street	SP 72334	Local	I194
Manly	Group of 5 houses	15-23 Pine Street 15 Pine Street 17 Pine Street 19 Pine Street 21 Pine Street 23 Pine Street	Lot B, DP 188242 Lot A, DP 188242 Lot 1, DP 958770 Lot 1, DP 936960 Lot 2, DP 936960	Local	I195
Manly	Baby health care centre building	1 Pittwater Road	Lot 1, DP 883364	Local	I196
Manly	House	15-17 Pittwater Road	Lot 1-5, SP 64980	Local	I197
Manly	Pair of houses	25 -27 Pittwater Rd 25 Pittwater Road 27 Pittwater Road	2, DP 226667 1, DP 515956	Local	I198
Manly	Group of commercial and residential buildings	35-49 Pittwater Road	Lot 1-8, DP 233249	Local	I199
Manly	Private Hotel – Salvation Army	61-63 Pittwater Road	Lot A, DP328185, Lot 1, DP 932896	Local	I200
Manly	House	77 Pittwater Road	Lot 1, DP 503181	Local	I201
Manly	House	80 Pittwater Road	Lot 62, DP192310	Local	I202
Manly	House	82 Pittwater Road	Lot 1, DP 798774	Local	I203
Manly	House	105 Pittwater Road	Lot 9, DP 2427	Local	I204
Manly	House	107 Pittwater Road	Lot 1, DP1030198	Local	I205
Manly	House	108 Pittwater Road	Lot 2 DP576052	Local	I206
Manly	House	110 Pittwater Road	Lot 1, DP 576052	Local	I207
Manly	Service station (former)	167 Pittwater Road	Lot 1, DP 1085908, Lot 2, DP 656268, Lots 9-12, Section 6, DP2427	Local	I208
Manly	House	184 Pittwater Road	Lot 30, DP 2427	Local	I209
Manly	Commercial building	210-214 Pittwater Road	Lot 3-5, DP 107720	Local	I210
Manly	Group of commercial buildings	216-218 Pittwater Road	Lot 1 & 2, DP 107720	Local	I211
Manly	House	226 Pittwater Road	Lot 1, DP 798037	Local	I212

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	Sewerage Pumping Station No.37	252 Pittwater Road	Lot 1, DP 744872	Local	I213
Manly	Former Tram Depot complex & associated buildings	Pittwater Road (cnr Pittwater Rd & Balgowlah Rd)	Lot 1, DP 923887 Lot 1, DP 923368 DP 924434	Local	I214
Manly	Group	Quinton Road (from Raglan St to Augusta Rd) 2 Quinton Road 4 Quinton Road 6 Quinton Road 8 Quinton Road 10 Quinton Road 12 Quinton Road 14 Quinton Road 16 Quinton Road 18 Quinton Road 20 Quinton Road 20A Quinton Road 22 Quinton Road 27 Quinton Road 25 Quinton Road 23 Quinton Road 21 Quinton Road 19 Quinton Road 17 Quinton Road 15 Quinton Road 13 Quinton Road 11 Quinton Road 9 Quinton Road 7 Quinton Road 5 Quinton Road 3 Quinton Road 1 Quinton Road 17 Augusta Road 5 Augusta Road 3 Augusta Road 1 Augusta Road	Lot 29, DP 2428 Lot 1, DP 937492 Lot 1, DP 134680 Lot 2, DP 212595 Lot 1, DP 212595  Lot 1, DP 833319  Lot 1, DP 103913 Lot X, DP 442867 Lot Y, DP 442867  Lot 1, DP 543485 Lot 2, DP 543485 Lot 10 & 9, DP 2428  Lot 7, DP 660962	Local	I215
Manly	Memorial Club	52 Raglan Street	L2077, DP7520385	Local	I216
Manly	St. Andrew's Hall and Manse	54 Raglan Street	Lots 7, 8, 9, Sec.G, DP 192310	Local	I217
Manly	St. Andrew's Presbyterian Church	56 Raglan Street	Lot 1, DP 1045408	Local	I218
Manly	Group	Raglan Street (between Ocean Road and Birkley Road, north side) 82 Raglan Street 60 Raglan Street 62 Raglan Street 64 Raglan Street 66 Raglan Street 68 Raglan Street 70 Raglan Street 84 Raglan Street 80 Raglan Street	SP 6428 C, DP 102891 2, DP 225675 1, DP 225675 A, DP 102891 C, DP 445356 B, DP 445356 A, DP 334088 SP 10753	Local	I219

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Suburb	Item Name	Address	Property Description	Significance	Item No.
		76 Raglan Street 72 Raglan Street 78 Raglan Street	SP 11324 SP 14600 SP 7805		
Manly	House - "Logan Brae"	32 Reddall Street	Lot 87, DP 70416	Local	I220
Manly	Grass Island and Two Canary Island Palms	Rolfe Street, Road Reserve ( centre Island)		Local	I221
Manly	The Kiosk	Shelly Beach		Local	I222
Manly	Street Trees	Smith Street (from Pine St to Carlton St, and around the intersection with Alexander Street)		Local	I223
Manly	Public shelters	South & North Steyne	7183, DP1074329	Local	I224
Manly	Residential/ commercial buildings	7 and 14 South Steyne 7 South Steyne (Dungowan) 14 South Steyne	Lot 1, DP 52391; Lot501, DP736679	Local	I225
Manly	House	15 -16 South Steyne	Pl C, DP 369972 Lot 1, DP1091717	Local	I226
Manly	House	8 Stuart Street	Lot 1, DP 668632	Local	I227
Manly	House	34 Stuart Street	BK 3274, 977	Local	I228
Manly	Group of houses	87-97 Stuart Street 87 Stuart Street 89 Stuart Street 91 Stuart Street 93 Stuart Street 95 Stuart Street 97 Stuart Street	Lot 1, DP 952875 Lot 1, DP 72982 Lot 1, DP 72982 Lot 1, DP 871585 Lot 1, DP 715045 Lot 2, DP 871585	Local	I229
Manly	Public Reserve and two Norfolk Island Pines	103 Stuart Street (adjacent to Spring Cove adjoining St Patrick's Estate)	Lot 1, DP544297	Local	I230
Manly	Congregational Church	Sydney Road (cnr Whistler Street)	Lot 2, DP 570336	Local	I231
Manly	Commercial/ residential bldg (street facade only)	4-10 Sydney Road	Lot 1, DP 628937	Local	I232
Manly	Commercial/ residential building	12 Sydney Road	Lots 1-7, SP 20699	Local	I233
Manly	Group of 5 commercial buildings	39-47 Sydney Road 39-45 Sydney Road 47 Sydney Road	1-4, DP 445942; Lot 5, DP 554506	Local	I234
Manly	House	83 Sydney Road	Lot 7, DP 85606	Local	I235
Manly	Dalley's Castle stone wall	Sydney Road		Local	I236

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Suburb	Item Name	Address	Property Description	Significance	Item No.
	remnants				
Manly	Reserve Park	Tower Reserve, Tower Hill		Local	I237
Manly	Street Trees	Victoria Parade		Local	I238
Manly	Residential flat building	11 Victoria Parade	L1-4, SP 31058	Local	I239
Manly	Commercial/ residential building	13 Victoria Parade	Lots 1-8, SP 13941	Local	I240
Manly	Residential Flat Building	29 Victoria Parade	Lot 1 DP 65862	Local	I241
Manly	Residential Flat Building	31 Victoria Parade	SP11799	Local	I242
Manly	1920s school building	10 Wentworth Street	Lot 1, DP 999134	Local	I243
Manly	Former School of Arts	12 Wentworth Street	Lot 1, DP 999137	Local	I244
Manly	The Drummond Far West Home	22 Wentworth Street	Lot 1, DP 72969; Lot 1, DP 979703	Local	I245
Manly	Street Trees	Wentworth Street		Local	I246
Manly	Manly Village Public School	Wentworth Street (corner of Wentworth Street, Darley Rd and Victoria Pde)		Local	I247
Manly	Governor Phillip Monument	West Esplanade Reserve		Local	I248
Manly	Manly Cove Pavilion	West Esplanade	2, DP 1019352	State	I249
Manly	Manly Cove amenities block	West Esplanade		Local	I250
Manly	Park	West Esplanade		Local	I251
Manly	Residential Flat Buildings	3-8 West Promenade 3 West Promenade 5 West Promenade 6 West Promenade 7 West Promenade 8 West Promenade	SP 17992 B, 322790 SP 11916 SP 3641 SP 19128	Local	I252
Manly	Uniting Church	4 West Promenade	55, DP192310; 54, DP 67627	Local	I253
Manly	St Mary's Church, Presbytery and School	Whistler Street (cnr Raglan Street)	Lot 18, DP65387; Lot A, DP 72628; Lot 1, DP 88267; Lot A, DP 88176; Lot 1, DP 64528	Local	I254
Manly	Electricity Manly Zone Substation (ES 15009)	34a-36 Whistler Street		State	I255
Manly	Masonic Hall	51 Whistler Street	Lot 1, DP 70385	Local	I256

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Suburb	Item Name	Address	Property Description	Significance	Item No.
Manly	House	53 Whistler Street	Lot 1, DP 742272	Local	I257
Manly	House	55 Whistler Street	Lot 1, DP 85051	Local	I258
Manly	House	65 Whistler Street	Lot1, DP 1074874	Local	I259
Manly	House - "Merriwa"	10 Wood Street	SP 14816	Local	I260
Manly	Houses	42 & 46-48 Wood St 42 Wood Street 46 Wood Street 48 Wood Street	Lot 1, DP 901067 Lot 1, DP 798317 Lot 1, DP 998291	Local	I261
Manly	Residential flat building	49 Wood Street	SP 10526	Local	I262
Manly	House	51 Wood Street	Lot 13, DP 62592	Local	I263
Seaforth	Street Trees	Alan Avenue		Local	I264
Seaforth	2 Trees (Ficus rubiginosa and Pinus radiata)	off Battle Boulevard	Lot B, D.P. 393055	Local	I265
Seaforth	Retaining Wall	Battle Boulevard		Local	I266
Seaforth	Testing Shed & former Explosives magazine complex area remnants	Bantry Bluff, Bantry Bay; Garigal National Park, Wakehurst Parkway		Local	I267
Seaforth	Bantry Bluff	Bantry Bay/Seaforth entrance Middle Harbour, Garigal National Park, Wakehurst Parkway		Local	I268
Seaforth	Dry Stone Wall	Claydon Road		Local	I269
Seaforth	Dalwood Home - principal building and Stone outbuilding to Dalwood Home	21 Dalwood Avenue	Lots 1-12, DP620; 4A-7A, DP17157; Lot 1, DP325784; Lot 1, DP325720 & Lot 87, DP666550; Lot 76, 77, 78 DP112214	Local	I270
Seaforth	House	18 Edgecliffe Esplanade	Lot 311, DP 4889	Local	I271
Seaforth	Fisher Bay Reserve	Fisher Bay between Spit Bridge, Seaforth, and Sandy Bay Road, Clontarf		Local	I272
Seaforth	Stone building - library (former school house)	French's Forest Road (cnr Sydney Rd & French's Forest Road)	Lot 2, DP 1041057	Local	I273
Seaforth	House	14 Palmerston Place	Lot C, 342818	Local	I274
Seaforth	Street Trees	Panorama Parade (from Edgecliffe Esplanade to Ponsonby Parade)		Local	I275
Seaforth	Port Jackson Fig	Pine Point, off Laura St	Lot 20	Local	I276

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Suburb	Item Name	Address	Property Description	Significance	Item No.
	Tree (Ficus rubiginosa)				
Seaforth	House - Stone House	Lt 2 Rignold Street	Lot 2, DP 23224	Local	I277
Seaforth	House	14 Ross Street (cnr Panorama Pde)	SP 52792	Local	I278
Seaforth	Remnant natural bushland and baths	Sangrado Park/Reserve, Powder Hulk Bay (off Lancaster Street)		Local	I279
Seaforth	Reserved track for trams	The Spit (from Whittle Avenue to The Spit Bridge)		Local	I280
Seaforth	Tram terminus and wharf for tram punt	The Spit Bridge		Local	I281
Seaforth	Vehicular ferry ramp	The Spit Bridge			I282
Seaforth	Former Bridge	The Spit			I283
Seaforth	Monument	The Spit Bridge		Local	I284
Seaforth	House	1 Whittle Avenue	Lot 19, DP 331151	Local	I285

#### Part 2 Heritage Conservation Areas

Suburb	Item Name	Address	Significance	Item No.
Manly	Pittwater Road Conservation Area	Shown by a Red Line with a 45 degree cross hatch in red on the heritage map.	Local	C1
Manly	Town Centre Conservation Area	Shown by a Red Line with a 45 degree cross hatch in red on the heritage map.	Local	C2

#### Part 3 Archaeological Sites

Suburb	Item Name	Address	Significance	Item No.
Manly	Site of former gasworks	Little Manly Point (bounded by Carey and Stuart Streets)	Local	A1
Seaforth	The Spit	The Spit Seaforth	Local	A2

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the sheet of the Heritage Map marked "Aboriginal Heritage Map", that is:

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves; or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note.** The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Acid Sulfate Soils Map** means the Manly Local Environmental Plan 2011 Acid Sulfate Soils Map.

**Active Street Frontages Map** means the Manly Local Environmental Plan 2011 Active Street Frontages Map

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins,



feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note.**

Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

*agriculture* means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note.** Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

*air transport facility* means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

*airport* means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note.**

Airports are a type of *air transport facility*—see the definition of that term in this Dictionary.

*airstrip* means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

*amusement centre* means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

*animal boarding or training establishment* means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

*aquaculture* has the same meaning as in the [Fisheries Management Act 1994](#).

**Note.**

Aquaculture is a type of *agriculture*—see the definition of that term in this Dictionary.

*archaeological site* means a place that contains one or more relics.

*attached dwelling* means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling.

**Note.**

Attached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

*attic* means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

*backpackers' accommodation* means a building or place that:

(a) provides temporary or short-term accommodation on a commercial basis, and

(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and

(c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note.**

Backpackers' accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

*basement* means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

*bed and breakfast accommodation* means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided.

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

*bee keeping* means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note.**

Bee keeping is a type of *extensive agriculture*—see the definition of that term in this Dictionary.

*biodiversity* means biological diversity.

*biological diversity* has the same meaning as in the [Threatened Species Conservation Act 1995](#).

**Note.**

The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note.** Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note.** Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note.** This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note.** Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**Note.** Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
  - (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,
- but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:



(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note.** Business identification signs are a type of *signage*—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note.** Business premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

*catchment action plan* has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

*cellar door premises* means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.** Cellar door premises are a type of *retail premises*—see the definition of that term in this Dictionary.

*cemetery* means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

*charter and tourism boating facility* means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

*child care centre* means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
  - (i) a school, or

(j) a service provided at exempt premises (within the meaning of Chapter 12 of the [Children and Young Persons \(Care and Protection\) Act 1998](#)), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

*classified road* has the same meaning as in the [Roads Act 1993](#).

**Note.** The term is defined as follows:

*classified road* means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work,

(See [Roads Act 1993](#) for meanings of these terms.)

*clearing native vegetation* has the same meaning as in the [Native Vegetation Act 2003](#).

**Note.** The term is defined as follows:

*clearing native vegetation* means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the [Native Vegetation Act 2003](#) for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

*coastal foreshore* means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

*coastal hazard* has the same meaning as in the [Coastal Protection Act 1979](#).

*coastal lake* means a body of water specified in Schedule 1 to [State Environmental Planning Policy No 71—Coastal Protection](#).

*coastal protection works* has the same meaning as in the [Coastal Protection Act 1979](#).

*coastal waters of the State*—see section 58 of the [Interpretation Act 1987](#).

*coastal zone* has the same meaning as in the [Coastal Protection Act 1979](#).

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the [Interpretation Act 1987](#) (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the [Local Government Act 1993](#).

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the [Crimes \(Administration of Sentences\) Act 1999](#), including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the [Children \(Detention Centres\) Act 1987](#).

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means **Manly local government area**.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the [Crown Lands Act 1989](#), or



(b) a common within the meaning of the [Commons Management Act 1989](#), or

(c) lands within the meaning of the [Trustees of Schools of Arts Enabling Act 1902](#),

but does not include land that forms any part of a reserve under Part 5 of the [Crown Lands Act 1989](#) provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note.** Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note.** Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.** Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note.** Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note.** Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#).

(h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note.** The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

**Note.** Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.



**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note.** Extractive industries are not a type of *industry*—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

**Note.** Feedlots are a type of *intensive livestock agriculture*—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note.** The term is defined as follows:

**Definition of “fish”**



(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Manly Local Environmental Plan 2011 Floor Space Ratio Map.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

**Note.** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** has the same meaning as **forestry operations** in the [Forestry and National Park Estate Act 1998](#).

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or

(b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or

(c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or

(d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**Foreshore Building Line Map** means the Manly Local Environmental Plan 2011 Foreshore Building Line Map.

**Foreshore Scenic Protection Area Map** means the Manly Local Environmental Plan 2011 Foreshore Scenic Protection Area Map.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note.** Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note.** Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note.** General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement:

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note.** Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies.

**Note.** Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and



(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [\*State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004\*](#) applies.

**Note.** Transitional group homes are a type of *group home*—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note.** Hardware and building supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous industries are a type of *heavy industry*—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous storage establishments are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note.** Health consulting rooms are a type of *health services facility*—see the definition of that term in this Dictionary.



