

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 2 March 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.

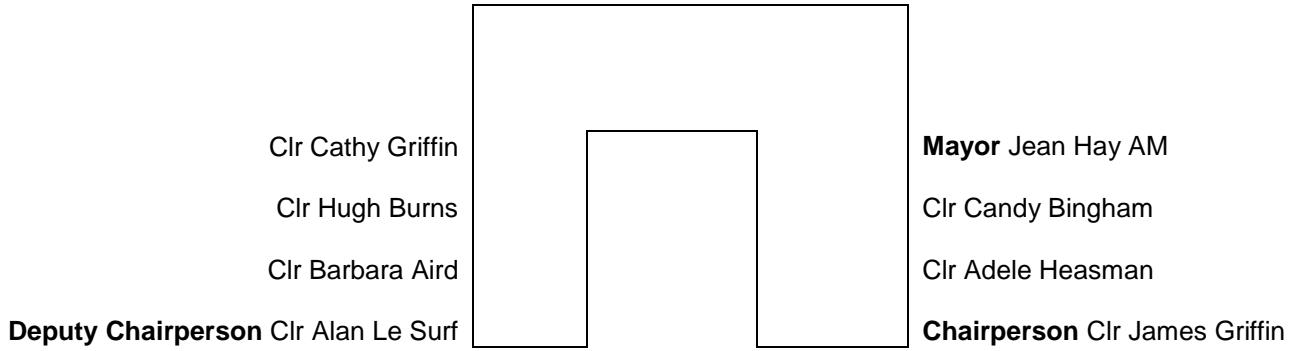
Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:

www.manly.nsw.gov.au



Seating Arrangements for Meetings

Executive Manager Minute Taker General Manager **Chairperson
Clr James
Griffin** Deputy General Manager Deputy General Manager



Press

Public
Addresses

Public Gallery

Chairperson: Clr James Griffin
Deputy Chairperson: Clr Alan Le Surf

TABLE OF CONTENTS

Item Page No.

APOLOGIES AND LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 3

Items For Brief Mention..... 2

REPORTS OF COMMITTEES

Report Of Committees Report No. 8

Minutes for notation by Council - Special Purpose Advisory committee without recommendations of a significant nature..... 3

PUBLIC ADDRESSES

GENERAL MANAGERS DIVISION

General Managers Division Report No. 3

Plaque to honour those who saved the land below Cutler Road from development 4

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 5

List of LEC Appeals relating to DAs during February 2015..... 7

Environmental Services Division Report No. 6

Development Applications Processed for the month of March 2015..... 8

Environmental Services Division Report No. 7

Manly Local Environmental Plan 2013 – Draft Amendment 4 and Accompanying Voluntary Planning Agreement in Relation to the Sydney Water Fairlight Reservoir Site 18

Environmental Services Division Report No. 8

Proposed Amendment to Manly Development Control Plan 2013 22

CLOSED COMMITTEE ITEMS

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 1

Lane through Kangaroo Reserve

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (e) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, prejudice the maintenance of law.

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

TO: Planning and Strategy Committee - 2 March 2015
REPORT: Item For Brief Mention Report No. 3
SUBJECT: Items For Brief Mention
FILE NO: MC/15/16683

1. Tabled Documents

	Date	Author	Subject
1	5 Feb 15	Trevor Armstrong Chief Operating Officer Ausgrid	Ausgrid's proposal to the Australian Energy Regulator (AER) outlining their future plans and proposed capital and operating budgets for the five-year period to 30 June 2019.
2	3 Feb 14	Mike Baird MP State Member for Manly	Acknowledgement of Council's letter regarding pedestrian access to Centrelink, Brookvale.
3	18 Feb	SHOROC Incorporated	Board Meeting Minutes – 18 February 2015
4	24 Feb	The Hon Katrina Hodgkinson MP Minister for Primary Industries	Reply to Council's letter regarding the development of a management plan for Cabbage Tree Bay Aquatic Reserve.

RECOMMENDATION

1. That the Tabled Documents be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS02032015IBM_1.DOC

***** End of Item For Brief Mention Report No. 3 *****

TO: Planning and Strategy Committee - 2 March 2015
REPORT: Report Of Committees Report No. 8
SUBJECT: Minutes for notation by Council - Special Purpose Advisory committee without recommendations of a significant nature.
FILE NO: MC/15/22097

That the minutes of the following Special Purpose Advisory Committee and Working Group meetings are tabled at this meeting.

1. Manly Lagoon Catchment Coordinating Committee – 29 January 2015
2. Manly LEP & DCP Working Group – 5 February 2015
3. Community Safety & Place Management Advisory Committee – 12 February 2015

RECOMMENDATION

That the minutes of the following Special Purpose Advisory committee and Working Group meetings be noted.

1. Manly Lagoon Catchment Coordinating Committee – 29 January 2015
2. Manly LEP & DCP Working Group – 5 February 2015
3. Community Safety & Place Management Advisory Committee – 12 February 2015

ATTACHMENTS

There are no attachments for this report.

PS02032015RC_1

***** End of Report Of Committees Report No. 8 *****

TO: Planning and Strategy Committee - 2 March 2015
REPORT: General Managers Division Report No. 3
SUBJECT: Plaque to honour those who saved the land below Cutler Road from development
FILE NO: MC/15/23232

SUMMARY

This report is in response to Notice of Motion Report No. 5 *Outstanding Plaque to be Erected* and Council Resolution 4/15.

REPORT

At the Ordinary Meeting of Council held on 9 February 2015 it was resolved [4/15]

That a report be prepared correctly identifying the land and historic event referred to in the Manly Daily article on 30/1/15 with the view to erecting a plaque to honour the then Lands Minister Jack Renshaw, Alderman Frank Preacher and all the Manly alderman of the time who were responsible for saving the land "below Cutler Road" from development.

Identification of the land

The Map at **Attachment 1** shows the land "below Cutler Road" marked in green. It comprises Lot 67 in DP1200520, which was created for the purposes of Crown Land conversion, and constitutes part of Sydney Harbour National Park.

This land abuts land to the south dedicated for Public Recreation on 12 June 1912, commonly known as "Grotto Point Reserve". The land annotated as Area 117 on the Map is known as Castle Rock Reserve. All of this land was subsequently incorporated into the Sydney Harbour National Park, proclaimed by Gazette on 4 April 1975.

Background

The following chronology of events outlines the progress of this matter:

17 March 1997

A Mayoral Minute was presented regarding the passing of former Manly Alderman Frank Preacher, who was an Alderman of Manly Council for 24 years (1959-1983) and Mayor of Manly in 1978. Part of the resolution included that Council further investigate the contribution of those aldermen who were responsible for lobbying the State Government to save the harbour foreshore around Grotto Point from subdivision, and that Council look into erecting a plaque at Grotto Point to record that contribution.

18 March 1997

Mr David Hay wrote to the (then) Manly Council General Manager Mr Wayne Collins outlining the significant contribution of the (then) Minister for Lands the Hon. John Brophy "Jack" Renshaw in the saving of the subject land from a Crown Land subdivision.

30 June 1997

A Report was presented to Council responding to the Mayoral Minute of 17 March 1997 and outlining the history of the matter. The Report recommended (inter alia) erecting a plaque honouring Jack Renshaw, Alderman Preacher and the Council of the day (1960).

