



## Attachments

## Ordinary Meeting

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

**Monday 4 June 2012**

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 Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

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

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# Manly Council



## Manly Development Control Plan for the **RESIDENTIAL ZONE** **2007 – Amendment 2**

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Planning and Strategy Branch

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**Environmental Services Division Report No. 16 - Manly Development Control Plan for the Residential Zone 2007, Amendment 2**  
**Manly DCP for Residential Zone 2007 - Amendment 2**

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**Environmental Services Division Report No. 16 - Manly Development Control Plan for the Residential Zone 2007, Amendment 2**  
**Manly DCP for Residential Zone 2007 - Amendment 2**

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## **Citation**

**This Plan is called:**

### **Manly Development Control Plan for the Residential Zone 2007 – Amendment 2**

**Short title: Manly Residential DCP (2007) – Amendment 2**

*This plan supersedes the Development Control Plan for the Residential Zone 2007.*

Manly Council adopted the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1, on 12<sup>th</sup> November 2007.

– Amendment 2, on <insert date>. This plan applies to certain land known as 15-17 Suwarrow Street and 28-34 Balgowlah Road, Fairlight.

This plan applies to certain development applications both lodged and undetermined from the date of adoption of this plan. In addition, the plan supersedes the Manly Development Control Plan for the Residential Zone 2007.

This Plan became operational on <insert date>.

Henry T Wong  
**General Manager**

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## **Dictionary**

The following definitions and interpretations **apply to this Plan**:

**Access handle** means that part of a battle-axe (or hatchet shaped) allotment, whether in fee simple or as a right of way or in combination, which serves as an access to a street or public place.

**Adaptable** is the term used to describe a dwelling that has the ability to be modified or extended at minimal cost to suit the changing need of individuals over time.

**Alterations and additions:** A development application to alter and add to a building will be taken to be that relating to a new building where more than half of the existing external fabric of the building is demolished. The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan form and the area of the lowest habitable floor.

**BASIX** (*Building Sustainability Index*), means a web-based planning tool ([www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)) that measures the potential performance of new dwellings and alterations and additions against sustainability indices.

**Carport** means a free-standing, un-enclosed roofed structure for the parking of vehicles.

**Communal open space** means open space shared by all residents of a multi-unit development and may include landscaped areas, swimming pools and other recreational facilities.

**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.

**Ecologically sustainable development** means the following statements of principle: Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation,

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
  - (ii) an assessment of the risk-weighted consequences of various options.
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,

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- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
  - (i) polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement;
  - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste; and
  - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

**Endemic plant species** means plants, which naturally occur, but not limited to, in the Manly Local Government Area, or would have existed prior to development. It includes native grasses, herbs, shrubs, palms and trees.

**Existing allotment, building or development** means an allotment, building or development (respectively) in existence at the date of the exhibition of this Plan (i.e. 20 July 2007).

**Existing natural ground level** means the level, at Australian Height Datum, of the ground at 28 May 2001.

**Existing slope** means the slope or gradient of the site at 28 May 2001.

**Family flat** 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:

- a) is not more than 75m<sup>2</sup> in gross floor area; and,
- b) shall not be separately titled.

**Floor Space Ratio (FSR)** is the ratio of the gross floor area to the site area.

**Frontage** means the property boundary line to the street to which the property is rated under the Local Government Act.

**Garage** means a partially or fully enclosed roofed structure for the parking of vehicles and includes a carport type structure attached to another structure or building.

**Geotechnical survey** means a survey which addresses:

- a) The stability of the site;
- b) The method of excavation;
- c) The impact of excavation on adjoining properties;
- d) The impact of excavation on ground water flows;
- e) The impact of excavation on acid sulphate soils;
- f) The impact on natural features;

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- g) Methods of storm water collection and disposal during the excavation and construction period; and
- h) Methods that provide advice on implementing necessary mitigating measures.

**Gross floor area** means the sum of the floor area of each storey 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 within the storey, and
- b) habitable rooms in a basement, and
- c) any shop, auditorium, cinema, and the like, in a basement or attic;

but **excludes**:

- a) any area for common vertical circulation, such as lifts and stairs, and
- b) any basement:
  - i. storage, and
  - ii. vehicular access, loading areas, garbage and services, and
- c) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- d) car parking to meet any requirements of the consent authority (including access to that car parking), and
- e) any space used for the loading or unloading of goods (including access to it), and
- f) terraces and balconies with outer walls less than 1.4 metres high, and
- g) voids above a floor at the level of a storey or storey above.

**Note:** For the purposes of calculating gross floor area, any proposed car parking which is greater than the required DCP rate of parking provision and standard dimensions (30sqm in area) will be included as gross floor area. While Council recognises that in some circumstances additional parking may be justified, the additional parking will be counted as gross floor area and FSR.

**Maximum wall height** is the greatest vertical distance from the existing natural ground level to the underside of the eaves the top most floor.

**Open space** means that part of a site which is designed or designated to be used for active or passive recreation, access ways or as a garden. It does not include the area of roof top terraces. Open space within developments of more than one dwelling may comprise both communal and private open space. Land must have a minimum horizontal dimension of 3m in all directions and a minimum area of 12m<sup>2</sup> to be considered as open space. Open space provided above ground level must have a minimum horizontal dimension of 3.0m in all directions. Open space is classified as **hard** or **soft**.

**Hard open space** means that portion of open space covered by paving or other similar materials and includes:

- a) barbeque areas,
- b) pergolas,
- c) swimming pools, which are not to contribute to more than 30% of open space,
- d) un-enclosed pedestrian walkways,
- e) access paths,
- f) un-turfed clothes drying areas;

but **excludes**:

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- g) all garages, carports, outbuildings, roof top decks on dwelling houses, driveways, parking, manoeuvring, loading and unloading areas.

**Soft open space** means that portion of open space that is grassed or planted or is retained as bushland, is not covered by paving or similar material and is capable of absorbing stormwater runoff. Soft open space includes fixed masonry planter boxes with a minimum soil depth of 1000mm and a minimum horizontal soil dimension of 600mm which forms part of open space and is required to be a 3.0m or greater width.

**Private open space** means part of land or a building (such as a balcony or terrace) which is located adjacent to living areas, intended for the exclusive use of the occupants of the dwelling and located and designed so as to offer visual privacy to the occupants.

**Residential density** is the ratio of the number of dwellings to the site area.

**Residential flat building** means a building containing two or more dwellings.

**Site area** means the area contained within the boundaries of the site on a horizontal plane, but excluding the area of any access handles to the site.

**Site gradient** or **Site slope** means the slope of the site expressed as the ratio of the vertical distance between the highest and lowest points on the site to the horizontal length of the longest diagonal (excluding access handles to battle-axe allotments). Site slope determines the minimum site area in Density Sub-zone 7.

**Storey** means the space within a building between one (1) floor level and the floor level next above, or, if there is no floor level above, the ceiling or roof above, but does not include:

- a) space used for car parking, laundries or storerooms, if the ceiling above the space (or any portion of that space) is not more than 1m above natural ground level, or
- b) attic space which is part of the dwelling unit immediately below and is incapable of being used as a habitable area, or
- c) lift motor rooms, cooling towers, machinery and/or mechanical plant rooms.

**Streetscape** means the spatial arrangement and appearance of built and natural elements (in the private and public domain) within a street, which create the character of that street. Such elements include the appearance of positively contributing adjacent and nearby buildings, vistas, road, driveway and footpath surfaces, street trees, other vegetation, fences, walls, street furniture, utility services and traffic devices.

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## **Preamble**

### **1.1 Introduction and Application of Plan**

This Plan provides controls, considerations and requirements for development in the Residential Zone under Manly LEP 1988. It applies to all forms of residential development in the zone with the objectives of this Plan also applying to residential development in other zones and non-residential development in the Residential Zone.

Manly Council adopted the Manly Development Control Plan for the Residential Zone 2007 – Amendment 2, on **<to insert>** 2012. This plan applies to all development applications both lodged and undetermined from the date of adoption of this plan. In addition, the plan supersedes the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1.

### **1.2 Objectives**

The objectives of this Plan are:

- a) To replace the DCP for the Residential Zone, 2007– Amendment 1;
- b) To ensure that residential development protects and conserves the natural and cultural environment of the Local Government Area (LGA);
- c) To encourage the retention and adaptation of existing dwellings;
- d) To increase the availability and variety of dwellings to enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas;
- e) To identify the characteristics of the residential zone and ensure protection and to develop standards that encourage that protection;
- f) To protect the amenity of existing and future residents;
- g) To encourage ecologically sustainable development, which, for the purposes of this clause means, development that meets the needs of the present without compromising the future by integrating the protection of ecological processes and natural systems with the social and economic need of the community;
- h) To minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby residences;
- i) To provide for view sharing for both existing and proposed development;
- j) To maximise the provision of open space for all residential development;
- k) To provide for the minimisation and management of waste generated by development;
- l) To protect the environment during demolition, site works, and construction phases of development;
- m) To provide for off-street car parking relative to dwelling type;
- n) To ensure protection of environmentally sensitive localities;
- o) To encourage a responsible development approach resulting in design of architectural merit that interprets and complements site characteristics, streetscape and the surrounding built and natural environment;
- p) To encourage the preservation of heritage listed buildings and buildings in conservation areas;
- q) To ensure compliance with the objective of each standard; and

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- r) To encourage environmental best practice.

### **1.3 Other Plans and Policies**

1.3.1 This plan is to be read in conjunction with the current editions of:

- Manly Local Environmental Plan 1988;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development;
- The Building Code of Australia;
- Regional Environmental Plan - Sydney Harbour Catchment 2005;
- Manly Section 94 Contributions Plan 2004; and
- State Environmental Planning Policy No 7 - Coastal Protection.

1.3.2 This Plan adopts by reference, and incorporates in this Plan as if fully stated and set out in this Plan, the provisions of the following development control plans as in force immediately before the commencement of this Plan which shall form part of this Plan:

- Manly Development Control Plan for Access;
- Manly Development Control Plan for Notification;
- Manly Development Control Plan for Waste Management and Minimisation;
- Manly Development Control Plan for Landslip and Subsidence;
- Manly Sedimentation Control Policy; and
- Manly Development Control Plan for Backpacker Accommodation.

### **1.4 Development Application Requirements**

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

A **DA package** containing all the relevant documentation and checklists to aid in the lodgement of an application is available on CD from the Customer Service Centre or at [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au).

**Note:** Photographs showing the development site and its setting in the streetscape are to be lodged with the DA. A scale model will be required for all residential development comprising 3 or more dwellings.

## Primary Considerations and Actions

### 2.1 Retention, Preservation and Adaptation of Existing Dwellings

- 2.1.1 Manly Council promotes the retention and adaptation of existing buildings rather than their demolition and replacement with new structures.
- 2.1.2 Prior to preparing a development application, where demolition is being considered, an **assessment** is to be undertaken to determine the degree to which any existing building on the land should be retained and appropriately adapted in order to:
- Meet ecologically sustainable development principles by conserving resources and energy and reducing waste from any demolition process; and
  - Conserve the cultural heritage of the existing building and that of the locality.
- 2.1.3 An appropriate assessment shall accompany any development application. If the property has merit as a potential heritage item, the **heritage controls and considerations** in this plan shall apply.

### 2.2 Alterations and Additions

- 2.2.1 A development application to alter and add to a building will be taken to be that relating to a new building (i.e. all standards and controls of this plan will apply) where more than half of the existing external fabric of the building is demolished. The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan form and the area of the lowest habitable floor.
- 2.2.2 Where new development constitutes the erection of a new dwelling, all of the standards and controls of this plan will apply.

### 2.3 Site and Locality Analysis

Before preparing an application and plans, consideration shall be given to designing the new development within the context of its site constraints, those of its immediate locality and those at least within 50m of the property in the case of a dwelling house or 100m in the case of multi-dwelling development. To this end a broad locality analysis and a detailed site analysis shall accompany any application for development.

#### 2.3.1 Locality analysis

This can be in the form of a written statement, diagrammatic and/or photographic and can be included in the statement of environmental effects. It should assess the following matters in the sphere of influence of the development site:

- a) Topography, vegetation and habitat;
- b) Allotment size and orientation;
- c) Building form, scale and architectural style;
- d) Dominant roof forms;
- e) Dominant building material and colours;
- f) The streetscape and Harbour edge;

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- g) Private and public views;
- h) Connectivity – vehicular, pedestrian and cycleways, and;
- i) Local Open Space and access.

### **2.3.2 Site analysis**

The site analysis establishes the context of the proposed development by identifying and graphically illustrating:

- a) The site and localities opportunities and constraints and their influence on design etc;
- b) The potential impacts of the proposed development on adjoining sites, critical habitat and the streetscape; and
- c) How the proposed development relates and responds to these influences.

2.3.2.1 The Site Analysis plan shall be drawn to a scale of 1:100 and shall identify on the plan:

- a) The site boundaries and dimensions;
- b) True north;
- c) Adjoining streets and any easements or rights of way;
- d) Location of proposed development;
- e) Location and use of existing development and extent of any demolition;
- f) Existing contours, slope and spot levels as necessary;
- g) Prevailing winds in summer and winter;
- h) Existing native vegetation, significant trees, natural drainage patterns;
- i) Location of other significant natural features e.g. watercourses/gullies, rock outcrops, cliffs and bushrock etc;
- j) View lines;
- k) Vehicular crossings;
- l) Pedestrian paths and cycle ways;
- m) Drainage lines and services;
- n) Extent of any existing and proposed cut and fill;
- o) Form of existing boundary walls, retaining walls and fences;
- p) Contaminated soils;
- q) Items of environmental heritage; and
- r) Potential noise sources.

2.3.2.2 The Site Analysis Plan (illustrated in Figure 1) should also include the following details of adjacent and nearby properties:

- a) The location, sitting and use of adjacent and nearby buildings;
- b) Abutting private open space and location of main living area windows i.e. lounge room, kitchen, study, dining room;
- c) Views, solar access and acoustic privacy enjoyed by adjacent and nearby residents;
- d) Trees with a height of 3m or more within 3m of common boundaries;
- e) Items of environmental heritage;

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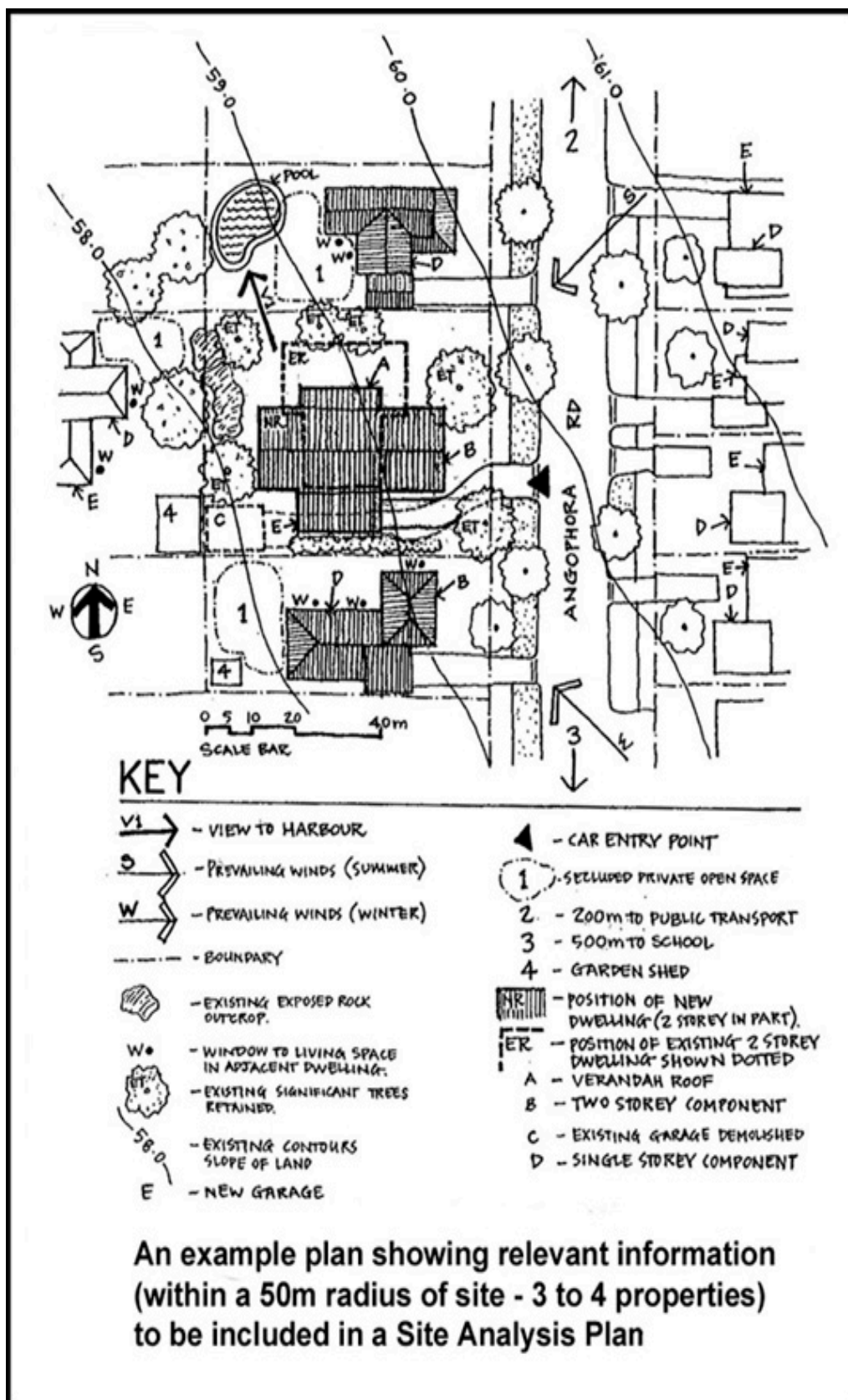
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- f) The location and height of existing walls and retaining walls built near or on the site boundaries;
- g) The characteristics of any adjacent public open space;
- h) Features such as power poles, street trees, kerb crossings, bus stops, other services;
- i) The differences in levels between adjacent properties and the development site;
- j) Existing shadows cast by adjoining development, fences and vegetation;
- k) Photographs of the site in context with adjoining properties and properties on the opposite side of the road; and
- l) A cross section drawing showing the relationship and levels of the proposed development to the adjacent street and development opposite the site.