**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note.** Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the Manly Local Environmental Plan 2011 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note.** Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note.** Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the Manly Local Environmental Plan 2011 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note.** High technology industries are a type of *light industry*—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the [\*Children and Young Persons \(Care and Protection\) Act 1998\*](#),
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,

(d) the exhibition of any signage (other than a business identification sign),

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of *light industry*—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any signage (other than a business identification sign), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or

(c) the exhibition of any signage, or

(d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note.** Horticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

(a) day surgery, day procedures or health consulting rooms,



- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note.** Hospitals are a type of *health services facility*—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note.** Hostels are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note.** Hotel or motel accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.** See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms.

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note.** Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note.** Intensive plant agriculture is a type of *agriculture*—see the definition of that term in this Dictionary.

*jetty* means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

*Key Sites Map* means the Manly Local Environmental Plan 2011 Key Sites Map.

*kiosk* means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of *retail premises*—see the definition of that term in this Dictionary.

*Land Application Map* means the Manly Local Environmental Plan 2011 Land Application Map.

*Land Reservation Acquisition Map* means the Manly Local Environmental Plan 2011 Land Reservation Acquisition Map.

*Landslide Risk Map* means the Manly Local Environmental Plan 2011 Landslide Risk Map.

*Land Zoning Map* means the Manly Local Environmental Plan 2011 Land Zoning Map.

*landscaped area* means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

*landscaping material supplies* means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note.** Landscaping material supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

*light industry* means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

(a) high technology industry,

(b) home industry.

**Note.** Light industries are a type of *industry*—(see the definition of that term in this Dictionary.

*liquid fuel depot* means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note.** Liquid fuel depots are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

*livestock processing industry* means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackerries, tanneries, woolscours and rendering plants.

**Note.** Livestock processing industries are a type of *rural industry*—see the definition of that term in this Dictionary.



**Lot Size Map** means the Manly Local Environmental Plan 2011 Lot Size Map.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note.** Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note.** Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.



**Note.** Mining is not a type of *industry*—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note.** The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note.** Multi dwelling housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in the [Native Vegetation Act 2003](#).

**Note.** The term is defined as follows:

**Meaning of “native vegetation”**

(1)

**Native vegetation** means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2)

Vegetation is *indigenous* if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3)

*Native vegetation* does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the [Fisheries Management Act 1994](#) applies.

*navigable waterway* means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

*neighbourhood shop* means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of *shop*—see the definition of that term in this Dictionary.

*nominated State heritage item* means a heritage item that:

(a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

(b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

*non-potable water* means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

*NSW Coastal Policy* means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

*offensive industry* means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive industries are a type of *heavy industry*—see the definition of that term in this Dictionary.

*offensive storage establishment* means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive storage establishments are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note.** Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.** Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#):

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the [Native Vegetation Act 2003](#).



**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the [Native Vegetation Act 2003](#).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.** Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the [Crown Lands Act 1989](#) applies, or
- (c) a common, or
- (d) land subject to the [Trustees of Schools of Arts Enabling Act 1902](#), or
- (e) a regional park under the [National Parks and Wildlife Act 1974](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or



(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note.** The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,

- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers's dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note.** Residential care facilities are a type of *seniors housing*—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note.** Residential flat buildings are a type of *residential accommodation*— see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note.** Resource recovery facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

**Note.** Restaurants or cafes are a type of *food and drink premises*—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note.** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note.** Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note.** Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note.** Rural worker's dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note.** Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note.** Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).



**Note.** Self-storage units are a type of *storage premises*—see the definition of that term in this Dictionary.

*semi-detached dwelling* means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note.** Semi-detached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

*seniors housing* means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.** Seniors housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

*service station* means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

*serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note.** Serviced apartments are a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

*sewage reticulation system* means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note.** Sewage reticulation systems are a type of *sewerage system*—see the definition of that term in this Dictionary.

*sewage treatment plant* means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.** Sewage treatment plants are a type of *sewerage system*—see the definition of that term in this Dictionary.

*sewerage system* means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

*sex services* means sexual acts or sexual services in exchange for payment.

*sex services premises* means a brothel, but does not include home occupation (sex services).

*shop* means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**Note.** Shops are a type of *retail premises*—see the definition of that term in this Dictionary.

*shop top housing* means one or more dwellings located above ground floor retail premises or business premises.

**Note.** Shop top housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

*signage* means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,

(c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.** Stock and sale yards are a type of *rural industry*—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note.** The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.** Take away food and drink premises are a type of *food and drink premises*—see the definition of that term in this Dictionary.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note.** The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**Terrestrial Biodiversity Map** means the Manly Local Environmental Plan 2011 Terrestrial Biodiversity Map

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.** Timber yards are a type of *retail premises*—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,



but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note.** Turf farming is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**underground mining** means:

(a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note.** Vehicle sales or hire premises are a type of *retail premises*—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note.** Viticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note.** Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note.** Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note.** Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**Note.** Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note.** Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note.** Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**Watercourse Map** means the Manly Local Environmental Plan 2011 Watercourse Map

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**Wetlands Map** means the [Manly] Local Environmental Plan 2011 Wetlands Map.

**wharf or boating facilities** means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

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- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.



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**Planning And Strategy Division Report No. 18 - Draft Manly Local Environmental Plan 2011**  
**Summary comparison of current and draft LEP and associated information**

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**Draft Manly Local Environmental Plan 2011**

**SUMMARY COMPARISON OF CURRENT AND DRAFT LEP AND ASSOCIATED INFORMATION**

**1. Preparation of the Draft Manly Local Environmental Plan 2011**

Preparation of the draft LEP commenced in 2006. LEP preparation is an extensive drafting and mapping process informed by consultation, research and analysis of local needs and responds to state and national strategic policy. This is regulated under the direction of the Minister of Planning and must meet a complex range of requirements before the Draft is ready to be certified for public exhibition.

The draft LEP was prepared through various methods:

1. Translating the provisions of the current LEP into the required format of the NSW Government's Standard Local Environmental Plan Instrument, where possible. It was not possible to directly translate manly controls and finding the right fit was achieved by carefully considered zoning selections or additional local provisions subject to approval by the Department.
2. Meeting statutory policy and legal requirements, including:
  - Relevant State Environmental Planning Policies (SEPPs) and other State Government policies:
  - Directions by the Minister under Section 117 of the Act, covering a broad range of strategic planning themes:
    - Employment and Resources,
    - Environment and Heritage,
    - Housing, Infrastructure and Urban Development,
    - Hazard and Risk, and
    - Local Plan Making,
3. Implementing planning related recommendations of a number of studies including:
  - The NSW Government draft North East Sub Regional Strategy,
  - The NSW Government Metropolitan Strategy,
  - Manly Warringah Housing Study,
  - Manly Council's vision document - Surfing the Future...,
  - Manly Sustainability Strategy,
  - SHOROC Employment Study,
  - Manly Climate Change Study,
  - Manly Zone 4. Industrial Strategic Review
  - Manly Neighbourhood Business Zone Review
  - Economic Assessment- Land use Pittwater Road
  - Natural Assets Study to Inform the Draft Manly LEP 2011

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### **Planning And Strategy Division Report No. 18 - Draft Manly Local Environmental Plan 2011 Summary comparison of current and draft LEP and associated information**

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4. Public Authority Consultation and communication- Section 62 of the Act requires Councils, during the course of preparation of a draft LEP, to consult with those public authorities or bodies that the Council believes will or may be affected by the draft plan. It also requires consultation with the council of an adjoining area where the draft LEP applies to land adjoining a common local government area boundary. In response to the statutory requirements of the Act, Council consulted some 37 public authorities. The process resulted in a total of twelve (12) submissions. Attachment 3 identifies all respondents; provides a summary of each submission and gives a response to the matters raised in relation to the draft LEP. Further ongoing communication has also taken place with RTA, NSW Health and Land and Property Information Crown Lands in relation to specific zoning matters.
5. Concurrence with other authorities- The Act and Regulations provide that draft LEPs may not contain provisions that reserve land for public purposes unless the public authority responsible for the acquisition of the land has notified the council of its concurrence to the inclusion of such a provision in the plan. The draft LEP seeks to reserve certain land for the purposes SP2 Infrastructure (arterial road widening). Accordingly, as a component part of its consultation processes under Section 62, Council has corresponded with the Roads and Traffic Authority RTA who has concurred, which land is required for the purposes of a State Classified Road.
6. Further, the draft LEP has been informed by an LEP DCP Working Group to review and comment on drafting the LEP. The Working Group originally met between August 2006 and March 2009 and was resumed under new terms of reference in August 2010. Since last year, eight working group meetings have actively addressed a broad range of strategic planning matters, subsequently ratified by Council.
7. Councillor workshops held in 2009-11, which included information regarding the Draft LEP.
8. Internal consultation- During its preparation the draft LEP was reviewed by various internal Council experts including Bush regeneration, Compliance and enforcement, Development assessment, Natural resources, Corporate governance and Solicitors.
9. Addressing unresolved drafting matters raised through an extensive series of meetings between Council staff and the Department Regional Planning Team to resolve inconsistencies, appropriately apply land use zoning and retain the original intention of planning controls in the current LEP. It is expected that further drafting requirements will be issued by the Director General following submission.

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#### 2. Significant Changes to Current LEP Zones

Draft land use zoning has been the subject of eight working group meetings, between August, 2010 - September, 2011. Generally the following drafting has been applied.

Manly LEP 1988 Zones	Draft Manly Comprehensive LEP 2011 Zones
<b>CURRENT RESIDENTIAL ZONES</b>	
Zone No 2- <b>Residential</b> Zone Density sub zone 2, 3 & 4 in Residential DCP	<b>R1</b> General Residential
Zone No 2- <b>Residential</b> Zone Density Sub Zone 5, 6 & 7 in Residential DCP	<b>R2</b> Low Density Residential
Zone No 2- <b>Residential</b> Zone within Tourist Area Overlay  <b>Note.</b> "Tourist Area Overlay" currently applies to land Zoned No 2- Residential Zone between North Steyne and Pittwater Road and between Wentworth Street and Ashburner Street. The <i>Tourist Area Overlay</i> is a sub-zone and permits additional uses with consent and is graphically represented by a map overlay.  <i>Tourist Area</i> permits the following additional uses: Tourist and visitor, accommodation; registered club; food and drink premises, and a service station.	<b>R3</b> Medium Density Residential  <b>Note.</b> One zone must apply to each lot so no Tourist overlay is permitted. The land use table for R3 permits all current land uses.
Zone No 2- <b>Residential</b> Zone Land is environmentally sensitive/foreshore/ adjoining national parks/environmental conservation, and is predominantly low density (sub zone 5, 7 in residential DCP) - dwelling housing types only.	<b>E3</b> Environmental Management
Zone No 2- <b>Residential</b> Zone Land is environmentally sensitive/foreshore/ adjoining national parks and/or environmental conservation, and is predominantly multi units, residential flat buildings at present.	<b>E4</b> Environmental Living
Zone No 2- <b>Residential</b> Zone in tourist area and land already contains international Grade hotel only.	<b>SP3</b> Tourist
Zone No 2- <b>Residential</b> Zone- lot owned by Council adjoining car park South of Balgowlah Town Centre.	<b>B2</b> Local Centre
Zone No 2- <b>Residential</b> Zone Land already provides local shops and services.	<b>B1</b> Neighbourhood Centre
<b>CURRENT BUSINESS ZONES</b>	
Zone No 3 <b>Business</b> Zone Not within Town Centre areas of Balgowlah, Manly and Seaforth.	<b>B1</b> Neighbourhood Centre
Zone No 3 <b>Business</b> Zone Town Centre areas of Balgowlah, Manly and Seaforth.	<b>B2</b> Local Centre

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<b>CURRENT INDUSTRIAL ZONE</b>	
Zone No 4 <b>Industrial Zone</b> Land East of Roseberry Street	<b>IN2</b> Light Industrial Required under 117 directions to protect industrial land.
Zone No 4 <b>Industrial Zone</b> Land West of Roseberry Street	<b>B6</b> Enterprise Corridor
<b>CURRENT SPECIAL USES ZONES</b>	
Zone No 5 <b>Special Uses Zone</b> Land at North Head School of Artillery Museum	<b>SP1</b> Special Activities (Management Plan North Head School of Artillery)
Zone No 5 <b>Special Uses Zone</b> This land includes a range of uses including schools, community facilities, children's homes, sewage and water treatment facilities, electric sub stations etc.	<b>SP2</b> Infrastructure (exceptions below)
Zone No 5 <b>Special Uses Zone</b> (ex-Fairlight reservoir)	<b>R1</b> General Residential Adjoining residential zone to reflect SEPP Infrastructure SEPP site compatibility statement for residential land use
Zone No 5 <b>Special Uses Zone</b> (certain Sydney Water land at 3 Balgowlah Road and 252 Pittwater Road, Manly)	<b>R1</b> General Residential - as advised by Sydney Water S.62 Consultations
Zone No 5 <b>Special Uses Zone</b> (certain Energy Australia land at 34 Whistler Street, Manly)	<b>B2</b> Local Centre – as advised by Energy Australia S.62 Consultations
Zone No 5 <b>Special Uses Zone</b> former Seaforth TAFE	<b>B2</b> Local Centre extension to Seaforth Town Centre
Zone No 5 <b>Special Uses Zone</b> land used by Royal Far West	<b>B2</b> Local Centre extension to Manly Town Centre
Zone No 5 <b>Special Uses Zone</b> Car park South of Sydney Road, Balgowlah Town Centre	<b>B2</b> Local Centre to support parking for businesses on Sydney Road
Zone No 5 (h) <b>Special Uses (Hospital Zone)</b>	<b>SP2</b> Infrastructure
Zone No 5 (s) <b>Special uses Seminary- Heritage Zone</b>	<b>SP1</b> Special Activities [Educational Establishment] , and <b>E2</b> Environmental Protection
<b>CURRENT OPEN SPACE ZONE</b>	
Zone No 6 <b>Open Space Zone</b>	<b>RE1</b> Public Recreation
Zone No 6 <b>Open Space Zone</b> (currently leased for registered clubs with 'club licences')  <b>Note. Registered club</b> means a club that holds a club licence under the <a href="#">Liquor Act 2007</a> . Surf clubs are not registered clubs.	<b>RE2</b> Private Recreation
Zone No 6 <b>Open Space Zone</b> (where bushland vegetation and habitat is verified)	<b>E2</b> Environmental Conservation;
Zone No 6 <b>Open Space</b> , Zone No 6 b (i) <b>Open space</b> (to be acquired by Council) Zone No 6 b(ii) <b>Open space</b> (to be acquired by State): Land containing dwelling houses at 85-97 Gurney Crescent and 34-40 Stuart Street.	<b>E3</b> Environmental Management  This zone permits dwelling houses and a foreshore building line will apply at Gurney Crescent as resolved by Council in February 2010.



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No.6 (b)(i) <b>Open Space to be acquired by Council</b> at Rignold Street – Part of Lot A DP 374668	<b>RE1</b> Public Recreation Note: The Standard Instrument requires that a separate map (Land Reserved for Acquisition) be provided to identify land that it is to be acquired- it cannot be a 'sub zone'. This also identifies land to be acquired by the RTA at Wakehurst Parkway, Seaforth
<b>NATIONAL PARK</b>	
Zone No 8 <b>National Park</b> Zone.	<b>E1</b> National Parks and Nature Reserves
<b>UNZONED</b>	
<b>Unzoned</b> water at lagoon – already proposed RE1 in adjoining LGA Draft LEP.	<b>RE1</b> Public Recreation
<b>Unzoned</b> water at Manly ocean beach.	<b>W1</b> Natural Waterways
<b>Unzoned</b> State classified roads (RTA)	<b>SP2</b> Infrastructure
<b>Unzoned</b> Local Roads	Various- Zoned same as adjoining use as required by Department advise.
<b>Unzoned</b> Unmade local roads- The MLEP 1988 includes approximately 77 unmade road reserves.  <b>Note:</b> An unmade road is no longer used for vehicle traffic.	Zoned according to outcome of two working Group meetings and an ecological study according to: <b>E2</b> Environmental Protection due to bushland value <b>RE1</b> Public Recreation to maintain public amenity; or zoned same as adjoining use for through-site connection purposes within a zone.

The new Standard instrument E2 Environmental Conservation zone provides an excellent opportunity to contain the urban built footprint of the LGA and control the expansion of development that would damage bushland in Manly LGA that is considered in an ecological study to be of high ecological, scientific, cultural or aesthetic values.

The Land use Matrix in Section 9 details land use permissibility by zone and land uses groups and terms.