An extract from the 30 June 1997 Report to Council stated:

General Managers Division Report No. 3 (Cont'd)

There is little evidence as to who the major players were in the efforts to preserve Grotto Point from residential development. Circumstantial evidence suggested the Mayor of the day Ald. W. F. Fairbairn (1959/60) the immediate past Mayor Ald. M. Paine (1955/58), Clr. Preacher and the other Aldermen of that day (D Hay, J Anderson, D Button, L Over, A Bush, J Paton, G Whittle, W Nicholas and A Ambrose) all pursued the objective. As indicated by former Mayor David Hay, perhaps most of the credit is due to the then Minister for Lands, the Late Hon. Jack Renshaw.

However, at the Council Meeting of 30 June 1997, the Council unanimously resolved to refer the Item to the Heritage Committee for further research.

7 July 1997 and 1 September 1997

Heritage Committee Minutes show that the committee required research be undertaken as to the involvement of Mr Preacher, Mr Renshaw, Manly Councillors and other community groups and individuals.

The Heritage Committee Minutes of 1 September 1997 resolved that the committee wait until all avenues to find Mr Preacher's Grotto Point files had been exhausted, before making a further recommendation to Council regarding the plaque at Grotto Point.

13 October 1997 and 4 May 1998

The Heritage Committee Minutes reflect that further attempts were made to find Mr Preacher's files and that staff had contacted residents who lived in Barrabooka Street when the land resumption occurred. It was reported at that time that there were conflicting points of view about events regarding this matter.

Post May 1998

It would appear that from May 1998 onwards no further action was taken by the Heritage Committee to make a recommendation to Council regarding this matter.

Conclusion

Based on the historical information obtained from Council's records on this matter, it is concluded that it is a matter for Council to decide on the erection of a plaque commemorating the efforts of the Council of the day (1960) and the late Hon. Jack Renshaw in saving the land "below Cutler Road" from development.

RECOMMENDATION

That the General Manager organise a ceremony to dedicate a commemorative plaque in the vicinity of the junction of Cutler and Tabalum Roads to honour those primarily responsible (being the Minister for Lands, the late Hon. Jack Renshaw, Alderman Preacher and other Manly Aldermen of the day), for saving the subject land from development.

ATTACHMENTS

AT- 1 Map of the land below Cutler Road Balgowlah 1 Page

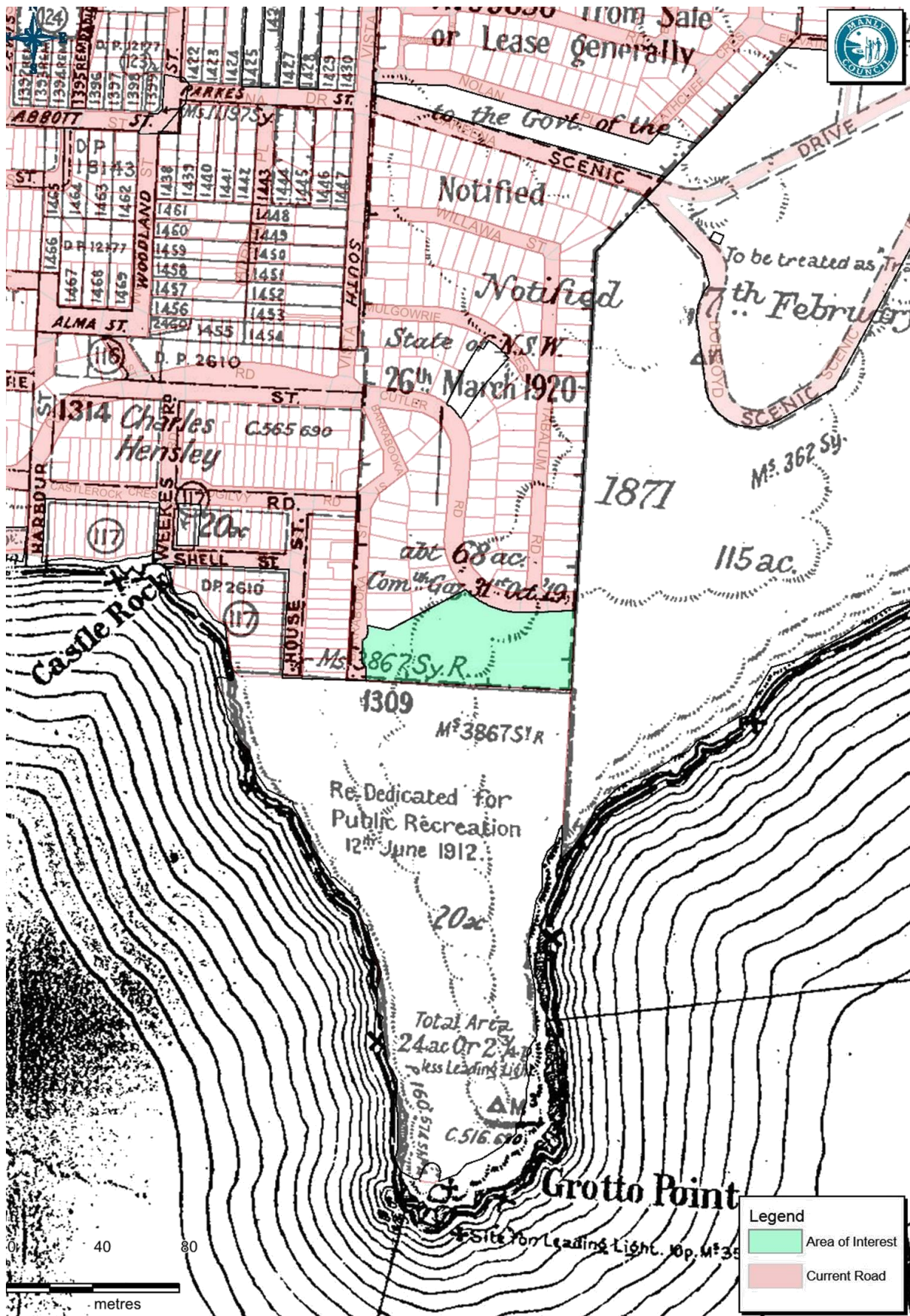
PS02032015GMO_1.DOC

***** End of General Managers Division Report No. 3 *****

ATTACHMENT 1

General Managers Division Report No. 3.DOC - Plaque to honour those who saved the land below Cutler Road from development

Map of the land below Cutler Road Balgowlah



TO: Planning and Strategy Committee - 2 March 2015
REPORT: Environmental Services Division Report No. 5
SUBJECT: List of LEC Appeals relating to DAs during February 2015
FILE NO: MC/15/5255

SUMMARY

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

REPORT

DA#	L&E Appeal Ref	House #	Address	Date Matter Lodged	Solicitor Co	Current Status
ACTIVE						
DA 127/2014	Class 1 10683/2014	92-94	Pittwater Road	29/8/2014	HWL	Appeal upheld 2 Feb 2015
DA 130/2014	Class 1 10653/14	323-325	Sydney Road	21/8/2014	Maddocks	Appeal dismissed 16 February 2015
DA 5/2014	Class 1 10572/14	4	Rolfe Street	1/8/2014	Pikes	Hearing (continued) 10 March 2015
DA 220/2013	Class 1 10551/2014	9-11	Victoria Pde	29/7/2014	Maddocks	Mention 11 March 2015
Class 1	DA 105/2013	112	Sydney Road	17/11/2014	Marsdens	S34 conference 11 March 2015
Class 1	DA 297/2012	12-13 & 102	Marine Parade Bower Street	2/12/2014	Pikes	S34 conference 17 March 2015
Class 1	DA 19/2013	61	Gurney Crescent	22/1/2015	HDO	Directions 6 March 2015
Judgement/Awaiting Judgement						
DA 30/2014	Class 1 10753/2014	36-46	Sydney Road	17/9/2014	Pikes	Awaiting judgment

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report

PS02032015ESD_2.DOC

***** End of Environmental Services Division Report No. 5 *****

TO: Planning and Strategy Committee - 2 March 2015
REPORT: Environmental Services Division Report No. 6
SUBJECT: Development Applications Processed for the month of March 2015
FILE NO: MC/15/5265

SUMMARY

Development applications being processed during March 2015.