Figure 1. Requirements for Site Analysis Plan

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**Design Considerations**

- 2.4.1 This section discusses and specifies general design principles and requirements. It is to be read in conjunction with the following sections of this Plan, which address excavation, storm water controls and heritage considerations as well as the specific development controls and standards, all of which may influence the design of the development.
- 2.4.2 New development, including alterations and additions, is to be sited and designed to optimise energy conservation and sustainability in accordance with current **BASIX** legislation.
- 2.4.3 **BASIX** (the Building Sustainability Index), is a web-based planning tool that measures the potential performance of residential development against a range of sustainability indices: Energy, Water, Thermal Comfort, Stormwater, and Landscape. As well as reducing the environmental impact of these features, new dwellings are more comfortable climatically than most existing homes.
- 2.4.4 BASIX ensures each dwelling design meets the **NSW Government's current targets** for reduction in water consumption and greenhouse gas emissions.
- 2.4.5 Compliance with the targets is demonstrated through the completion of a BASIX assessment and the on-line issuing of a **BASIX Certificate**, which is to be lodged with your development application.
- 2.4.6 The BASIX online assessment requires information about the proposed development, such as site location, dwelling size, floor area, landscaped area and services. BASIX compares the proposal to average existing homes. The proposal is scored according to its potential to consume less mains supply water and energy than an average existing home.
- 2.4.7 BASIX simplifies the process by establishing **one set of sustainability standards** for all residential development proposals in NSW. BASIX establishes a set of quantifiable targets, providing certainty for applicants by ensuring that they understand what is expected and how buildings must be designed in order to meet these standards.

**The Site**

- 2.4.8 The design of development shall respond to the slope of the site, with the aim of minimising loss of views and amenity from public and private spaces. The lower side of the site, whether to the foreshore or a street, needs to integrate the design of the building with the topography by minimising its height and bulk. Large under-croft spaces can be avoided by integrating the building into the slope. Development on steeply sloping sites will require preliminary geotechnical investigation in accordance with the Manly DCP for Landslip and Subsidence 2001.
- 2.4.9 The design of development adjacent to areas of native vegetation should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.

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**Landscaping**

- 2.4.10 The design, quantity and quality of open space provided for a development should respond to the character of the area. In low density areas, open space should dominate the site. Within higher density areas the provision of adequate private open space and landscaped areas are to maximise resident amenity. Site works shall be minimised to protect natural features.

**Roofs**

- 2.4.11 Roof forms should complement, but not necessarily replicate, the predominant form in the locality and in particular those of adjacent buildings. They should be designed to avoid or minimise loss of views from adjacent and nearby properties and public spaces.

**Building form**

- 2.4.12 The design of developments adjacent to heritage properties shall address and compliment the built form and style of that property to preserve the integrity of the item. Developments should complement the predominant building form, distinct building character, and architectural style in the locality.
- 2.4.13 In lower density areas setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore. When building on sloping sites, any supporting under-croft structure shall be minimised.
- 2.4.14 Elevated open space terraces or pools should not be constructed on extended columns, or dominate adjoining sites.
- 2.4.15 In higher density areas careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments.
- 2.4.16 The apparent bulk and design of a development should be considered and assessed from surrounding public and private view points. The development should not detract from the scenic amenity of the area.
- 2.4.17 To assist ventilation in residential flat buildings, rooms accessing exposed balconies shall include a separate opening window as well as a door.

**First Floor Additions**

- 2.4.18 First floor additions shall compliment the architectural style of the ground floor and where possible retain the existing roof form. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. The dwelling shall retain the existing scale and character of the street and it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.
- 2.4.19 The Council does not favour first floor additions known as 'pop tops', which are usually the consequence of the external walls of the addition having a greater setback than the

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existing ground floor walls and then retaining a 'skirt' of the existing roof around or partially around the perimeter of the addition.

**Building Materials**

- 2.4.20 Building materials and finishes shall reflect or complement those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged.

**Fences and Walls**

- 2.4.21 The sitting, height and form of boundary fences and walls should reflect those dominant in the locality, and in particular those of the adjacent properties.
- 2.4.22 Boundary fences or walls shall not be erected where they would be in conflict with the character of the locality. Metal cladding, powder coated or otherwise, shall not be used where the fence is adjacent to a public road or place.

**Vehicular Access**

- 2.4.23 Driveway crossovers shall be minimised and garages and carports adjacent to the front property boundary may not be permitted if there is a reasonable alternative location.
- 2.4.24 All new development shall provide on-site parking and the ability for vehicles to enter and exit the site (preferably) in a forward direction.
- 2.4.25 Developments on sloping sites shall be designed to avoid the need for elevated ramps and similar structures to access car parking areas, especially those which may encroach on public land.

**Accessibility**

- 2.4.26 Wheel chair access to Australian Standard (AS 1428.1, AS 1428.2 or later additions) shall be provided to the main entry point of residential flat buildings.

**Adaptable Housing**

- 2.4.27 Multi-unit development shall provide an adaptable dwelling to AS4299 at the ratio of 1 per 4 dwellings. This provision prevails over provisions of Council's Access DCP in this regard.

**Bicycle Storage**

- 2.4.28 A secure storage area of sufficient dimensions to accommodate at least two adult size bicycles, shall be provided for each dwelling.

## **2.5 Excavation and Earthworks**

### **Objectives**

- 2.5.1 To retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:
- a) Limiting excavation, "cut and fill" and other earthworks;
  - b) Discouraging the alteration of the natural flow of ground and surface water;
  - c) Ensuring that development does not cause sedimentation to enter drainage lines (natural or otherwise) and waterways; and
  - d) Limiting the height of retaining walls and encouraging the planting of endemic plant species to soften their impact.

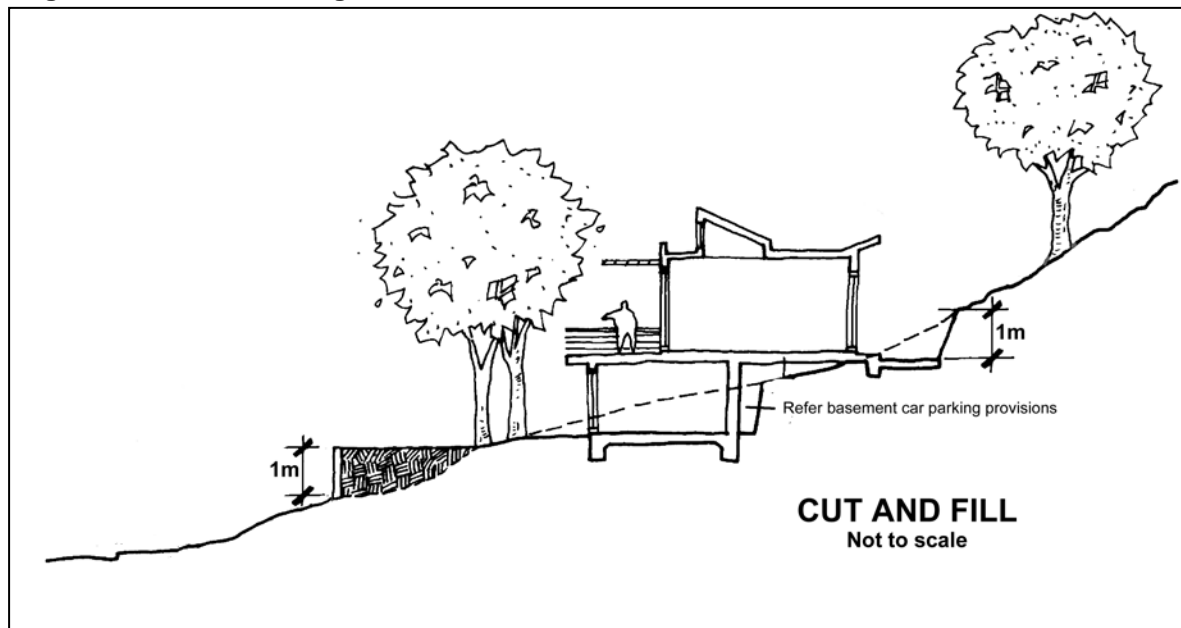
### **Controls**

- 2.5.2 The following controls apply to excavation and earthworks (see Figure 2):
- a) Excavation shall be generally limited to 1000mm below natural ground level with the exception of basement parking areas (which shall be contained within the footprint of the building) and swimming pools;
  - b) A dilapidation survey and geotechnical survey may be required for excavation works exceeding 1000mm;
  - c) Fill shall be limited to 1000mm above natural ground level;
  - d) Earthworks shall be limited to that part of the site required to accommodate the building and its immediate curtilage;
  - e) Natural (undisturbed) ground level shall be maintained within 900mm of side and rear boundaries;
  - f) Excavation under the canopy of any tree (including those on neighbouring properties) will only be permitted providing its long-term survival and stability is not jeopardised. (To be supported by documentation from an arborist);
  - g) Retaining walls within 1000mm of the front boundary shall not exceed 1000mm above natural ground level;
  - h) On steeply sloping sites, pier and suspended slab or an equivalent non-invasive form of construction technique shall be used to minimise earthworks and vegetation loss and retain natural features;
  - i) Undercroft areas shall be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and/or the retention of natural features and vegetation where possible, having regard to the volume of the space and its orientation;
  - j) Only natural rock, gravel or sand material (not builder's waste or demolition materials), obtained from approved sources, shall be used as fill; and
  - k) Approved sediment, siltation and stormwater control devices shall be in place (and maintained) prior to and during the carrying out of any earthworks and other works on the site.

### **Basement Car Park Areas**

- I) Excavation greater than 1000mm below natural ground level for a basement car park area must be accompanied by a geotechnical survey.

**Figure 2. Cut and Fill Diagram**



## **2.6 Stormwater Control**

### **Objectives**

2.6.1 The objectives for stormwater control are to:

- a) To manage urban stormwater within its natural catchments and within the development site;
- b) To provide that stormwater drainage does not degrade the water quality of the catchments or cause erosion and sedimentation;
- c) To manage construction sites to prevent environmental impacts from stormwater;
- d) To protect downstream properties from flooding and stormwater inundation;
- e) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts;
- f) To encourage on-site stormwater detention, collection and recycling; and
- g) To make adequate arrangements for the ongoing maintenance of stormwater facilities.

### **Controls**

2.6.2 The following controls apply to the management of stormwater:

- a) All developments must comply with the "Council's Policy for Stormwater Control", "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Copies of these documents are available from the Council's Customer Service Centre or at [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au);

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- b) Stormwater disposal systems must provide for natural drainage flows to be maintained;
- c) Native, endemic plant species shall be planted in soft landscaping areas;
- d) Pervious surfaces and paving shall be used for driveways, pathways and courtyards where practical;
- e) Implementation of and the on-going maintenance of stormwater management measures in accordance with Specification for Stormwater Management;
- f) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and
- g) A qualified drainage/hydraulic engineer shall design all stormwater controls, devices and water storage systems.

## **2.7 Flood Affected Land**

2.7.1 Land in and in the vicinity of the following schedule of streets is subject to the Council's "Interim Policy and Administration Guidelines for Development and Use of Land Affected by a 1 in 100 Year Flood – Manly Lagoon". Please refer to this document when preparing an application in any effected location.

2.7.2 The following locations are affected by flooding:

- a) Balgowlah Road – between Pacific Parade and Pittwater Road;
- b) Pittwater Road – from Nos. 252 and 241 to Manly Lagoon;
- c) Alexander Street;
- d) Pacific Parade;
- e) Rolfe Street/Golf Parade;
- f) Eurobin Avenue;
- g) Roseberry Street;
- h) Iluka Avenue;
- i) Suwarrow Street (Part only);
- j) Kenneth Road;
- k) Quirk Road; and
- l) Hayes Street.

## **2.8 Heritage Items, Potential Heritage Items and Development in Conservation Areas**

This section applies to Items of Environmental Heritage listed in Manly Local Environmental Plan 1988 and development in Conservation Areas under that Plan, as well as other items – buildings or otherwise - which may have potential heritage significance or have a potential impact on a heritage item.

### **Objectives**

2.8.1 The following objectives in relation to Heritage Items, Potential Heritage Items and development in Conservation Areas are:

- a) To ensure that any modification to any heritage item or building within a conservation area is guided by the principles set out in the current Australia ICOMOS Burra Charter;

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- b) To retain and conserve what is of heritage significance for Items of Environmental Heritage and Conservation Areas;
- c) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not alter or challenge the significance of the item or the locality; and
- d) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, recognises and protects the significance of those items identified at local, state or national levels.

**Controls and considerations**

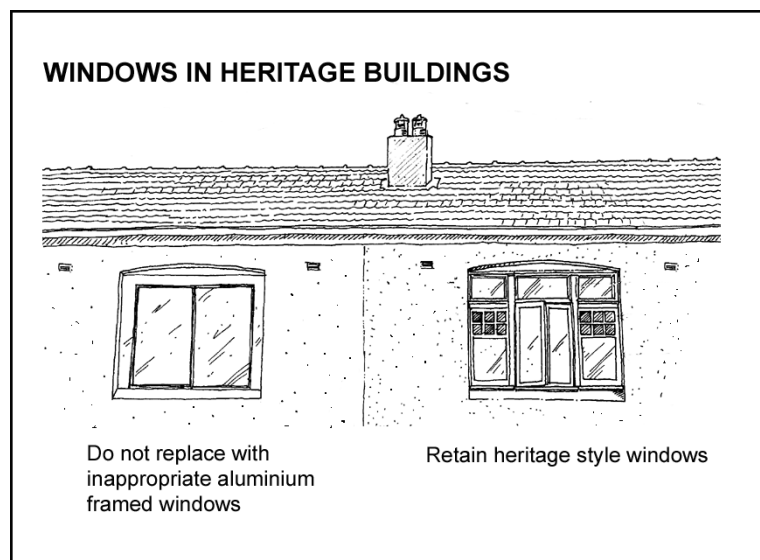
2.8.2 The following controls and considerations apply to heritage items, potential heritage items and development in conservation areas:

- a) Development applications lodged for any works to heritage items or buildings within a conservation area, or new buildings within a conservation area shall be accompanied by a Statement of Heritage Impact, or for items of State or National significance, a Conservation Management Plan, prepared by a qualified heritage consultant;
- b) Development applications for works adjacent to, or near heritage items, or within conservation areas shall address the impact of the proposed development on the heritage significance of the heritage item or area. The DA shall demonstrate the proposed works will not significantly alter the heritage significance of an item or the character of the locality. In such circumstances the Council may request the preparation of a Heritage Impact Statement prepared by a qualified heritage consultant. The heritage impact assessment shall demonstrate that all possible means of mitigating any negative impact on the item have been addressed;
- c) Alterations and/or additions to heritage items or buildings within conservation areas shall not detract from the heritage significance of the item or place;
- d) Alterations and/or additions to buildings near heritage items shall not detract from the heritage significance of the items;
- e) New development in the vicinity of heritage items or additions to heritage items, shall not necessarily seek to replicate heritage details or character of buildings, but may be a contemporary response which complements and respects the form and scale of the original buildings so that the original form may be distinguished;
- f) Alterations or additions to heritage items or buildings within a conservation area shall not overwhelm, dominate or challenge the existing building or structure;
- g) Alterations to roofs shall be sympathetic to the style of the heritage item or building within a conservation area. Roofs shall retain their original and traditional form and original cladding – including slate;
- h) Original architectural detailing such as barge board, finial trim, window awnings and front verandas shall be retained. New detailing shall be complementary to the character of the item;
- i) Original wall treatments shall be retained. Modifications to face brick dwellings shall use original style of bricks, window heads, mortar joints and other building details;
- j) Face brickwork shall not be painted or rendered. Face brickwork where already so treated should be restored, where practical, to its original un-painted state;
- k) When new windows are to be inserted into the existing fabric of a heritage item, ensure that the size, proportion and type of windows shall be compatible with the building's architectural style/period (as shown in Figure 3);

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- l) When cement render is used it shall be complementary to and consistent with the heritage architectural style;
- m) Colour schemes and repainting shall be articulated in the same manner as the original colour rendering of the building. Contemporary colours are not discouraged, but should be combined in a complementary way. Single colour solutions are not permitted;
- n) The removal of original fabric shall be avoided in order to retain the integrity of the heritage item or conservation area;
- o) New landscaping shall be sympathetic to the heritage significance of the item or building within a conservation area. An appropriate setting for the item shall be retained and maintained;
- p) Modifications to the front fence and garden of a heritage item or buildings within a conservation area shall be designed and constructed in materials that contribute to and not detract from the historic style of the building and character of the streetscape;
- q) Original fences shall be retained and refurbished, where possible. New fences shall be sympathetic in colour, material, height and design and shall not detract from the heritage significance of the building or locality;
- r) Garages and carports shall not be constructed forward of the building alignment of a listed heritage item or a building within a conservation area; and
- s) The provision of additional car parking (if required) may be waived, in the case of alteration and additions to a heritage item or a dwelling in a conservation area, if the car parking adversely impacts on the item.

