

## Agenda

### Planning and Strategy Committee

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

**Monday 7 December 2015**

Commencing at 7.30pm 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 for the purpose of ensuring the accuracy of the Minutes. 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)



# Seating Arrangements for Meetings

Executive  
Manager

Minute  
Taker

General  
Manager

**Chairperson**  
**Clr Adele**  
**Heasman**

Deputy  
General  
Manager

Deputy  
General  
Manager

Clr Cathy Griffin

Clr Hugh Burns

Clr Barbara Aird

**Deputy Chairperson** Clr Alan Le Surf

**Mayor** Jean Hay AM

Clr Candy Bingham

**Chairperson** Clr Adele Heasman

Clr James Griffin

Press

Public  
Addresses

## Public Gallery

**Chairperson:** Clr Adele Heasman  
**Deputy Chairperson:** Clr Alan Le Surf

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

**TO:** Planning and Strategy Committee - 7 December 2015  
**REPORT:** Item For Brief Mention Report No. 17  
**SUBJECT:** Items For Brief Mention  
**FILE NO:** MC/15/145034

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**1. Tabled Documents**

Date	Author	Précis
13 Nov 15	Geoff Bailey Executive Director	Accessible Parking at North Fort
23 Nov 15	Mike Baird MP State Member for Manly	Response from the Minister for Finance, Services and Property regarding the sale of State assets.
25 Nov 15	SHOROC	SHOROC Annual General Meeting and SHOROC Incorporated Board Meeting Minutes 25 November 2015

**RECOMMENDATION**

1. That the Tabled Documents be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

PS07122015IBM\_1.DOC

\*\*\*\*\* End of Item For Brief Mention Report No. 17 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 December 2015  
**REPORT:** Report Of Committees Report No. 29  
**SUBJECT:** Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature.  
**FILE NO:** MC/15/142523

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That the following Special Purpose Advisory Committee minutes are tabled at the meeting, for formal notation:

1. Heritage & Local History Advisory Committee – 4 November 2015
2. Meals on Wheels Advisory Committee – 11 November 2015
3. Sister Cities Advisory Committee – 23 September 2015
4. Public Domains Advisory Committee – 21 October 2015

### **RECOMMENDATION**

That the minutes of the following Special Purpose Advisory Committee meetings be noted.

1. Heritage & Local History Advisory Committee – 4 November 2015
2. Meals on Wheels Advisory Committee – 11 November 2015
3. Sister Cities Advisory Committee – 23 September 2015
4. Public Domains Advisory Committee – 21 October 2015

### **ATTACHMENTS**

There are no attachments for this report.

PS07122015RC\_1.DOC

\*\*\*\*\* End of Report Of Committees Report No. 29 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 December 2015  
**REPORT:** Environmental Services Division Report No. 42  
**SUBJECT:** Development Applications Processed for the month of...  
**FILE NO:** MC/15/5271

## SUMMARY

Development applications being processed during November 2015.

## REPORT

The following applications are with the Town Planners for assessment:

DA#	Year	Site	Proposal
161	2011	468 Sydney Road	Section 96 Modification - Part 3
171	2011	72 Fairlight Street	Section 96 modification - Part 2
181	2012	69 Pittwater Road	Section 96 Modification - Part 2
172	2013	25 Castle Circuit	Section 96 Modification - Part 2
203	2013	3 Ogilvy Road	Section 96 Modification - Part 2
91	2015	Sandy Bay Road, Clontarf	Section 96 Modification - Part 2
132	2015	402 Sydney Road	Alterations and additions to an existing building including changes to the existing ground floor commercial level, addition of new shop top housing at rear with ground floor commercial, two (2) storeys above comprising of four (4) residential units, tree removal, stairs and landscaping
160	2015	10 Vista Avenue	Alterations and additions to an existing dwelling house including first floor internal reconfiguration, new windows and new roof.
167	2015	22 Victoria Parade	Demolition of existing structures, construction of three (3) storey hotel with thirty-six (36) rooms, basement car parking with twenty-two (22) spaces and landscaping – Manly Lodge
170	2015	27 Gurney Crescent	Alterations and additions to an existing dwelling house including first floor and rear additions, internal reconfiguration, double carport and deck
173	2015	65 Griffiths Street	Demolition of existing structures, construction of a two (2) storey dual occupancy (attached) with single car garage for each, new driveway, and landscaping
176	2015	47 Beatty Street	Alterations and additions to an existing dwelling house including attached secondary dwelling, addition of new garage, decks, swimming pool, new driveway and landscaping
184	2015	103 Pittwater Road	Alterations and additions to an existing dwelling house including first floor addition
193	2015	50 Pacific Parade	Alterations and additions to an existing dwelling house including a new first floor addition, rear extension with deck, fence, driveway and hardstand area

## Environmental Services Division Report No. 42 (Cont'd)

DA#	Year	Site	Proposal
197	2015	8 Upper Gilbert Street	Alterations and additions to existing dual occupancy (attached) including deck extension and external lifts
202	2015	1 Abernethy Street	Alterations and additions to an existing dwelling house including internal alterations, new staircase, new external walls and landscaping (AKA: 10 Sangrado Street, Seaforth
207	2015	83 Condamine Street	Alterations and additions to an existing dwelling house including first floor addition, rear extension, internal reconfiguration, new driveway, extension to an existing garage, new fence, swimming pool and landscaping
210	2015	19 Beatty Street	Alterations and additions to an existing dwelling house including second floor addition, new first floor front balcony, new doors, windows and internal stairs
218	2015	151 Darley Road	Torrens Title Subdivision into three (3) lots - St Patrick's Estate
220	2015	49 Gordon Street	Alterations and additions to an existing dwelling house including additions at rear, demolition of rear sunroom and balcony, replacement with new sunroom, balconies and stairs, changes to roof and skylights at rear, changes to windows and door, new swimming pool and landscaping
221	2015	169 Pittwater Road	Alterations and additions to an existing Shop Top housing development including demolition of existing garage and in ground swimming pool, construction of new storey rear addition and loft addition, internal alterations, new carparking for 5 (five) cars and One (1) loading bay area and Strata Subdivision
222	2015	44 Bower Street	Alterations and additions to the existing dwelling house including rear addition, extended deck, swimming pool, pergola and retaining walls
225	2015	20 Smith Street	Alterations and additions to an existing semi-detached dwelling house including a first floor addition with dormer window
227	2015	4 Kamiri Street	Alterations and additions to an existing dwelling house including first floor addition and replacement of carport
228	2015	72 Baringa Avenue	Demolition of existing structures, construction of a new two (2) storey dwelling house with double garage and decks.
229	2015	4 Gilbert Street	Alterations and additions to an existing dwelling house including new first floor addition, partial rear demolition, new rear addition, internal alterations, changes to windows and doors, retaining walls and landscaping