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#### 3. Overview of Significant Changes and Translation from Current LEP

Current LEP 1988	Draft LEP
<b>CL1. Citation</b>	<b>Clause 1.1 Name of Plan [compulsory]</b>
<b>CL2 Land to which plan applies</b>	<b>Clause 1.3 Land to which this Plan applies [compulsory]</b> The land to which applies continues to be the Manly LGA.
<b>CL3 Aims and objectives</b>	<b>Clause 1.2 Aims of Plan [compulsory]</b> MLEP1988 currently uses 21 "objectives" and also has 33 "policies and strategies", which act as a subsidiary group of objectives.  Based on advice from the DOP, the original 54 objectives have been reduced to 23 overarching aims; organized into seven themes:  (a) all land in Manly (b) residential (c) business and the economy (d) transport, infrastructure and amenities (e) heritage (f) the natural environment (g) Manly's unique harbour, coastal lagoon and ocean beach setting
<b>CL4 Policies and strategies</b>	The clause has been deleted and consolidated into the Draft LEP Cl. 1.2)
<b>CL5 Relationship to other EPI's</b>	<b>Clause 1.8 Repeal of other local planning instruments [compulsory]</b> Draft LEP repeals the current LEP and any EPI's to which the LEP applies.
<b>CL6 Adoption of EP&amp;A Model Provisions 1980</b>	The 1980 Model Provisions have been repealed by the NSW Government and Cl.6. It should be noted that in many instances the Standard Instrument incorporates the Model Provisions.
<b>CL7 Interpretation (dictionary)</b>	<b>Dictionary [Compulsory]</b> All local definitions replaced by the SI Dictionary, which includes standardized definitions that will apply to all LEPs in NSW. The SI Dictionary also replaces the definitions adopted within the repealed 1980 Model Provisions. Local definitions are generally not permitted unless justified and agreed to by the DOP. A summary of notable comparisons are shown in section 6.
<b>CL8 Consent authority</b>	<b>Clause 1.6 Consent Authority [compulsory]</b> Council remains the consent authority.
<b>CL9 zones on map</b>	<b>Clause 2.1 Land use zones [compulsory]</b> As result of implementing the SI, the total number of zones used will increase from 8 zones to 17 zones as outlined above.
<b>CL10 Zone objectives and development control table</b>	<b>Clause 2.3 Zone objectives and land use table [compulsory]</b>
<b>CL10A Exempt and complying development</b>	<b>Part 3 Exempt and complying development [compulsory]</b> The provisions within this clause largely replicate those within MLEP 1988. It should be noted that the majority of Exempt and Complying development in NSW is already covered by the State Environmental Planning Policy SEPP

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	(Exempt and Complying Development Codes). Only a small amount of Exempt development will be controlled in the draft LEP where it does not contradict or duplicate the SEPP. There is no complying development controlled by the Draft LEP.
Cl.11 Subdivision	<p><b>Clause 2.6 Subdivision – consent requirements [compulsory]</b> Consent is still required for subdivision however the SI includes exceptions to this requirement. The exceptions for requiring consent largely pertain to errors in alignment and should not result in major policy implications for Manly.</p> <p>Also, if subdivision is exempt development under the Codes SEPP, it will not require development. NB Subdivision under the code SEPP will not apply to environmentally sensitive (e.g. land containing critical habitat or within 100m of an aquatic reserve) or heritage listed land.</p>
Cl.12 land to be acquired	<p><b>Clause 5.1 Relevant acquisition authority [compulsory]</b> The SI represents a change in the way reserved land is represented in the LEP. Under MLEP Cl12 land was zoned. Under the SI reserved land is shown on a Land Reserved for Acquisition Map and therefore zones No.6 (b) (i), No.6 (b) (ii) and 8(b) are no longer required. 5.1 also identifies the authority of the state for acquisition of land, e.g. RTA for state Roads zoned SP2 Infrastructure and Council for RE1 Public Recreation land required for public open space.</p>
Cl.13 Acquisition of certain land	<b>Clause 5.1 Relevant acquisition authority</b> (see MLEP Cl12)
Cl.14 Responsibility acquisition of land	<b>Clause 5.1 Relevant acquisition authority</b> (see MLEP Cl12)
Cl.15 Arrangement for access to land	This clause has been deleted as the prescribed development has occurred and access has been provided accordingly.
Cl.15A Development in Zone No.5 (h)	<b>Clause 7.6</b> Incorporated into development Standards. Clause replicated.
Cl.16 Development in Zone No.6	<b>Clause 6.13 Development on land in Recreation Zones</b> Clause replicated with greater environmental considerations included.
Cl.17 Visual and aesthetic protection	<b>Clause 6.10 Foreshore Scenic Protection Area</b> Clause replicated with greater environmental considerations included.
Cl.18 items of heritage	<b>Clause 5.10 (2)</b> The new clause combines provisions for individual items and conservation areas into one clause.
Cl.19 Development vicinity heritage	<b>Clause 5.10 (5)</b> Permits Council's to request a heritage impact statement for any development affecting a heritage item, conservation area or is in the vicinity of a heritage item or conservation area. It has some comparability with clause 19 of LEP 88 (although it is not as specific). The new clause only refers to items in the vicinity as part of heritage impact assessment after a development application is lodged. The onus is on Council to assess the impacts and determine if a heritage impact assessment is required.

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Cl.20 Development in the vicinity of aboriginal heritage	Clauses 5.10 (8) replaces clause 20 of LEP 88, but does not require notification of the Director of National Parks and Wildlife. This requires Councils to have the staff qualified to assess aboriginal heritage matters. Manly currently refers applications to the Aboriginal Heritage Office.
Cl.21 Conservation area	<b>Clause 5.10 (2)</b> Replaces clauses 18 and 21 of LEP 88 in effect. The new clause combines provisions for individual items and conservation areas into one clause.
Cl.22 Heritage notice	<b>Clause 22 of MLEP 1988</b> is not replaced in MLEP 2011. The Heritage Council has advised Council that this clause is out of date and is no longer required.
Cl.23 Advertising heritage apps	Advertising requirements are to be included in the DCP.
Cl.24 Exemption of minor development	<b>Clause 5.10 (3)</b> Replaces clause 24 of LEP 88 in effect.
Cl.25 Conservation incentive heritage	<b>Clause 5.10 (10)</b> Replaces clause 25 of LEP 88 and has a similar effect.
Cl. 26 Community use of school facility	Provisions in SEPP Infrastructure 2007 replace this clause and therefore the clause has been deleted.
Cl.27 Advertising certain DAs	Repealed in 2009
Cl.28 Retailing of bulky goods	Clause removed and permissibility covered by land use table in B6 Enterprise Corridor.
Cl.29 Development of residential land	Repealed in 2008
Cl.30 services	<b>6.18 Essential Services</b> Clause replicated and addition of road access, stormwater and electricity provisions.
Cl.31 Development for additional purposes	<b>Clause 2.5 Additional permitted uses for particular land.</b> Clause replicated.
Cl.32 Development fronting Pittwater Rd	This clause will be no longer be used. Most properties containing shop fronts have been zoned B1 Neighbourhood Centre or B2 Local Centre (on the south/east section adjoining existing Manly Town Centre business zone) to maintain the viability and existing character of Pittwater Road. Existing use rights will continue for a few ground floor businesses.  <b>Clause 5.10 (10)</b> (particularly 1, 2 & 4) still requires assessment of impact on conservation areas (i.e. Pittwater Rd conservation area), and heritage items.
Cl.33 Develop on ASS	<b>Clause 6.1 Acid Sulfate Soils-</b> Clause replicated.
Cl.34 Classification and re-classification of land	<b>Clause 5.2 Classification and reclassification of public land-</b> Clause replicated
Cl.35 St Patrick Estate	<b>Part 7 Development of land on in St Patrick's Estate</b> Clause replicated and now also incorporates Bear Cottage. The State listing for St Patrick's was gazetted March 2011.
Cl. 36 Development at 9-13 South Steyne etc This clause prevents the development of residential flat buildings in the two international grade hotels in Manly.	<b>Clause removed.</b> Land at 9-13 South Steyne, 45-49 Ashburner Street and 58 North Steyne, Manly will be zoned SP3 Tourist with limited permissible uses to maintain the provision of international grade hotel facilities. Therefore this specific clause is no longer required.
Cl.37 Masterplans	<b>6.13 Development Control Plans</b> Similar clause replicated but changed to DCP's as required by legislative definition.

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Cl.38 Development at 120 Condamine Street.	<b>Clause deleted.</b> Historic site specific clause relating to LEP amendment RE development.
Schedule 1- Permitted uses for small shop	Small shops have been deleted and replaced with neighborhood shops.
Schedule 2- Permitted commercial and retail uses in the industrial zone	Department advised that the range of shops should not be included in the industrial zone. Neighborhood shops will still be permitted as will take away shops.
Schedule 3- Prohibited industrial activities in the industrial zone	This schedule is no longer required as the land uses are considered in the land use table.
Schedule 4- Items of environmental heritage and conservation areas	Replaced by <b>Schedule 5. Environmental Heritage</b>
Schedule 5- Development for additional purposes	<p>Replaced by <b>Schedule 1, Additional Permitted Uses</b> and updated to reflect new definitions, some uses now incorporated into the appropriate land use table. Two original schedule items remain, being <b>office premises</b> permitted at ground floor of 3 Thornton St, Fairlight (<i>zone R2 Low density residential</i>) and <b>shops</b> permitted on ground floor of 93-95 North Steyne associated with the hire and sale of goods associated with beach activities (<i>zone R1 General Residential</i>).</p> <p>An additional permitted use listed for land containing Australian Institute of Police Management at Collins Beach (<i>zone E2 Environmental Conservation</i>), to permit <b>Educational Establishments</b>.</p> <p>Finally, a Draft Additional permitted use to specify that secondary dwellings and health consulting rooms must be attached in Zones E3 and E4 – this is the subject of drafting requirements to specify all legal descriptions, which is not feasible. Council has made a submission to the DG requesting separate definitions for attached and detached Secondary dwellings be approved in the Draft LEP Dictionary.</p>
Schedule 6- Classification and Reclassification of public land as operational	Replaced by <b>Schedule 4 Classification and reclassification of public land</b>
Schedule 7- Maps	Deleted
Schedule 8- Exempt development	Partly replaced by <b>Schedule 2 Exempt Development</b> . Mostly replaced by SEPP Exempt and Complying Development (some minor exemptions outside the SEPP have been retained).
Schedule 9- Complying development	<b>Schedule 3. Complying Development.</b> All content replaced by SEPP Exempt and Complying Development.
Schedule 10- Conditions of complying development certificates	<b>Schedule 3. Complying Development.</b> All content replaced by SEPP Exempt and Complying Development.
Schedule 11- St Patrick's Estate	Replaced by Part 7 Special Provisions- same effect as the LEP 88 provisions.
Schedule 12- Masterplans	Replaced by Clause 6.15 Site Specific Development Control Plans

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#### 4. Local provisions in the Draft LEP

Local Provision	Purpose	Settled Model Provision	Mapped in Draft LEP
<b>1.8A Savings provision relating to pending development approvals</b>	When a DA is made before the commencement of the Plan and not been finally determined before commencement, it must be determined as if the Plan had not commenced.	✓	N/A
<b>1.9A Suspension of covenants, agreements and instruments</b>	Enabling development to be carried out in accordance with Plan or under the Act; any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply. Note. Right of Public Authority protected and various exclusions apply subject to approval by Governor.	✓	N/A
<b>4.3A Calculation of height of buildings on steeply sloping sites below road level</b>	Replicates existing height of building control for specific land below 'crown of the road' identified in current DCP.	Local drafting	✓
<b>4.4 (2A) FSR bonus</b>	FSR bonus to encourage employment generating uses in B2 Local Centre's above ground floor.	Local drafting	N/A
<b>4.4 (2B) minimum and maximum gross floor area</b>	Gross floor area in B2 Local centre - minimum 25% for business, retail or office space and maximum cap of 1000 sqm for retail to encourage diversity and viability.	Local drafting	N/A
<b>6.1 Acid Sulfate Soils</b>	Replicates existing provisions in current LEP.	✓	✓
<b>6.2 Landslide Risk</b>	To ensure that development in areas of landslide susceptibility: <ul style="list-style-type: none"> <li>• matches the underlying geotechnical conditions of the land, and</li> <li>• is restricted on unsuitable land, and</li> <li>• does not endanger life or property.</li> </ul> Mapping required by S.117 Ministerial Directions for any land subject of a council study. Land affected by Coastal Hazard Definition Study.	✓	✓
<b>6.3 Flood Planning</b>	<ul style="list-style-type: none"> <li>• to minimise the flood risk to life and property associated with the use of land,</li> <li>• to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</li> <li>• to avoid significant adverse impacts on flood behaviour and the environment.</li> </ul> Mapping required by S.117 Ministerial Directions	✓	pending*

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<b>6.4 Coastal Risk Planning</b>	<ul style="list-style-type: none"> <li>to avoid significant adverse impacts from coastal hazards,</li> <li>to enable evacuation of coastal risk areas in an emergency,</li> <li>to ensure uses area compatible with coastal risk.</li> </ul> <p>Mapping required by S.117 Ministerial Directions</p>	✓	pending*
<b>6.5 Storm Water Management</b>	to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining downstream properties, native bushland and receiving waters and groundwater systems.	✓ plus Water Sensitive Urban Design provisions	N/A
<b>6.6 Terrestrial Biodiversity</b>	to maintain terrestrial biodiversity by: <ul style="list-style-type: none"> <li>protecting native fauna and flora, and</li> <li>protecting the ecological processes necessary for their continued existence, and</li> <li>encouraging the conservation and recovery of native fauna and flora and their habitats.</li> </ul>	✓	✓
<b>6.7 Riparian Land and Watercourses</b>	to protect and maintain the following: <ul style="list-style-type: none"> <li>water quality within watercourses,</li> <li>the stability of the bed and banks of watercourses,</li> <li>aquatic riparian habitats,</li> <li>ecological processes within watercourses and riparian areas.</li> </ul>	✓	✓
<b>6.8 Wetlands</b>	to ensure that wetlands are preserved and protected from the impacts of development.	✓	✓
<b>6.9 Earthworks</b>	<ul style="list-style-type: none"> <li>to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land</li> <li>to allow earthworks of a minor nature without requiring separate development consent.</li> </ul>	✓	N/A
<b>6.10 Foreshore Scenic Protection Area</b>	To protect visual aesthetic amenity and views to and from Sydney Harbour, the Ocean and the foreshore in Manly.	✓	✓
<b>6.11 Foreshore Building Line</b>	To ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	✓	✓
<b>6.12 Development on the foreshore must ensure access</b>	To ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	✓	N/A
<b>6.13 Development on land in recreation zones</b>	to ensure development does not impact future use of public land	Local drafting	N/A

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<b>6.14 Design Excellence</b>	To deliver the highest standard of architectural and urban design of buildings and public spaces in Manly, Balgowlah and Seaforth Town Centres.	Local drafting	✓
<b>6.15 Site Specific Development Control Plans</b>	To ensure development on certain land is only considered after a site specific development control plan has been prepared and adopted. Applies to Dalwood, Manly Hospital, RFW, Manly Civic Precinct, Old Fishoe's and Seaforth TAFE sites.	Local drafting	✓
<b>6.16 Active Street Frontage</b>	To promote uses that attracts pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.	✓	✓
<b>6.17 Location of Sex Services Premises</b>	To minimise land use conflict and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.	✓	N/A
<b>6.18 Essential Services</b>	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road access.	✓	N/A
<b>6.19 Tourist and visitor accommodation</b>	To ensure in that council has the capacity to consider the impact of rented tourist and visitor accommodation on surrounding residents.	Local drafting	N/A

\*requires further study for the LGA and is a requirement of s.117 Ministerial Directions and various NSW manuals and guidelines. Expected completion: 2 years.

#### 5. List of Draft LEP Maps

List of Draft LEP Maps	Currently in LEP / DCP / New separate LEP Map
Land Zoning	LEP
Acid Sulfate Soils	LEP
Landslide Risk	New separate LEP Map
Heritage	LEP
Land Reserved for Acquisition	LEP (a layer on current zoning map)/ New separate LEP Map
Land Application	New separate LEP Map
Minimum Lot	DCP/ New separate LEP Map
Height of Building	DCP/ New separate LEP Map
Floor Space Ratio	DCP/ New separate LEP Map
Foreshore Scenic Protection Area	LEP (layer on zoning map) / New separate LEP Map
Foreshore Building Line	DCP/ New separate LEP Map
Key Sites	LEP DCP (Various sites) / New separate LEP Map
Terrestrial Biodiversity	New separate LEP Map
Watercourse	New separate LEP Map
Wetland	New separate LEP Map
<b>PENDING MAPS STILL REQUIRED</b>	
Flood Planning	No
Coastal Protection	No



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Manly Local Environmental Plan 2011									
Land Use Matrix (DOP version 3.0)									
Legend									
a permitted without consent (permitted under the LEP) b permitted with consent (permitted under the LEP) c prohibited d prohibited (prohibited under the LEP) e prohibited under 50/50 (prohibited under 50/50) f prohibited under 50/50 (prohibited under 50/50) g prohibited under 50/50 (prohibited under 50/50) h prohibited under 50/50 (prohibited under 50/50) i prohibited under 50/50 (prohibited under 50/50) j prohibited under 50/50 (prohibited under 50/50)									
Is the zone used? (Please select Y/N for each zone)	Zone	Residential	Commercial	Industrial	Public	Community	Other	Water	Other
	Zone 1: Primary Production								
	Zone 2: Rural Land Use								
	Zone 3: Primary Production								
	Zone 4: Primary Production								
	Zone 5: Primary Production								
	Zone 6: Primary Production								
	Zone 7: Primary Production								
	Zone 8: Primary Production								
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**7. Changes Made to the Current Heritage Schedule in Draft LEP:**

In summary, the heritage schedule has been amended to comply with the Standard Template requirements for Schedule 5 - Heritage items

1. LEP '88 schedule 4 Items of Environmental Heritage transferred into New LEP schedule 5 format, (i.e.). Suburb, item name, address, property description/DP, significance (state or local).
2. Item No. added. Current LEP items in schedule have no allocated item no.
3. Sites of Aboriginal significance not added due to conflict with aboriginal authorities and not in LEP 88.
4. Added all property addresses and their lot, DP and sp numbers (where available).
5. Improved item name description where information available (e.g. House name).
6. Relocated listing of 'substation corner Boyle and Griffiths' to 83 Griffiths St.
7. Manly wharf name wording changed to be consistent with its state heritage listing.
8. Removed former Bus/Tram Depot due to loss of significance.
9. Inserted the word 'Group' for description, where streets are listed, e.g. Margaret, Quinton and Eurobin.
10. Separated out Manly Cove Pavilion and amenities block as Pavilion only is listed as state significant.
11. The 6 state heritage listed items in Manly are updated to be consistent with state listing i.e. North Head Quarantine Station and Reserve; Middle Harbour Syphon (NSOOS). 'Archaeological sites and other items' identified on LEP 88 map – architectural and historical archaeology: added all items to list, e.g. Collins Beach to Landscape section.
12. Collins Beach added to landscape section. Currently identified on LEP Map as an Archaeological site (No.8).
13. Added recent amendments to LEP e.g. 31 Victoria Parade.
14. Added St Patrick's Estate sites as local & state items (currently being assessed for state listing), as per advice from Heritage Branch at the Heritage Management Seminar (Lois Gray) Friday 14 March 08.
15. Changes made as per Mapping requirements (from Vaughan, April08).
16. State items listed as 'State' (not state & local) as State listing is a higher listing.
17. Added 6 Cameron Ave, as this property is coloured as an item on the existing heritage maps, and now wording will be consistent with statutory maps. Site inspection revealed that 6 Cameron is the same style and obviously part of the group of listed residential flats listed.
18. 13.10.08: Added two new items gazetted (LEP 77) 30 Alexander St & 29 Victoria Pde, Manly.
19. Governor Philip Monument (statue) in schedule twice (under general and landscape), deleted the landscape entry and left the general item entry.
20. Added Fairlight Pool to the existing Esplanade Park landscape listing and added listing for Fairy Bower Pool, Fairy Bower, near Marine Pde & Bower Lane, Manly.
21. Archaeological items updated. Items which are built e.g. Tram Depot added as an item. The identified 1988 historical archaeological sites are not deleted but relocated on the schedule as built items, where built; and sites like the former gas works and tram routes, former spit bridge and terminus remains are listed as archaeological sites.
22. Combined 21 Dalwood – two listings into one and school of artillery & group of institutional buildings, one listing as same item.
23. Changed location of Dalley's Castle remnants and The Corso war memorial monument from Landscape to Items under St address.
24. Changed format to reflect Planning circular 09-011 requirements for schedule 5 (1/2/10).