Figure 3. Windows in Heritage Buildings



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## Development Controls (including Assessment Considerations)

### Assessment Considerations

Section 79C(1) of the Environmental Planning and Assessment Act 1979 sets out the matters Council takes into account when assessing applications. This includes the relevant Local Environmental Plan (LEP) and any Development Control Plan (DCP). The provisions of the DCP will be taken into account for the forms of development to which it relates.

Nevertheless the planning legislation also requires each application to be treated on its merits. This means that Council must satisfy itself that the particular development is suitable for the site, that the impacts have been mitigated and that there is compliance with the relevant planning controls. Previous approvals do not create a precedent for an application for a similar form of development.

The planning controls set out in this DCP were adopted following the required planning procedures including public consultation. They therefore represent the Council's and the community's expectations as to what will be the nature, scale and form of future development in the Local Government Area.

Council is required to apply the controls in a consistent manner while balancing the interests of the applicant with those of the community as a whole. It is therefore expected that development proposals will by and large comply with the numeric controls. Any departures will not only need to satisfy the DCP objectives but it needs to be demonstrated (in the application) that by Council agreeing to a variation of a standard or requirement, that a more desirable environmental outcome is achieved.

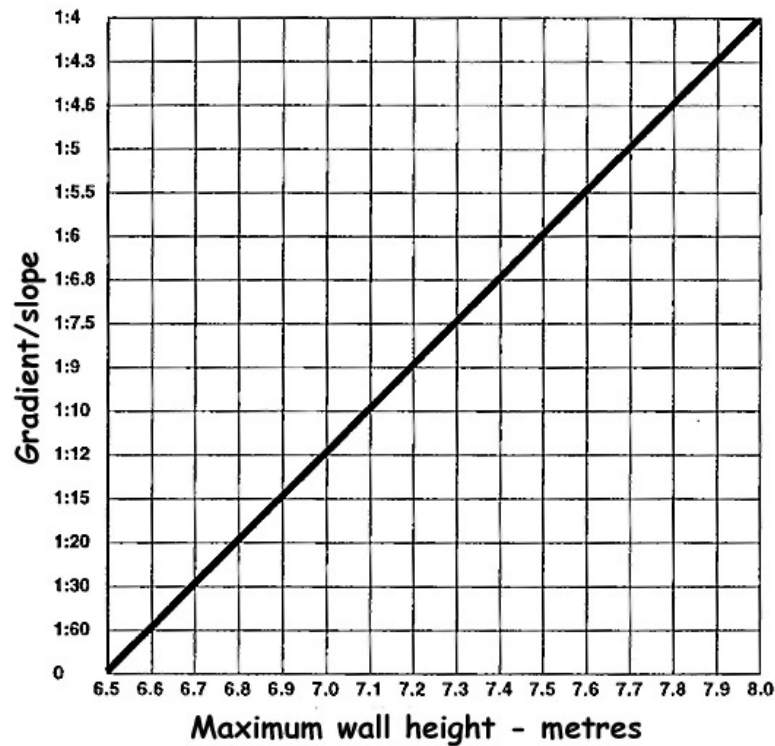
### 3.1 Summary of Development Standards

Table 1 below contains a summary of relevant Principal Development Standards which is to be read in conjunction with the detailed standards which follow in this Plan.

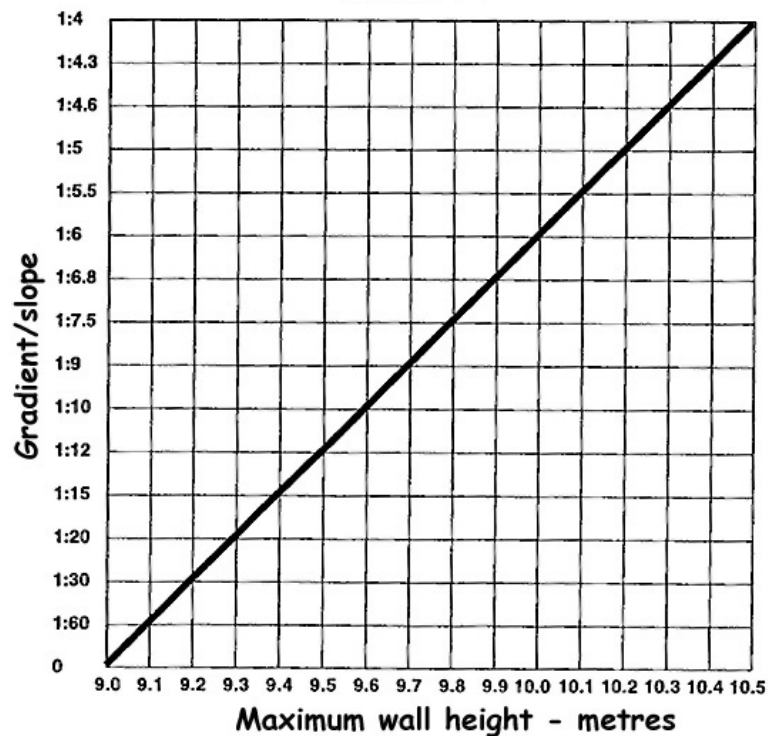
**Table 1. Principal Development Standards**

Density Sub-zone (See Map)	Minimum Site Area (Square Metres)	Residential Density (Dwellings/sqm)	Max Floor Space Ratio	Percentage Open Space per Site (Minimum of any dimension 3m)		Wall Height (metres)  (plus 3m for roof structure)	Setbacks (Metres)		
				Minimum	Percentage of Open Space as permeable area		Front	Side	Rear
1 Red	250	1/50	1.50:1	45	25	12.0	6.0 *	1/3 of adjacent wall height	8.0
2 Yellow	250	1/150	0.75:1	50	30	9.0-10.5 □			
3 Green	250	1/250	0.60:1	55	35	6.5-8.0 ■			
4 Orange	300	1/300	0.50:1	55	35				
5 Blue	500	1/500	0.45:1	55	35				
6 Pink	600	1/600	0.45:1	55	35				
7 Mauve	750 (<1:6 slope) 950 (>1:6<1:4) 1150 (>1:4 slope)	1/750 (<1:6 slope) 1/950 (>1:6<1:4) 1/1150 (>1:4 slope)	0.40:1	60	40	Sloping sites: ■ Refer Figure 4 □ Refer Figure 5	* Or prevailing street setback		
				Minimum Private Open Space: Dwelling House 18sqm Dwellings 12sqm					

**Figure 4. Maximum wall height in density sub-zones 3, 4, 5, 6 & 7**



**Figure 5. Maximum wall height in density sub-zone 2**



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### 3.2 Residential Density

The residential zone is divided into density sub-zones. This section addresses each sub-zone's maximum dwelling density or allotment size (subdivision).

#### Objectives

3.2.1 The objectives with regard to residential density are as follows:

- a) To regulate the number of dwellings in specific areas;
- b) To promote a variety of dwelling types and residential environments in the LGA;
- c) To assist in maintaining the character of the locality;
- d) To limit the impact of residential development on existing vegetation and topography; and;
- e) To maximise the use of existing infrastructure.

#### Controls

3.2.2 The following table establishes the maximum permissible residential density and minimum allotment size in each sub-zone. The Residential Sub-zone Map illustrates the extent and location of each residential density sub-zone.

**Table 2. Residential Density**

Sub-zones	Site slope	Maximum density	Minimum site area/allotment size
Sub-zone 1		1 dwelling/ 50m <sup>2</sup> of site area	250m <sup>2</sup>
Sub-zone 2		1 dwelling/ 150m <sup>2</sup> of site area	250m <sup>2</sup>
Sub-zone 3		1 dwelling/ 250m <sup>2</sup> of site area	250m <sup>2</sup>
Sub-zone 4		1 dwelling/ 300m <sup>2</sup> of site area	300m <sup>2</sup>
Sub-zone 5		1 dwelling/ 500m <sup>2</sup> of site area	500m <sup>2</sup>
Sub-zone 6		1 dwelling/ 600m <sup>2</sup> of site area	600m <sup>2</sup>
Sub-zone 7	Less than 1 in 6 - - - -	1 dwelling/ 750m <sup>2</sup> of site area	750m <sup>2</sup>
	Between 1 in 6 and 1 in 4 - - - - -	1 dwelling/ 950m <sup>2</sup> of site area	950m <sup>2</sup>
	Greater than 1 in 4 - -	1 dwelling/ 1150m <sup>2</sup> of site area	1150m <sup>2</sup>

Note:

- i. The above provisions do not apply to family flats.
- ii. In determining site slope in density sub-zone 7, the 'site' is taken to be the total area of the original allotment(s) prior to any subdivision under this plan (excluding access handles to battle-axe allotments).

3.2.3. Notwithstanding paragraph 3.2.2 and the Residential Subzone Map referred to above, no more than 2 dwellings may be constructed on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 – 17 Suwarrow Street Fairlight (being the subject of LEP Amendment No.82).

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### **3.3 Subdivision**

#### **Objectives**

3.3.1 The objectives in relation to subdivision are as follows:

- a) To regulate the density of allotments in specific areas;
- b) To promote a variety of allotment sizes, residential environments and housing diversity;
- c) To maintain the character of the locality and streetscape;
- d) To limit the impact of subdivision on existing vegetation and topography; and
- e) To maximise the use of existing infrastructure.

#### **Allotment Size**

3.3.2 Refer to Table 2 'Residential Density' to determine the minimum allotment size for each residential density sub-zone.

#### **Matters to be considered**

3.3.3 The following issues shall be considered with any subdivision application and any resultant adverse impacts – environmental or otherwise - minimised or resolved and addressed in the accompanying documentation.

- a) The orientation of the allotments to maximise energy efficiency for future development under the BASIX system;
- b) Complementing the prevailing subdivision pattern;
- c) Existing vegetation, topography, views and natural features;
- d) Stormwater management;
- e) Easements and servicing requirements; and
- f) Vehicular access.

#### **Controls**

3.3.4 The following controls apply to subdivision:

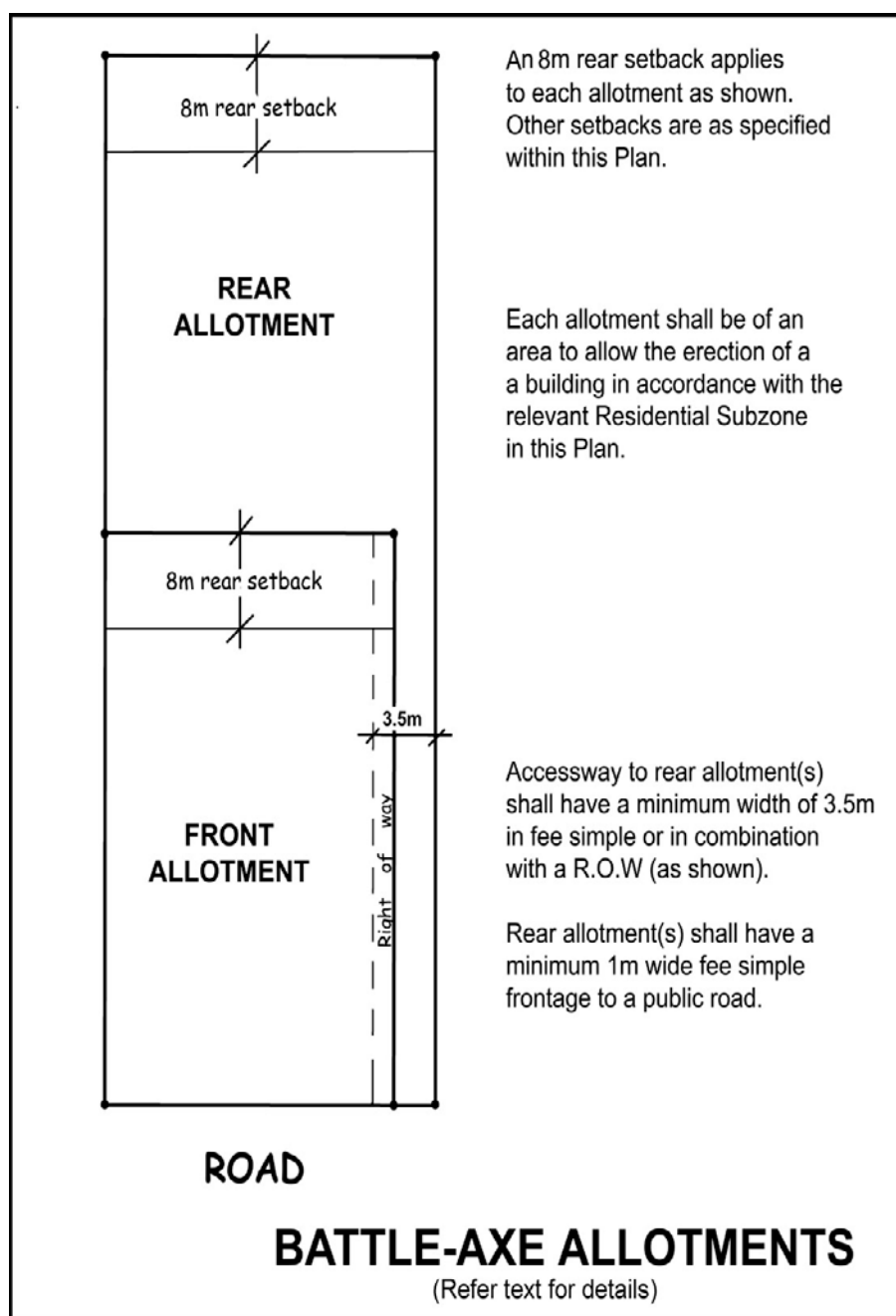
- a) Each allotment shall have a minimum 1m wide, fee simple, frontage and adequate vehicular access to a public road, which may not necessarily include the minimum 1m frontage;
- b) In density sub zones 4 to 7 the residential density controls determine the minimum allotment area for a real property subdivision;
- c) In density sub zones 1 to 3 the minimum permissible allotment size for a real property subdivision is 250m<sup>2</sup>;
- d) An application for subdivision that creates any allotment less than 500m<sup>2</sup> must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan;
- e) The re-configuration of existing allotments within a subdivision shall comply with this Plan; and

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- f) Battle-axe allotments shall provide a 3.5m wide vehicular access handle to a public road or place in fee simple, or by right(s)-of-way or in combination. Driveways longer than 30m may require an increase in width or the provision of a passing bay (as shown in Figure 6).

**NOTE:** For carriage way width and construction specifications refer to the Council's Specification for Civil Infrastructure Works, Development and Subdivision, available from the Customer Service Centre.

**Figure 6. Battle-axe allotments diagram**



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### 3.4 Floor Space Ratio

Floor Space Ratio (FSR) is the ratio of the **gross floor area\*** to the **site area**. It is used to control the amount of floor area within a development and contributes to controlling the bulk of the building and its impact on adjoining properties and the streetscape.

#### Objectives

3.4.1 The objectives for Floor Space Ratio are as follows:

- a) To assist in controlling the bulk of buildings;
- b) To ensure the scale of development does not obscure important landscape features;
- c) To ensure the scale of development is consistent with the existing and desired character of the residential areas;
- d) To minimise disruption to views and loss of privacy to adjacent and nearby development; and
- e) To provide sunlight access to private open spaces within the development and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings.

**Table 3. Floor Space Ratios**

Density Sub-zone	Min Site Area (square metres)	Max Floor Space Ratio
1. Red	250	1.50:1
2. Yellow	250	0.75:1
3. Green	250	0.60:1
4. Orange	300	0.50:1
5. Blue	500	0.45:1
6. Pink	600	0.45:1
7. Mauve	750 (<1:6 slope) 950 (>1:6 less than 1:4) 1150 (>1:4 slope)	0.40:1

#### Controls

3.4.2 The following controls apply to Floor Space Ratio:

- a) The maximum floor space ratio allowable in each residential density sub-zone is as shown in Table 3 and on the Residential Density Sub Zone Map.
- b) On sites which are less than the minimum site area required in the relevant density sub-zone, the Council may consider a variation to the floor space ratio provided the applicant can demonstrate the objectives of the DCP can be achieved. This variation shall be limited to the allowable FSR for the minimum lot size in the relevant density sub-zone. In sub-zone 7, the minimum site area for the purpose of this clause is 750m<sup>2</sup>.