## Environmental Services Division Report No. 42 (Cont'd)

DA#	Year	Site	Proposal
230	2015	21 Belgrave Street	Alterations and additions to existing Telstra building including Construction of a new Five (5) level shop top housing development containing retail, commercial uses to part of the building , Twenty five (25) residential units, three (3) level basement car parking for Thirty (30) spaces, Stratum Subdivision, two designated on-street spaces at Whistler Street and landscaping works
231	2015	139 Seaforth Crescent	Alterations and additions to an existing dwelling house including first floor addition, new rear lower ground floor and ground floor addition, enlargement of existing front garage, new rear ground floor deck, new roof and landscaping
232	2015	67 Birkley Road	Alterations and additions to an existing dwelling house including new rear secondary dwelling and rear garage, new rear ground floor addition and new front carport.
233	2015	91 Gurney Crescent	Alterations and additions to an existing dwelling including additions at first and second floor levels, internal alterations to existing ground and first floor level
235	2015	1 Addison Road	Alterations and additions to an existing Residential Flat Building including new balconies, roof extension, internal reconfiguration, replacement of windows and doors - Unit 81
236	2015	323-325 Sydney Road	Demolition of an existing structures, construction of a four (4) storey Residential Flat Building containing fifteen (15) units including five (5) affordable rental units, eleven (11) car parking spaces) with basement carpark, decks and landscaping
237	2015	73 Collingwood Street	Demolition of an existing detached rear outbuilding and construction of a new rear outbuilding – Salty Rooster
238	2015	9 Fairlight Street	Alterations and additions to existing dwelling including addition of new attic, loft and new carport with reconfiguration of internal areas
239	2015	2, 4 & 6 Panorama Parade	Consolidation of 2, 4 & 6 Panorama Parade, demolition of dwelling houses on 4 and 6 Panorama Parade, retention of existing dwelling house on 2 Panorama Parade, construction of three (3) dwelling houses with double garages, decks, landscaping and subdivision into 4 lots
240	2015	30-38 Ethel Street	Alterations and additions to existing registered club including external stairs to carpark - Balgowlah RSL Club
242	2015	108 Frenchs Forest Road	Alterations and additions to existing dwelling house including conversion of an existing double carport to a double garage, rear deck, swimming pool and landscaping

## Environmental Services Division Report No. 42 (Cont'd)

DA#	Year	Site	Proposal
243	2015	17 Addison Road	Alterations and additions to existing dwelling house including first floor addition, demolition of rear sunroom, replacement of existing garage, new rear balcony with pergola, new front fence with gate, demolition and relocation of rear waterfront access stairs with deck within the foreshore building line
246	2015	15 Crescent Street	Demolition of internal walls within garage – Unit 7
247	2015	7 Clarence Street	Demolition of an existing carport, construction of a new detached single carport
248	2015	11 Lower Beach Street	Confirmation of use of premises as a Café including rear storage area for storage of dry and refrigerated goods, outdoor seating area, hours of operation from 7.00am to 6.00pm daily, opening to the public from 7.30am each day with preparation and set up between 7.00am to 7.30am
249	2015	36 Collingwood Street	Alterations and additions to an existing dwelling house including a new first floor addition and internal modification to existing ground floor
250	2015	19 Gordon Street	Demolition of existing structures with tree removal, construction of a new two (2) storey dwelling, double garage, driveway, swimming pool and landscaping
252	2015	32 Tabalum Road	Alterations and additions to an existing dwelling house including alterations to external stairs, internal changes, rear addition with terrace, swimming pool and landscaping
253	2015	42 Dudley Road	Alterations and additions to an existing dwelling house including first floor addition, the partial demolition of the existing rear ground floor structures, new rear ground floor extension and new rear deck
254	2015	360-364 Sydney Road	Establishment of use as a Recreational Facility (indoor), fitout, signage, hours of operation being Monday to Friday from 5.00am to 8.00pm and Saturday from 7.00am to 10.00am – F45 Training
255	2015	55 The Crescent	Alterations and additions to an existing Residential Flat Building including extension of an existing deck – Unit 4

## Environmental Services Division Report No. 42 (Cont'd)

## Significant Development Applications:

DA#	Year	Site	Proposal
167	2015	22 Victoria Parade	Demolition of existing structures, construction of three (3) storey hotel with thirty-six (36) rooms, basement car parking with twenty-two (22) spaces and landscaping – Manly Lodge
230	2015	21 Belgrave Street	Alterations and additions to existing Telstra building including Construction of a new Five (5) level shop top housing development containing retail, commercial uses to part of the building , Twenty five (25) residential units, three (3) level basement car parking for Thirty (30) spaces, Stratum Subdivision, two designated on-street spaces at Whistler Street and landscaping works
236	2015	323-325 Sydney Road	Demolition of an existing structures, construction of a four (4) storey Residential Flat Building containing fifteen (15) units including five (5) affordable rental units, eleven (11) car parking spaces) with basement carpark, decks and landscaping
248	2015	11 Lower Beach Street	Confirmation of use of premises as a Café including rear storage area for storage of dry and refrigerated goods, outdoor seating area, hours of operation from 7.00am to 6.00pm daily, opening to the public from 7.30am each day with preparation and set up between 7.00am to 7.30am
276	2015	36-38 South Steyne	Alterations and additions to existing Club including alterations to the front façade, internal alterations at ground and upper levels, outdoor seating on ground and first floor levels, a new balcony over an existing awning on the first floor level, increase in patron numbers, the hours of operation from 10.00am to 2.00am Monday to Saturday and 10.00am to midnight on Sunday

The following applications are with Lodgement & Quality Assurance for advertising, notification and referral to relevant parties:

19/2014	18 Raglan St, MANLY 2095
LEC - Section 96 to Modify approved Demolition of existing structures and construction of a three (3) storey Mixed Use development containing a funeral home, five (5) residential apartments and eleven (11) car parking spaces - involving the deletion of condition no's 2(b) in regard to use of roof as terrace, 6(a) in regard to level internal access, 6(b) requiring sliding door to adaptable unit 3, 7(b) in regard to locating letterboxes in foyer, 7(c) requiring front entrance to include automatic door, 40 to amend awning height, 61 requiring face brickwork to walls within 600mm of side boundaries and the addition of a vergola to northern facing balconies – Part 4	
176/2015	47 Beatty St, BALGOWLAH HEIGHTS 2093
Alterations and additions to an existing dwelling house including attached secondary dwelling, addition of new garage, decks, swimming pool, new driveway and landscaping	
209/2013	38-42 The Corso, MANLY 2095
Section 96 to modify approved. Alterations and additions to existing building including internal alterations to Unit 9, change windows to a door, convert the roof top laundry to bathroom and timber decking over existing trafficable roof area – involving internal alterations, relocation of laundry and deletion of condition of consent ANS01 in relation to retaining the existing windows – Part 2	

**Environmental Services Division Report No. 42 (Cont'd)**

257/2015	12 Upper Gilbert St, MANLY 2095
Two (2) Lot Strata Title Subdivision of an existing building	
122/2015	86 West St, BALGOWLAH 2093
Section 96 to modify approved Alterations and additions to an existing dwelling house including internal reconfiguration and rear ground floor addition with deck – involving retention of existing first floor balcony, reduction of window size, increase ground floor deck and privacy screens – Part 2	
256/2015	9 Osborne Rd, MANLY 2095
Boundary realignment, construction of two (2) separate hardstand car parking areas for four (4) vehicles and landscaping	
258/2015	421 Sydney Rd, BALGOWLAH 2093
Two (2) Lot Torrens Title Subdivision of an existing duplex	
259/2015	92 The Corso, MANLY 2095
Alterations and additions to an existing shop including the fitout of the existing ground floor– 2XU	
260/2015	65 Curban St, BALGOWLAH HEIGHTS 2093
Alterations and additions to an existing dwelling house including a new rear ground floor vergola	
261/2015	2 Spring Cove Av, MANLY 2095
Construction of a new two (2) storey dwelling house with double garage, in-ground swimming pool and landscaping	
262/2015	55 The Crescent, FAIRLIGHT 2094
Alterations and additions to an existing Residential Flat Building including extension to an existing balcony with new balustrade – Unit 5	
263/2015	39 Judith St, SEAFORTH 2092
Alterations and additions to an existing dwelling house including rear first floor extension, new in-ground swimming pool and landscaping	
273/2006	1 Beatty St, BALGOWLAH HEIGHTS 2093
Section 96 to modify approved Alterations and additions to an existing two (2) storey dwelling including addition of a basement double garage – involving changes to garage, windows, doors, balcony, external finishes, privacy wall, internal alterations, side first floor extension, and relocation of rainwater tank – Part 6	
40/2015	14 Monash Cr, CLONTARF 2093
Section 96 to modify approved Alterations and additions to an existing dwelling house including rear ground and first floor additions, new swimming pool, spa and landscaping – involving addition of roofed alfresco area, changes to doors and windows – Part 2	
264/2015	42 Tabalum Rd, BALGOWLAH HEIGHTS 2093
Alterations and additions to an existing dwelling house including front, rear and side extensions	
266/2015	165A Seaforth Cr, SEAFORTH 2092
Construction of an elevated hardstand car parking area, rear stairs and landscaping	
309/2010	3 Ashburner St, MANLY 2095
Section 96 to modify approved Alterations and additions to an existing dwelling including new first floor addition, internal alterations, rear deck and pergola – involving first floor extension with new deck, ground floor reduction, increase in height and change to roof form – Part 2	
265/2015	Kangaroo St, MANLY 2095
Redevelopment of the Kangaroo Street Child Care Centre and Youth Centre	

**Environmental Services Division Report No. 42 (Cont'd)**

54/2014	550 Sydney Rd, SEAFORTH 2092
Section 96 to modify approved Alterations and additions to an existing building for use as a SEPP (housing for Seniors or People with a Disability) residential care facility and community facility, including a café with ancillary car parking and landscaping – involving modification to Condition 1 (Approved Plans); relocation of the hydrant booster at basement level; deletion of dividing wall between courtyards and new layout; new accessible ramp on western side; deletion of stair lift on eastern side; new arbor, balconies and windows to the northern elevation, fenestration changes and minor	
267/2015	38 Frenchs Forest Rd, SEAFORTH 2092
Change of use to a gymnasium with fitout and one (1) car parking space	
- Units 7 & 8	
268/2015	50 Golf Pde, MANLY 2095
Construction of a new two (2) storey dwelling house, attached garage and landscaping	
269/2015	77 Bower St, MANLY 2095
Construction of a new three (3) storey dwelling house, with double garage, internal lift, swimming pool and landscaping	
270/2015	45 Fisher St, BALGOWLAH HEIGHTS 2093
Construction of a new dwelling house with basement garage and landscaping	
271/2015	41 Bower St, MANLY 2095
Construction of a double carport located on the Road Reserve	
272/2015	55 The Crescent, FAIRLIGHT 2094
Alterations and additions to an existing Residential Flat Building including lower ground floor extension with courtyard extension, ground floor terrace extension, new windows, new doors, internal modifications, demolition and reconstruction of existing retaining wall and stairs – Unit 2	
223/2014	16 Spring Cove Av, MANLY 2095
Section 96 to modify approved Construction of a two (2) storey dwelling with a double garage, a swimming pool and landscaping – involving addition of new window and relocation of Chimney/flue – Part 2	
250/2014	27 Lower Beach St, BALGOWLAH 2093
Section 96 to modify approved Alterations and additions to an existing Residential Flat Building including retaining walls, in-ground spa and awning – Unit 3 – involving modification to condition ANS04 in relation to the minimum setback – Part 2	
273/2015	133-137 North Steyne, MANLY 2095
Alterations and additions to an existing Residential Flat Building including rear extension over existing courtyard – Unit 1	
274/2015	45 Golf Pde, MANLY 2095
Alterations and additions to an existing semi-detached dwelling including a new first floor addition and changes at ground floor level	
275/2015	75 The Corso, MANLY 2095
Alterations and additions to the existing Steyne Hotel including ground floor internal modifications	
276/2015	36-38 South Steyne, MANLY 2095
Alterations and additions to existing Club including alterations to the front façade, internal alterations at ground and upper levels, outdoor seating on ground and first floor levels, a new balcony over an existing awning on the first floor level, increase in patron numbers, the hours of operation from 10.00am to 2.00am Monday to Saturday and 10.00am to midnight on Sunday	

**Environmental Services Division Report No. 42 (Cont'd)**

**RECOMMENDATION**

THAT the report be received and noted.