*Schedule 5 (Environmental heritage) - Council must ensure that Schedule 5 is divided into three parts, heritage items, heritage conservation areas and archaeological sites. The entries should be listed firstly by alphabetical order of suburb, then by alphabetical order of street name increasing by numerical order. Part 1 of Schedule 5 should only contain entries for heritage items. Heritage items should be identified by a prefix of 'I' followed by a number, e.g. I1, I2, I3...*



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*Part 2 should only contain a listing of heritage conservation areas. Heritage conservation areas should be identified by a prefix of 'C' followed by a number, e.g. C1, C2, C3...*

*Part 3 should only include listings of archaeological sites. Archaeological sites should be identified by a prefix of 'A' followed by a number, e.g. A1, A2, A3...*

*Council areas containing numerous Aboriginal items should contact the Department of Planning for further guidance.*

25. Formatting lines and tables to be invisible. Renumbering due to requirements of Department.
26. Removed 2 Linkhead trees as they have been removed sometime in the past.
27. Removed Kenneth Rd trees, as these do not exist.
28. No. 37 White St – joined house and garden as one item.
29. Griffith St trees from Hill St to Bellevue St included under Fairlight.
30. Added 2A Beatty St Balgowlah Heights and deleted 16 Edgecliffe Esplanade, Seaforth – LEP 80 gazetted 28 May 2010.

31. Added LEP 81 (6) items to schedule 5

House, 297 Sydney Road, Balgowlah (Edinboro)
The Kiosk, Shelly Beach, Manly
Electricity Substation 15151, North Harbour Reserve, Condamine Street, Bal
Electricity Substation 16124 Dungowan Lane (off Ashburner Street), Manly
Electricity Substation 16453, Reserve, Krui Street
Sewerage Pumping station 0036, Golf Parade, Manly

32. Added draft items

- a) Manly Zone Substation (ES 15009), 34a-36 Whistler Street, Manly
- b) Manly Village Public School, corner of Darley Road and Wentworth Street
- c) Cast Iron Letter Receiver (Letterbox), corner of The Corso and Whistler Street
- d) Cast Iron Letter Receiver (Letterbox), corner of Darley Road and Victoria Parade
- e) Retaining Wall in West Street, Balgowlah
- f) Retaining Wall in Battle Boulevard, Seaforth
- g) Dry Stone Wall, Clavering Road, Seaforth
- h) Grass Island and Two canary Island Palms, Rolfe Street, Manly

33. Review of grouped houses and streets. Schedule amended where buildings demolished or significantly modified so that significance is lost, e.g. Stuart St.

- a) Margaret St – 6 Margaret St modified; 4, 13, 29 Margaret St & 38 The Crescent – unsympathetic flats. Recommend updating the inventory sheet and leave all items unchanged on schedule. Note: Margaret St needs future separate review as potential for conservation area and/or as separate individual items; as does Eurobin, Quinton and Raglan Sts. 38 The Crescent - SP number listed on the LEP is 6437 but on the Map it is SP 5437. SP No. now changed to SP 5437 on schedule.
- b) Birkley Rd (west side group): 25 Birkley (unit block) – leave on until reviewed.
- c) Kangaroo St : No.61 – modified. Leave on schedule until reviewed.
- d) 85-99 Stuart St group: 85 Stuart St – modified, delete; 99 Stuart St –demolished, delete; 95 Stuart St –modified/demolished –delete, as building no longer exists as a timber cottage.
- e) Quinton Rd listing corrected on schedule - 7 Augusta Rd is the correct listing (not 17 in this group).
- f) 12 & 14 Ethel St – review of cultural significance suggested. Leave on schedule until reviewed.

34. The former Bus/Tram Depot, West Esplanade –no longer exist. Removed from list.

35. The Spit, Seaforth listing is a double listing of the 5 individually listed sites associated with the crossing of the Spit, i.e. The vehicular ferry ramp; former bridge; tram terminus & wharf for Tram punt; reserved track for trams; monument (all the 5 individual listings remain). Propose

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- to retain Spit listing as an archaeological site – recognises the archaeological relics associated with The Spit crossing.
36. 2 Monterey Pine trees, 2 Linkmead Ave, Clontarf – removed some time in the past.
37. 7 Coral trees, Kenneth Rd (cnr Balgowlah Rd), Manly – these do not exist.
38. 85-99 Stuart St group review: 85 Stuart St – modified, delete; 99 Stuart St – demolished, delete; 95 Stuart St – remove as per heritage committee resolution 1 June 2011.
39. 14 South Steyne – under review. Retained.
40. 15 South Steyne – Original LEP 1988 Heritage map has the whole property listed as an item and this is confirmed by the inventory sheet which lists a 'substantial residence'. It has been recently found that Exponare mapping only identifies half the property and that the schedule 4 listing lists 15 South Steyne. This is considered to be an anomaly as the original mapping (gazetted LEP 1988 heritage map) and inventory sheet identify the whole property. Given that the whole building as a whole has significance the listing will be rectified to include the whole property description being 15-16 South Steyne.
41. 51b Kangaroo St – listed on LEP 1988 heritage map, but not in schedule 4. now added to schedule.
42. Combined Cemetery listing as Manly General Cemetery & Vegetation
43. Trees, Manly West Public school – shown on LEP 88 map; but not on schedule 4. now added to schedule.
44. Middle Harbour submarine syphon NSOOS local and state listings included.
45. **SREP No.23** – Act is now repealed. Heritage items in REP 23-Manly Council Area:
- Manly Wharf - The Esplanade, Manly listed lep88
  - Obelisk, North Head-North Head Scenic Drive, North Head listed
  - Remains of outer North Head searchlights-North Head Scenic Drive, North Head Add to existing North Head/foreshore inventory sheet.
  - Site of Manly Cargo Wharf-East Esplanade, Manly (now Manly Fun Pier) listed
  - Remains of tram terminus and wharf for tram punt-Avona Crescent, Seaforth listed
  - Remains of vehicular ferry ramp-Avona Crescent, Seaforth listed
  - Remains of former bridge-Avona Crescent, Seaforth listed
  - Grotto Point lighthouse and *remains of former wharf-Grotto Point*, Balgowlah, Light house listed. Add to inventory sheet remains of former wharf.
  - Middle Harbour submarine syphon-Holmes Avenue, Clontarf listed
  - Manly Rowing and Sailing Club-East Esplanade, Manly listed.
  - Little Manly Cove Pool-Stuart Street, Manly
  - Fairlight Pool-Lauderdale Avenue, Fairlight
  - Site and remains of Brightside cargo wharf-Stuart Street, Manly
  - Site and remains of harbourside pool and steps-Stuart Street, Manly
  - Remains of former Manly Gasworks-Little Manly Point, Carey Street, Manly listed
  - Remains of Manly public baths-East Esplanade, Manly
- SREP 2005** (Sydney Harbour Catchment) Deemed 'The Harbour SEPP'- 'State' Heritage items:
- a) 18 Manly: Manly Wharf The Esplanade, Manly
  - b) 19 Manly: Grotto Point lighthouse and remains of former wharf Grotto Point, Balgowlah
  - c) 20 Manly: Little Manly Cove Pool Stuart Street, Manly
  - d) 21 Manly: Fairlight Pool Lauderdale Avenue, Fairlight
  - e) 22 Manly: Site and remains of Brightside cargo wharf Stuart Street, Manly
  - f) 23 Manly: Site and remains of harbourside pool and steps Stuart Street, Manly
  - g) 24 Manly: Remains of Manly Public Baths East Esplanade, Manly
46. **Added** Lot 1, DP544297, Public Reserve adjacent to Spring Cove adjoining St Patrick's Estate.

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#### 8. New land use definitions and development standards.

Hundreds of new land use definitions have been introduced by the Standard Instrument template. In many ways this is helpful as it clarifies and distinguishes between varying degrees of land use intensity.

Some newly defined land uses will be prohibited across the whole LGA as they are not suitable, within the constraints of the built and natural environment of Manly. For example: *Agriculture Land uses, including: animal boarding or training facilities etc. Rural Supplies, Air transport facilities, Crematorium.*

The Draft LEP contains provisions and mapping to control minimum lot size, height of buildings and floor space ratio. They can no longer be included in a DCP. The Standard Instrument also specifies controls relating to miscellaneous permissible uses.

Notable comparative definitions and related development standards are outlined below:

Definition in Current LEP or 1980 Model Provisions	Standard Instrument Definition and relevant Development Standards in Draft LEP
<b>commercial premises</b> means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.	<b>commercial premises</b> means any of the following: (a) business premises, (b) office premises, (c) retail premises.
<b>Retail premises</b> not separately defined.	<b>retail premises</b> means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:  (a) bulky goods premises, (b) cellar door premises, (c) food and drink premises, (d) garden centres, (e) hardware and building supplies, (f) kiosks, (g) landscaping material supplies, (h) markets, (i) plant nurseries, (j) roadside stalls, (k) rural supplies, (l) shops, (m) timber yards, (n) vehicle sales or hire premises, but does not include highway service centres, service stations, industrial retail outlets or restricted premises.  <b>Note.</b> Retail premises are a type of <b>commercial premises</b> —see the definition of that term in this Dictionary.
<b>shop</b> means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause.  <b>general store</b> means a shop used for the sale	<b>shop</b> means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.  <b>Note.</b> Shops are a type of <b>retail premises</b> —see the definition

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by retail of general merchandise and which may include the facilities of a post office.	of that term in this Dictionary.
<p><b>small shop</b> means a small shop within the meaning of section 78B of the <a href="#">Shops and Industries Act 1962</a>, with a total floor space not exceeding 50 square metres (excluding any residence attached or within the curtilage of the building) and used for any purpose listed in Schedule 1.</p> <p>Schedule 1 uses are as follows: Antique shop, art gallery beautician butcher dressmaker, general store, hairdresser, newsagent, tailor"</p> <p><b>Note.</b> A <i>small shop</i> is permitted with consent in the Residential zone under the MLEP 1988.</p>	<p><b>neighbourhood shop</b> means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.</p> <p><b>Note.</b> See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.</p> <p>Neighbourhood shops are a type of <b>shop</b>—see the definition of that term in this Dictionary.</p> <p><b>Development Standards for Neighbourhood shops</b></p> <p>If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.</p>
Kiosk not currently defined	<p><b>kiosk</b> means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.</p> <p><b>Development Standards for Kiosks</b></p> <p>If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 55 square metres.</p>
<b>refreshment room</b> means a restaurant, cafe, tea room, eating house or the like.	<p><b>food and drink premises</b> means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:</p> <ul style="list-style-type: none"> <li>(a) a restaurant or cafe,</li> <li>(b) take away food and drink premises,</li> <li>(c) a pub.</li> </ul> <p><b>Note.</b> Food and drink premises are a type of <b>retail premises</b>—see the definition of that term in this Dictionary.</p>
<p><b>bulky goods</b> means large goods which are, in the opinion of the council, of such a size and shape as to require:</p> <ul style="list-style-type: none"> <li>(a) a large area for handling, storage or display, and</li> <li>(b) easy and direct vehicular access to enable the goods to be collected by customers after sale.</li> </ul>	<p><b>bulky goods premises</b> means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:</p> <ul style="list-style-type: none"> <li>(a) a large area for handling, display or storage, and</li> <li>(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,</li> </ul> <p>and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.</p> <p><b>Note.</b> Bulky goods premises are a type of <b>retail premises</b>—see the definition of that term in this Dictionary.</p>
<b>industrial retail outlet</b> not defined	<p><b>industrial retail outlet</b> means a building or place that:</p> <ul style="list-style-type: none"> <li>(a) is used in conjunction with an industry or rural industry, and</li> <li>(b) is situated on the land on which the industry or rural industry is located, and</li> <li>(c) is used for the display or sale (whether by retail or</li> </ul>



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	<p>wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.</p> <p><b>Note.</b> See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.</p> <p><b>Development Standards Industrial retail outlets</b></p> <p>If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:</p> <p>(a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>
<p><b>tourist facilities</b> means an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.</p>	<p><b>tourist and visitor accommodation</b> means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:</p> <p>(a) backpackers' accommodation,</p> <p>(b) bed and breakfast accommodation,</p> <p>(c) farm stay accommodation,</p> <p>(d) hotel or motel accommodation,</p> <p>(e) serviced apartments,</p> <p>but does not include:</p> <p>(f) camping grounds, or</p> <p>(g) caravan parks, or</p> <p>(h) eco-tourist facilities.</p>
<p><b>backpacker accommodation</b> means a building used to provide low-cost accommodation for travellers, which includes dormitories, but is not used as a principal place of residence.</p>	<p><b>backpackers' accommodation</b> means a building or place that:</p> <p>(a) provides temporary or short-term accommodation on a commercial basis, and</p> <p>(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and</p> <p>(c) provides accommodation on a bed or dormitory-style basis (rather than by room).</p> <p><b>Note.</b></p> <p>Backpackers' accommodation is a type of <b>tourist and visitor accommodation</b>—see the definition of that term in this Dictionary.</p>
<p><b>bed and breakfast accommodation</b> means a dwelling which:</p> <p>(a) provides temporary overnight accommodation for the short-term traveller,</p> <p>(b) offers at least breakfast for guests,</p> <p>(c) does not accommodate more than 2 adult guests with or without accompanying children,</p> <p>(d) does not contain facilities in rooms for the preparation of meals by guests, and</p> <p>(e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the accommodation facility and who normally reside in the dwelling.</p>	<p><b>bed and breakfast accommodation</b> means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:</p> <p>(a) meals are provided for guests only, and</p> <p>(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and</p> <p>(c) dormitory-style accommodation is not provided.</p> <p><b>Note.</b> See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.</p> <p>Bed and breakfast accommodation is a type of <b>tourist and visitor accommodation</b>—see the definition of that term in this Dictionary.</p> <p><b>Development Standards for Bed and breakfast accommodation</b></p> <p>If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.</p>

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	<p><b>Note.</b> Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i>.</p>
<b>Eco tourist facility</b> not defined	<p><b>eco-tourist facility</b> means a building or place that:</p> <ul style="list-style-type: none"> <li>(a) provides temporary or short-term accommodation to visitors on a commercial basis, and</li> <li>(b) is located in or adjacent to an area with special ecological or cultural features, and</li> <li>(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.</li> </ul> <p>It may include facilities that are used to provide information or education to visitors and to exhibit or display items.</p> <p><b>Note.</b> See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.</p> <p>Eco-tourist facilities are not a type of <b>tourist and visitor accommodation</b>—see the definition of that term in this Dictionary.</p>
<p><b>home occupation</b> means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:</p> <ul style="list-style-type: none"> <li>(a) the registration of the building under the <a href="#">Factories, Shops and Industries Act 1962</a>,</li> <li>(b) the employment of persons other than those residents,</li> <li>(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</li> <li>(d) the display of goods, whether in a window or otherwise,</li> <li>(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or</li> <li>(f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.</li> </ul>	<p><b>home occupation</b> means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:</p> <ul style="list-style-type: none"> <li>(a) the employment of persons other than those residents, or</li> <li>(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or</li> <li>(c) the display of goods, whether in a window or otherwise, or</li> <li>(d) the exhibition of any signage (other than a business identification sign), or</li> <li>(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.</li> </ul> <p><b>home-based child care</b> means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:</p> <ul style="list-style-type: none"> <li>(a) the service is licensed within the meaning of the <a href="#">Children and Young Persons (Care and Protection) Act 1998</a>,</li> <li>(b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.</li> </ul> <p><b>home business</b> means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:</p> <ul style="list-style-type: none"> <li>(a) the employment of more than 2 persons other than those residents, or</li> <li>(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or</li> <li>(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or</li> <li>(d) the exhibition of any signage (other than a business identification sign), or</li> <li>(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.</li> </ul>