REPORT

The following applications are with the Town Planners for assessment:

DA#	Year	Site	Proposal
46	2004	36-38 South Steyne	Section 96 Modification - Part 6
482	2004	1-9 Spring Cove Avenue; 106 Darley Road	Section 96 Modification - Part 9
409	2007	11 Oyama Avenue	Section 96 Modification - Part 3
149	2008	2 West Promenade	Section 96 Modification - Part 5
240	2009	27 Radio Avenue	Section 96 Modification - Part 2
240	2009	27 Radio Avenue	Section 96 Modification - Part 3
164	2010	38 Alma Street	Section 96 Modification - Part 2
283	2010	9 Herbert Street	Section 96 Modification - Part 2
332	2010	15A Linkmead Avenue	Section 96 Modification - Part 3
126	2011	4 West Street	LEC - Amended Plans - Section 96(8) Modification - Part 2
134	2011	16 Augusta Road	Section 96 Modification - Part 3
142	2011	Wharves and Jetties	Section 96 Modification - Part 2
151	2011	44 Osborne Road	Section 96 Modification - Part 2
172	2011	46 Osborne Road	Section 96 Modification - Part 2
178	2012	7 Montpelier Place	Section 96 Modification - Part 2
239	2012	47 Kangaroo Street	Section 96 Modification - Part 2
263	2012	14 Ellery Parade	Section 96 Modification - Part 2
297	2012	102 Bower Street	Section 96 Modification - Part 2
302	2012	North Steyne Manly - Queenscliff SLSC	Section 96 Modification - Part 3
44	2013	27 Fairlight Street	Section 96 Modification - Part 2
77	2013	135 Seaforth Crescent	Section 96 Modification - Part 2
81	2013	17-19 Central Avenue	Section 96 Modification - Part 2
220	2013	9-11 Victoria Parade	LEC - AMENDED PLANS - Demolition of existing structures and construction of a Mixed Use Development comprising of a six (6) storey building containing retail and commercial premises on the ground floor, twenty-four (24) apartments, basement car park with twenty-seven (27) spaces and Strata Subdivision
262	2013	62-64 Pittwater Road	Section 96 Modification - Part 2
1	2014	57 Gordon Street	Section 96 Modification - Part 2

Environmental Services Division Report No. 6 (Cont'd)

DA#	Year	Site	Proposal
49	2014	6 Acacia Road	Section 96 Modification - Part 2
69	2014	9 Monash Crescent	Section 96 Modification - Part 2
108	2014	44 Alma Street	Alterations and additions to an existing dwelling house including first floor addition, lower ground and ground floor rear addition, terrace, access stairs and retaining walls
109	2014	Wharves and Jetties	Alterations and additions to an existing commercial tenancy - Shop 11 - "Max Brenner", including internal fitout, new shopfront to the western and southern sides and signage - Manly Wharf
117	2014	2 Audrey Street	Alterations and additions to an existing dwelling including demolition of existing carport, construction of new single garage, extension of driveway and new entry to the dwelling
123	2014	109 Pittwater Road	Alterations and additions to an existing dwelling house including new first floor addition, internal alterations to existing ground floor, swimming pool and front fence
128	2014	7 North Harbour Street	Construction of a sea wall, plunge pool, deck, retaining walls and landscaping
136	2014	25A Castle Circuit	Demolition of existing structures, construction of a new two (2) storey dwelling house with double garage, front decks and landscaping
148	2014	4 Laura Street	Alterations and additions to an existing dwelling including new masonry sea wall and retaining walls to replace existing timber logs, new timber stairs, new decks, new decked landings, new walkways and increasing the depth of the existing boatshed
149	2014	The Corso	Construction of a permanent kiosk – on Council land adjacent to 90 The Corso, Manly
152	2014	71 Seaforth Crescent	Alterations and additions to an existing dwelling including addition of a new timber deck at the rear, widening of the driveway at the front, internal alterations, changes to the windows and doors
153	2014	37 Pittwater Road	Alterations and additions to an existing attached dwelling including a rear extension with a pergola
154	2014	30 Balgowlah Road	Alterations and additions to an existing semi detached dwelling including the demolition of internal walls, new first floor addition and a front fence
156	2014	6 Ogilvy Road	Demolition of existing dwelling, construction of new three (3) storey dwelling with double garage, swimming pool and landscaping
158	2014	31 Battle Boulevard	Alterations and additions to an existing dwelling including excavation, partial demolition, new cabana, landscaping, internal and external modifications
159	2014	243 Sydney Road	Construction of two (2) storeys above the existing shops to create two (2) shop top dwellings
163	2014	65 Eurobin Avenue	Alterations and additions to an existing dual occupancy including demolition of the existing shed and outdoor laundry, extension to the existing ground floor at rear with a pergola, new bike and garden sheds

Environmental Services Division Report No. 6 (Cont'd)

DA#	Year	Site	Proposal
166	2014	12 Callicoma Road	Alterations and additions to an existing dwelling house including new storey within the existing garage/ undercroft/ laundry
175	2014	4 Adelaide Street	Alterations and additions to an existing dwelling house including rear addition, extension to rear first floor balcony, removal and addition of first floor side bathroom windows, new stairs to loft, new garage, modification to loft and roof terrace.
178	2014	31 Seaforth Crescent	Demolition of an existing dwelling, construction of a new four (4) level dwelling house with double garage, swimming pool, landscaping and new driveway
180	2014	27 Wood Street	Alterations and additions to an existing dwelling house including new first floor addition and ground floor alterations
182	2014	43 Frenchs Forest Road	Alterations and additions to an existing dwelling house including rear double garage, swimming pool, entry walkway and timber deck
183	2014	5 Alan Avenue	Alterations and additions to an existing dwelling house including new in-ground swimming pool and cabana at the rear
185	2014	21 Osborne Road	Alterations and additions to an existing dwelling house including rear and side extension to the ground floor living area, extensions to garage, rear extension to the first floor, internal modifications, landscaping, modification to the driveway and crossover
188	2014	107 Pittwater Road	Alterations and additions to an existing dwelling house including partial demolition, new first floor, new vehicular crossing and single hardstand car parking space at the rear
190	2014	90 Whistler Street	Alterations and additions to an existing residential flat building including new second floor addition with roof top deck, new balcony and alterations to units 3 and 4
193	2014	62 Birkley Road	Demolition of an existing double garage, construction of new double garage with secondary dwelling above
194	2014	7 Curban Street	Alterations and additions to an existing dwelling including extensions to the rear lower ground and ground floor levels, construction of new double carport with workshop/ storage area below, new driveway and crossover
196	2014	10 Arthur Street	Alterations and additions to an existing dwelling including rear additions to the lower ground and ground floors, window changes, new carport and new driveway with crossover
199	2014	25 Darley Road	Alterations and additions to an existing dwelling including internal alterations, partial demolition to provide off street parking, new driveway, crossover and garage door
200	2014	7 Steinton Street	Alterations and additions to an existing row house dwelling including first floor addition, internal alterations to the existing ground floor and landscaping
201	2014	26 Arthur Street	Eight (8) Lot Strata Subdivision of an existing Residential Flat Building