**ATTACHMENTS**

There are no attachments for this report

PS07122015ESD\_1.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 42 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 December 2015  
**REPORT:** Environmental Services Division Report No. 43  
**SUBJECT:** List of LEC Appeals relating to DAs during November 2015  
**FILE NO:** MC/15/5287

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## SUMMARY

A list of appeals relating to Development Applications currently listed with the Land and Environment Court.

## REPORT

The following matters are listed with the Land and Environment Court:

DA#	LEC Reference	House #	Address	Date lodged	Firm	Status
DA233/2014	Class 1 10607/2015	38	Frenchs Forest Road	10/07/2015	Marsdens	Directions on 22/01/16
DA243/2014	Class 1 10797/2015	138-139 30	North Steyne Bonner Avenue	09/09/2015	Pikes	Hearing 4&5/02/2016
DA154/2015	Class 1 10830/2015	52-56	Darley Road	17/09/2015	HWL Ebsworth	Directions on 10/12/2015
DA103/2015	Class 1 10950/2015	38	Beatrice Street	23/10/2015	Marsdens	Directions on 03/12/2015

## RECOMMENDATION

THAT the report be received and noted.

## ATTACHMENTS

There are no attachments for this report

PS07122015ESD\_2.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 43 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 December 2015  
**REPORT:** Environmental Services Division Report No. 44  
**SUBJECT:** Proposed Amendment to Manly Development Control Plan 2013  
**FILE NO:** MC/15/139448

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## SUMMARY

This report recommends the adoption of an exhibited amendment to Manly Development Control Plan (DCP) 2013. The amendment provides further guidance for development in relation to safety principles.

Proposed amendments have been publically exhibited and following this public consultation process it is now recommended that Council adopt Manly DCP 2013 Amendment 7.

## REPORT

### Background

At its Ordinary Meeting dated 6 October 2015, Council resolved in relation to the proposed DCP amendments that:

1. *Council resolve to amend Manly Development Control Plan 2013; and*
2. *Council exhibit the proposed amendments as reported for a period of twenty-eight (28) days.*

### Public Exhibition

The proposed draft Amendment No. 7 to Manly DCP 2013 was exhibited for twenty-eight (28) days from 10 October 2015 to 9 November 2015.

The draft plan was available for viewing at:

- Manly website [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) under 'Public Exhibitions';
- Manly Council Chambers, between 8.30am and 5.00pm; and
- Manly Library, during the Library's usual opening hours.

### Submissions

No submissions were received during the exhibition period of draft Amendment No. 7 to Manly DCP 2013.

## CONCLUSION

The proposed amendment to Manly DCP 2013 provide further safety guidelines.

The proposed amendment has now been publically exhibited for twenty-eight (28) days with no submissions received. It is recommended that Amendment No.7 to Manly Development Control Plan 2013 is adopted by Council as exhibited and detailed as attached.

**Environmental Services Division Report No. 44 (Cont'd)**

**RECOMMENDATION**

THAT Council:

1. Resolve to adopt Amendment No.7 to Manly Development Control Plan 2013.

**ATTACHMENTS**

**AT- 1** ATTACHMENT - DETAILS OF PROPOSED AMENDMENTS TO MANLY DEVELOPMENT CONTROL PLAN 2013 3 Pages

PS07122015ESD\_3.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 44 \*\*\*\*\*

## ATTACHMENT 1

### Environmental Services Division Report No. 44.DOC - Proposed Amendment to Manly Development Control Plan 2013

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

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

(Drafted in order in which the amendments are to appear in the DCP)

- Update various citations and summary table of amendments to reflect 'Amendment 7'
- Insert general reference to the individual LEP Amendments as follows:

##### 1.3 Relationship to other Plans and Policies

This plan is to be read in conjunction with:

Manly LEP 2013 incorporating the following amendments:

Manly LEP 2013 Amendment 1 published 21 March 2014 (38 Stuart St, Manly);

Manly LEP 2013 Amendment 2 published 2 May 2014 (45 Pacific Pde, Manly);

Manly LEP 2013 Amendment 3 published 12 September 2014 ('Royal Far West' site);

Manly LEP 2013 Amendment 4 published 2 April 2015 (minor corrections);

Manly LEP 2013 Amendment 5 published 15 May 2015 ('Fairlight Reservoir' site);

Manly LEP 2013 Amendment 6 published 25 September 2015 - (Heritage Item mapping);

Manly LEP 2013 Amendment 7 not published to date - exhibited draft ('NSW Health' sites);

Manly LEP 2013 Amendment 8 published 9 October 2015 - (Conservation Area mapping);

Manly LEP 2013 Amendment 9 published 25 September 2015 - (Noise from Licensed Premises); and

any other amendments that may be exhibited/published since commencement of this DCP;

- Minor edits to paragraph 1.5 Purpose of this DCP including reference to legislation under which the DCP is made; and the need to sufficiently justify departures on environmental planning grounds (referencing clause 4.6 of the LEP).
- Minor edits to paragraph 2.1.2.2. Considerations (Context and Site Analysis) including reference at paragraph 2.1.2.2.a to paragraph 2.1.6 in relation to building finishes being complementary in the locality.
- Minor edits to paragraph 2.2.4.2 Integrated Development and paragraph 2.2.4.3 Integrated Development to condense and merge these paragraphs.
- Insert new paragraph 3.10 Safety and Security as follows:

##### Part 3 General Principles of Development

##### 3.10 Safety and Security

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

Objective 1) To ensure all development are safe and secure for residents, occupants and visitors.

Objective 2) To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.