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## ATTACHMENT 2

### Planning And Strategy Division Report No. 18 - Draft Manly Local Environmental Plan 2011 Summary comparison of current and draft LEP and associated information

	<p><b>Note.</b> See clause 5.4 for controls relating to the floor area used for a home business.</p> <p><b>Development Standard for Home businesses</b> If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than <b>50</b> square metres of floor area.</p>
<p><b>home industry</b> means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:</p> <p>(a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and</p> <p>(b) the industry does not:</p> <ol style="list-style-type: none"> <li>interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,</li> <li>involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or</li> <li>require the provision of any essential service main of a greater capacity than that available in the locality.</li> </ol>	<p><b>home industry</b> means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:</p> <ol style="list-style-type: none"> <li>the employment of more than 2 persons other than those residents,</li> <li>interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,</li> <li>the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,</li> <li>the exhibition of any signage (other than a business identification sign),</li> <li>the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.</li> </ol> <p><b>Note.</b> See clause 5.4 for controls relating to the floor area used for a home industry. Home industries are a type of <b>light industry</b>—see the definition of that term in this Dictionary.</p> <p><b>Development Standard for Home industries</b> If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than <b>50</b> square metres of floor area.</p>
<p><b>Brothel</b> has the same meaning as in the Act.</p> <p><b>brothel</b> means a brothel within the meaning of the <a href="#">Restricted Premises Act 1943</a>, other than premises used or likely to be used for the purposes of prostitution by no more than one prostitute.</p> <p>Note. Council's policy to-date has been that sex service premises should only be permitted within the Industrial zone.</p>	<p><b>brothel</b> has the same meaning as in the Act.</p> <p><b>sex services</b> means sexual acts or sexual services in exchange for payment.</p> <p><b>sex services premises</b> means a brothel, but does not include home occupation (sex services).</p> <p>Draft LEP permits sex services premises (with consent) in IN2 Light Industrial and local model clause (6.17) provides considerations regarding their location.</p>
<p><b>light industry</b> means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.</p>	<p><b>light industry</b> means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:</p> <ol style="list-style-type: none"> <li>high technology industry,</li> <li>home industry.</li> </ol>
<p><b>recreation area</b> means:</p> <ol style="list-style-type: none"> <li>a children's playground,</li> </ol>	<p><b>recreation area</b> means a place used for outdoor recreation that is normally open to the public, and includes:</p>



## ATTACHMENT 2

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<p>(b) an area used for sporting activities or sporting facilities,</p> <p>(c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:</p> <p>(i) the council, or</p> <p>(ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community, but does not include a racecourse or a showground.</p>	<p>(a) a children's playground, or</p> <p>(b) an area used for community sporting activities, or</p> <p>(c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</p>
<p><b>recreation facility</b> means:</p> <p>(a) a building or place used for indoor recreation,</p> <p>(b) a billiard saloon,</p> <p>(c) a table tennis centre,</p> <p>(d) a squash court,</p> <p>(e) a swimming pool,</p> <p>(f) a gymnasium,</p> <p>(g) a health studio,</p> <p>(h) a bowling alley, or</p> <p>(i) any other building of a like character used for recreation, whether used for the purpose of gain or not, but does not include a place of assembly or an amusement centre.</p>	<p><b>recreation facility (indoor)</b> means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</p> <p><b>recreation facility (major)</b> means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.</p> <p><b>recreation facility (outdoor)</b> means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).</p>
<p><b>Seniors housing</b> – not defined</p>	<p><b>seniors housing</b> means a building or place that is:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel within the meaning of clause 12 of <a href="#">State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</a>, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:</p> <p>(e) seniors or people who have a disability, or</p> <p>(f) people who live in the same household with seniors or people who have a disability, or</p> <p>(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.</p> <p><b>Note.</b> Seniors housing is a type of <b>residential accommodation</b>—see the definition of that term in this Dictionary.</p>
<p><b>residential use</b> means a dwelling (including an</p>	<p><b>residential accommodation</b> means a building or place used</p>



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### Planning And Strategy Division Report No. 18 - Draft Manly Local Environmental Plan 2011 Summary comparison of current and draft LEP and associated information

<p>ancillary residence), a dwelling-house or a multi-dwelling development.</p>	<p>predominantly as a place of residence, and includes any of the following:</p> <ul style="list-style-type: none"> <li>(a) attached dwellings,</li> <li>(b) boarding houses,</li> <li>(c) dual occupancies,</li> <li>(d) dwelling houses,</li> <li>(e) group homes,</li> <li>(f) hostels,</li> <li>(g) multi dwelling housing,</li> <li>(h) residential flat buildings,</li> <li>(i) rural workers' dwellings,</li> <li>(j) secondary dwellings,</li> <li>(k) semi-detached dwellings,</li> <li>(l) seniors housing,</li> <li>(m) shop top housing,</li> </ul> <p>but does not include tourist and visitor accommodation or caravan parks.</p>
<p>The Manly Residential DCP defines <b>Family Flats</b> :</p> <p><b>Family flat</b> means a second dwelling built within the envelope of the original dwelling or attached at ground level to the original dwelling, where the development meets the provisions and objectives of a single dwelling-house (except density provisions), but:</p> <ul style="list-style-type: none"> <li>a) is not more than 75m<sup>2</sup> in gross floor area; and,</li> <li>b) shall not be separately titled.</li> </ul>	<p><b>secondary dwelling</b> means a self-contained dwelling that:</p> <ul style="list-style-type: none"> <li>(a) is established in conjunction with another dwelling (the <b>principal dwelling</b>), and</li> <li>(b) is on the same lot of land as the principal dwelling, and</li> <li>(c) is located within, or is attached to, or is separate from, the principal dwelling. *</li> </ul> <p><b>Note.</b> See clause 5.4 [of the Draft LEP] for controls relating to the total floor area of secondary dwellings.</p> <p><b>Note. 5.4 (9) Secondary dwellings</b></p> <p>If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:</p> <ul style="list-style-type: none"> <li>(a) 60 square metres,</li> <li>(b) 30% of the total floor area of the principal dwelling.</li> </ul> <p>*current definition of 'Family Flat' will not be permitted under the Standard Instrument. The <i>Family Flat</i> is an attached 'granny flat' style development. However, <i>Secondary Dwellings</i> may be attached or detached.</p>

**9. Final Outstanding issues.**

**St Patrick's Estate**

The Department has continued to advise that many controls for St Patrick's Estate should be removed from the LEP and contained in the DCP. Council has maintained that Part 7 Special Provisions for St Patrick's Estate will be submitted in the Draft LEP as they are a result of extensive negotiations still relevant to the land and part of the gazetted current LEP.

**Secondary dwellings definition**

Secondly, the secondary dwelling definition permits a dwelling that is not attached to the principal dwelling albeit on the same lot of land.

Manly Council has made representations to the Department regarding the fact that the inability to proceed with separate definitions of 'attached' and 'detached' may negatively affect the provision of secondary dwellings in zones where it is not appropriate to allow a larger separate footprint, especially in environmental zones in the foreshore areas of Manly.

In E3 Environmental Management and E4 Environmental Living where the zone prohibits Secondary dwellings but it is desirable to enable secondary dwellings within or attached to the principle dwelling to be permitted Schedule 1 'Additional permitted uses' provides for this.

However, the Department requires legal descriptions to identify the land to which Schedule 1 applies rather than an entire zone. Council believes this is not feasible for over one hundred properties that are subject to ongoing changes in title and property descriptions. The simplest solution is for the DG to agree to Council drafting separate definitions for attached and detached Secondary dwellings. The department, so far maintain that the definition of *Secondary Dwelling* may not be altered.

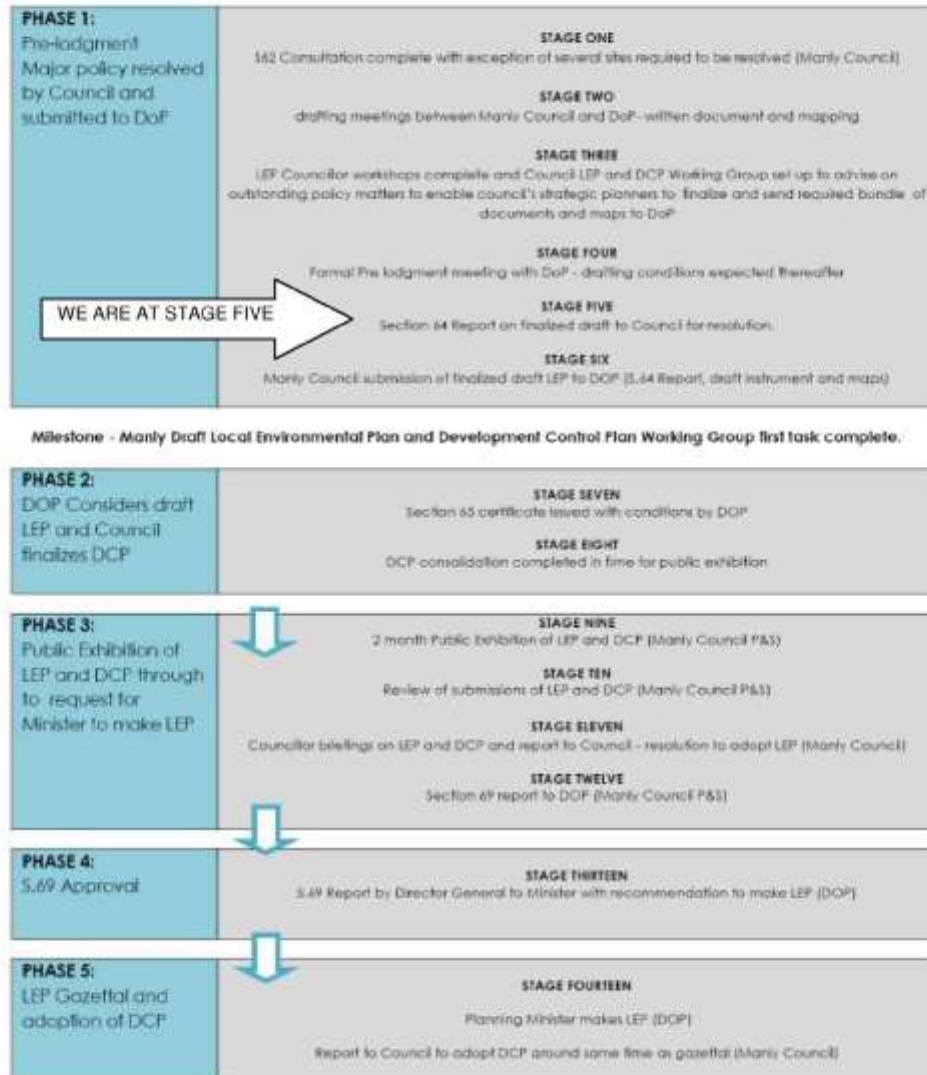
**Council has requested a meeting with the Director General to discuss and resolve drafting for St Patrick's Estate and the definition of Secondary dwellings.**

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### Planning And Strategy Division Report No. 18 - Draft Manly Local Environmental Plan 2011 Summary comparison of current and draft LEP and associated information

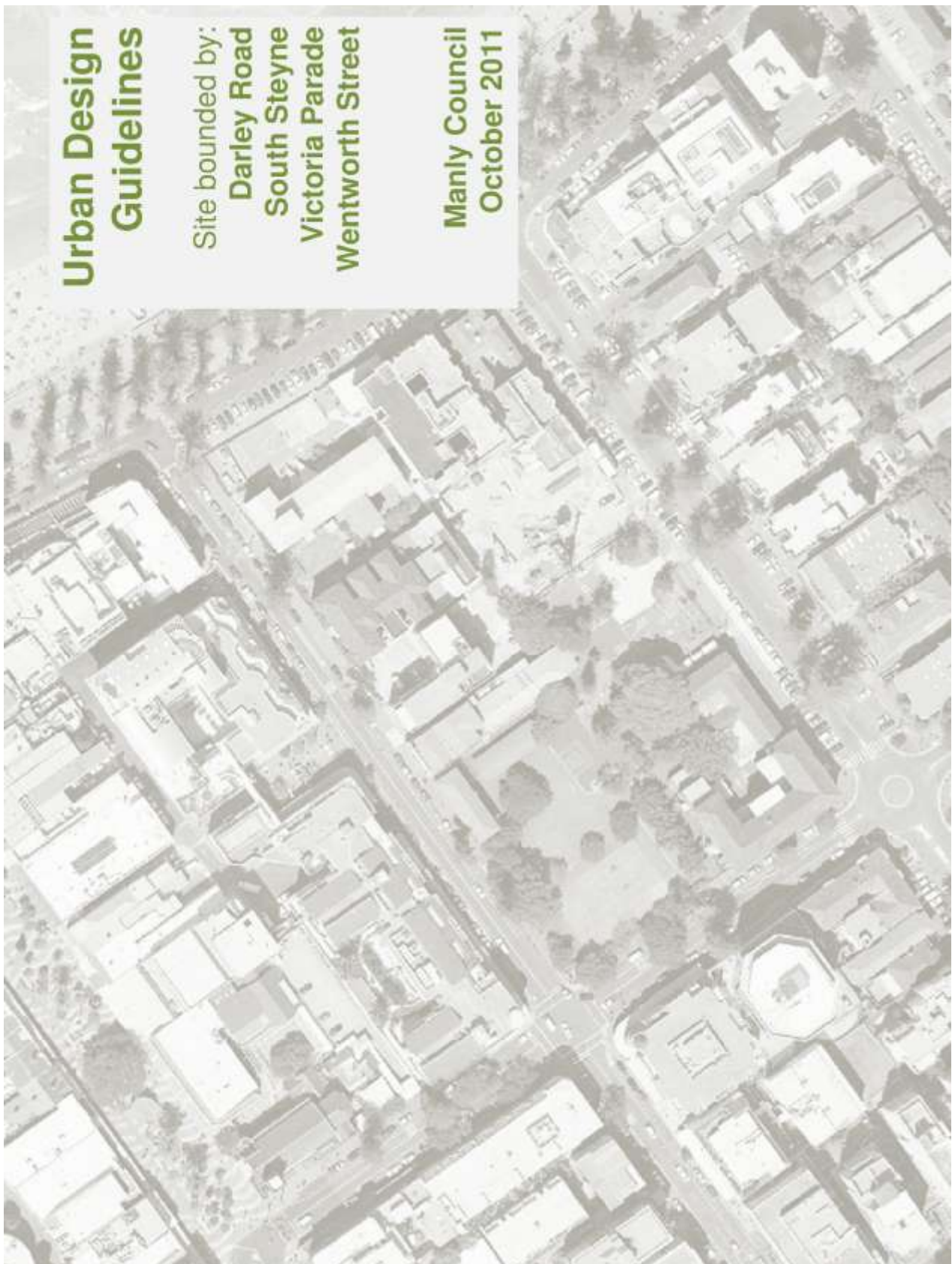
#### 10. Draft LEP - Plan Making Process

##### Process for Drafting Manly (Comprehensive) LEP 2011 and Manly Consolidated DCP - Key stages



### ATTACHMENT 3

#### Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines





# Urban Design Guidelines-Street Block Manly Town Centre

Resolution of Council, 14 February, 2011:

*“ That design control guidelines be prepared for the site bounded by Wentworth St, Darley Rd, Victoria Parade and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified. ”*

- Draft urban design framework prepared.
- Key design principles and vision.
- Guides positive change in public interest.
- Basis for DCP and more detailed designs.