Environmental Services Division Report No. 6 (Cont'd)

DA#	Year	Site	Proposal
203	2014	121 Bower Street	Demolition of an existing garage and construction of a new double carport
204	2014	22A White Street	Demolition of existing structures, construction of a new two (2) storey dwelling house with basement double garage, decks and landscaping
205	2014	67 Bower Street	Alterations and additions to an existing dwelling house including demolition of existing swimming pool, new verandah, swimming pool, increase height of garage and landscaping
206	2014	25-29 Victoria Parade	Installation of two (2) vergola awnings to unit 26
207	2014	48 Bungalow Avenue	Demolition of an existing garage/ shed and stairs, new swimming pool, deck, stairs, retaining wall and plantings
209	2014	15 Alexander Street	Alterations and additions to an existing semi-detached dwelling house including a rear addition
210	2014	4 Montpelier Place	Alterations and additions to an existing dwelling house including extension of the existing garage
211	2014	46-58 Pittwater Road	Alterations and additions to an existing mixed use building including change of use from the existing shop top housing to a boarding house and changes to ground floor commercial spaces
213	2014	9 Avona Crescent	Demolition of existing structures, construction of a three (3) storey dwelling house with a double garage and swimming pool
214	2014	65 Beatrice Street	Alterations and additions to an existing dwelling house including rear addition, internal reconfiguration, new carport and swimming pool
217	2014	21 Gurney Crescent	Alterations and additions to an existing dwelling house including extension of deck at entry level, extension of existing lower level with new deck, garage alterations, stairs to new lower level with new deck and facilities
218	2014	4 Baranbali Avenue	Partial demolition, construction of a two (2) storey dwelling house with a double garage, swimming pool and landscaping
220	2014	17 Birkley Road	Alterations and additions to an existing dwelling house including first floor rear addition, ground floor rear extension with deck, awning, swimming pool and landscaping
221	2014	6 Alto Avenue	Alterations and additions to an existing dwelling house including first floor addition with deck and front ground floor extension
222	2014	3 Krui Street	Demolition of the existing garage, construction of new detached structure with a three car garage below and secondary dwelling above, new driveway and removal of three street trees
223	2014	16 Spring Cove	Construction of a new two (2) storey dwelling with a double garage, a swimming pool and landscaping
224	2014	8 Upper Gilbert Street	Alterations and additions to an existing dual occupancy (attached) including the installation of an external lift

Environmental Services Division Report No. 6 (Cont'd)

DA#	Year	Site	Proposal
226	2014	62 Bower Street	Alterations and additions to an existing dwelling house including extension to the existing pool deck, new in-ground spa, new courtyard, landscape works, replacing the existing bridge connection between the dwelling house and the garage
227	2014	27 Fisher Street	Alterations and additions to an existing dwelling house including new first floor level, ground floor alterations, reduction in the size of the existing swimming pool, additions to the existing basement, new deck, new pergola, landscaping and new external finishes
229	2014	16 Edgecliff Esplanade	Alterations and additions to an existing dwelling house including increasing the size of the existing garage, new garage door, new pedestrian access, partial enclosure of the existing upper ground floor balcony, new windows, additions to the first floor with extension of the existing balcony and modifications to the roof
231	2014	70 Curban Street	Two (2) lot Torrens Title Subdivision, demolition of existing structures, construction of a two (2) new x three (3) storey dwelling houses with double garages, driveways, swimming pools, decks and landscaping
232	2014	52 Eurobin Avenue	Re-development of an existing Educational Establishment including partial demolition, construction of three (3) storey buildings with basement car park, refurbishment of buildings, an increase in student numbers by 200, landscaping and a covered play area - Stella Maris College
233	2014	38 Frenchs Forest Road	Re-Notification - Alteration and additions to the existing shops including amalgamation of two (2) shops with amended hours of operation, new windows and door, signage, awning and increase in parapet height – Bottle Shop (Restricted Premises) of two (2) shops with amended hours of operation, new windows and door, signage, awning and increase in parapet height
234	2014	30 New Street	Alterations and additions to an existing dual occupancy (detached) including first floor extension and rear attached pavilion
236	2014	2 Wanganella Street	Alterations and additions to existing dwelling house including new rear verandah and rear pavilion with barbeque area
237	2014	10 Camera Street	Double garage with roof terrace, access stairs and front gate
239	2014	7 Northcote Avenue	Alterations and additions to an existing semi-detached dwelling including enlarged rear deck
240	2014	30 Quinton Road	Alterations and additions to existing dwelling house including new second floor addition, internal alterations, landscaping, new rear ground and first floor balconies
241	2014	2 Pittwater Road	Division of an existing retail premise to create a new tenancy and change of use of the new tenancy to a business premises – Smart Phone Repair and Printing

Environmental Services Division Report No. 6 (Cont'd)

DA#	Year	Site	Proposal
242	2014	19 Fairy Bower Road	Alterations and additions to an existing dwelling house including first floor addition, excavation for a basement parking level, partial demolition of rear structures, new ground floor addition, new cabana, swimming pool and landscaping
243	2014	30 Bonner Avenue; 138 & 139 North Steyne	Demolition of existing structures, consolidation of three (3) lots, construction of two (2) x six (6) storey residential flat buildings with fourteen (14) units, basement car park containing twenty-five (25) spaces, decks and landscaping
244	2014	58 Ponsonby Parade	Alterations and additions to an existing dwelling house including double garage, first floor addition, extension to the ground floor with terraces, landscaping, new swimming pool and spa
245	2014	219 Pittwater Road	Alterations and additions to an existing semi detached dwelling house including first floor addition (attic style)
246	2014	64 Alexander Street	Alterations and additions to an existing dwelling house including first floor addition, internal alterations, detached garage with loft above
247	2014	56 Peronne Avenue	Alterations and additions to an existing secondary dwelling house including new sunroom, pergola to courtyard, new windows and doors
248	2014	89 Darley Road	Alterations and additions to an existing dwelling house including first floor addition, internal alterations to the ground floor and new front fence
249	2014	43 Gurney Crescent	Alterations and additions to an existing dwelling house including double carport, alterations to the basement level, middle level, top level, new swimming pool with deck and landscaping
251	2014	104 Woodland Street	Alterations and additions to an existing dwelling house including first floor additions and double carport with storage area underneath
252	2014	118 Beatrice Street	Two (2) Lot Strata Subdivision
253	2014	22 Wentworth Street	Demolition of existing "Elsie Hill Building, construction of a six (6) storey building "Centre for Child Health and Learning" over two (2) levels of basement car parking for fifty three (53) cars and the use of the building as clinical, educational and office facilities, alterations to Drummond House to connect to the new centre and landscape works
254	2014	5 Orchard Street	Alterations to the existing Strata Plan
255	2014	13 Bower Street	Partial demolition, construction of a three (3) storey dwelling house including decks, swimming pool and landscaping
256	2014	23 White Street	Alterations and additions to an existing dual occupancy (attached) including first floor extension, new double garage, front fence, landscaping and Strata Subdivision
257	2014	4 Woodland Street	Alterations and additions to an existing dwelling house at both levels including replacement and reduction in the size of the swimming pool, new roof, new front entry stairs, new rear patio, changes to existing carport, garage and driveway