Objective 2) To contribute to the safety and security of the public domain.

- See also paragraph 2.1.2.2 Context and Site Analysis for considerations which influence design.
- See also paragraphs 2.1.10 – 13 for construction site management including safety.

## ATTACHMENT 1

### Environmental Services Division Report No. 44.DOC - Proposed Amendment to Manly Development Control Plan 2013

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

- See also paragraph 2.3.2.1.c for considerations of when a tree is a risk to human life or property.
- See also paragraph 3.6.3.8 for Fire Safety in relation to legislation for Accessibility.
- See also paragraph 4.1.9 Swimming Pools and Spas referencing the Swimming Pools Act 1992
- See also paragraph 4.4.6 Child Care Centres require additional considerations of safety.
- See also paragraph 5.4.3 Flood Control Lots primarily concerns the management of flood risks.
- See also paragraphs 4.1.4.2.f and 4.2.3.d providing for splayed setbacks at street corners for safety.
- See also paragraphs 4.2.5.6 and 2.1.16 regards Late Night Venues promotes Manly Town Centre entertainment precinct as a safe night place.
- See also the Work Health Safety Act 2011 (NSW) which at Section 22 (WHS Act) sets out the Duty of Designers to ensure that designed plant substance or structure is without risk to Health & Safety of persons who use, construct and maintain the 'product'/ development. See also the associated NSW Codes of Practice for ensuring the Safe Design of Structures (2012) and the Draft Code of Practice for Safe Design, Manufacture, Import and Supply of Plant (2011).

**Note:** Safety in Design refers to the integration of design principles and control measures early in the design process to eliminate or, if this is not reasonable practicable, minimise risks to health and safety throughout the life of the structure being designed and assessed. Safety in Design is part of a wider set of design objectives, including practicability, aesthetics, cost and functionality.

#### 3.10.1 Safety

The principle of 'safety in design', is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.

- a) Vehicular Access is to be designed and located to achieve safety by:
  - i) locating car park entry and access on secondary streets or lands where available;
  - ii) minimising the number and width of vehicle access points;
  - iii) providing clear sight lines at pedestrian and vehicular crossings; and
  - iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.
- Relocate text from paragraph 3.4.2.3 Casual Surveillance to new paragraph 3.10 Safety and Security to read as follows:

#### 3.10.2 Security (Casual Surveillance)

In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by:

- a) orientating some rooms to the street;
- b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;
- c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and
- d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.
- Insert new guideline in relation to lighting under awnings (for safety and security) at Part 4 as follows:

#### 4.4.4.1 Awnings in all LEP Business Zones

Continuous footpath awnings must be provided on all street frontages generally in accordance with the following guidelines:

...d) Lighting under the awnings should be provided for pedestrian safety

- Edit objective for Open Space and Landscaping for clarification as follows:

## **ATTACHMENT 1**

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### **Environmental Services Division Report No. 44.DOC - Proposed Amendment to Manly Development Control Plan 2013**

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

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Objective 3) To **maintain and** enhance the amenity of the site, streetscape and surrounding area.

- Edit paragraph 4.1.5.1.b.iii in relation to the calculation of Total Open Space to additionally clarify that a lesser area of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. Also minor edits to paragraph 4.1.5.1.c.iv for clarity.
- Update reference to Section 94 Contribution rate in accordance with 2015-2016 Schedule of Fees and Charges at paragraph 4.4.9.

**TO:** Planning and Strategy Committee - 7 December 2015  
**REPORT:** Environmental Services Division Report No. 45  
**SUBJECT:** Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted  
**FILE NO:** MC/15/139450

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## SUMMARY

This report summarises submissions made during the exhibition of Council's Planning Proposal to rezone the Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor. This report recommends Council proceed to adopt the Planning Proposal as exhibited, and make the amending LEP.

## REPORT

### BACKGROUND

At Council's Ordinary Meeting of 20<sup>th</sup> April 2015, Council resolved the following:

*Council prepare to make a Planning Proposal to amend the Manly LEP 2013 to rezone land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor at the Manly Industrial Estate, Balgowlah.*

A Planning Proposal to this affect was prepared by Council officers and submitted to the Department of Planning and Environment. On 19<sup>th</sup> June 2015, Council received its Gateway Determination from the Department. Council also received delegation to make the amending LEP.

As a condition of the Gateway Determination, prior to public exhibition, Council were required to conduct four (4) specific studies to justify and support the Planning Proposal. External consultants were contracted to carry out the required studies. The following four studies were conducted, completed, with summaries and findings presented to Council's Ordinary Meeting on 6<sup>th</sup> October 2015:

- Economic Impact Assessment, prepared by Urbis Pty Ltd.
- Flood Risk Management Plan, prepared by BMT WBM Pty Ltd.
- Land Contamination Report, prepared by DLA Environmental Services.
- Transport and Active Transport Assessment, prepared by Christopher Hallam & Associates.

Council at its Ordinary Meeting, resolved to proceed with the exhibition of the Planning Proposal together with the studies conducted, in accordance with the Gateway Determination.

### EXHIBITION and SUBMISSIONS

The Planning Proposal, together with all relevant studies, was publically exhibited at Manly Town Hall, Library and website from 10<sup>th</sup> October to 9<sup>th</sup> November 2015. Consultation letters were also sent to Warringah Council and Transport for NSW (TfNSW) as required by the Gateway Determination.

In response to the public exhibition, Council received two (2) submissions from:

- i) Warringah Council
- ii) Symons Goodyear (on behalf of Thrust Pty Ltd).

**Environmental Services Division Report No. 45 (Cont'd)****Submission One: Warringah Council (see Attachment 1).**

The submission cites already established points made in the Economic Impact Assessment prepared by Urbis on behalf of Council, and the implications the rezoning would have on industrial land in Warringah. Responses to issues raised by the submission are presented below:

Submission comment: That *'the introduction of retail uses has potential to generate additional traffic issues in the immediate area'*.

Response: The Traffic and Active Transport Assessment conducted by Chris Hallam & Associates identifies these issues and the specific requirements needed to improve the road network. However, based on the traffic analysis already undertaken in the study, road improvements are not a prerequisite for the proposed rezoning, and do not have to be undertaken in the short-term.