*Note: \* For the purposes of calculating gross floor area, any proposed car parking which is greater than the required DCP rate of parking provision and standard dimensions (30sqm in area) will be included as gross floor*

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*area. While Council recognises that in some circumstances additional parking may be justified, the additional parking will be counted as gross floor area and FSR.*

### **3.5 Building Height**

Building height is regulated by applying standards for the maximum height of external walls and roof structures within density sub-zones.

#### **Objectives**

3.5.1 The objectives for building height are:

- a) To regulate the height of buildings by specifying maximum wall and roof heights;
- b) To assist in controlling the bulk of buildings;
- c) To provide for building heights that are consistent with the prevailing building heights in the locality;
- d) To minimise disruption to views from adjacent and nearby residential development and from public spaces;
- e) To allow sunlight to penetrate private open spaces within the development site; and
- f) To allow adequate sunlight penetration to private open spaces and windows to the living spaces of adjacent residential development.

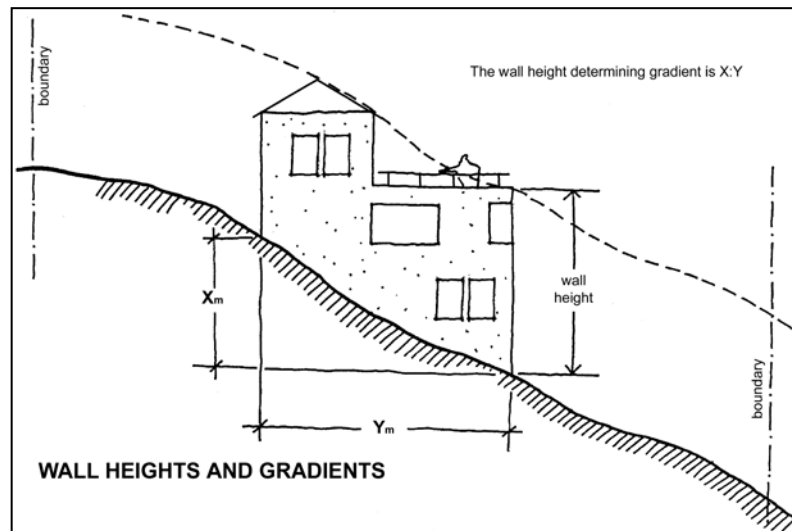
#### **Controls**

3.5.2 On **level sites** the maximum wall height measured to the underside of the eaves to the topmost floor, shall be:

- |    |  |               |
|----|--|---------------|
| a) | In density sub-zones <b>3, 4, 5, 6</b> and <b>7:</b> | <b>6.5m.</b>  |
| b) | In density sub-zone <b>2:</b>                        | <b>9.0m.</b>  |
| c) | In density sub-zone <b>1:</b>                        | <b>12.0m.</b> |

3.5.3 On **sloping sites** the maximum wall height shall be interpolated from the **graphs shown in Figures 4 and 5**. The **gradient/slope** for the purpose of calculating wall height, is the slope of the land (at existing natural ground level) along the length of the proposed wall expressed as a vertical to horizontal ratio (as shown in Figure 7).

Figure 7. Wall heights and gradients diagram



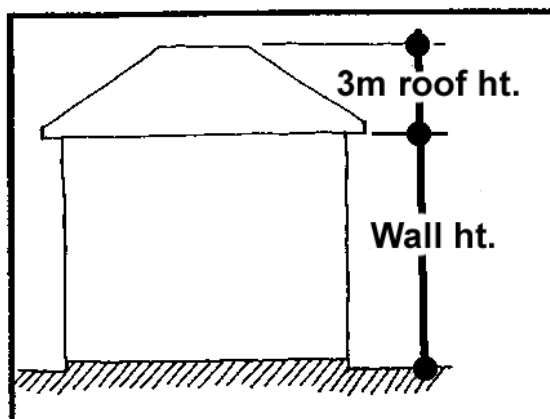
### Number of Storeys

- 3.5.4 Other than within density sub-zones 1 and 2, and notwithstanding the provisions of specific numerical height controls, buildings shall not exceed two storeys unless specific physical site constraints warrant voiding this requirement.

### Roof Height

- 3.5.5 Roof structures shall not extend beyond 3m above the actual (not the calculated maximum) external wall height (as shown in Figure 8).
- 3.5.6 Parapets may extend 600mm above the proposed external wall height where it is considered by the Council to be appropriate to the design of development. Lift structures may not protrude above the maximum roof height.

Figure 8. Roof height diagram



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**Roof Pitch**

- 3.5.7 The maximum roof pitch shall not to exceed 35 degrees otherwise it may be considered as an external wall and will be subject to wall height controls.

**Rooms within the roof structure**

- 3.5.8 Habitable rooms situated substantially above the maximum allowable wall height and/or within the roof structure shall only be permitted in buildings which existed prior to the operative date of this Plan and where it can be demonstrated that they do not detract from the character nor integrity of the roof structure and will not adversely impact on the amenity of adjacent and nearby properties and the streetscape.
- 3.5.9 The placement and design of dormer windows shall compliment the roof structure and reflect the character of the building.

**Crown of Road – Maintenance of Views**

- 3.5.10 In specific locations the height of the building (including the roof structure) shall not exceed the height of the crown of the adjacent road pavement (Please refer to Part 4.3.3 for further guidance).

**Existing Buildings**

- 3.5.11 Where an existing building exceeds the maximum heights permissible in this plan, any alterations and/or additions to the building shall not increase the overall height of the building.

**3.6 Setbacks**

This section addresses the buildings setback from its property boundaries.

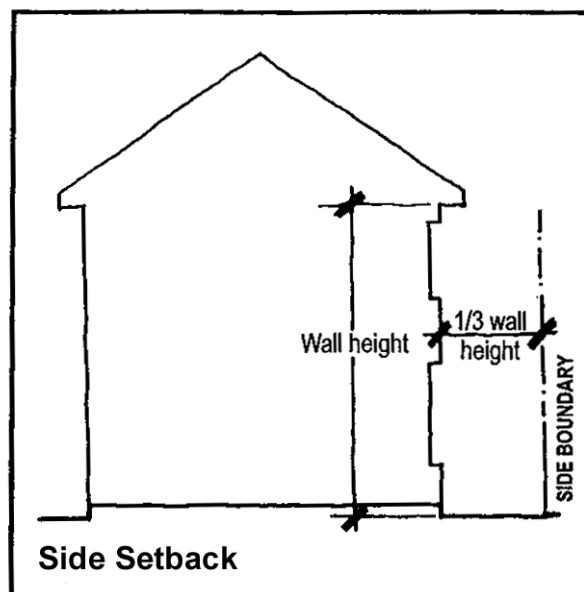
**Objectives**

- 3.6.1 The objectives for setbacks are:
- a) To maintain and enhance the existing streetscape;
  - b) To provide privacy;
  - c) To provide equitable access to light and sunshine;
  - d) To promote flexibility in the siting of buildings;
  - e) To facilitate view sharing;
  - f) To accommodate planting, including native vegetation and endemic trees;
  - g) To control the nature of development adjoining open space lands and national parks so as not to unduly detract from the nature of those lands and to satisfy the provisions of SEPP 19 - Urban Bushland;
  - h) To maintain adequate space between buildings to limit impacts on views and vistas from private and public spaces; and
  - i) To provide for bush fire asset protection zones.

## Controls

- 3.6.2 **Front setbacks** shall relate to the front setbacks of neighbouring properties and the prevailing setbacks in the immediate vicinity. If there is not a consistent or established setback, a **6.0m setback** applies.
- 3.6.3 Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, if it can demonstrate there will be no adverse impact on the streetscape or adjoining properties
- 3.6.4 **Side setbacks** shall provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties (as illustrated in Figures 9, 10 and Table 4).
- a) In all residential sub-zones, the setback between any part of a building and the side boundary must not be less than **1/3 the height** of the adjacent external wall of the proposed building;
  - b) Windows facing a boundary are to be setback a minimum of 900mm from that boundary;
  - c) Windows of living and dining areas in new dwellings are to be setback a minimum of 3m from side boundaries; and
  - d) For secondary street frontages – corner allotments - the side boundary setback standard will apply unless a prevailing setback exists. In such cases the prevailing setback of the neighbouring properties shall be used. Architecturally the building shall address both streets.

Figure 9. Side setback diagram



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3.6.5 The following clauses **do not apply** to residential density **sub-zones 1 and 2**, but apply to all other residential density sub-zones.

- a) Walls facing side boundaries shall be partially setback, where possible, to permit windows at 90 degrees to the boundary.

In these circumstances, the Council will consider permitting part of a building to be constructed closer to the side boundary than one third of the wall height, provided another part of the building equal in area to the area protruding beyond the setback line, is setback horizontally an equivalent amount further than the one third setback requirement.

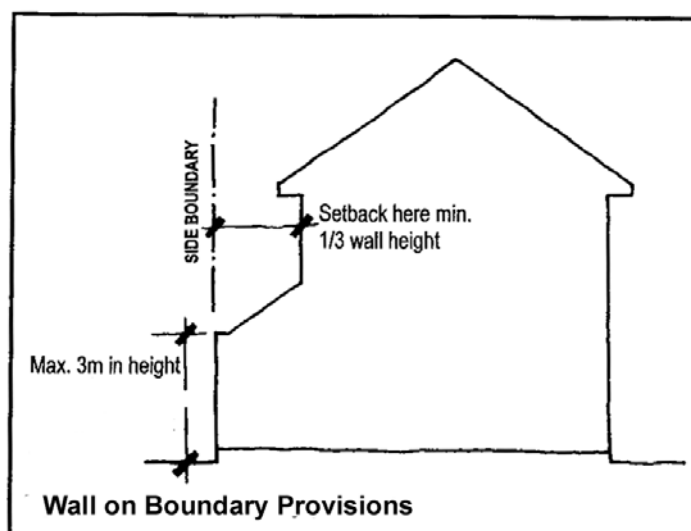
- b) Walls without windows may be constructed to one side boundary only and in accordance with Table 4, providing the objectives of this part can be met and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.
- c) That part of the wall without windows in excess of the maximum height identified in Table 4 shall be setback the same distance as a wall with a window (in this instance, it is advisable to refer to the Building Code of Australia).

3.6.6 Where walls are approved on side boundaries without windows the standard of finish and materials used on external surfaces shall complement the external architectural finishes of the adjacent property or properties. A right-of-way shall be obtained to provide access for maintenance.

**Table 4. Side Setbacks**

Zero Side Setback – Walls without windows		
Residential Sub-zone	Max. Wall height (m)	Wall Length as % of boundary Length (m)
3 to 7	3	35

**Figure 10. Wall on boundary provisions**



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- 3.6.7 Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space.
- 3.6.8 In all height sub-zones, the distance between any part of a building and the rear boundary shall not be less than 8m.

**Foreshore setbacks and existing foreshore building lines**

- 3.6.9 The following controls apply to foreshore setbacks and existing foreshore buildings lines:
- a) Development on any property having frontage to the foreshore shall be setback a minimum of either 15m from mean high water mark, or the maximum wall height of the proposed building on the foreshore frontage, whichever is the greater;
  - b) In residential areas which have been subject to foreshore building lines set by Council at less than 15m from mean high water mark, the setback will be determined individually taking into account the terrain, the adjoining development and the Council's existing and any future foreshore walkway;
  - c) Foreshore setbacks on reclaimed land previously below mean high water mark will be determined individually taking into account the position of the mean high watermark on adjoining properties, the setback of adjoining development, and Council's existing and any future foreshore walkway; and
  - d) Gazebos, pergolas, barbeques, aviaries, cubby houses, and the like may be permitted within this 15m setback provided they are designed to complement the natural or established landscaped character of the waterfront and shall not be used for accommodation.

**Setback for development adjacent to open space and National Parks**

- 3.6.10 If the subject site has a common boundary with land zoned 'Proposed Open Space', 'Open Space' or 'National Park', buildings shall be set back 6m from this boundary or in the case of rear setbacks, 8m.
- 3.6.11 Buildings, swimming pools and garden sheds are prohibited within setbacks to open space and National Parks, but gazebos, barbeques, cubby houses and the like may be permitted provided they are designed to complement the natural or landscape character of the adjacent open space zones.

**3.7 Open Space and Landscaping (Incl. Swimming Pools and Spas)**

Open space and landscape design is a significant component in ensuring developments are environmentally sustainable. Proper planning and careful design can provide for the preservation of natural vegetation and wildlife habitat, the provision of recreation opportunities and contribute to stormwater management.

**Objectives**

- 3.7.1 The objectives for open space and landscaping are:
- a) To provide open space for the recreational needs of the occupier and provide privacy and shade;

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- b) To retain important landscape features and vegetation;
- c) To encourage appropriate tree planting and maintenance of existing vegetation.
- d) To enhance the amenity of the site, streetscape and surrounding area;
- e) To retain and augment remnant populations of endemic native flora and fauna;
- f) To minimise the spread of weeds and the degradation of private and public open space;
- g) To maximise wildlife habitat and the potential for wildlife corridors;
- h) To maximise water infiltration on-site and minimise stormwater runoff;
- i) To maximise soft landscaped areas;
- j) To encourage the establishment of vegetable gardens and the planting of fruit trees; and
- k) To encourage the use of recycled materials in landscape construction works.

## Controls

3.7.2 Open space must be provided on site in accordance with Table 5.

**Table 5. Open space requirements**

Density sub-zone	Min. Open Space	Soft Open Space
1	45% of site area	25% of open space area
2	50% of site area	30% of open space area
3-6	55% of site area	35% of open space area
7	60% of site area	40% of open space area

**Note:** This table applies to applications for the construction of, or alteration or additions to dwellings, houses or multi-dwelling developments and other forms of permissible development.

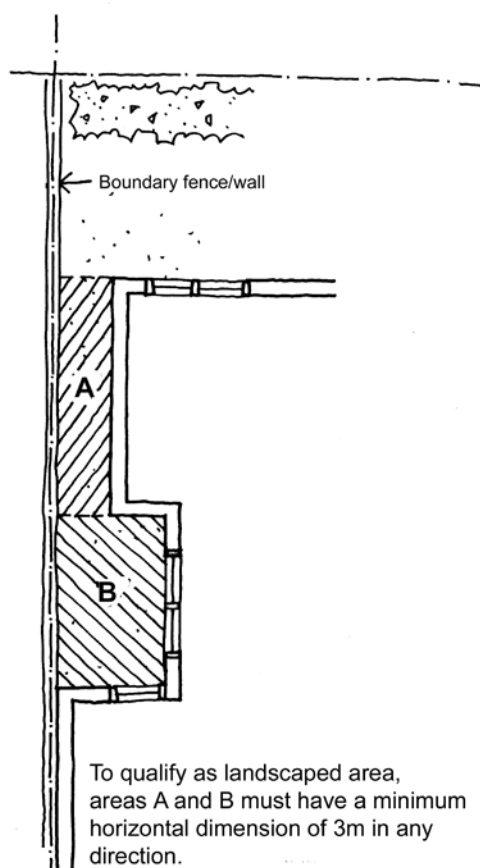
- a) Land must have a minimum horizontal dimension of 3m in all directions and a minimum area of 12m<sup>2</sup> to be considered as open space (see Figure 11);
- b) Swimming pools shall not contribute to more than 30% of the total landscaped area;
- c) If it can be demonstrated that there will be no loss of amenity to adjoining residents, up to 25% of open space can be provided above ground level by verandas, balconies and terraces, providing these areas are not enclosed. In sub-zone 1, this figure may be increased to 30%. The area of stand alone **roof top terraces** cannot be included as open space;
- d) For multi-dwelling developments, including residential flat buildings, this figure may be increased to 40%;
- e) Open space provided above ground level must have a minimum horizontal dimension of 3.0m in all directions;
- f) The use of locally occurring endemic plant species is preferred, as these assist:
  - i. in providing habitat for local fauna; and
  - ii. preserve threatened endemic plants.
- g) In some circumstances it is acknowledged non-endemic native plants and some exotic plants located adjacent to the building's perimeter may contribute to the energy efficiency of the building; and
- h) Soft open space is to be capable of supporting new endemic tree species that are typically expected to reach a mature height of 10m, with minimum tree numbers in accordance with Table 6.

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Table 6. Endemic Trees

Density sub-zones	Lot sizes (m <sup>2</sup> )	Number of endemic trees
1-3	0-500	1
1-3	Greater than 500-800	3
1-3	Greater than 800	3
4-7	0-500	2
4-7	Greater than 500-800	3
4-7	Greater than 800	4

Figure 11. Landscape dimensions



#### LANDSCAPE DIMENSIONS

- i) The minimum tree numbers may include existing endemic trees (which may amount to the minimum number) and/or proposed new endemic trees. All new tree pot/container size to be a minimum of 25 litres;
- j) Trees should not be positioned in locations where they may, at maturity:
  - significantly shade solar collectors of the proposed dwelling or neighbouring dwellings;
  - interfere with the views from neighbouring and nearby dwellings;
  - significantly block winter sun access to living rooms and outdoor recreation areas both within the site and on neighbouring sites.

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- k) Particular attention should be given to separating pedestrian entries and vehicular crossings;
- l) Where a driveway is located against a side boundary, provision is to be made for a minimum 0.5m landscape strip between the side fence and driveway; and
- m) Areas above or on any structure or building can only be calculated as soft open space if the soil depth is at least 1000mm and they have a minimum horizontal dimension of 600mm and it forms part of an open space area with minimum horizontal dimension of 3.0m in all directions.