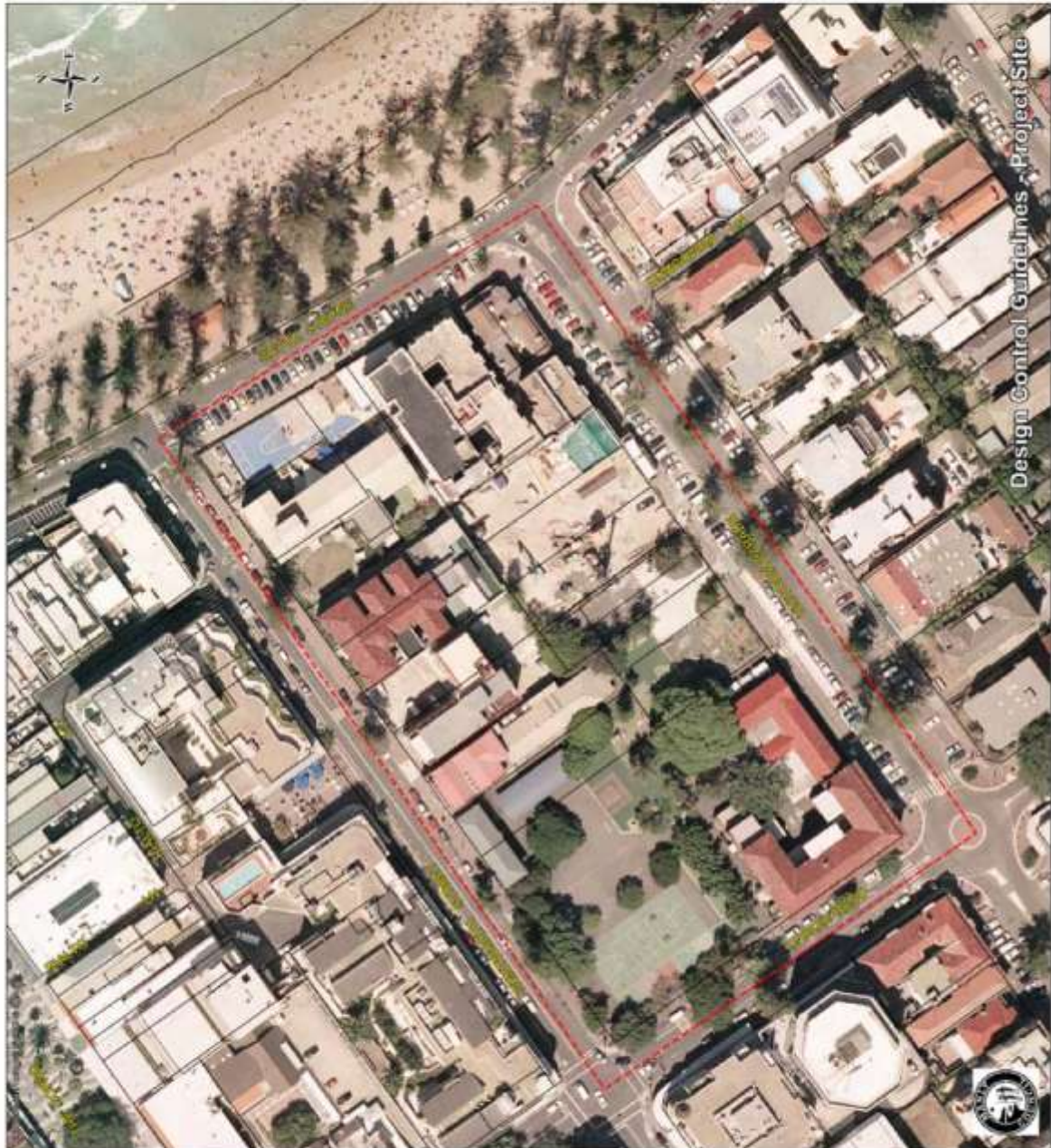


Location

### ATTACHMENT 3

#### Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines

Urban Design Guidelines- Project Site



Design Control Guidelines - Project Site

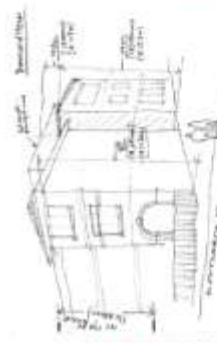
## Context- Planning Policy and Legislation

<p><b>NSW</b></p> <ul style="list-style-type: none"> <li>• EP&amp;A Act 1979</li> <li>• Repealed Part 3A DG Requirements</li> <li>• Environmental Planning Instruments</li> <li>• Guidelines             <ul style="list-style-type: none"> <li>• Including Residential Flat Design Guide for RFB's</li> </ul> </li> <li>• Metro and Sub-Regional Strategy</li> </ul>	<p><b>Local</b></p> <ul style="list-style-type: none"> <li>• LEP</li> <li>• DCPs</li> <li>• Policies</li> <li>• Emerging LEP and DCP</li> <li>• Site Specific DCP requirement</li> </ul>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



## Urban Design – Existing Context

- Layout/ building lines
- Connections, Public Spaces and Plazas
- Streetscape
- Ownership and Use
- Mix of uses
- Heritage
- Height of Buildings
- Natural features
- Other fixed features  
e.g. school, residential etc





## ATTACHMENT 3

### Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines



5.8m wide footpath b/w Wentworth St and The Corso



Existing 3.6m existing footpath width RFW site will not allow out door seating if building aligned with property boundary as in photo 3



5.8m wide footpath b/w Wentworth St and The Corso



Existing footpath width here of 3.3m will not allow outdoor eating

## Critique of RFW Indicative Concept Plan

This was the first conceptual massing model /uses RFW submitted under Part 3A. It does not demonstrate consideration of the following as required by Director General:

- Height, bulk and scale within context
- Details of proposed opens space and landscaped areas, interface with public domain, provision of linkages with and between other public spaces.
- Amenity including: Solar access, view loss and wind impacts.
- Transport and assess.
- ESD.
- Heritage.
- Address relevant EPI's including Current and Draft Manly LEP's



### RFW HAVE PROPOSED THE FOLLOWING:

- 7,500 sq m Royal Far West Health Facility (BLUE)
  - 1,300 sq m Retail (PURPLE)
  - 7,500 sq m Hotel (YELLOW)
  - 10,000 sq m Residential (ORANGE)
- ...ie Total 26,300 sq m

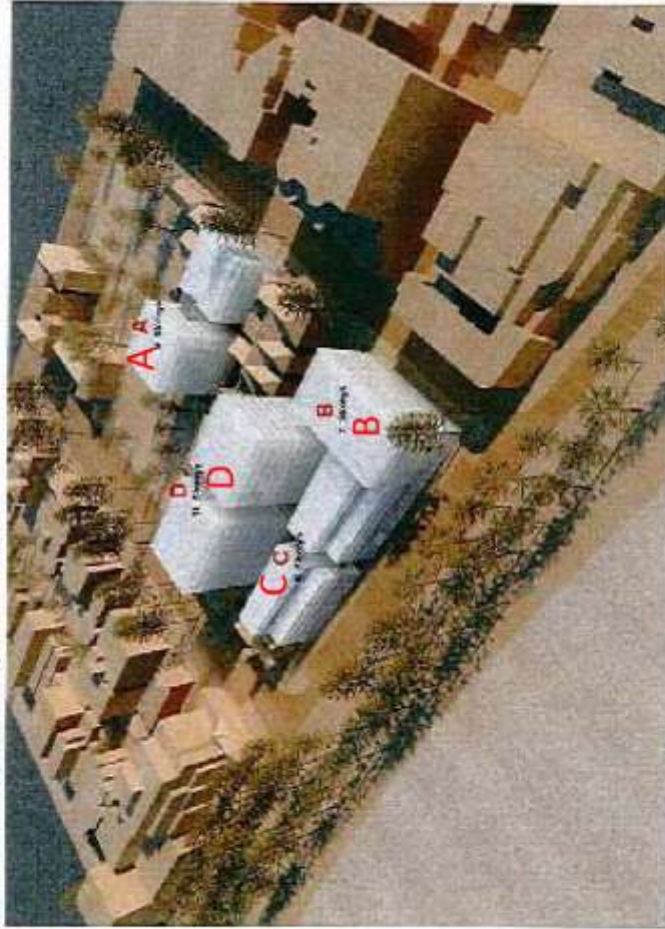


## Critique of RFW Indicative Concept Plan

Buildings **A** = 9 and 6 storey's  
 Building **B** = 7 storey's  
 Building **C** = 4 or 5, + 6 storey's  
 Buildings **D** = 11 storey's

### 4.3 Built Form

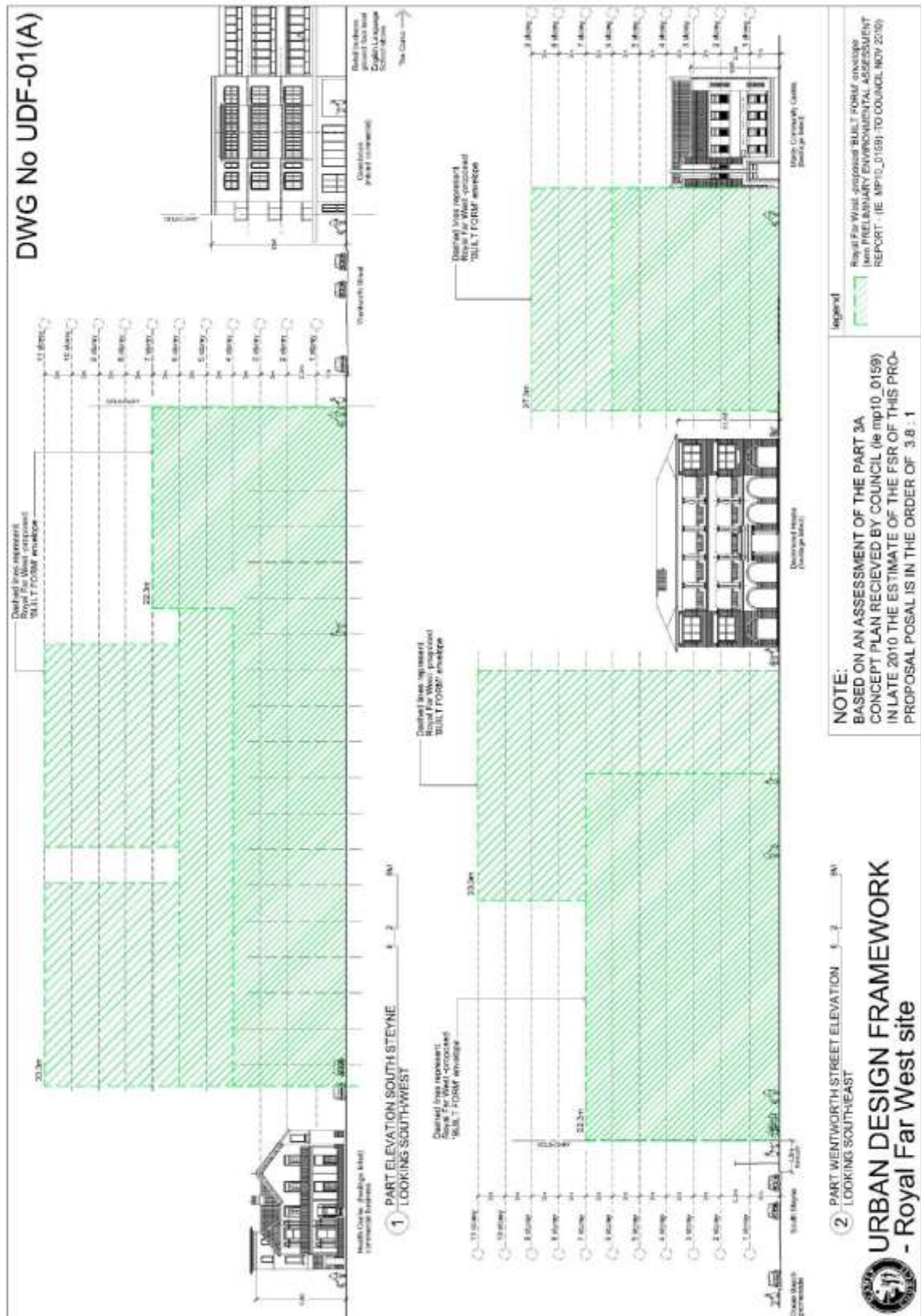
Figure 5 - Indicative Development Concept -



Prepared by Architectus

Excerpt from proposed expansion of the existing Manly Urban Design Framework  
 2010' document