Submission comment: *Additional points raised in Warringah's submission relate to the protection of existing uses and non-permissible residential land uses.*

Response: To clarify, existing uses and businesses in the industrial area would be protected under 'existing use rights' of the Environmental Planning and Assessment Act 1979. In addition, all existing uses in the Zone IN2 Light Industrial Estate land use table would be incorporated into the new B6 Enterprise Corridor land use table as per the Planning Proposal. No residential land use, in any form, is permissible or proposed on any of the subject land.

**Submission Two: Symons Goodyer, on behalf of Thrust Pty Ltd (Attachment 2).**

The submission is written by Symons Goodyer on behalf of Thrust Pty Ltd, landowners of 1-3 Paton Place, Balgowlah. This land is subject to the rezoning proposal.

Submission comment: The submission raises the issue that there is a shortage of child care facilities in the Manly Council area, where the LGA has been *'identified as being one of the places in Sydney where child care was difficult to find'*.

Response: Although there is a recognised shortage of child care facilities, this is not due to the availability of land. Child care centres are permissible in all land zoned R1, R2, R3, B1, B2, RE1 and RE2 within the MLEP 2013. This equates to approx. 889 ha of the Manly LGA. Child care centres are not permissible in land zoned IN2 and B6 (the subject of the planning proposal). These two zones (B6 & IN2) equates to approx. 11.7 ha of the Manly LGA.

To this end, only 1.3% of the total Manly LGA area (excluding environmentally zoned land e.g. E1 National Parks) does not permit the child care centre land use. Therefore, the supply of land available for child care centre use **is not** a contributing factor to the shortage of child care facilities in Manly (see Attachment 3).

Submission comment: The submission asserts that *child care centres are compatible with other land uses permitted in Zone B6 Enterprise Corridor.*

Response: If the child care centre land use is introduced into the B6 Enterprise Corridor zone land use table, it is anticipated that land use conflicts will arise. Many uses, such as light industrial, truck depots, sex services premises, etc. are permissible with consent within this subject area only, and nowhere else in Manly.

This enables those uses to operate without adversely impacting similar, neighbouring uses. A child care centre development would 'sterilise' neighbouring land from developing a light industrial use, by restricting the omission of offensive smells, dust, and noise, essential to that light industrial use. Therefore, as this is the only area in Manly where these offensive issues can occur, it is considered beneficial and necessary to maintain this separation of land uses to reduce land use conflicts and land sterilisation.

**Environmental Services Division Report No. 45 (Cont'd)**

Submission comments: The submission cites *several child care centres within the Brookvale Industrial Area, which has similar characteristics to the Manly Industrial Area*. The submission lists the following specific examples of child care centres in the Brookvale Industrial Area:

- Sandcastles, 9 Ethel Ave, Brookvale,
- The Owl and the Pussycat, 581 Pittwater Rd, Brookvale
- Explore and Develop, 122-126 Old Pittwater Rd, Brookvale,
- Greenwoods, 15 Old Pittwater Rd, Brookvale,
- Wattle Road, 18 Wattle Road, Brookvale.

Response: Council officers conducted site visits to each of the above sites in response to the submission. All the above child care centres are located in zones that are either zoned 'IN1 General Industrial' or 'B5 Business Development' under the Warringah LEP 2011. Child care centres are prohibited in both these zones, therefore it is assumed that these child care centres were either approved under a previous planning instrument or utilises existing use rights under the Act.

As the future development of child care centres are prohibited in neighbouring Warringah Brookvale Industrial Area, the Manly Industrial Area is consistent with prohibition of these uses in an industrial area. It is to be noted that one of the child care centres mentioned in the submission (122-126 Old Pittwater Road) is located within the vegetation buffer of a bushfire zone.

**CONCLUSION**

The Planning Proposal has been publically exhibited and now meets all the requirements of the Gateway Determination. An amendment to the Manly LEP 2013 can now be made that will rezone the subject land from IN2 – Light Industrial to B6 – Enterprise Corridor at the Manly Industrial Estate, Balgowlah. References to Industrial zoned land in the Manly LEP 2013 written document will also be removed as they will no longer have any effect, including; removing this zone from the list of Land Use Zones; removing the term 'light industrial zones' from the aims of the plan; and removing clause 6.18 '*Development for bulky good premises in Zone IN2*' which would no longer apply to any land in Manly.

**RECOMMENDATION**

THAT Council prepare and make the draft amendment to the Manly Local Environmental Plan to rezone land from Zone IN2 Light Industrial (Manly Industrial Estate, Balgowlah) to Zone B6 Enterprise Corridor.

**ATTACHMENTS**

<b>AT- 1</b>	Warringah Council 03/11/2015 Submission on Planning Proposal For Rezoning of Manly Industrial Estate	2 Pages
<b>AT- 2</b>	Map of Area Calculation for Land Zoning - Manly Balgowlah Industrial Land Rezoning	1 Page
<b>AT- 3</b>	Geoff Goodyer - Planning Proposal - Manly Industrial Estate and child care centres.	3 Pages

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\*\*\*\*\* End of Environmental Services Division Report No. 45 \*\*\*\*\*

## ATTACHMENT 1

### Environmental Services Division Report No. 45.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted Warringah Council 03/11/2015 Submission on Planning Proposal For Rezoning of Manly Industrial Estate



3 November 2015

Stephen Clements  
Deputy General Manager  
Land Use and Sustainability  
Manly Council  
PO Box 82  
MANLY NSW 1655



Our Ref: 2015/321347

Dear Mr Clements

#### **Submission on Planning Proposal for Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial and Zone B6 Enterprise Corridor**

Thank you for consulting with us on Manly Council's Planning Proposal to rezone land at the Manly Industrial Estate. Warringah Council reinforces the importance of having a regional approach to planning for employment land on the Northern Beaches and is generally supportive of retaining employment lands.

As identified in the Economic Impact Assessment prepared by Urbis, the Northern Beaches has a 'tight industrial market' with existing industrial land highly utilised and limited scope for future industrial land zonings. It also identifies continued demand for industrial land over the next two decades. As the proposal would result in the rezoning of the last remaining industrial precinct in Manly LGA, it assumes future demand will be accommodated elsewhere in existing industrial and business park zones within Warringah and Pittwater LGAs.