### **Tree Preservation**

3.7.3 The following controls apply to tree preservation:

- a) Developments shall maximise the retention and protection of vegetation including trees and the under-storey, except species identified as not requiring consent for removal under Council's Tree Preservation Order;
- Note:** Existing trees and vegetation may support significant indigenous wildlife populations. Applicants should consult Council to assess the possible impact on local flora and fauna;
- b) The removal or pruning of vegetation must also be undertaken in accordance with Council's Tree Preservation Order. Should the development propose the removal of trees which do not require Council consent under the Tree Preservation Order, a supporting statement must be included in the Statement of Environmental Effects accompanying the DA; and
  - c) The siting of buildings and landscape works should protect local watercourses and drainage lines by protecting any existing endemic vegetation, retaining natural ground levels and by providing buffer zones of endemic planting.

### **Conservation and energy efficiency (refer also to BASIX website)**

3.7.4 Species should be retained, selected and planted in order to assist achieve the following:

- Protect and cool buildings in summer;
- Intercept glare from hard surfaces;
- Allow sun into living rooms in cooler months;
- Channel cooling air currents into the dwelling in summer;
- Provide windbreaks where desirable; and
- Landscape construction shall take advantage of and use existing site *materials, recycled materials and materials that have a low embodied energy.*

### **Boundaries with National Park and Open Space Zones**

3.7.5 The following controls apply to development having a common boundary with National Parks and Open Space Zones:

- a) Remnant endemic vegetation along the common boundary with National Parks and Open Space Zones and within the 6m setback (paragraphs 3.6.10 and 3.6.11) shall be protected.

### **Private Open Space**

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3.7.6 The following controls apply to private open space:

- a) Private open space is included in the open space requirement;
- b) Private open space shall be provided adjacent to living rooms and be of an area and dimensions sufficient to enable it to usefully serve domestic outdoor functions;
- c) The minimum dimension for private open space is 3.0m;
- d) The total area of private open space required shall be provided in one (1) location.
- e) Minimum area of private open space for a dwelling house is 18m<sup>2</sup>; and
- f) Minimum area of private open space for multi-dwelling developments (including residential flat buildings) is 12m<sup>2</sup> / unit.

**Landscape Plan**

3.7.7 A detailed landscape plan shall accompany:

- a) All multi dwelling development applications;
- b) All dwelling applications where no dwelling currently exists;
- c) New dwelling applications that replace an existing dwelling house or ground level alterations or additions to an existing dwelling house, where the building footprint is increased by 15% or more;
- d) Applications for swimming pools;
- e) Alterations or additions to an existing house where it is proposed to remove an existing tree or other vegetation; and
- f) Where the proposed building footprint is within 5m of any tree trunk. Other than those trees not requiring consent for removal under the Tree Preservation Order.

3.7.8 The **Landscape Plan** is to be prepared by a landscape designer or landscape architect and shall include the following:

- a) Be drawn to a scale of 1:100 or 1:200;
- b) A north point;
- c) Main structures on the site (buildings, car parks and garages);
- d) topographical information;
- e) All existing landscape features;
- f) The name, height and canopy size of all existing trees (4m in height or greater) including trees proposed to be removed in accordance with Council's Tree Preservation Order;
- g) Trees within 5m of any proposed building or site works;
- h) Provision of a plant schedule indicating names of proposed plants (both botanical and common), plant numbers, pot size and staking requirements;
- i) The likely mature height and canopy spread of the trees and plants proposed;
- j) Details of all boundary and courtyard fencing and walls (including proposed heights);
- k) Details of swimming pools, spas and water features;
- l) Details of illumination for communal and/or public areas within the site;
- m) Details of paths, other paved areas and existing and proposed finished levels of all hard surfaces including retaining walls, swimming pools surrounds etc; and

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- n) Location and dimensions of private open space.

### **3.8 Swimming Pools, Spas and Water Features**

#### **Objectives**

3.8.1 The objectives for swimming pools, spas and water features are:

- a) To be located to minimise the impact of filter noise on neighbouring properties;
- b) To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties;
- c) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality;
- d) To be integrated with landscaping; and
- e) To become an emergency water resource in bush fire prone areas.

#### **Controls**

3.8.2 The objectives for swimming pools, spas and water features are:

- a) Swimming pools and spas shall be built on or in the ground and not elevated more than 1m above natural ground level;
- b) This height may be varied if it can be demonstrated the pool and its curtilage would not detract from the amenity or character of the neighbourhood;
- c) Swimming pools and spas shall not be located within the front setback. This provision may be varied if it can be demonstrated the pool and its curtilage would not detract from the amenity or character of the neighbourhood. In such cases the outer edge of the pool concourse shall be setback from the front boundary at least twice the height of the pool concourse above existing ground level;
- d) Generally the setback of the outer edge of the pool/spa concourse from the side and rear boundaries shall be at least 1m, with the water line being a minimum of 1500mm from these property boundaries;
- e) If a pool or spa is proposed to extend more than 1m out of the ground, the setback of the outer edge of the pool concourse from the side boundary must be equivalent to the height of the concourse above existing ground level. In such situations appropriate landscape works will be required to protect the amenity and privacy of adjacent properties;
- f) On properties adjacent to the foreshore, in-ground swimming pools and spas may be located within the 15m setback provided no part of the pool structure projects more than 1m above existing ground level;
- g) Swimming pools shall not be located within the 6m setback of a property's common boundary with land zoned 'Proposed Open Space', 'Open Space' or 'National Park';
- h) All swimming pools and spas shall be connected to the sewerage system;
- i) Pumps and filters shall be enclosed and located to limit noise to the appropriate standard;
- j) A spa pool shall not be located on a deck or balcony unless the structural integrity of the deck or balcony to accommodate the spa is certified by a structural engineer;
- k) A separate rain water tank, of adequate capacity, shall be installed to recharge the pool when required; and

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- l) Swimming pools shall be covered with a secure “pool blanket”, or similar device, when not in use to minimise water loss by evaporation and to conserve energy in heated pools.

### **3.9 Car Parking and Access**

The Council’s vehicular access and parking requirements aims to provide accessible and adequate parking on site to reduce the demand for on-street parking.

#### **Objectives**

3.9.1 The objectives for car parking and access are:

- a) To ensure adequate provision of accessible on-site parking for residents, and visitors where required;
- b) To ensure parking areas carports and garages are designed as an integral part of the development;
- c) To make provision for service vehicle access;
- d) To ensure vehicular and pedestrian safety;
- e) To integrate access, car-parking and landscaping;
- f) To ensure that all parking provision is designed and sited to respond to and respect the prevailing streetscape;
- g) To ensure that the design of parking and access, limits the amount of impervious surfaces over a site;
- h) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows;
- i) To ensure the width and number of footpath crossings is minimised;
- j) To provide for screening of internal accesses from public view as far as practicable through appropriate landscape treatment; and
- k) To minimise the visual impact of parking within the front setback.

#### **Controls**

3.9.2 Residential developments shall provide onsite car parking in accordance with the following. All parking areas are to be designed in accordance with Australian Standard AS 2890.1–2004 or later editions. Parking on the roof top of any structure should be avoided where possible.

3.9.3 Dwelling-houses

Two (2) parking spaces per dwelling house. The Council may consider the provision of one space if the provision of two spaces impacts on the streetscape or heritage aspects.

3.9.4 Multi- dwelling developments and residential flat buildings

- a) One (1) parking space per dwelling, plus
- b) 0.2 parking spaces for each 2 bedroom dwelling, plus
- c) 0.5 parking spaces for each 3 (or more) bedroom dwelling.  
(Calculated “part spaces” are to be rounded up to the next whole number.)

3.9.5 Visitor parking

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0.25 visitor parking spaces shall be provided on site for each dwelling (rounded up to the next whole number). Visitor parking spaces are not required for dwelling houses.

**3.9.6 Garages / carports / Hardstand Areas**

- a) Garages, carports and hardstand areas shall be sited and designed so as not to dominate the street frontage, by:
  - i. being compatible with streetscape and front setback criteria - exceptions may be considered where development is located on the high side of the street and the streetscape is characterised by dwellings located above garages;
  - ii. roof form, material choice and detailing complementing (but being subservient to), the associated dwelling.
- b) Carports forward of the building line shall be open on **all** sides; and
- c) Garages, carports and hardstand areas must not exceed a width of 6.2m and occupy more than 50% of the width of the site frontage.

**3.9.7 Other Permissible Uses**

Car parking for other uses permissible in the Residential Zone, such as within the Tourist Area, shall be in accordance with the Roads and Traffic Authority Standards.

**3.9.8 Loading bays**

Where a building may require regular servicing by commercial vehicles, off street loading facilities shall be provided. This is to consist of one basic loading bay of minimum dimensions 7.6m x 3m x 3.3m high.

**3.9.9 Access and driveways**

- a) On steep sites driveways must be designed so they do not dominate the street frontage, by:
  - i. limiting their height above existing ground level;
  - ii. limiting their width;
  - iii. using materials that do not visually detract from the natural surroundings;
  - and
  - iv. retaining significant trees.
- b) The use of porous pavements and retention of existing vegetation is strongly encouraged in the design of driveways in order to maximise stormwater infiltration;
- c) For information on street crossings and kerb laybacks see Council's 'Specifications for the Construction of Concrete Vehicular Crossings by Private Contractors';
- d) Gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces;
- e) Vehicular access and parking for multi-dwelling developments is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.
- f) In relation to the development of 15 – 17 Suwarrow Street and 28 – 34 Balgowlah Road Fairlight, should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site, being a 1 metre right of way required for lots 29 and 30 in Sec 5, DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 – 17 Suwarrow Street Fairlight (being the subject of LEP Amendment No.82)

## Part 4 Amenity Considerations

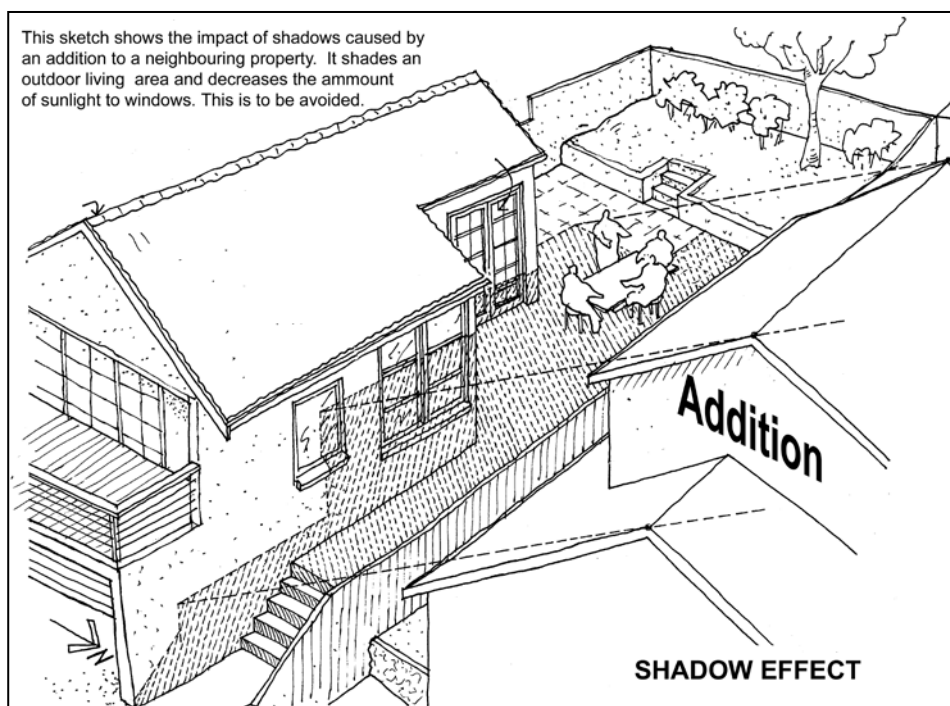
### 4.1 Sunlight Access and Overshadowing

#### Objectives

4.1.1 The objectives for sunlight access and overshadowing (see Figure 12) are:

- To minimise any reduction of sunlight penetration;
- To maximise the penetration of mid-winter sunlight to the windows to the living rooms and to principal outdoor areas;
- To promote passive solar design and the use of solar energy, and encourage energy efficient buildings which exceed BASIX targets;
- To maximise setbacks on the southern side of developments to encourage solar penetration into properties to the south; and
- To encourage modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties.

**Figure 12. Shadow effect diagram**  
**(Note: the building in this figure has an East / West orientation)**



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**Controls**

4.1.2 The following controls apply to sunlight access and overshadowing:

- a) Where an existing adjacent building has an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am–3pm on 21 June;
- b) Where solar access to windows or glazed doors of a living room of an adjacent building is currently less than 2 hours, no reduction in solar access to this window will be permitted;
- c) Where an existing adjacent building has a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on 21 June;
- d) Where solar access to windows or glazed doors of a living room of an adjacent building is currently less than 4 hours, no reduction in solar access to this window or door will be permitted;
- e) New development must not eliminate more than 1/3 of the existing sunlight accessing the private open space of adjacent properties, measured at 9am, 12 noon, and 3pm at the winter solstice (21 June);
- f) Where there is no winter sunlight available to open space of adjacent properties the calculations for the purposes of sunlight will relate to the equinox;
- g) The proposed development must maintain solar access to the north facing roofs of existing dwellings (45° west to 45° east variation is applicable) to a fixed minimum area of 10m<sup>2</sup> capable of accommodating solar water heater panels; and
- h) Shadow diagrams (including elevations) at the winter solstice are required to show the impact of the proposal on the sunlight to living room windows of adjoining residences and their open space. The shadow diagrams are to be based on levels shown on a survey plan prepared by a registered surveyor.

**4.2 Privacy and Security**

**Objectives**

4.2.1 The objectives for privacy and security are:

- a) To provide for privacy screening between closely spaced buildings;
- b) To mitigate direct viewing between windows of adjacent buildings;
- c) To mitigate direct viewing between outdoor living areas of adjacent buildings;
- d) To provide for screening to outdoor living areas; and
- e) To encourage awareness of neighbourhood security.

**Controls**

4.2.2 The following controls apply to privacy and security:

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

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- c) Architectural or landscape screens must be provided to balconies and terraces to limit direct vision into adjacent properties;
- d) Some rooms should be oriented to the street to allow for casual street surveillance and to provide a sense of security;
- e) Sight lines to the street frontage from a window of at least one habitable room should not be obscured by trees or any other object;
- f) Fences, walls and landscaping should minimise opportunities for concealment and maximise opportunities for casual surveillance of the street and encourage social interaction; and
- g) In areas of high street noise, to allow casual street surveillance of the street, double-glazing on windows is preferred, rather than the construction of high fences or walls as a sound attenuation measure.

### **4.3 Maintenance of Views**

#### **Objectives**

4.3.1 The objectives for the maintenance of views are:

- a) To maintain continued access to existing views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths);
- b) To minimise loss of views from adjoining or nearby properties and public places, whilst recognising development may take place in accordance with the other provisions of this Plan; and
- c) To maintain and share views with existing and future Manly residents.

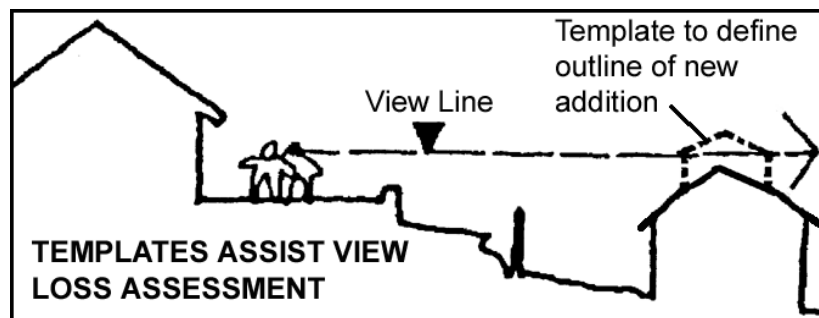
#### **Controls**

4.3.2 The following controls apply to the maintenance of views:

- a) The design of any development is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.
- b) Views between and over buildings are to be maximised and variations to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.
- c) Templates may be required to indicate the height, bulk and positioning of the proposed development to assist in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor shall certify the height and positioning of the templates.

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**Figure 13. View loss assessment diagram**



**Note:** The assessment to determine the extent of, and impact on, views shall be made at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces (refer to Figure 13). The ultimate assessment of views and view loss shall be in accordance the following Planning Principles established by the NSW Land and Environment Court, illustrated in Figure 14 below.