# Critique of RFW Concept Plan- Heritage Context





## Manly Council Draft Urban Design Guidelines

### 5 Key Design Principles

#### 1. Urban Structure, Activity and Street Life

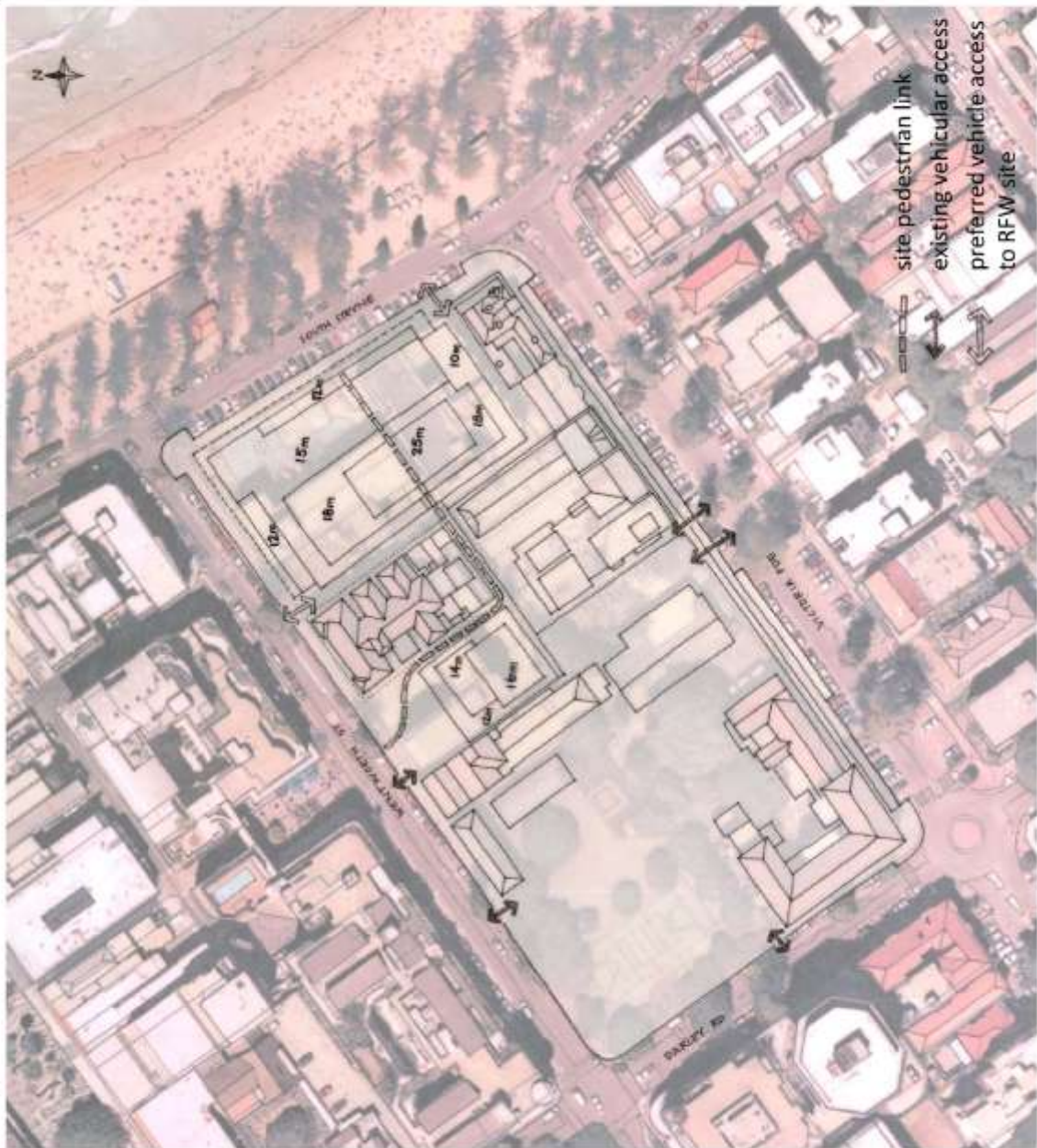
■. Urban Form

■. Street Elements

■. Transport Access and Servicing

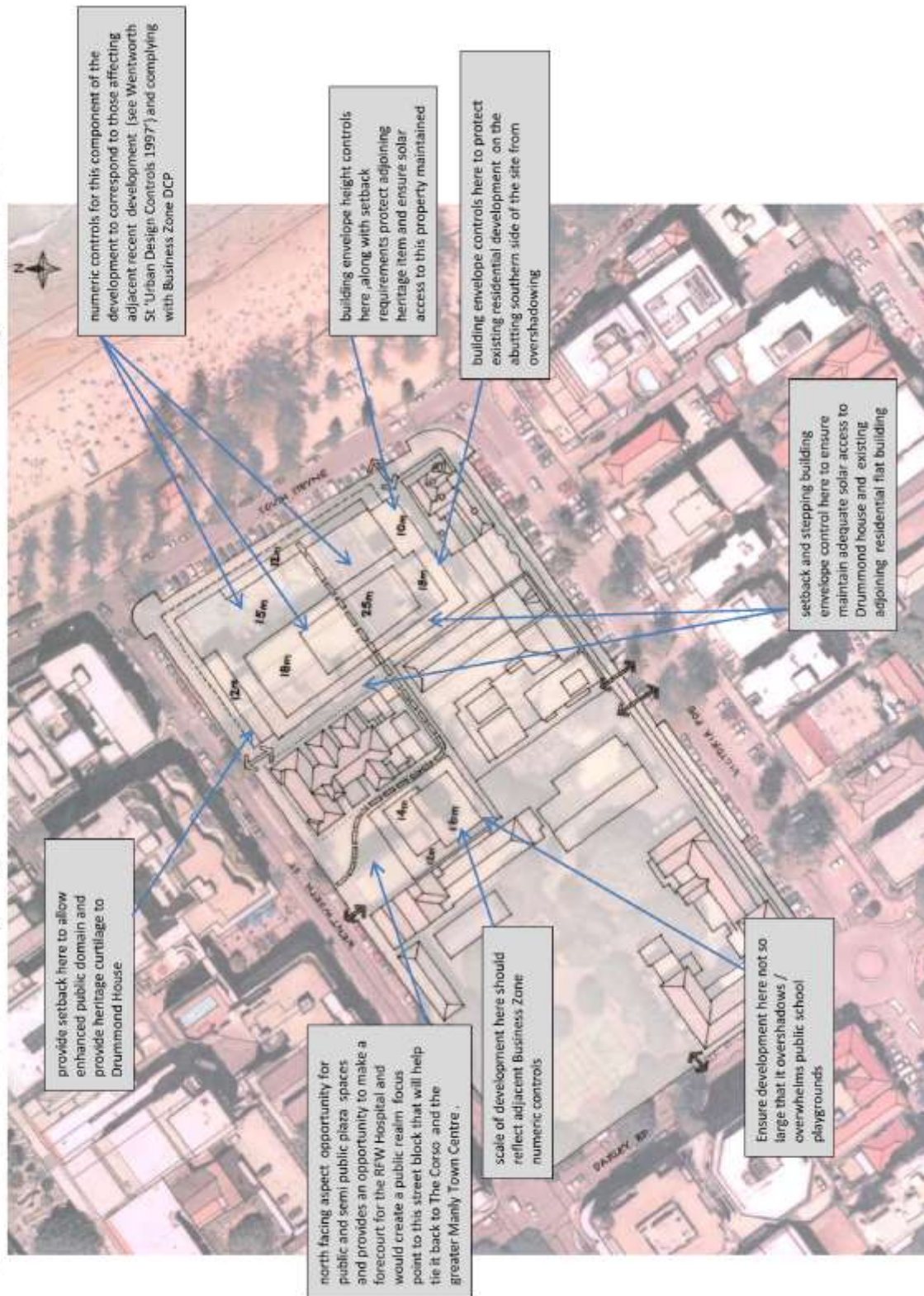
■. Environment

Manly Council -Draft Urban Design Framework diagram





# Manly Council -Draft Urban Design Framework diagram



## Building Envelopes

conclusion and disengagement outputs



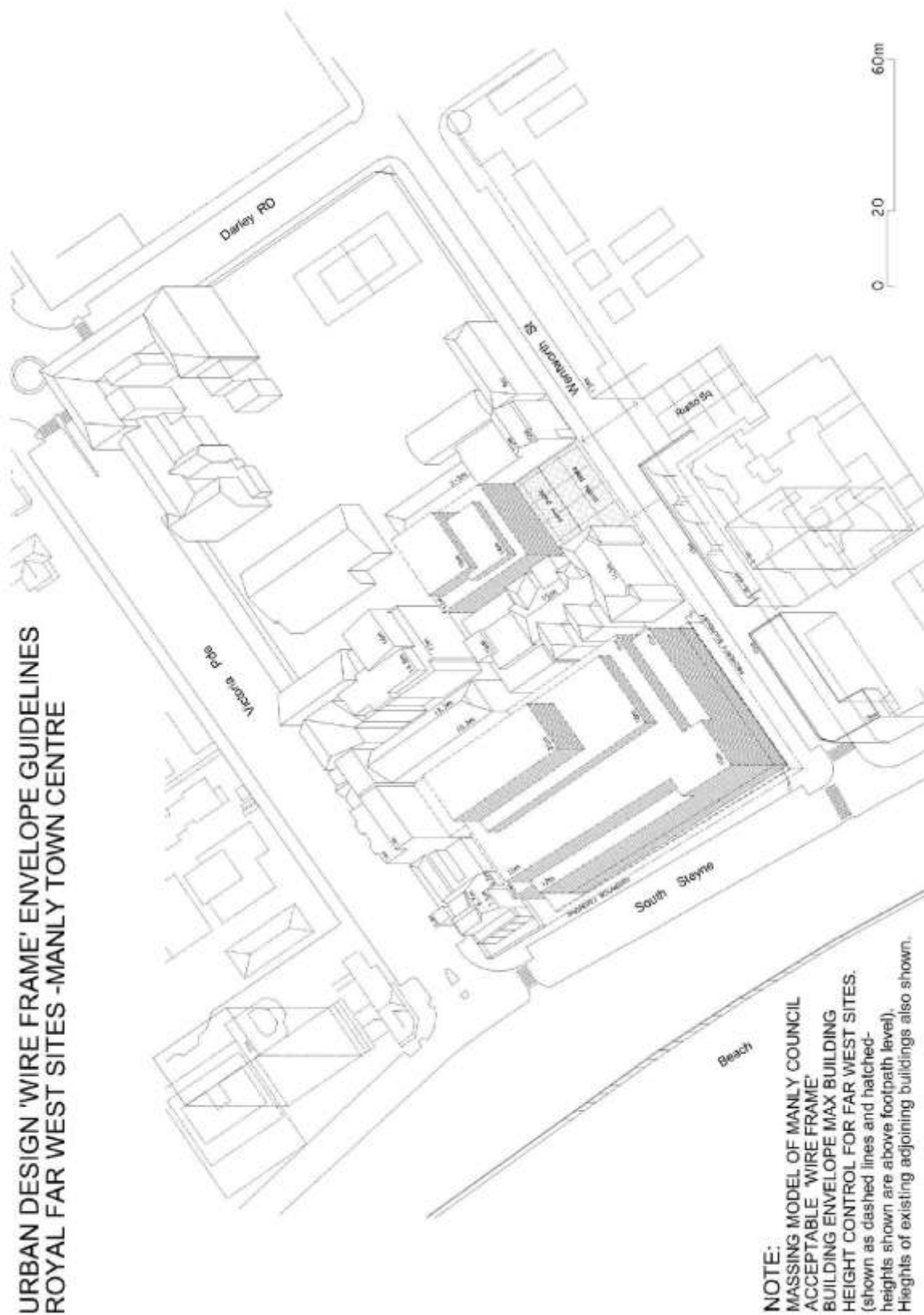
On 26, a further reduction in the number of infected patients was observed. According to the authors, the reduction in the number of infected patients was due to the implementation of the control measures.

## Excerpt from SEPP 65 Residential Flat Design



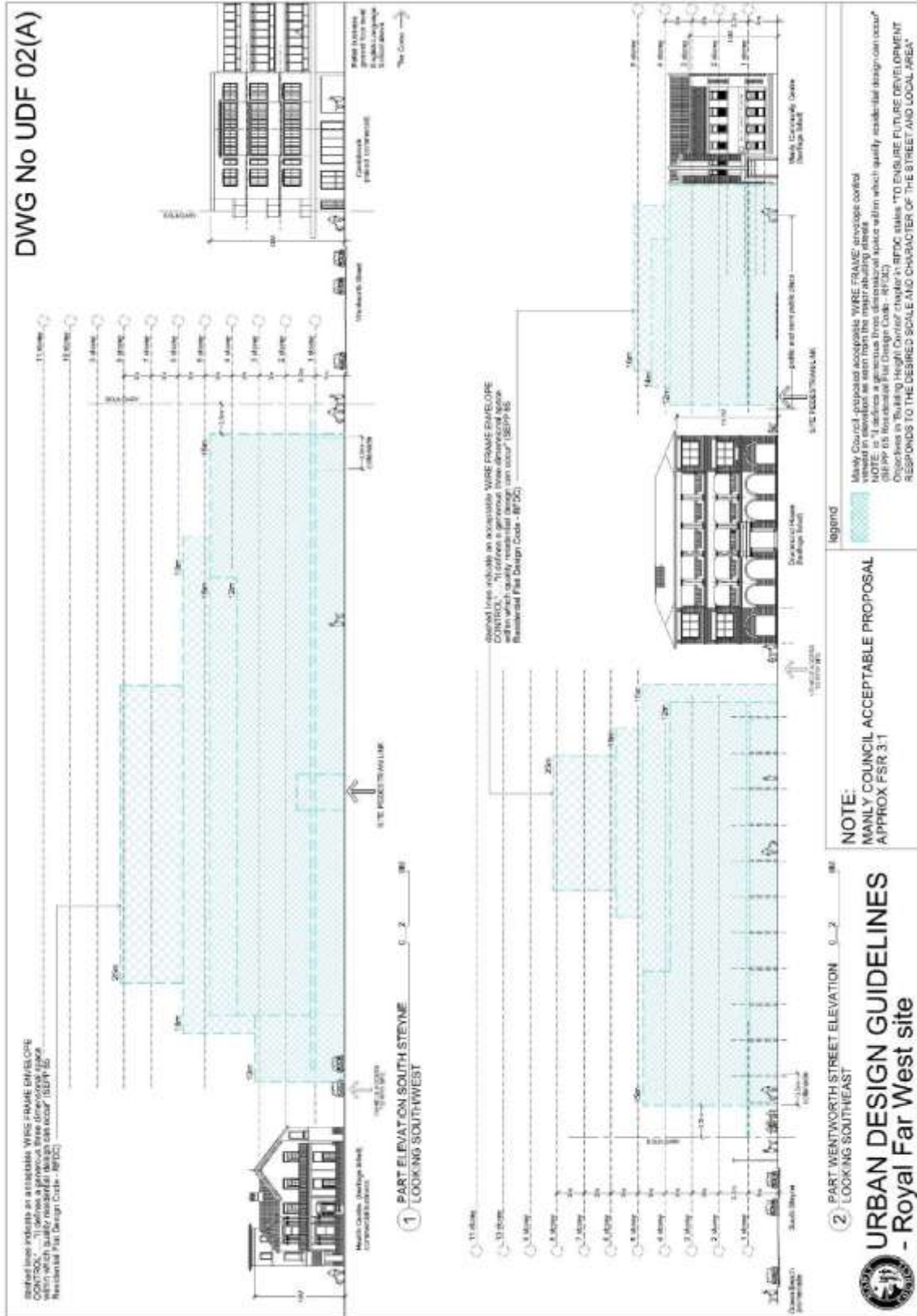
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## Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines



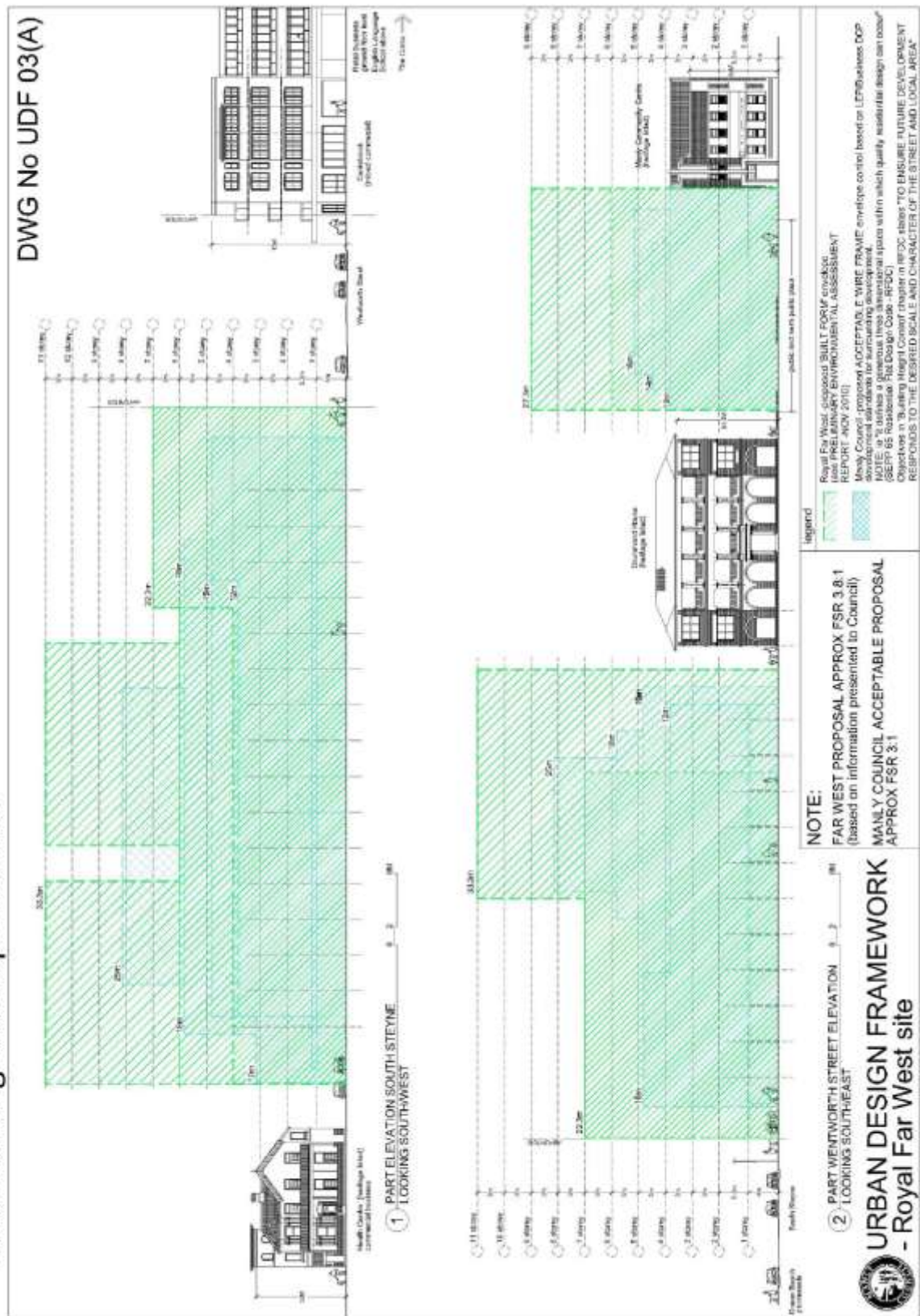
**Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly**  
**Urban Design Guidelines**

# Manly Council Design Guidelines- Wire frame maximum envelope control



**Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines**

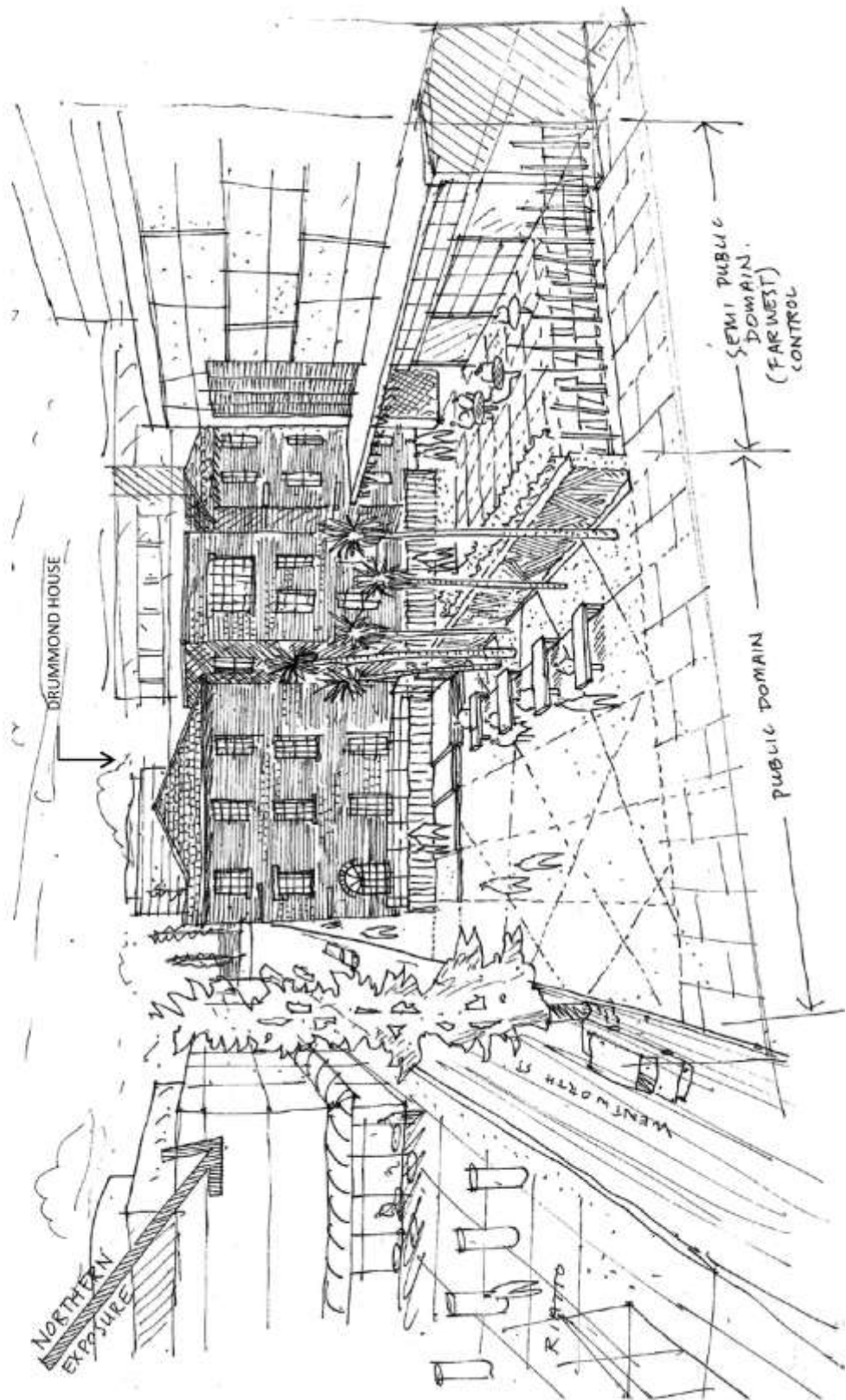
**COMPARISON b/w RFW Concept + Manly Council Design guidelines wire frame  
max Building Envelope Control**





# PUBLIC DOMAIN OPPORTUNITY- PLAZA SPACE ON WENTWORTH ST OPPOSITE RIALTO SQ

- Enhance public domain as part of bigger Town Centre site
- Forecourt in front of possible Royal Far West hospital bldg (public and semi public space)
- Advantage of north aspect year round solar access for public space
- Forecourt framed by heritage bldgs (Drummond house and Manly Neighbourhood Centre)







## Precedence

Example of a potential Public space forecourt opposite Rialto Square-  
bathed in Northern sunlight – note public domain, ***‘public’*** and ***‘semi-public’*** spaces