Environmental Services Division Report No. 6 (Cont'd)

DA#	Year	Site	Proposal
259	2014	30 Hilltop Crescent	Alterations and additions to an existing dwelling house including rear and front extension, conversion of the lower level for habitable use, replace the existing deck and new spa
260	2014	28 High Street	Alterations and additions to an existing dwelling house at the rear including partial enclosure of the rear balcony to extend the kitchen, relocation of stairs, modifications of storage rooms at the lower level, external lift and landscaping
261	2014	49 Lewis Street	Construction of a swimming pool forward of the building line, retaining walls and landscaping
262	2014	17 Dalwood Avenue	Demolition of existing dwelling, construction of a new two (2) storey dwelling house with decks, swimming pool and landscaping
1	2015	8 Redman Street	Alterations and additions to an existing dwelling house including rear first floor extension
2	2015	54 Cutler Road	Alterations and additions to an existing dwelling house including the addition of a balcony at the front first floor level with replacing the existing windows with doors
10	2015	46 Quinton Road	Alterations & Additions to an existing two (2) storey dwelling house including third storey addition, ground floor rear addition, internal re-configuration, changes to front entrance and construction of a new carport
11	2015	28 Waterview Street	Demolition of existing dwelling, construction of a new two (2) storey dwelling house including double garage
12	2015	33 Quinton Road	Alterations and additions to a existing semi-detached dwelling house including rear ground floor addition, first floor addition, new panel lift carport door, pergola and front gate
13	2015	12 Cove Avenue	Alterations and additions to an existing Residential Flat Building including internal reconfiguration to Unit 20 and change of use of existing approved storage area to habitable space
14	2015	87 Birkley Road	Alterations and additions to an existing Residential Flat Building including demolition of existing pergola and living room, construction of new living room, study and new roof – Unit 6
16	2015	25-29 Victoria Parade	Alterations and additions to an existing Residential Flat Building including vergola over the existing terrace – Unit 4
17	2015	4 Craig Avenue	Alterations and additions to an existing Residential Flat Building including deck and privacy screen – Unit 6

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

401/2008 11 Lower Beach St, BALGOWLAH 2093

Section 96 to modify approved Refurbishment of existing shop, retractable canvas awning and under awning sign – involving extending use to rear corridor, extending hours of operation to 7:00am to 8:00pm Monday to Sunday and internal modifications – Part 2

Environmental Services Division Report No. 6 (Cont'd)

228/2014 63 Griffiths St, BALGOWLAH 2093

Two (2) Lot Torrens Title Subdivision, alterations and additions to an existing dwelling including double carport, driveway and demolition of the rear laundry

250/2014 27 Lower Beach St, BALGOWLAH 2093

Alterations and additions to an existing Residential Flat Building including retaining walls, in-ground spa and awning – Unit 3

258/2014 17 Waterview St, SEAFORTH 2092

Dwelling

146/2014 Fairlight St, FAIRLIGHT 2094

Section 82A Review of Determination of approved Consolidation of three three (3) lots and creation of a two (2) lot Land Subdivision – Sydney Water Land – Part 2

15/2015 110 North Steyne, MANLY 2095

Alterations and additions to an existing Residential Flat Building including enclosure of the side courtyard at ground floor level – Unit 6

106/2014 200 Pittwater Rd, MANLY 2095

Section 96 to modify approved Alterations and additions to an existing retail premises with shop top housing including front extension, additional unit, outdoor dining and new entry way – involving extending the commercial floor area and modifying section 94 contributions (Condition ANS09)– Part 2

18/2015 40 Francis St, FAIRLIGHT 2094

Alterations and additions to the approved dwelling house under Complying Development 162/2014 including first floor deck with stairs, front fence and landscaping

212/2013 7 Harvey St, SEAFORTH 2092

Section 96 to modify approved Construction of a new two (2) storey dwelling including double garage with storage area, rear decks, first floor balconies, swimming pool and spa within the front setback, alfresco area, new driveway, new crossover and landscaping - involving amendment to condition of consent ANSO5 in relation to ridge height – Part 3

234/2012 92 The Corso, MANLY 2095

Section 96AB Review of Determination of refused Section 96 Modification (Part 3) to the approved Demolition of the rear of the existing building, ground floor and first floor rear addition including a new loading dock and a second floor addition with office space and balcony – involving additional floor partially above the height limit – Part 4

19/2014 18 Raglan St, MANLY 2095

Section 96 to modify approved Demolition of existing structures and construction of a three-storey mixed use development a funeral home, five residential apartments and 11 car parking spaces – involving the variation of Council's Fees and Charges in relation to condition no 31 – Part 2

19/2015 8 Abernethy St, SEAFORTH 2092

Alterations and additions to an existing dwelling house including extensions and construction of a new ground floor deck adjacent to an existing swimming pool with pool pump enclosure below

Environmental Services Division Report No. 6 (Cont'd)

20/2015 41 Wanganella St, BALGOWLAH 2093

Alterations and additions to an existing dwelling house including construction of a double carport and driveway

21/2015 68 Bower St, MANLY 2095

Alterations and additions to an existing dwelling house including lower ground floor additions, internal and external alterations

22/2015 9 Edgecliffe Esp, SEAFORTH 2092

Alterations and additions to an existing dwelling house including two (2) new vergola roof systems to the rear second and third floor terraces

23/2015 4 Thornton St, FAIRLIGHT 2094

Alterations and additions to an existing dwelling house including conversion the existing storage area within the roof structure into habitable space

185/2001 East Esp, MANLY 2095

Section 96 to modify approved Major alterations and additions to Manly Wharf – involving the extension of the hours of operation for Hello Manly Booking and Information Centre from the approved 8.00am to 1.00am seven (7) days a week to the proposed 6.00am to 1.00am seven (7) days a week - Part 4

24/2015 75 Whistler St, MANLY 2095

Demolition of an existing dwelling house, construction of a new part two (2) and part three (3) storey dwelling house with garage, off street parking, new driveway and landscaping

25/2015 18 Osborne Rd, MANLY 2095

Alterations and additions to an existing dwelling house including lower ground and ground floor additions, new single carport, new side access stairs and landscaping

26/2015 9 Beatrice St, CLONTARF 2093

Construction of a new double carport with storeroom underneath, elevated driveway, new pedestrian access stairs and lift

177/2013 Balgowlah Rd, MANLY 2095

Section 96 to modify approved Alterations and additions to the existing Andrew “Boy” Charlton Manly Swim Centre including construction of a new indoor recreation centre and associated on-site and on-street car parking – involving the addition of a co-generation plant room to the existing Community Facilities building on Kenneth Road - Part 2

27/2015 44 Bower St, MANLY 2095

Alterations and additions to an existing dwelling house including internal alterations, extensions and terraces to ground floor and first floor, stairs to rear garden, new lych-gate, enlarged garage and driveway

28/2015 Balgowlah Rd, MANLY 2095

Special Uses Project

51/2013 65 Boyle St, BALGOWLAH 2093

Section 96 to modify approved Alterations and additions to an existing building including additions to the ground floor. – involving extending ground floor addition – Part 2

Environmental Services Division Report No. 6 (Cont'd)**MIAP**

The following applications were presented to the Manly Independent Assessment Panel on 19 February 2015.