**Figure 14. Land and Environment Court Planning Principles – View Assessment**

**Land and Environment Court Planning Principles  
VIEW ASSESSMENT**

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

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

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

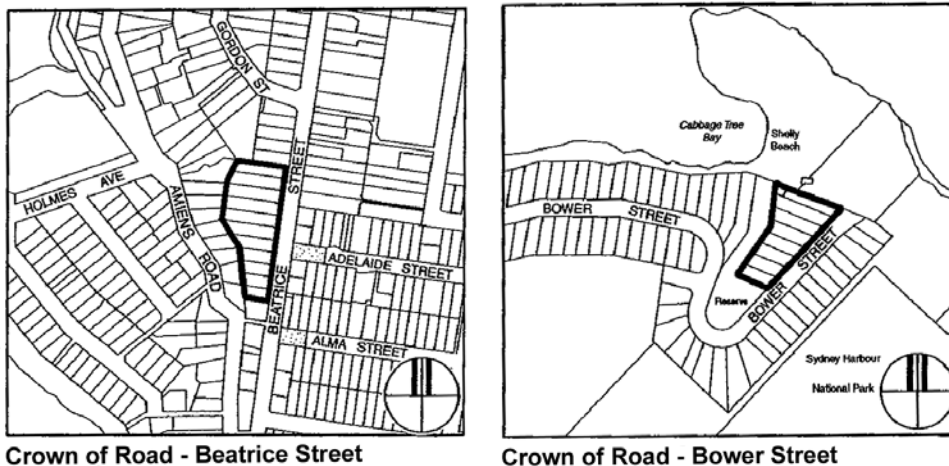
**The fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning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

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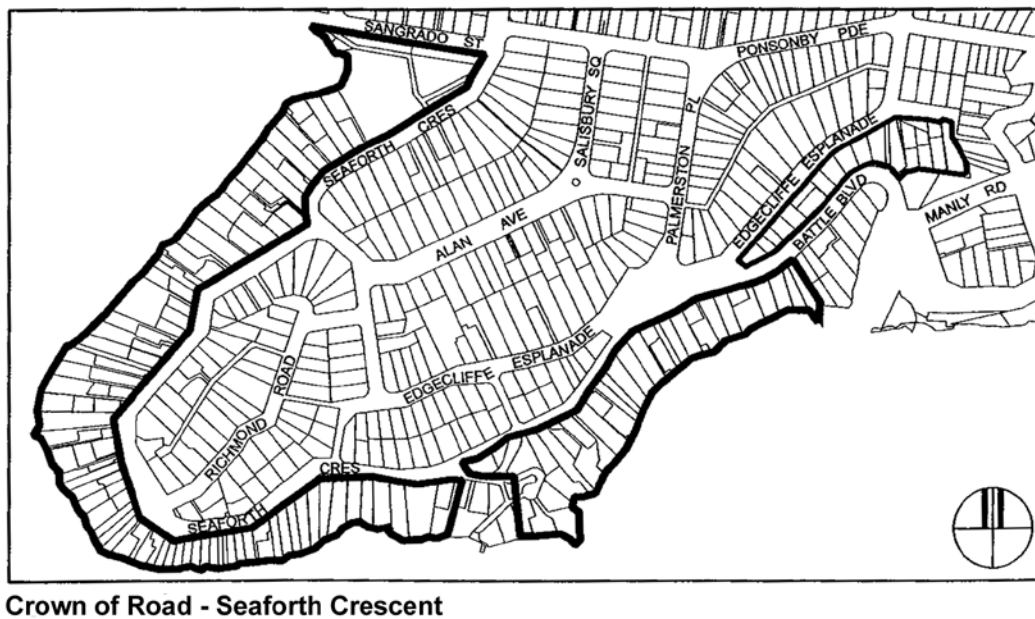
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- 4.3.3 Notwithstanding any other provisions of this Plan, a building shall not be erected on the land, shown in Figures 15 and 16, with a height (including the roof structure) exceeding the level, at any point, of the crown of the adjacent road pavement.

**Figure 15. Crown of Road, Beatrice Street and Bower Street**



**Figure 16. Crown of Road, Seaforth Crescent**



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#### **4.4 Streetscape and Fences**

##### **Objectives**

4.4.1 The objective for streetscape and fences are:

- a) To ensure that all development contributes positively to the street and locality identified in the locality analysis;
- b) To minimise any negative visual impact of walls and fences on the street frontage;
- c) To ensure all fences and walls complement the identified streetscape; and
- d) To encourage soft landscape alternatives when front fences and walls may not be appropriate.

##### **Controls**

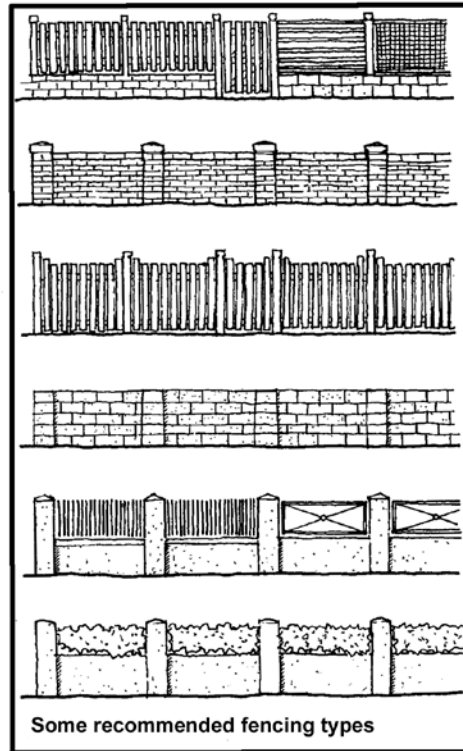
4.4.2 Streetscape Controls

- a) Building height at the street frontage and building alignment shall maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls; and
- b) Buildings and fences should be designed to complement and/or visually improve existing streetscapes through innovative design solutions.

4.4.3 Fences, Walls and Enclosures

- a) Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point. The height may be increased to 1.5m if the transparency of the fence above 1m is at least 30%. The fence and/or wall height may be averaged if the fence or wall is regularly stepped on sloping sites;
- b) Notwithstanding a) above, fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with "solid" fencing;
- c) Gates shall not encroach on public land when opening or in an open state;
- d) Fencing and wall materials shall be compatible with the overall landscape character and the general appearance of the building and streetscape. Materials complementing the architectural style and period of the dwelling are to be used (see Figure 17). Shrubs and climbers, to soften the impact of hard vertical surfaces, are to be incorporated into the fencing and landscape design where appropriate;
- e) Where a development will be subjected to significant street noise, the use of double-glazing or thicker glazing in the development is the preferred means of noise reduction. Council may consider variations to the permitted fence height where this option is not available;
- f) For multi-unit buildings, garbage storage enclosures visible from outside the site shall be designed to be unobtrusive and to blend with the design of front fences and walls;
- g) For fencing in conservation areas and heritage items, refer to the "Heritage Items and Conservation Areas" in Part 2.8 of this Plan; and
- h) Fences shall be setback at least 1metre from the lip of any retaining wall unless the combined height of the fence and retaining wall can satisfy a) above.

Figure 17. Recommended types of fencing



## Part 5 Locality Specific and Special Provisions

This Part applies to selected sites, localities or circumstances. The provisions may be advisory or regulatory and may address specific issues and/or prescribe supplementary controls.

### 5.1 Road Widening

#### Local Road Widening and Realignments

- 5.1.1 Development shall not encroach upon land required for local road widening shown in Figures 18 and 19. Contact the Council's Urban Services Branch for specific details. Applicants should verify whether land required for any road realignment and/or a corner splay has been or is pending dedication as public road.

Figure 18. Local road and lane widening plans

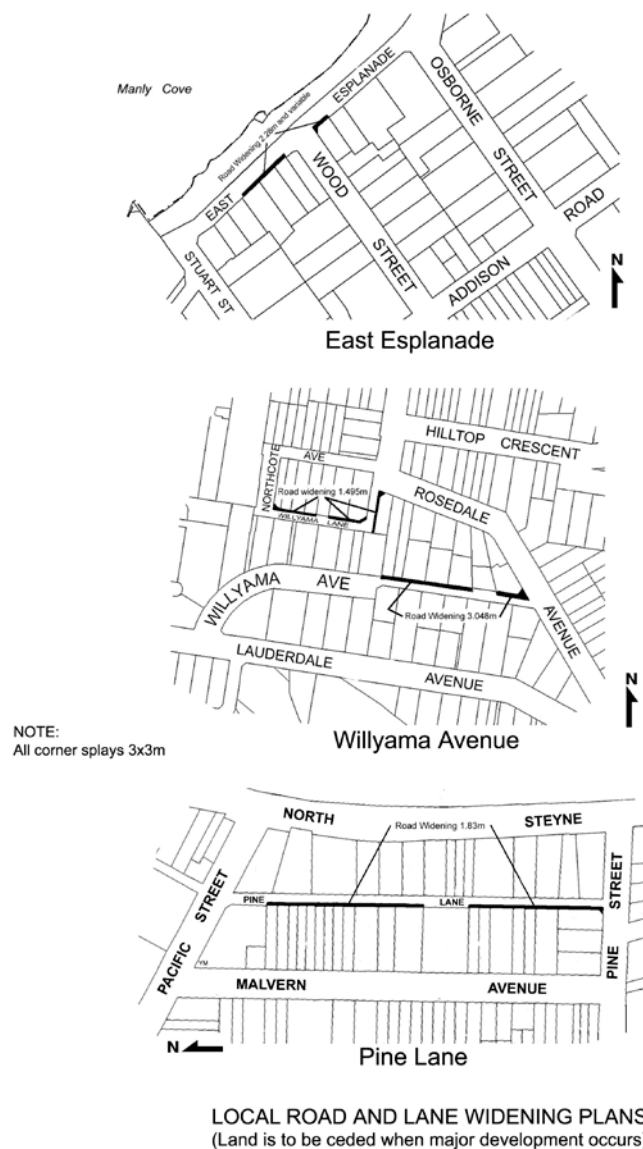
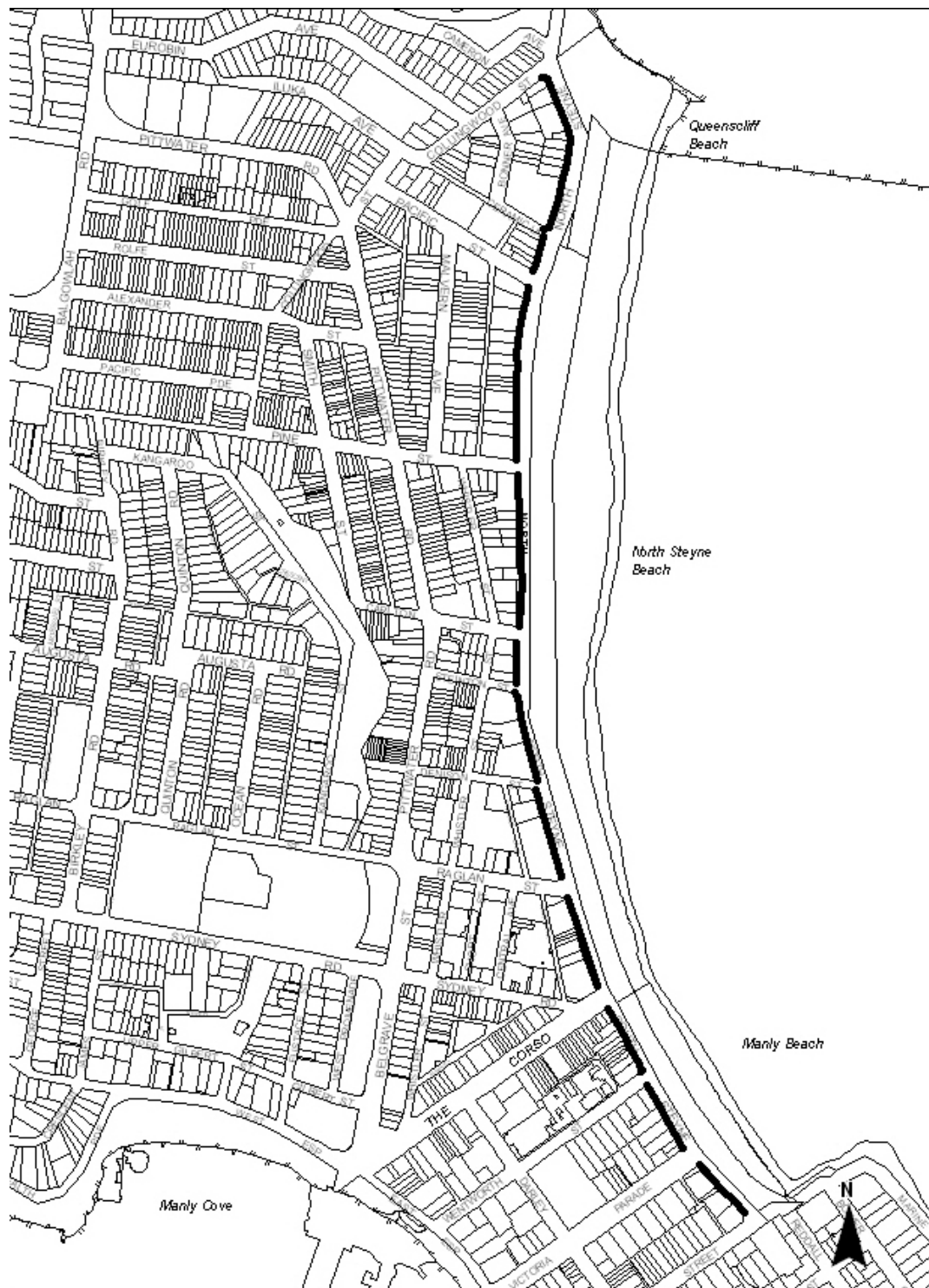


Figure 19. Road Realignment – North Steyne and South Steyne



5.1.2 Development shall not encroach upon land required for county road widening under the provisions of Manly LEP 1988 (refer to Figure 20).

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## **5.2 Rignold Street, Seaforth**

The following special provisions apply to Lots 101, 102 and 103 DP1047595 and Lot 104 and 105 DP 1048038 Rignold Street, Seaforth and supplement the provisions of this Plan.

### **5.2.1 Objective**

To preserve the natural bushland on Lots 102 and 103 DP1047595 and Lot 104 DP1048038, Rignold Street, Seaforth (the 'Site') and in particular the lower escarpment of the site, so as to ensure that development of the site does not unduly detract from the view of the site from Middle Harbour.

### **5.2.2 Foreshore Building Lines**

Notwithstanding any provisions of this plan, no building shall be constructed between the water's edge and a foreshore building line (FBL) located along the 20m A.H.D contour line, where that contour line traverses the site.

### **5.2.3 Swimming Pools**

Swimming pools will not be permitted between the FBL and the water's edge, but gazebos, pergolas and other similar structures will be permitted provided that they are designed in-keeping with the bushland character of the site and the adjacent foreshore area.

### **5.2.4 Landscaping**

The natural tree cover between the FBL and the water's edge is to be retained and any future landscaping should complement existing natural vegetation. The retention of rock outcrops and other native features of the site are to be given due consideration in any proposal to develop the site.

### **5.2.5 Retaining Walls and Fences**

No retaining walls or fences are to be erected between the FBL and the water's edge.

### **5.2.6 Stormwater Disposal**

Stormwater run-off from any building to be erected on the site is to be disposed of or dispersed by the provision of a system of onsite detention or dissipation that controls potential run-off and prevents erosion. Construction of a pipeline from an individual dwelling to the harbour foreshore will not be permitted.

### **5.2.7 Access and Internal Roads**

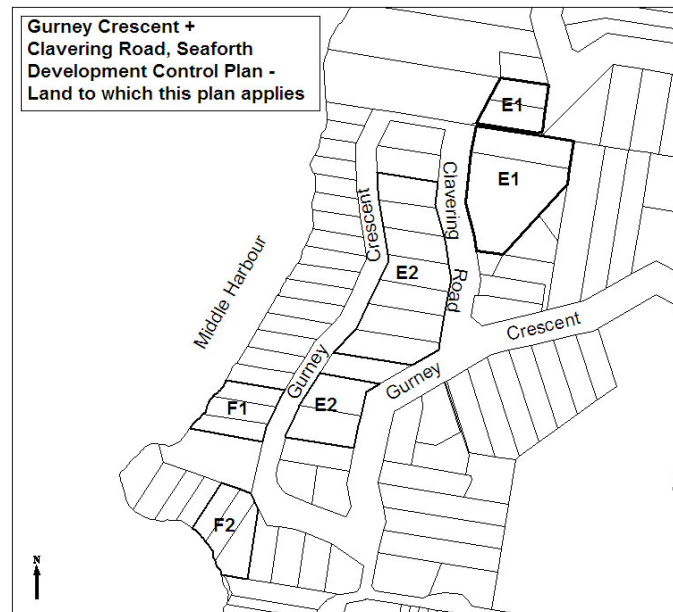
The access road/s and roads within the site shall be designed so as to minimise their impact on the bushland character and natural features of the site. Consideration shall be given to limiting the proportion of the site covered by roadway and non-permeable surfaces.

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### 5.3 Gurney Crescent and Clavering Road, Seaforth

This section applies to the lots, or any lots created by re-subdivision of land, located in Gurney Crescent and Clavering Road, Seaforth, as shown in Figure 21.

**Figure 21. Gurney Crescent and Clavering Road**



#### Aims and Objectives

5.3.1 The general aims and objectives of this section are:

- To identify areas on each site where development is preferred in order to provide both site specific and cumulative ecological, visual and water quality benefits;
- To identify the characteristics of the subject land that require protection and to develop standards that encourage that protection; and
- To protect the amenity of the subject land and its locality for existing and future residents.