In particular, the industrial precincts of Brookvale and Cromer are identified as strategically important industrial precincts for the region, with the highest development capacity. The proposal would place increasing significance on the stocks of industrial land in Warringah and therefore has implications for structure planning work currently underway for the Brookvale employment lands. The analysis in the Urbis report would be of value in undertaking that work.

A key justification for the Planning Proposal is increased job yields in the precinct as a result of the proposed rezoning to Zone B6 Enterprise Corridor, which would be a more flexible employment zone and permit retail and commercial uses. While this may create new employment opportunities for residents across the Northern Beaches, the introduction of retail uses has potential to generate additional traffic issues in the immediate area.

In relation to the rezoning of employment lands, the issue is more about loss of economic functions than growth in job numbers. In particular, there is a need to provide for local urban services in the area which provide vital services to the wider population. While the Planning Proposal intends to include Bus Depots and Vehicle

WARRINGAH COUNCIL

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## ATTACHMENT 1

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### **Environmental Services Division Report No. 45.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted**

### **Warringah Council 03/11/2015 Submission on Planning Proposal For Rezoning of Manly Industrial Estate**

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Repair Stations as additional permitted uses, there is concern that introduction of retail and commercial uses may push out these urban services over time. Maintaining existing use rights to prevent proliferation of uses will be required. Even though not proposed, a clear statement is needed that any form of residential will not be allowed within the precinct, as this could lead to speculation and increasing pressure on industrial land uses.

Given the value of industrial lands across the Northern Beaches and potential supply shortages identified in the Urbis Report, the Planning Proposal that into consideration forthcoming directions for the Sydney North District Plan. This includes a recently undertaken review of industrial lands by Hill PDA for the Department of Planning & Environment.

If you would like to discuss this matter further, please contact Deb Kempe, Economic Development Coordinator on 9942 2233 or myself on 9942 2652.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DKerr'.

David Kerr  
Group Manager Strategic Planning

## ATTACHMENT 2

### Environmental Services Division Report No. 45.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted

#### Map of Area Calculation for Land Zoning - Manly Balgowlah Industrial Land Rezoning

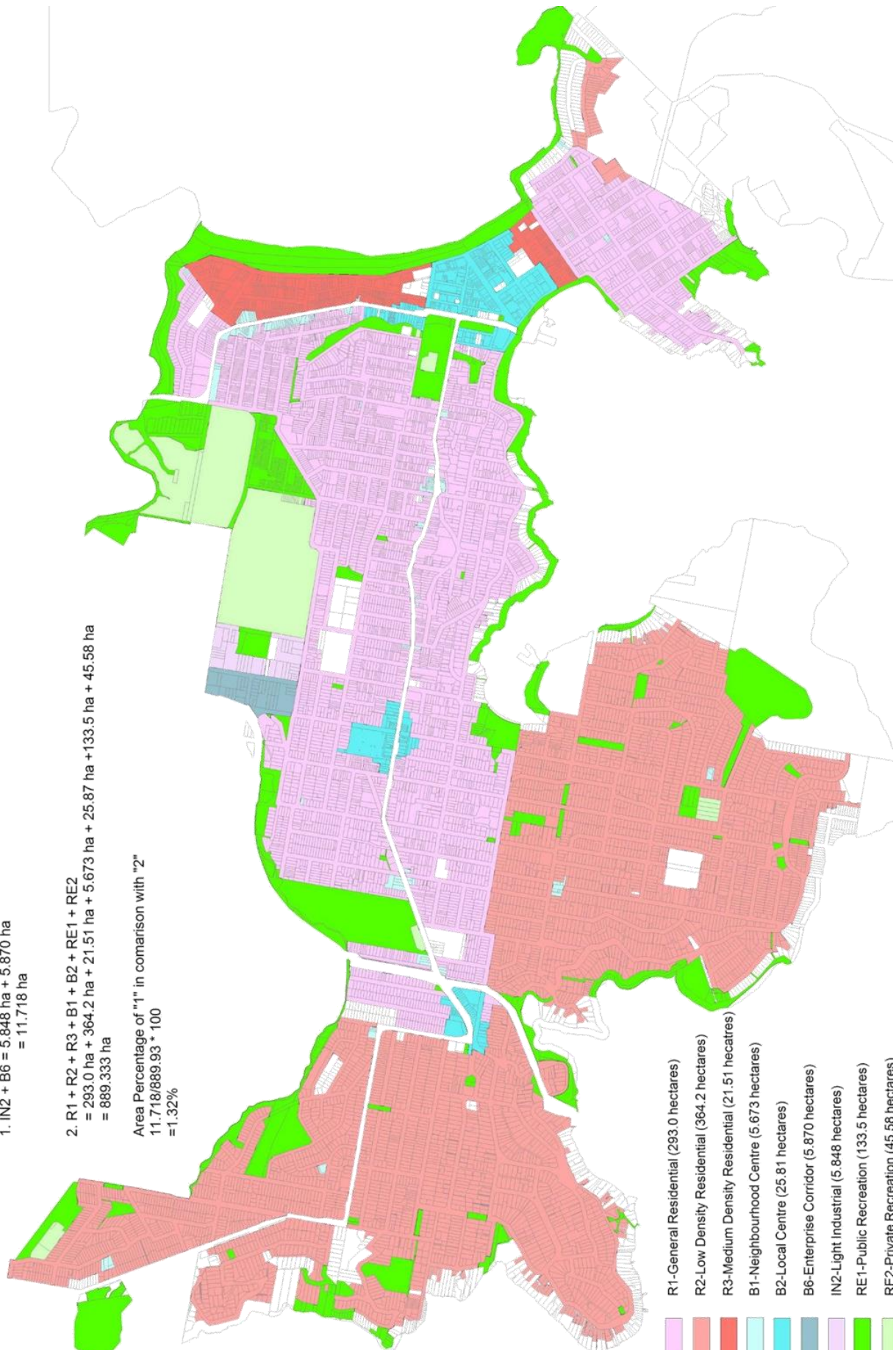
##### Area Calculation for Land Zoning

##### Required Area Calculation

$$1. \text{IN2} + \text{B6} = 5.848 \text{ ha} + 5.870 \text{ ha} \\ = 11.718 \text{ ha}$$

$$2. \text{R1} + \text{R2} + \text{R3} + \text{B1} + \text{B2} + \text{RE1} + \text{RE2} \\ = 293.0 \text{ ha} + 364.2 \text{ ha} + 21.51 \text{ ha} + 5.673 \text{ ha} + 25.87 \text{ ha} + 133.5 \text{ ha} + 45.58 \text{ ha} \\ = 889.333 \text{ ha}$$

$$\text{Area Percentage of "1" in comparison with "2"} \\ \frac{11.718}{889.333} \times 100 \\ = 1.32\%$$



### ATTACHMENT 3

## Environmental Services Division Report No. 45.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted

Geoff Goodyer - Planning Proposal - Manly Industrial Estate and child care centres.