DA#	Address	Proposal	Determination by MIAP
206/2013	91 Gurney Crescent	Section 82B Review - Part 2	Approved
45/2014	31 Pine Street	Section 96 Modification - Part 2	Approved
101/2014	181 Sydney Road	Section 82A Review - Part 2	Approved
165/2014	39 Lauderdale Avenue	Alterations and additions to an existing Residential Flat Building including enclosure of existing balcony - Unit 3	Approved
169/2014	103 Bower Street	Alterations and additions to an existing Residential Flat Building including internal modifications, enclosure of courtyard and enlarged window - Unit 1	Approved
171/2014	134 Condamine Street	Demolition of existing structures and construction of an attached dual occupancy development	Approved
172/2014	45 Pacific Parade	Alterations and additions to an existing Child Care Centre involving an increase in child numbers from twenty-eight (28) to forty-two (42), change to hours of operation 8:00am to 5:30pm, new pergola and deck	Approved
187/2014	103 Bower Street	Alterations and additions to an existing Residential Flat Building including ground floor extension, extension to an existing first floor balcony and new balcony to the master bedroom – Unit 3	Approved
215/2014	103 Bower Street	Alterations and additions to an existing residential flat building including the enclosure of the existing terraces at the rear and side and a rear addition – Unit 2	Approved

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

PS02032015ESD_3.DOC

***** End of Environmental Services Division Report No. 6 *****

TO: Planning and Strategy Committee - 2 March 2015
REPORT: Environmental Services Division Report No. 7
SUBJECT: Manly Local Environmental Plan 2013 – Draft Amendment 4 and Accompanying Voluntary Planning Agreement in Relation to the Sydney Water Fairlight Reservoir Site
FILE NO: MC/15/22585

SUMMARY

The purpose of this report is to advise Council of the consultations undertaken and the submissions received following the public exhibition of a Planning Proposal and Voluntary Planning Agreement in relation to the 'Sydney Water Fairlight Reservoir' site. This site was deferred from Manly Local Environmental Plan (LEP) 2013 due to community concerns with the proposed residential zoning in the draft LEP as exhibited in 2012.

This report deals with the outcomes of the public exhibition and other consultations including submissions received and recommends that Council proceed with the making of the draft Manly Local Environmental Plan 2013 Amendment 4 in accordance with the *Environmental Planning and Assessment Act, 1979* (EP&A Act) having particular regard to submissions received during community consultation.

Sydney Water also proposes land for the purposes of a public Park as part of future redevelopment of the site and to this end a Voluntary Planning Agreement was also exhibited with the Planning Proposal for that part of the site to be obtained by Council for public recreation purposes. In this regard it is recommended in this report that the Voluntary Planning Agreement also be finalised.

REPORT

Background

This site is currently a 'deferred matter' in Manly LEP 2013 in accordance with Council's earlier resolution and consideration of community concerns raised in relation to the future zoning of the site during the exhibition of the draft LEP in 2012.

The subject land is legally described as Lot 1 DP745080, Lot1 DP911745 and Lot 9 DP1164808 at the corner of Ashley Parade and Fairlight Street. The land is zoned Special Uses – 'Water Supply' in MLEP 1988 but has been decommissioned by Sydney Water. The Reservoir is also listed as an Item of the Environmental Heritage in the LEP and is considered to be of local significance.

The Sydney Water's Planning Proposal was accompanied by a conceptual development plan providing for 5 dwellings, with an open space area (Zone RE1) of 505sqm (being 26.7% of the total area) to be transferred to Council. It is to be noted that the conceptual development plan is not part of the Planning Proposal and is not binding on any future Development Application (DA) lodged with Council. The future redevelopment including a Park has been progressed in separate discussions with Council as foreshadowed in the Planning Proposal.

At its Ordinary Meeting on the 5th of May 2014, Council resolved in relation to the Planning Proposal from Sydney Water as follows:

THAT:

1. *That Council support the Planning Proposal to amend MLEP 2013 for the Sydney Water Fairlight Reservoir site and that Council submit the Planning Proposal to NSW Planning and Infrastructure for a Gateway Determination, enabling Council to make the Amending MLEP under delegation.*

Environmental Services Division Report No. 7 (Cont'd)

2. *That Council request the Proponent amend the provisions of the Planning Proposal to zone the land marked as the Community site 'Park' on Conceptual Development Plan at Appendix B of the Planning Proposal from proposed Zone R1 General Residential to Zone RE1 Public Recreation.*
3. *That on receiving the Delegation from the Department, Council arrange for public exhibition of the Planning Proposal as amended and in accordance with the requirements of the Gateway Determination.*
4. *That Council request Sydney Water prepare and submit a draft Voluntary Planning Agreement for the dedication of the Community site 'Park' that can be exhibited with the Planning Proposal*

A Planning Proposal was submitted to the Department of Planning and Environment on the 13th of May 2014 in accordance with Council's resolution. At this time agreement was also sought from Sydney Water to the dedication of a Community site 'Park' and to zone that land marked as 'Park' to Zone RE1 Public Recreation also in accordance with Council's resolution.

In response to Council's resolutions as actioned, the Departments' Gateway Determination was issued on the 30th of June 2014. Sydney Water also prepared and submitted a draft Voluntary Planning Agreement for the dedication of the Community site 'Park' for exhibition with the Planning Proposal. This draft agreement between Manly Council and Sydney Water was finalised for exhibition purposes on the 5th of November 2014. Sydney Water's support to revise the Planning Proposal to zone the 'Park' land to Zone RE1 Public Recreation was received on the 7th of November 2014 and the Department subsequently issued a revised Gateway Determination on the 19th December 2014. The preparation of the Voluntary Planning Agreement and the issue of revised Gateway Determination enabled the preparation of the public exhibition which commenced on the 10th of January 2015.

Planning Proposal in Detail

The proposed amendments to Manly LEP 2013 Amendment 4 as exhibited seek to remove the deferred status of the site and comprises of the following amendments to the LEP Maps:

- Zoning Map to rezone land from its deferred status (having remained under Manly LEP 1988) to part Zone R1 General Residential and part Zone RE1 Public Recreation;
- Heritage Map to add the land as a general heritage item 'I50' consistent with Schedule 5 listing in Manly LEP 2014 and generally as previous listed under Manly LEP 1988;
- Floor Space Ratio Map to add the land that is proposed to be Zone R1 General Residential to Area 'F' of this map providing for a floor space ratio of 0.6:1 over the land;
- Height of Buildings Map to add the land that is proposed to be Zone R1 General Residential to Area 'I' of this map providing for a maximum building height of 8.5m over the land;
- Minimum Lot Size Map to add the land that is proposed to be Zone R1 General Residential to Area 'C' of this map providing for a minimum lot size of 250 sqm over the land;
- Land Reservation Acquisition Map to remove any acquisition status over the land.

Public Exhibition and Consultations

The Department of Planning and Infrastructure determined how the Planning Proposal should proceed in relation to community consultation required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in its letters to Council on the 30th of June 2014 and the 19th of December 2014. Accordingly Draft LEP Amendment 4 was exhibited in accordance with statutory requirements from the 10th of January 2015 to the 9th of February 2015 and was available for viewing at Manly Council's website, Council Chambers and Main Library.

Environmental Services Division Report No. 7 (Cont'd)

In addition to the Departments' requirements Manly Council also wrote to landowners individually advising them of the exhibition and forwarded a complete copy of the exhibition material to the Fairlight Community Precinct. One (1) submission was received in response to this exhibition raising support for the provision of a public park and requesting that its future design incorporate child play facilities. In relation to this same submission, a further request for similar facilities in another nearby reserve has also been forwarded to Councils' Civic and Urban Services for consideration under separate cover.