5.3.2 The specific aims and objectives of this plan are as follows:

- To encourage residential design that responds to each site and its surrounds;
- To encourage preservation of the ecological values of each site and its surrounds;
- To provide for and encourage ecologically sustainable building and site design;
- To encourage maintenance of the visual character of the locality; and
- To implement the findings of the study entitled Development Analysis of E & F Precincts in Abandoned Warringah Transport Corridor (ERM 2000).

#### 5.3.3 Buildable Area

Dwellings and associated structures, including swimming pools, are to be generally located within the “**buildable area**” delineated on plans Gurney Cres 1 and Gurney Cres 2.

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Exceptions will only be considered where the development demonstrates that it meets the objectives, findings and intent of the ERM 2000 study. **Buildable Area** means that part of a lot on which the development of a dwelling is permitted under this part.

#### 5.3.4 Development Outside Buildable Area

Development outside the “**buildable area**” delineated on plans Gurney Cres 1 and Gurney Cres 2 will generally be for the purposes of landscaping and the installation of water, sewer, power or telecommunications lines in accordance with a development approval and approved Landscape Plan. Such development is required to observe the principles of ESD and minimise environmental impacts. Appropriate restoration and bush regeneration is required. The development is to minimise disturbance and protect the natural habitat values.

#### 5.3.5 Significant Trees and Tree Stands

Notwithstanding Council’s Tree Preservation Order, trees identified as “**major trees – retained**” and tree stands identified as “**tree stands to be retained**” on plans Gurney Cres 1 and Gurney Cres 2 shall be retained and shall only be removed with the approval of Council, following consideration of:

- a) An ecological assessment;
- b) A visual assessment;
- c) An arborist’s report; and
- d) Identification of mitigation measures aimed at achieving the objective and the findings and intents of the ERM 2000 study.

#### 5.3.6 Protection of Landforms

The following applies for the protection of landforms:

- a) A site analysis plan must be submitted with all development applications indicating:
  - i) Proposed extent and depth of cut and fill (including driveways, buildings and paved areas) and its impact on any existing trees, shrub understorey, rock outcrops or bushrock;
  - ii) Location of natural or significant features (e.g. watercourses, rock outcrop, bushrock) to be protected if likely to be affected by construction.
- b) Excavation must not adversely affect the stability or long term survival of any trees on adjoining properties. Excavation under the canopy of any trees to be retained (including those on neighbouring properties) will only be permitted if Council is satisfied that their long term survival and stability is not likely to be jeopardised; and
- c) On sloping sites pier and suspended slab construction techniques should be considered in order to reduce excavation and maximise retention of existing vegetation.

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5.3.7 Flora and Fauna

The following applies to flora and fauna:

- a) The site analysis plan must indicate surveyed trees and shrub under-storey proposed to be removed, or likely to be affected by construction. Such trees and shrubs are to be identified by common names and preferably include botanical names;
- b) The design and location of buildings must minimise the extent of clearing and vegetation removal and maximise the number of trees retained on site;
- c) If the subject site shares a common boundary with land zoned Open Space, setbacks along this boundary are to be maximised. Any remnant vegetation in the setback is to be retained, protected, and enhanced where space permits using indigenous vegetation (including tree cover). On sites with no remnant vegetation the majority of this setback is to be planted using indigenous vegetation (including tree cover);
- d) Any proposed tree removal or tree pruning must only be undertaken in accordance with Council's Tree Preservation Order.
- e) Should the development propose the removal of trees which do not require Council consent under the Tree Preservation Order, a supporting statement must be provided in the statement of environmental effects accompanying the development application;
- f) Existing vegetation to be retained, including trees, shrub understorey, and groundcover plants must be protected from the effects of cut and fill to enable maximum vegetation retention;
- g) If the subject site is a known potential habitat for an endangered faunal population as identified under the Threatened Species Conservation Act 1995, an '8 Part Test' must be carried out in accordance with Part 5A of the Act. This test is to be carried out by a suitably qualified consultant and submitted with the development application;
- h) Except where cliffs and significant rock outcrops identified as "**rockcliffs/ significant outcrops**" are contained within the "**buildable area**" delineated on the plans, development must be sited away from cliffs and significant rock outcrops identified as "**rock cliffs/significant outcrops**";
- i) Where construction activity would adversely impact on bush rock, (i.e. loose sandstone boulders and rocks) that bush rock must be salvaged from the subject site prior to construction. It must be reused in landscape design in a manner that mimics it's original position and context, the intent being that the rocks continue to provide valuable habitat for identified species; and
- j) A Landscape Plan is to be submitted with each development application clearly identifying the landscaping proposal for the completed development.  
Landscaping proposals are to demonstrate enhancement of the native vegetation of the site in a manner complementary to the ecological values of the locality as identified in the ERM 2000 report.

5.3.8 Buffer Strips

Vegetation in the water quality buffer strips, as described and located in Development Analysis of E & F Precincts in Abandoned Warringah Transport Corridor (ERM 2000) is to be retained

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and enhanced Exceptions will only be considered where they are approved by way of a Landscape Plan.

**5.3.9 Access to lots**

Resident car parking should be provided on-site, where possible, in accordance with other provisions contained in this DCP. Subject to the applicant demonstrating that consideration has been given to all possible alternatives regarding access to and parking provisions on the site, Council may consider granting a lease for the provision of garages/car ports within the road reserve.

**5.3.10 Notification of Metropolitan Local Aboriginal Land Council (MLALC)**

Council shall refer all development applications on the following lots identified on the plan contained in Appendix A to the Metropolitan Local Aboriginal Land Council (MLALC) for their comment:

- F1 Lot A
- F1 Lot B
- F2 Lot 90
- F2 Lot 89
- F2 Lot 34

**5.3.11 Before considering any development application, Council is to consider any comments received from the MLALC.**

Figure 22. Gurney Crescent 1

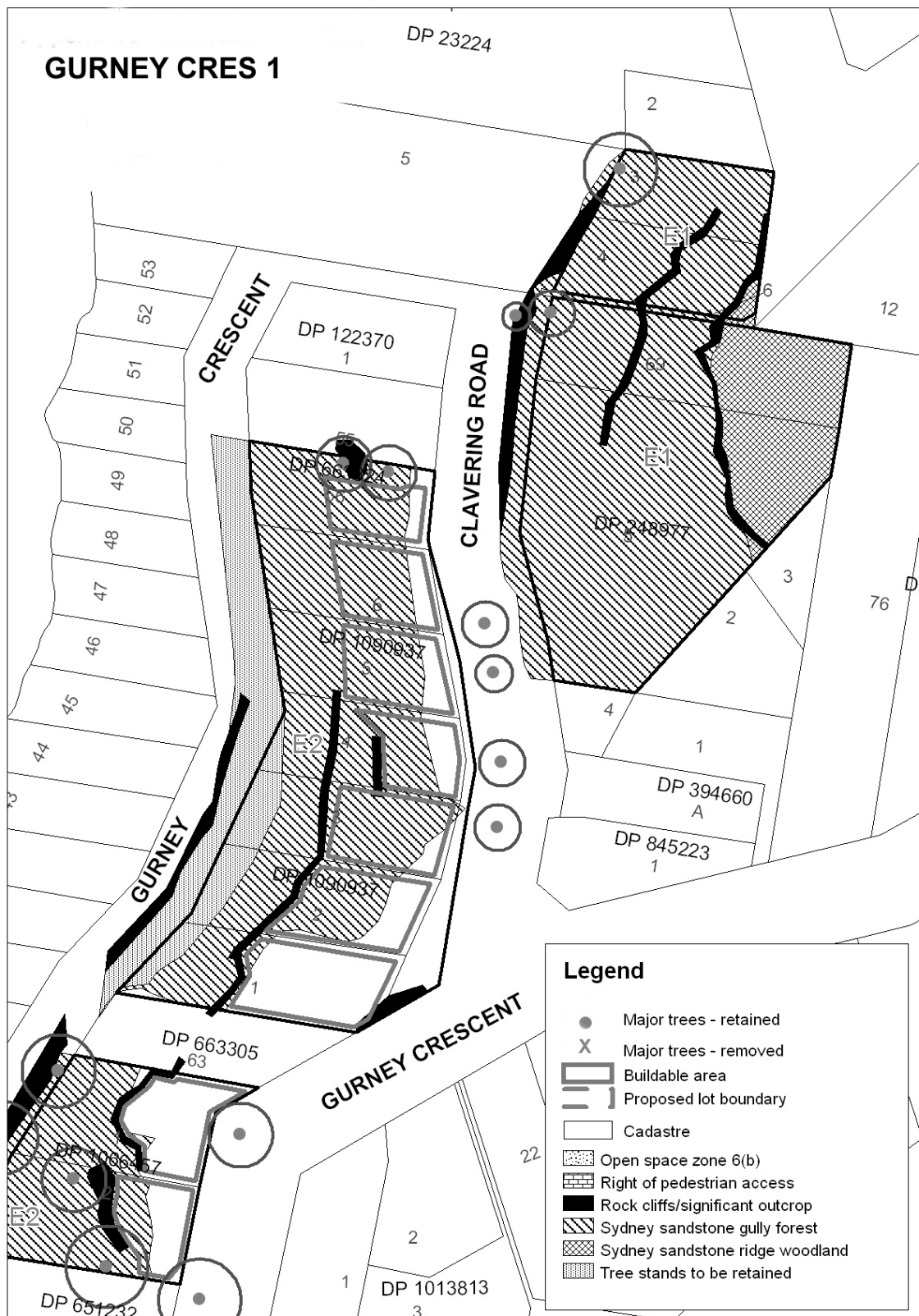
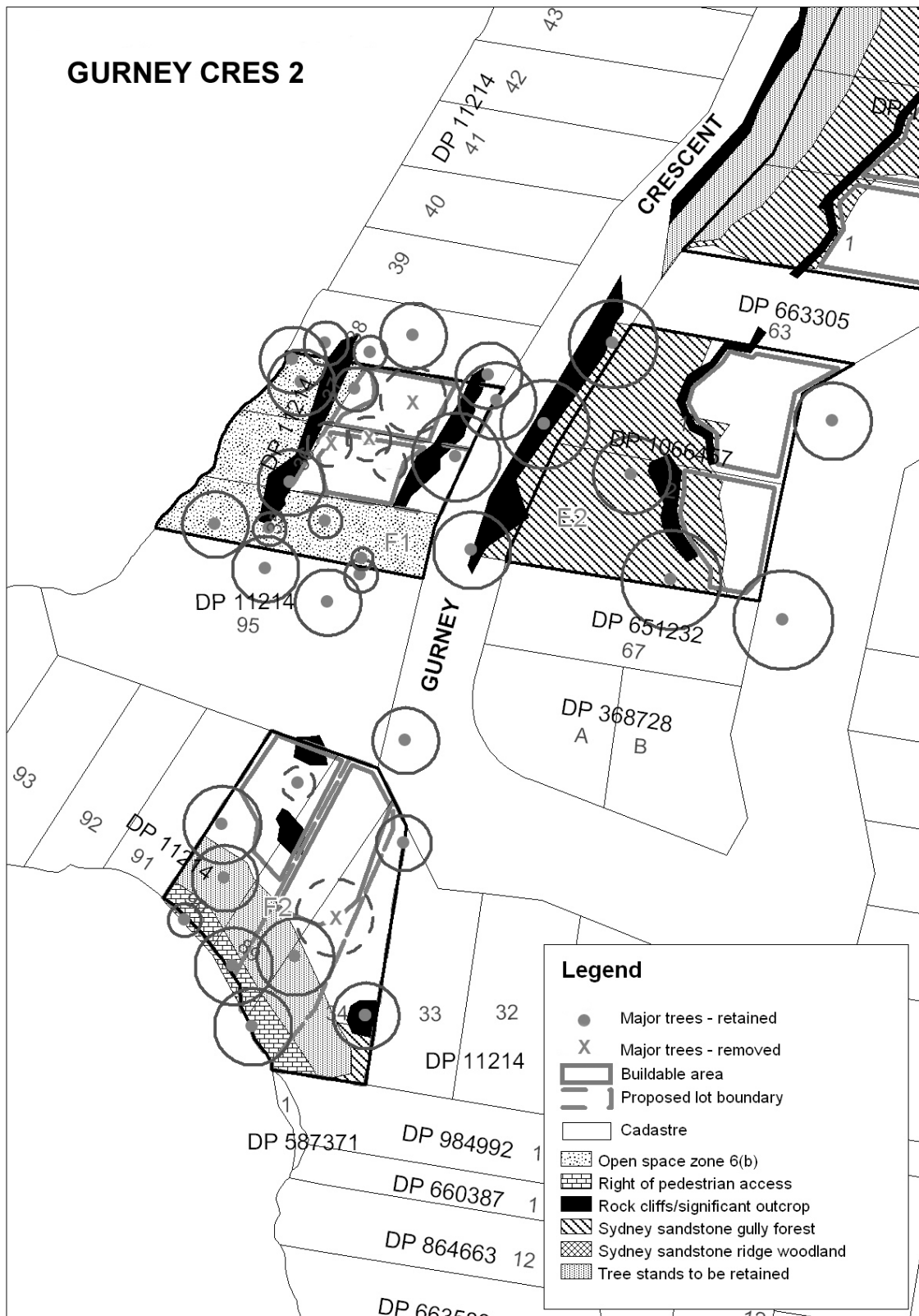


Figure 23. Gurney Crescent 2



Note: Restrictions to users may exist on the title of the land to which this Plan applies.

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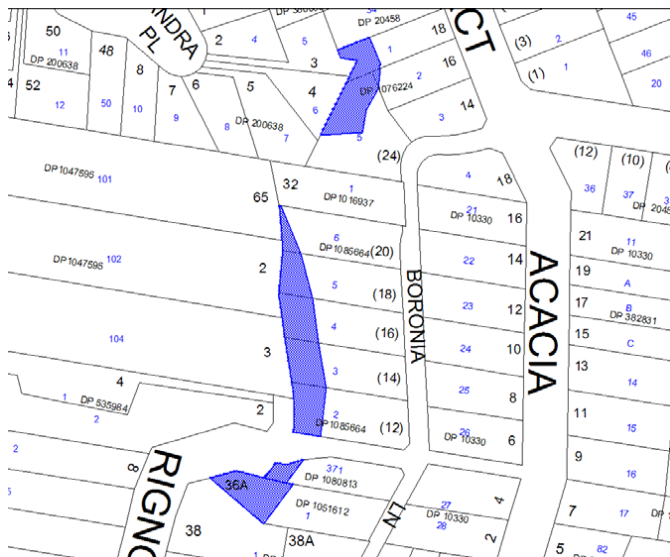
## 5.4 Boronia Lane and Rignold Street, Seaforth

This clause applies to the lots identified in Column 1 of Table 7 and Figure 24.

Notwithstanding any other provisions of this plan, the shaded areas identified in the following plan shall be excluded from the site area of the affected allotments for the purpose of calculating the applicable floor space ratio. Column 4 to the following Table of Areas shows the area to be used for the FSR calculations.

- 5.4.1 Areas indicated in Table 7 are to be verified by a registered surveyor prior to the preparation and lodgement of a development application. Verified areas are to be used for determining floor space ratios.
- 5.4.2 Setback calculations for each allotment shall be made from the eastern boundary of the area shown shaded in Figure 24 below.

**Figure 24. Areas Plan**



**Table 7. Areas in Boronia Land and Rignold Street**

<b>Column 1 Property</b>	<b>Column 2 Total Site Area (m<sup>2</sup>)</b>	<b>Column 3 Shaded Area (m<sup>2</sup>)</b>	<b>Column 4 Area to be used for FSR calculation</b>
16 Castle Circuit (2/1076224)	756.1	15.5	740.6
24 Boronia Lane (5/1076224)	1,342	391.5	950.5
20 Boronia Lane (6/1085664)	1,041	83.64	957.36
18 Boronia Lane (5/1085664)	1,051	221.2	829.8
16 Boronia Lane (4/1085664)	1,063	295.4	767.6
14 Boronia Lane (3/1085664)	1,022	293.8	728.2

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Column 1 Property	Column 2 Total Site Area (m <sup>2</sup> )	Column 3 Shaded Area (m <sup>2</sup> )	Column 4 Area to be used for FSR calculation
12 Boronia Lane (2/1085664)	1,122	288.4	833.6
N/A (371/1080813)	777.3	87.48	689.82

**Note:** By resolution of Council dated 13 February 2006, the provisions of this clause do not apply to the legal owners, at the date of this resolution, of Lot 1 DP 1051612, 36a Rignold Street, Seaforth and Lot 1 DP 1076224 18 Castle Circuit, Seaforth.