19 November 2015

General Manager  
Manly Council  
PO Box 82  
Manly NSW 1655

Attention: Nayeem Islam

Dear Mr Islam,

**Re: Manly LEP 2013 Planning Proposal  
Rezoning of Manly Industrial Estate land from Zone IN2 Light Industrial  
to Zone B6 Enterprise Corridor**

I have been engaged by Thrust Pty Ltd to make a submission to Council regarding this planning proposal. Thrust Pty Ltd is the owner of land within the Manly Industrial Estate at 1-3 Paton Place, Balgowlah.

This submission provides support for the inclusion of child care centres as a permissible use within Zone B6 Enterprise Corridor.

There is a shortage of child care facilities in the Manly Council area. Figures obtained by the Department of Education under Freedom of Information laws and published in The Australian newspaper on 7 October 2014 revealed that in the Manly Council area, *"where there are 2,972 children aged five and under, there are only 18 child care centres, most with less than two vacancies each day"*. Manly Council area was identified as being one of the places in Sydney where child care was difficult to find, as shown in the following graphic published by The Australian newspaper:



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### ATTACHMENT 3

## Environmental Services Division Report No. 45.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted

Geoff Goodyer - Planning Proposal - Manly Industrial Estate and child care centres.

The provision of child care centres within Zone B6 Enterprise Corridor is consistent with the aims of MLEP 2013, particularly clause 1.2(2)(c)(i):

(c) *in relation to business and the economy:*

- (i) *to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, **community services** and economic growth in business centres and light industry zones*

It is also consistent with the objectives of Zone B6 Enterprise Corridor:

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

It is only in relatively recent times that child care centres became prohibited in the Manly Industrial Estate (since 19 April 2013). Prior to this time they were permissible in the area. I am unaware of any negative impacts arising from the permissibility of child care centres in the Manly Industrial Estate for many years prior to 19/4/2013.

Child care centres are compatible with other land uses permitted in Zone B6 Enterprise Corridor. As an example, child care centres have been successfully established for a number of years within the Brookvale Industrial Area which has similar characteristics to the Manly Industrial Area. Examples are shown below:

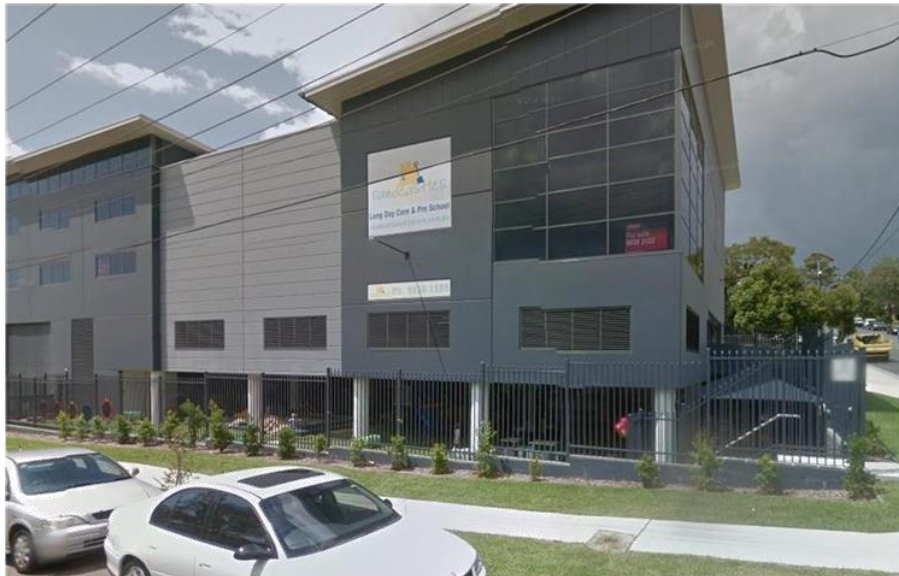


Photo 1: Sandcastles Long Day Care Centre, 9 Ethel Avenue, Brookvale

### ATTACHMENT 3

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**Environmental Services Division Report No. 45.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted**  
**Geoff Goodyer - Planning Proposal - Manly Industrial Estate and child care centres.**

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**Photo 2: The Owl and the Pussycat Child Care Centre, 581 Pittwater Road, Brookvale**

Other examples include Explore and Develop Child Care Centre (122-126 Old Pittwater Road, Brookvale), Greenwoods Early Education Centre (15 Old Pittwater Road, Brookvale) and Wattle Road Early Education Centre (18 Wattle Road, Brookvale).

Child care centres are permissible within Zone B6 Enterprise Corridor in most of the Council areas within Sydney that have a B6 zone: Ashfield, Auburn, Bankstown, Fairfield, Hawkesbury, Holroyd, Hornsby, Mosman, Parramatta, Ryde, Sutherland, Sydney City, and The Hills.

Making child care centres permissible in Zone B6 Enterprise Corridor would not be inconsistent with any State Environmental Planning Policies. Nor would it be inconsistent with the Manly Industrial Zone Master Plan 2011 (except to the extent that the Master Plan adopted the existing zoning table for Zone B6 Enterprise Corridor without comment).

Finally, the Manly Industrial Estate is ideally situated for child care centres. Such centres can be established in the Estate without the conflicts with residential amenity that occur in all other zones in Manly. The Estate has good access. Child care centres would provide a service to workers within the Estate and reduce travel distances for those workers with children in care.

Thank you for the opportunity to make this submission. If you have any questions please feel free to contact me.

Yours sincerely,

Geoff Goodyer  
**Symons Goodyer Pty Ltd**

c:\users\geoff\documents\data\planning\thrust pty ltd\16-060\letter council 1.1.docx