Consultation with several government agencies was also undertaken under sections 56(2)(d) and 34A of the EP&A Act as required by the conditions of the Gateway Determination including Sydney Water, Telstra, Energy Australia and the Office of Environment and Heritage. No objections or concerns were raised by any of the consulted Government Agencies.

No submissions were received requesting that Council arrange a public hearing and as such no further consultations are required under section 57(5) of the EP&A Act.

Review of Planning Proposal

There are no issues or concerns arising from the Public Exhibition and Consultations that would require Council to consider any amendment or further matters in progressing the Planning Proposal. The one (1) submission which requests child play facilities may be progressed in subsequent design stages once the land has been transferred and under a future Plan of Management classifying the site as Community Land.

All conditions and considerations required under the Departments' Gateway Determination have been addressed and are considered to be satisfied. In addition to the requirements for Public Exhibition and Consultations reported above, Council may also be satisfied that the Planning Proposal satisfies the requirements of State Environmental Planning Policy 55 – Remediation of Land. In this regard the exhibition material included a remediation action plan as required by the Gateway Determination. While various remediation works have already been undertaken, any further considerations or actions which may or may not be required in this regard may be addressed at the DA stage.

CONCLUSION

Council, as the responsible planning authority may now determine to proceed with the Planning Proposal as exhibited. Submissions do not warrant a public hearing and there are no variations to the Planning Proposal necessary under section s58(1) EP&A Act. Council has appropriately exercised the planning functions delegated in relation the Planning Proposal in accordance with the Department's "A guide to preparing local environmental plans". It is recommended that Council resolve to finalise the Planning Proposal and forward the finalised proposal to Parliamentary Counsel for the drafting of the local environmental plan i.e. the legal instrument. The Department will further consult with Manly Council to ensure the process of making the plan has been followed. Once the Parliamentary Counsel has produced both the written instrument and its opinion that the instrument may be legally made, the Department may then proceed to publish the LEP as exhibited and adopted by Council.

The draft Voluntary Planning Agreement has been given public notice accompanying the Planning Proposal in accordance with clause 25D of the Environmental Planning and Assessment Regulation 2000. This agreement with Sydney Water may be finalised administratively.

RECOMMENDATION

It is recommended that Council proceed to prepare the draft Manly Local Environmental Plan 2013 Amendment No. 4 as exhibited.

Environmental Services Division Report No. 7 (Cont'd)

ATTACHMENTS

There are no attachments for this report.

PS02032015ESD_4.DOC

***** End of Environmental Services Division Report No. 7 *****

TO: Planning and Strategy Committee - 2 March 2015
REPORT: Environmental Services Division Report No. 8
SUBJECT: Proposed Amendment to Manly Development Control Plan 2013
FILE NO: MC/15/23144

SUMMARY

This report recommends various amendments to be made to the Manly Development Control Plan (DCP) 2013 providing various guidelines in the development of (i) open balconies, (ii) corner lot splays, and (iii) tandem, stacked and mechanical parking spaces. It is recommended that Council exhibit the draft amendments which were supported by the Manly LEP/DCP Working Group.

REPORT

Background

On 4 February 2015 several reports on DCP amendments were considered and approved by the LEP/DCP Working Group at which time it was recommended that the reported amendments to the DCP be forwarded to Council's Planning and Strategy Committee for adoption and resolution to proceed to public exhibition.

The proposed DCP amendments arise through various consultations with Manly Council Development Assessment Team as well as Council's Traffic Manager in the case of guidelines for corner lot splays and parking spaces that are tandem, stacked and mechanical.

In relation to the assessment of *tandem, stacked and mechanical parking areas* Council's DA Assessment Planners have advised that some guidelines would be useful in the DCP. It is understood that the number of DAs applying for mechanical facilities is increasing and that issues arise when stacked parking limits equitable distribution of spaces for residential accommodation of more than one dwelling.

In relation to the assessment of *corner splay lots*, existing DCP provisions (paragraph 5.5) refer to Council's Corner Splay Policy (C150) which provides for acquisition of corner splays at intersections in the public interest and in the circumstance of the particular case. Requirements for the acquisition of corner splays (as with any other local road widening or realignment scheme) occasionally arise in relation to significant redevelopment of properties. Council's Civic and Urban Services Division will advise and confirm detailed requirements in relation to individual properties as part of the DA assessment process.

However, the need for the current DCP amendment arises in circumstance whereby acquisition of corner splays may not always be appropriate but where setback of building works at this corner (eg front fences etc) are still appropriate in the public interest and in the circumstance of the particular case. In this regard a proposed setback control will provide for an unobstructed line of sight for traffic travelling around a corner lot without the need for the acquisition of this land i.e. the corner splay.

In relation to the assessment of *balconies (either open or enclosed)*, the standard definition of gross floor area provides for certain exclusions in relation to balconies but are subject to restrictions of the height of outer walls to retain a degree of openness. A recent NSW Land and Environment Court case law deal with considerations of the provision of open balconies in what constitutes floor space when calculating Floor Space Ratio and as identified by Council's Development Assessment Team. In this regard it appears some guidelines may assist in relation to whether certain balconies should be excluded from Gross Floor Area as an 'open' space, or otherwise included as Gross Floor Area and contribute to the developments' Floor Space Ratio.

Environmental Services Division Report No. 8 (Cont'd)

In the Land and Environment Court appeal (Haralambis Management Pty Ltd v City of Sydney) a key contention was whether the proposed balconies should be included as Gross Floor Area for the purposes of calculating the Floor Space Ratio of the development.

Proposed DCP Amendments in Detail*(i) Tandem, Stacked and Mechanical Parking Areas*

It is proposed to insert new guidelines for tandem, stacked and mechanical parking areas at paragraph 4.1.6 - Parking, Vehicular Access & Loading of the DCP. These guidelines drafted in detail and as attached, require that the design location and management of these parking facilities must consider the equitable access and distribution of parking spaces to all occupants and visitors to the building. In particular the draft guideline requires all parking spaces in any tandem or stacked arrangement to be allocated to the same dwelling/strata unit and must not be used as visitors parking. Also, where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being attributed to a single dwelling unit, Council must be satisfied that sufficient parking spaces are reasonably allocated to all other dwelling units within the development.

The justification/reasons for these proposed amendments are to provide guidance for improved layout and siting arrangements for parking spaces. The DCP already states that the plan is to be read in conjunction with all Australian Standards as relevant (incl AS2890.1). In this regard more technical requirements and specifications may be left to relevant Australian Standards.

(ii) Corner Lot Splays.

It is proposed to insert new guidelines into the section of the DCP dealing with setbacks (paragraphs 4.1.4 and 4.2.3) for corner lot splays and providing further guidance in relation to development where a setback at the corner is considered appropriate for traffic safety reasons. In this regard an additional setback objective in the DCP is to facilitate 'safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection'.

These new guidelines are drafted in detail as attached and proposed for both residential and business development. Existing policy in relation to the acquisition of corner lots are not proposed to be amended and the proposed setback at the street corner of corner allotments may be considered as appropriate, irrespective of whether the corner splay is acquired or not. In applying the proposed setback, consideration is given to the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for certain building works including front fences to be setback at this corner of the site and may provide for an unobstructed land splay at this street corner. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.