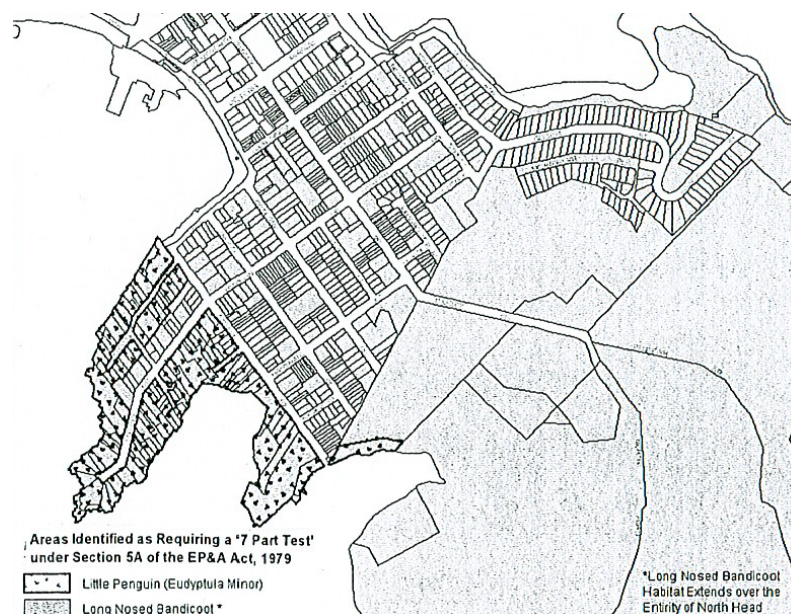
## 5.5 St Patrick's Estate, Manly

Specific development controls apply to St Patrick's Estate, Manly. These can be found in Manly Local Environmental Plan 1988. Clause 35 and Schedule 11 apply. They are to be read in conjunction with this Plan, the provisions of which applies to all development within the St Patrick's Estate. Where there is a conflict, the provisions in Manly LEP 1988 prevail.

## 5.6 Threatened Species and Critical Habitat

- 5.6.1 Any development proposal in the precinct to the south-east of Ashburner Street, Manly and including North Head (refer following map), shall be accompanied by a "Seven Part Test" pursuant to the provisions of Section 5A of the Environmental Planning and Assessment Act 1979. The precinct contains areas of critical habitat for the little penguin (*eudyptula minor*) and habitat for the long nosed bandicoot – a threatened species.
- 5.6.2 Before proceeding with the preparation of a development application, in this location, contact the Customer Service Centre for detailed information.

**Figure 25. Areas of Threatened Species and Critical Habitat**



## 5.7 Plant and Machinery Rooms

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Plant and machinery rooms shall have a floor area no larger than the actual area the plant and/or machinery occupies plus the equivalent of a 500mm access/maintenance area surrounding the plant/machinery item.

## **5.8 Development in the Foreshore Scenic Protection Area**

5.8.1 Development in the Foreshore Scenic Protection Area defined in Manly LEP 1998 shall take into consideration the following, and adverse impacts shall be mitigated:

The affect of the proposal on views of the Harbour or Ocean from any road, park or land zoned for any open space purpose or any other public place.

The affect of the proposal when viewed from the Harbour or Ocean on ridgelines, tree lines and other natural features.

5.8.2 All development within the FSPA shall:

- a) Minimise the contrast between the built environment and the natural environment;
- b) Maintain the visual dominance of the natural environment;
- c) Maximise the retention of existing vegetation;
- d) Not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;
- e) Locate rooflines below the tree canopy; and
- f) Use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.

## **5.9 Construction Site Management**

A **Site Management Report and Plan** shall accompany any application for a **Construction Certificate**. Appropriate management of a development site during the construction phase will ensure the integrity of the environment is maintained. Proper management of a site prevents the potential for pollution whilst maximising environmental protection.

**The Site Management Report and Plan shall address, satisfy and/or mitigate the following requirements and concerns:**

5.9.1 Flora and fauna protection

- a) Trees, significant under-storey vegetation, and significant natural features such as rock outcrops (that have been identified on the site plan to be preserved) shall be fenced. The fencing shall be located 1m from the canopy of trees to be retained,
- b) significant under-storey vegetation and significant natural features;
- c) Trenches for services shall be located outside the canopy of retained trees wherever possible;
- d) If there is no alternative, then the exposed face of the trench shall not be closer than 4m from the trunk of a retained tree. The trench shall be excavated with hand tools;
- e) Care shall be taken during excavation to ensure tree roots of 40mm diameter or greater are not damaged or severed;

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- f) Protective fencing shall be marked with warning signage, with lettering of not less than 100mm high, identifying the reasons for the fencing;
- g) Native vegetation, approved for removal, should be mulched and used in the final landscaping;
- h) Mulching undertaken shall be accompanied by appropriate stormwater and sediment protection measures;
- i) Seed bank regeneration shall be used to promote the perpetuation of indigenous plants on the site; and
- j) Grassed areas shall be preserved to retain the maximum possible cover of native vegetation and minimising the area of disturbed land.

5.9.2. Stormwater and sediment management (see also, Guidelines for Erosion and Sediment Control on Building Sites – Manly Council 2005)

All developments which expose soil by excavation, filling or grading, will require the submission and endorsement by the Council of an **Erosion and Sediment Control Plan – ESCP**, which shall provide, address or comply with the following:

- a) A report, and plans, detailing the methods proposed for erosion control and soil and water management, including maintenance, and other areas of concern as may be required by the Council;
- b) Erosion and sediment control methods for stabilisation shall incorporate:
  - diversion banks up-slope of the work to divert water around the disturbed area;
  - spreaders or straw bales at the end of the diversion bank and overland flow paths from the disturbed area to dissipate flows and the placement of geo-textile filter fabric fences down-slope of the work.
- c) The retention of vegetated buffer strips adjacent to the construction area;
- d) Details of the progressive restoration of disturbed areas;
- e) Provide for adequate sediment containment and stormwater flows during periods of wet weather;
- f) Stormwater or other run-off leaving any work site shall satisfy the quality standards of the Protection of the Environment Operations Act 1997;
- g) Stormwater run-off flowing onto disturbed areas (including stockpiles), shall be intercepted, diverted and/or legally disposed of into an approved containment or treatment system prior to disposal;
- h) Gravel-mesh 'sausages' shall be used for the protection of drains, gutters, roadways and access-ways;
- i) Drains, gutters, roadways and access-ways shall be kept free of sediment;
- j) A sediment containment fence shall be erected around any area subject to excavation or vegetation removal;
- k) All building materials shall be stored within the sediment controlled area of the site;
- l) Stockpiles of topsoil, sand, aggregate, spoil or other landscaping materials shall be identified on the ESCP and;

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- located on a contour at least 2m from hazardous areas and areas of likely concentrated water flows—for example, kerbs or road surfaces, slopes steeper than 10%, or any waterways, drainage lines or easements;
  - protected from run-on water by placing diversion banks up-slope;
  - not located on nature strips, footpaths, roadways, kerbs, access-ways within protected fencing areas or around or against trees or shrubs;
  - formed with sediment control structures placed immediately down-slope to protect other lands and waterways from sediment pollution.
- m) Sewer, water, power, communications and drainage trenches shall be backfilled (with approved backfill material), compacted up to the adjoining ground level and top-soiled within 24 hours of inspection and stabilised against erosion;
- n) If a topsoil stockpile is to be retained for more than 28 days, it shall be turfed or grassed immediately with a suitable annual species and stabilised. Surplus topsoil shall be removed from the site;
- o) The site shall be progressively stabilised as levelling and ground-works are completed;
- p) Disturbed areas shall be stabilised prior to the removal of sediment controls and fences;
- q) Cut and fill batters shall be stabilised immediately;
- r) Stormwater from roofed areas shall be connected to the Council's stormwater disposal systems immediately any new roof is in place;
- s) Vehicle access to the site shall be restricted to a single entry and exit point unless otherwise agreed to by the Council;
- t) Fencing and barriers shall restrict vehicular movements to the stabilised entrance;
- u) The access and traffic ways on the site shall be constructed of 40mm aggregate, either recycled concrete or blue metal gravel, compacted and stabilised. Note that:
- The depth of the aggregate at the entry/exit shall be 150mm;
  - The length of the entry/exit shall be not less than 5m with a width of not less than 3m.
- v) Regular construction traffic ways, pedestrian and vehicular shall be appropriately sealed, to minimise erosion, and drained to sediment control devices; and
- w) Procedures shall be established for washing down the tyres of construction vehicles before they exit the site. Wash down water and residues shall be collected, contained and treated on the site prior to disposal.

#### **5.9.3 Protection of natural features**

Site activity shall avoid disturbance to rock outcrops and bush rock. Salvaged bush rock shall be re-used in landscape works.

#### **5.9.4 Protection of cultural features**

5.9.4.1 The following items shall be protected from damage or destruction, unless the development consent has permitted otherwise:

- Aboriginal sites or relics;
- Natural features e.g. landscape and heritage items including fences;
- Archaeological relics.

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5.9.4.2 Where there is the likelihood of disturbing archaeological relics, such as the foundations of an earlier building, care shall be taken with the use of heavy equipment. If excavation is proposed in areas containing relics over 50 years old, approval is required from the NSW Heritage Council. Aboriginal sites are protected under the National Parks and Wildlife Act 1974.

5.9.4.3 Heritage listed items shall: (see also heritage specific actions in relevant DCP)

- a) be stabilised and surviving structural members and systems shall be repaired or refurbished;
- b) have only unsound material supplemented or replaced; and
- c) not have existing footings disturbed by new excavations that may damage them or weaken the structure. Hand tools only shall be used in their vicinity.

5.9.5 Demolition and construction

Residues from operations such as masonry-cutting, washing tools, and concreting shall be contained on the site and treated using sedimentation settling tanks or flocculation and disposed of in accordance with the waste management plan.

Residue materials shall be stored well clear of any poorly drained or flood prone areas, stream-banks, channel or stormwater drainage areas:

- a) Such materials shall be stored in a designated area and under cover where possible; and
- b) Containment bunds, which allow salvaging of spilt materials, shall be constructed around the storage areas.

5.9.6 Noise and vibration control

Manly Council has controls restricting both the level and extent of noise and vibration generating activities. Specific requirements will be included in the consent document.

5.9.7 Waste management

- a) A Waste Management Plan is required to be submitted, and endorsed by the Council, for all development that requires the lodgement of a DA which involves construction and/or demolition (including alterations, additions and fit-outs). The plan shall address:
- b) The type and quantity of excess materials to be generated during the demolition, construction and on-going stages of the proposed development;
- c) How excess materials are to be stored and used (by re-use and/or recycling) either on or off site;
- d) How and where residual waste will be disposed; and
- e) How waste generated by the use of the completed development will be managed.

**DRAFT DEVELOPMENT CONTROL PLAN (DCP) FOR THE RESIDENTIAL ZONE  
– AMENDMENT 2**

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The Residential DCP is proposed to be amended as follows:

- By amending the Residential Subzone Map by adding to Subzone 3 the following land parcels:
  - lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 - 17 Suwarrow Street Fairlight (being the subject of draft LEP Amendment 82)
  - lots 1 DP1022202, 1 & 2 DP196552 and 1 DP986348
- By inserting the following clause at Section 3.2. 'Residential Density' after paragraph 3.2.2. as follows:
  - 3.2.3. *'Notwithstanding paragraph 3.2.1. and the Residential Subzone Map referred to above, no more than 2 dwellings may be constructed on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 - 17 Suwarrow Street Fairlight (being the subject of draft LEP Amendment 82)*
- By inserting the following clause at Section 3.9. 'Car Parking and Access' after paragraph 3.9.9. as follows:
  - 3.9.10. 'Should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site being. A 1 metre right of way will be required for lots 29 and 30 in Sec 5 DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916 on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 - 17 Suwarrow Street Fairlight (being the subject of draft LEP Amendment 82)
- By making various other amendments at the cover page, citation and preamble to refer to the DCP as 'Amendment 2' with the relevant date for the adoption of this DCP (date pending).

**Exhibition of  
Draft Manly Development Control Plan (DCP) -  
Amendment No. 2**

**Explanatory Note**

**What land is affected by the proposed amendments?**

Residential DCP Amendment 2 relates to certain land as follows:

- lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15-17 Suwarrow Street, Fairlight (being the subject of draft LEP Amendment 82)
- lots 1 DP1022202, 1 & 2 DP196552 and 1 DP986348 known as 28-34 Balgowlah Road Fairlight

The above properties are generally located within the Manly Golf Club on the north side of Balgowlah Road , Fairlight.

**Why is Council making this Amending Plan?**

Council made the following resolution on 12 September, 2011:

153/11     **RESOLVED:**     *(Hay / LeSurf)*  
That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 82, pursuant to sections 54-55 of the Environmental Planning & Assessment Act, 1979, in respect of:
  - a. The rezoning of lots 29 - 31 and 32 in Sec 5 of DP 939916, known as 15-17 Suwarrow Street Fairlight from No. 6 Open Space Zone to No. 2 Residential Zone.
2. Council resolve to amend the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 to include 15-17 Suwarrow Street Fairlight and 28-34 Balgowlah Road Fairlight within Density Sub-zone 3 on the Residential Density and Height Subzone Map.
3. Council resolve that should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site being. A 1 metre right of way will be required for lots 29 and 30 in Sec 5 DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916.
4. The proposal be exhibited for 28days on an area wide basis and to also include the parents of children attending the Roundhouse and that a report be brought back to Council.
5. To elevate any concerns regarding the intensity of any future development by the Manly Golf Club, that Council only support the amendment that only two dwellings be constructed on the subject site.

**For the Resolution:**     *Councillors Heasman, Murphy, Le Surf, Morrison, Norek and Hay*  
**Against the Resolution:**     *Councillors Whitting, Burns, Aird and Griffin*

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**Environmental Services Division Report No. 16 - Manly Development Control Plan for the Residential Zone 2007, Amendment 2**  
**Manly DCP for Residential Zone 2007 Amendment 2 - Explanatory Note**

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This DCP amendment seeks to ensure:

The proposed amendments are consistent with the Manly LEP 1988 (Amendment 82).

**What does this Plan do?**

- *Extend the DCP Residential Subzone Map to include the subject land.*

The incorporation of the subject land into the DCP's Density Subzone 3 will ensure that controls and guidelines generally applicable to this subzone will also apply to the subject site. The application of Density Subzone 3 is consistent with adjacent residential areas and results in the following controls for the land

- Floor Space Ratio 0.6:1 maximum (see RDCP clause 3.4.2.)
- Wall Height 6.5m to 8m depending on gradient of land (see RDCP clause 3.5.2.)
- Maximum 2 storeys (see RDCP clause 3.5.5.)
- Minimum Open Space 55 percent of site area (see RDCP clause 3.7.2.)
- Minimum Site Area 250 sqm (see RDCP clause 3.2.2.)
- Maximum 1 dwelling per 250sqm of site area (see RDCP clause 3.2.2.) applicable to 28-32 Balgowlah Road only. In relation to the remaining sites at 15-17 Suwarrow St no more than 2 dwellings are allowed (equivalent of 1 dwelling per @sqm of site area for 15-17 Suwarrow Street)

The amendment will be drafted in the DCP by adding the subject land parcels to Subzone 3 of the Residential Subzone Map in the DCP.

- *Provide special density control in accordance with Council's Resolution*

As part of Council resolution on 12 September 2011, it resolved that *more than 2 dwellings may be constructed on 15 - 17 Suwarrow Street Fairlight* Accordingly the DFCP is proposed to be amended to include the following clause at Section 3.2. 'Residential Density' after paragraph 3.2.2. as follows:

*3.2.3. 'Notwithstanding paragraph 3.2.1. and the Residential Subzone Map referred to above, no more than 2 dwellings may be constructed on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 - 17 Suwarrow Street Fairlight (being the subject of draft LEP Amendment 82)*

- *Provide special provisions for access through L M Graham Reserve*

As part of Council resolution on 12 September 2011, it resolved to require a right of way for any future development be through L M Graham Reserve. This amendment is proposed to be drafted by inserting the following clause at Section 3.9. 'Car Parking and Access' after paragraph 3.9.9. as follows:

*3.9.10. 'Should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site being. A 1 metre right of way will be required for lots 29 and 30 in Sec 5 DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916 on lots*

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**Environmental Services Division Report No. 16 - Manly Development Control Plan for the Residential Zone 2007, Amendment 2**  
**Manly DCP for Residential Zone 2007 Amendment 2 - Explanatory Note**

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*29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 - 17 Suwarrow Street Fairlight (being the subject of LEP Amendment 82)*

Finally, various other minor editorial amendments will be made at the cover page, citation and preamble to refer to the DCP as 'Amendment 2' with the relevant date for the adoption of this DCP (date pending).

**Proposed Exhibition of DCP Amendment**

Under clause 18 of EP&A Regulation 2000, once a draft development control plan has been prepared, the council must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan and publicly exhibit the draft plan at the places, on the dates and during the times set out in the notice. The Regulations require that the exhibition contain a copy of the draft plan and a copy of any relevant local environmental plan (i.e. Manly LEP 1988). The amended development control plan must be publicly exhibited for at least 28 days.

**Making submission in relation to this Plan**

Should you require any further information please contact Council's Planning and Strategy Branch on 9976 1614.

This draft plan will be exhibited for 28 days and will be available for viewing at:

- Manly Council Chambers, Belgrave Street Manly between 8.30 a.m. and 5.00 p.m.
- Manly Library, 1<sup>st</sup> floor information desk, Market Lane, Manly during the Library's usual opening hours.
- The Council web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au).

Submissions addressed to the General Manager, Manly Council, PO Box 82, Manly 1655 should be lodged by 5.00 pm on 28 April 2012. Enquiries may be referred to Council's Planning and Strategy Branch on 9976 1614.