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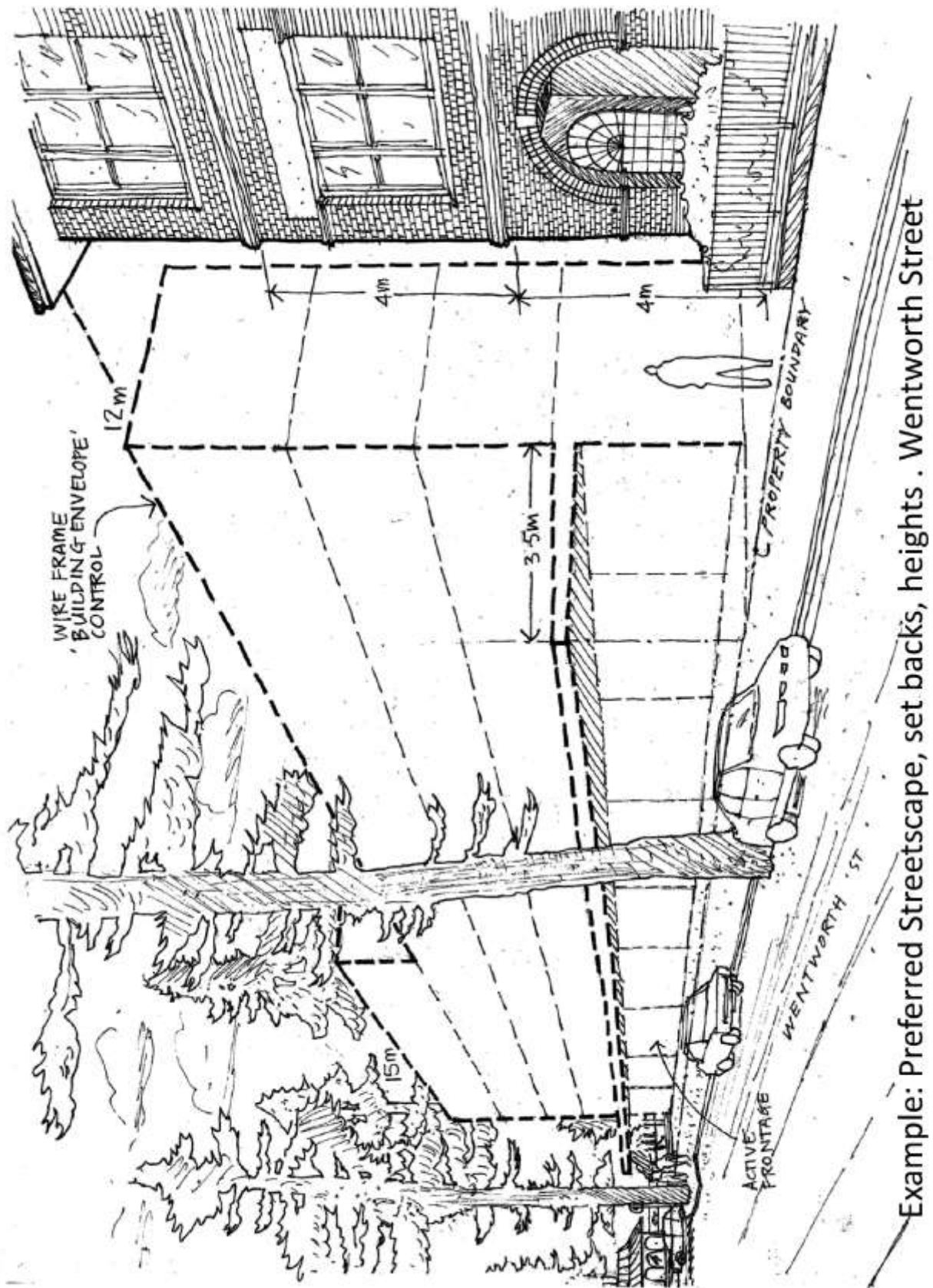


Streetscape - Wentworth St shows exist RFW building 12m wall height



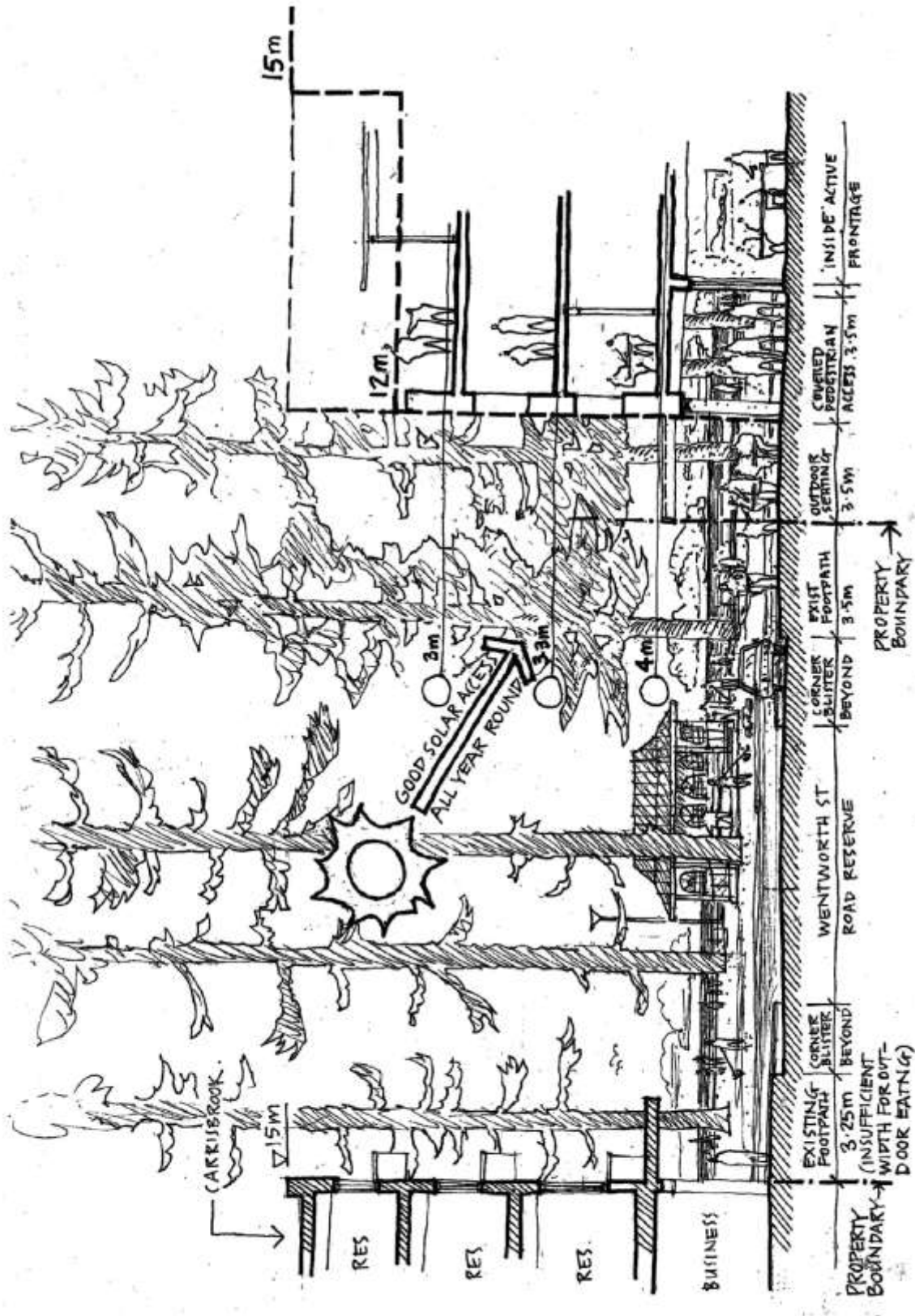
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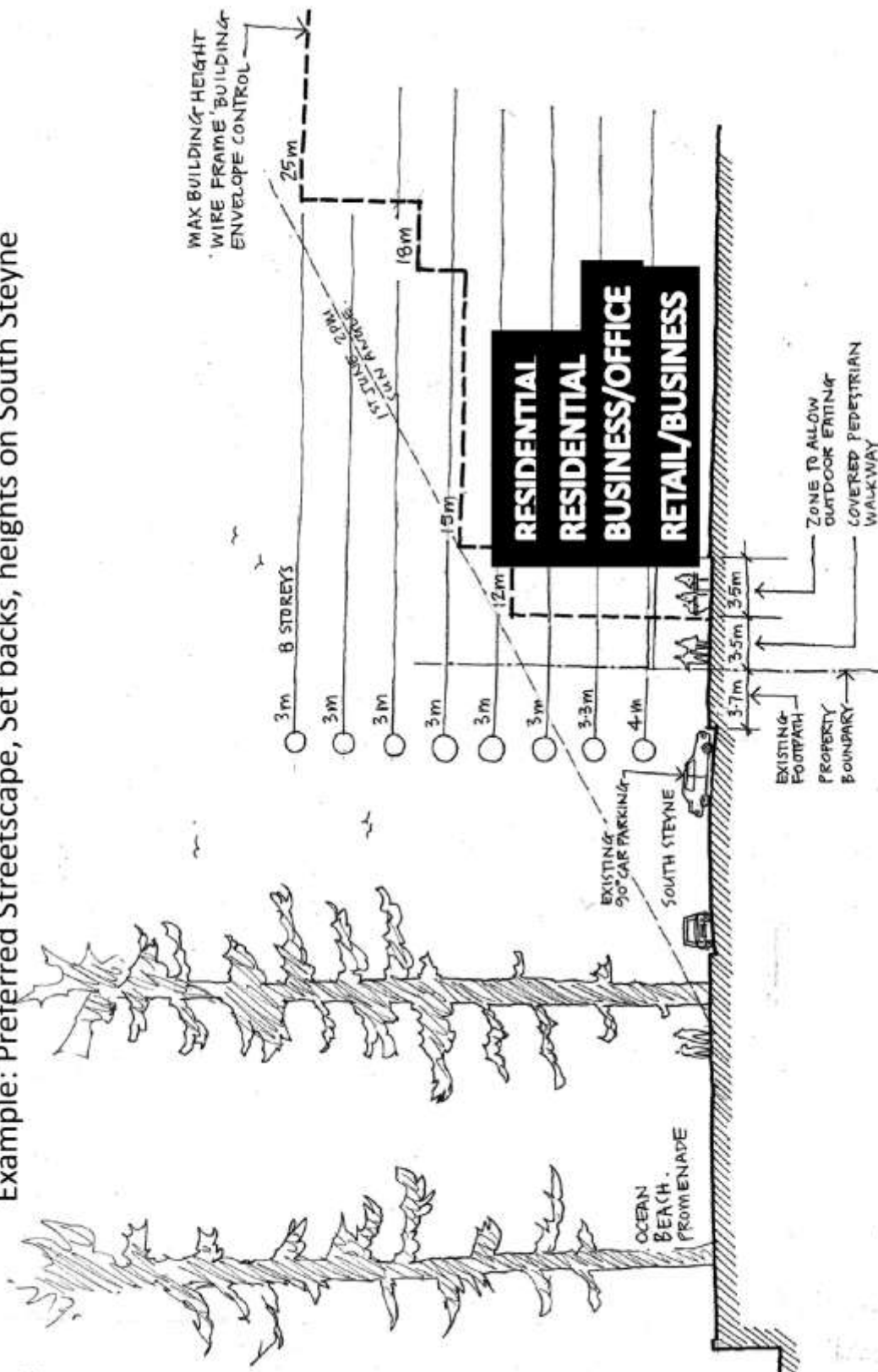
**Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines**

Example: Preferred Streetscape, Set backs, heights on Wentworth St





Example: Preferred Streetscape, Set backs, heights on South Steyne

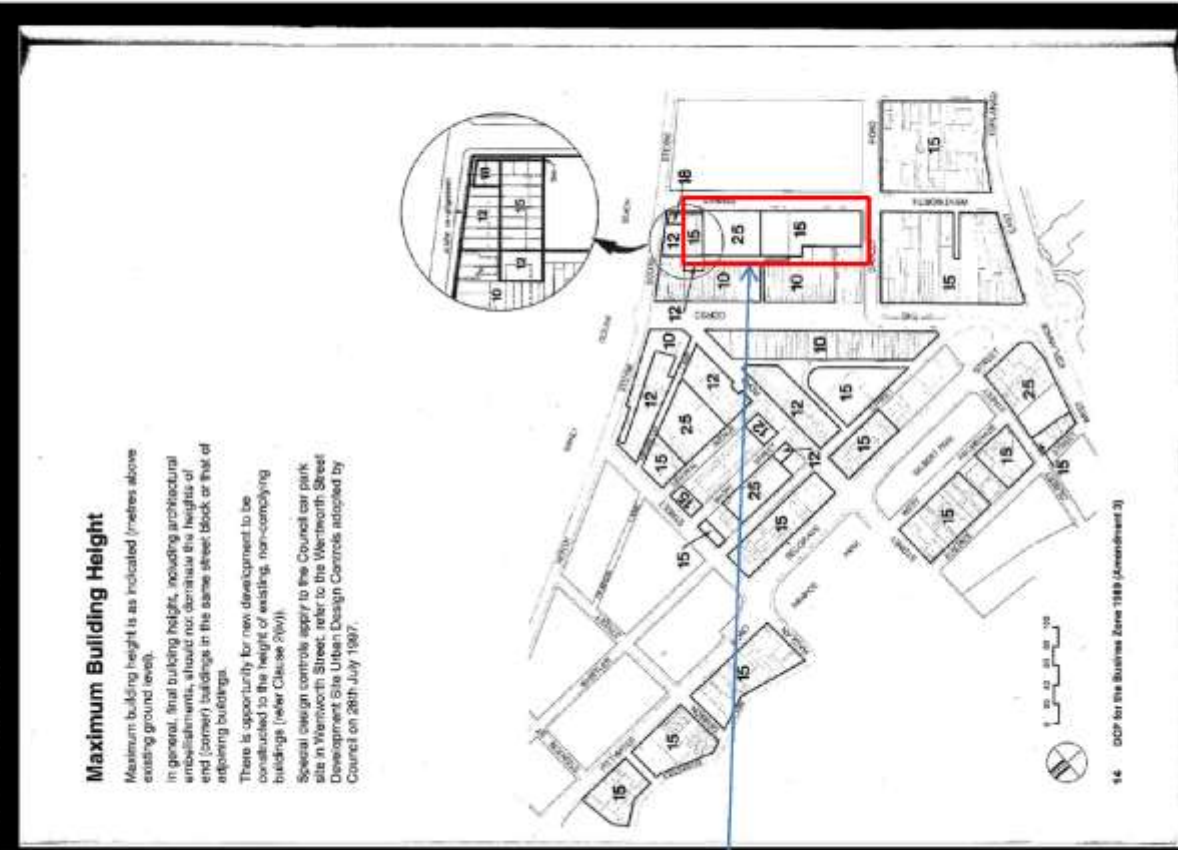


-Acceptable Building Envelope Control –South Steyne (addressing Ocean beach) and  
 -need to provide **increased width 'Public Domain' at street level** -similar to recently widened footpath b/w Wentworth St and The Corso and Raglan St)



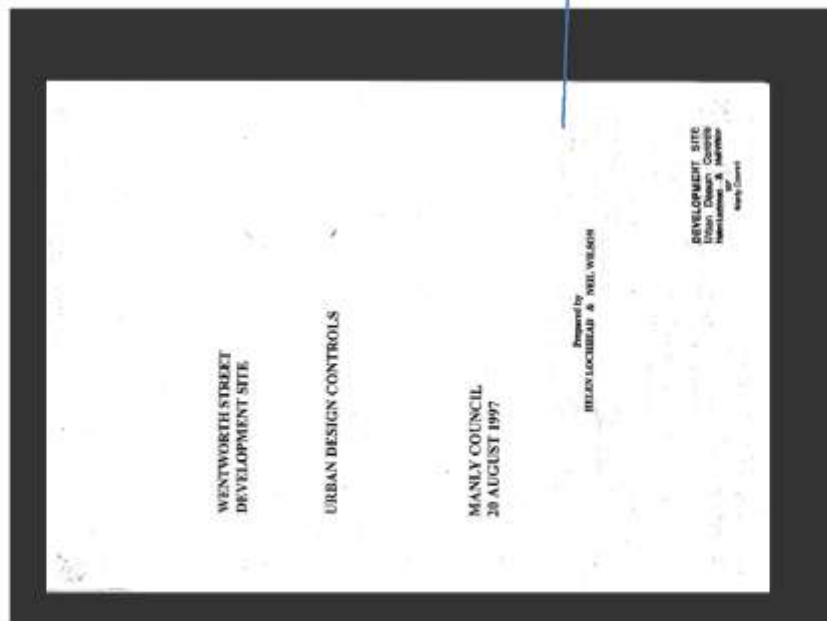
Planning And Strategy Division Report No. 19 - Draft Urban Design Framework for the Urban block located within Darley Road, South Steyne, Victoria Parade and Wentworth Street, Manly Urban Design Guidelines

(excerpt from Business DCP re Wentworth St development site)



## URBAN DESIGN CONTROLS

Site specific controls were developed for the Wentworth St site (outlined in red here) and the building height controls for the site were conditional on achievement of the Urban Design Controls requirements.



## Conclusion:-

- Draft urban design guidelines prepared.

■ Key design principles and vision.

■ Will guide positive change in public interest.

■ Basis for DCP and more detailed designs.

■ Useful to make submissions to Planning Commission in relation to RFW Part 3A application.

■