(iii) Open Balconies

It is proposed to amend the DCP to assist in the interpretation of when a balcony is open i.e. the extent to which a balcony is not enclosed by walls. The degree to which a balcony is open or unenclosed can result in some uncertainty as to whether it is to be calculated as Gross Floor Area under the Floor Space Ratio development standard. This proposed amendment seeks to provide further guidance to accompany the LEP standard definition of Gross Floor Area and the LEP development standard for Floor Space Ratio.

Environmental Services Division Report No. 8 (Cont'd)

Gross Floor Area is defined in the MLEP 2013 as follows:

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

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

In the above LEP meaning, the floor area of balconies that are within the 'internal face of external walls' are included as GFA. However, this LEP meaning also provides for terraces and balconies (which are within the external walls) to be excluded from GFA but only where the outer walls are less than 1.4m high.

It is proposed to insert a new paragraph at paragraph 4.1.3 Floor Space Ratio of the DCP, providing for draft exceptions to FSR for Open Balconies. This section of the DCP already contains certain similar guidelines for dealing with exceptions in relation to undersized lots and plant rooms.

In support of the proposed new guidelines the underlying objective is to maintain open balconies which contribute to the articulation of building facades without adding to the building bulk and provide an amenity of open space for occupants.

In calculating the Gross Floor Area under the LEP dictionary meaning for the purpose of calculating FSR, the proposed draft DCP paragraph states that balconies that are enclosed will not be excluded from the LEP definition of Gross Floor Area i.e. will be included in FSR. The proposed paragraph (as attached) goes on to state that a balcony that is unenclosed/ open is one that is:

- i) enclosed to the extent that it is part of the building envelope as defined by the Building Code of Australia; and
- ii) considered by Council to have the character of a habitable room.

The proposed new DCP paragraph seeks to maintain open balconies without adding to the bulk of the building bulk by providing clear guidance with regards to when they are considered open and excluded from the calculation of floor space ratio. It is recognised that open balconies contribute to the articulation of building facades and provide an amenity of open space for occupants. It is also recognised that balconies that are not open may have the character of a habitable room and contribute to the bulk and scale of a development and should in some circumstances be included in the calculation of the floor space ratio of the development.

Conclusion

The proposed draft DCP amendments are reported to Council's Planning and Strategy Committee following considerations and support from the Manly LEP/DCP Working Group.

Environmental Services Division Report No. 8 (Cont'd)

Three distinct DCP amendments are proposed. Firstly, it is proposed to insert new guidelines for tandem, stacked and mechanical parking areas. Secondly, additional DCP setbacks are proposed for corner lots where a setback splay at the corner is considered appropriate for traffic safety reasons. Thirdly, further guidance is given in relation to interpreting when a balcony is considered to be open i.e. the extent to which a balcony is not enclosed by walls. Such considerations inform whether the space constitutes floor space in the calculation of the floor space ratio or not.

The proposed amendments to the DCP are now recommended for exhibition as reported. Following a 28 day exhibition period any submissions are to be reviewed and reported back to Council.

RECOMMENDATION

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.

ATTACHMENTS

AT- 1 Details of Proposed Amendments to Manly Development Control Plan 2013 4 Pages

PS02032015ESD_5.DOC

***** End of Environmental Services Division Report No. 8 *****

ATTACHMENT 1

Environmental Services Division Report No. 8.DOC - Proposed Amendment to Manly Development Control Plan 2013

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)

- *Insert at paragraph 4.1.3 - Floor Space Ratio as follows:*

4.1.3.3 Exceptions to FSR for Open Balconies

Objective To maintain open balconies which contribute to the articulation of building facades without adding to the building bulk and provide an amenity of open space for occupants.

In calculating the Gross Floor Area under the LEP dictionary meaning for the purpose of calculating FSR, balconies that are enclosed will not be excluded from the LEP definition of Gross Floor Area i.e. will be included in FSR when the balcony is:

- iii) enclosed to the extent that it is part of the building envelope as defined by the Building Code of Australia; and
- iv) considered by Council to have the character of a habitable room.

Note: In this regard it is noted that the LEP only excludes balconies from the Gross Floor Area when the outer walls are less than 1.4m high.

- *Insert at paragraph 4.1.4 - Setbacks (in relation to corner splay lots) as follows (in red):*

4.1.4 Setbacks (front, side and rear)

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

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

Objective 1) To maintain and enhance the existing streetscape.

Objective 2) To ensure and enhance local amenity by:

- providing privacy;
- providing equitable access to light, sunshine and air movement; and
- facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.
- **facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.**

See also objectives at paragraph 3.4 Amenity.

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

Objective 4) To enhance and maintain natural features by:

- accommodating planting, including native vegetation and native trees;
- ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and

ATTACHMENT 1

Environmental Services Division Report No. 8.DOC - Proposed Amendment to Manly Development Control Plan 2013

Details of Proposed Amendments to Manly Development Control Plan 2013

- ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.

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

4.1.4.1 Front setbacks

See also [paragraph 3.2.4](#) in relation to Heritage and [paragraph 4.2](#) in relation to controls in LEP Business Zones.

- a) Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.
- b) Where the front building line of neighbouring properties is variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback applies.
- c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.

Note: Reference to 'consistent' or 'established' building lines in this paragraph is determined by the context and site analysis accompanying the DA (see [paragraph 2.1.1](#)) including demonstrated survey of all building lines and frontages in the vicinity i.e. the visual catchment along the street.

4.1.4.2 Side setbacks and secondary street frontages

- a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.
- b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.
- c) Windows of living and dining areas in new dwellings are to be setback at least 3m from side boundaries;
- d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.
- e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also [paragraph 4.1.4.3.b.vi](#) of this plan.
- f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner. See also [paragraph 5.5 Road Widening and Realignment and Council's Corner Splay Policy \(C150\)](#) for instances where the corner splay may be acquired by Council at intersections in the public interest and in the circumstances of the particular case.

Environmental Services Division Report No. 8.DOC - Proposed Amendment to Manly Development Control Plan 2013
Details of Proposed Amendments to Manly Development Control Plan 2013

- *Insert at paragraph 4.1.6 - Parking, Vehicular Access & Loading as follows:*

4.1.6.6 – Tandem, Stacked and Mechanical Parking Areas

The design location and management of parking facilities involving tandem, stacked and mechanical parking (including car stackers, turntables, car lifts or other automated parking systems) must consider the equitable access and distribution of parking spaces to all occupants and visitors to the building. In this regard:

- i) all parking spaces in any tandem or stacked arrangement are to be allocated to the same dwelling/strata unit and must not be used as visitors parking;
- ii) where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being attributed to a single dwelling unit under paragraph i) above; Council must be satisfied that sufficient parking spaces are reasonably allocated to all other dwelling units within the development.

- *Insert at paragraph 4.2.3 – Setbacks (in relation to corner splay lots - Business Zones) as follows (in red):*

4.2.3 Setbacks Controls in LEP Zones B1 and B2

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

Objective 1) To ensure unobstructed access between the private and public domain.

Objective 2) To maintain the existing streetscape of building to the boundary.

See also paragraphs 4.2.5 to 4.2.8 for specified setback provisions for Manly, Balgowlah, Seaforth Local Centres and Neighbourhood Centres.

All buildings must be constructed to the public road and side boundaries of the allotment except where:

- a) an alternative setback is identified on the townscape and opportunities maps or having regard to established building lines and whether they contribute positively to the streetscape; or
- b) the applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians; or
- c) the stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development. In such cases the planning principles in this plan for residential development at paragraph 3.1.1 will also apply.
- d) Council considers the need for building works to be setback at corner lots/street intersections to provide for an unobstructed splay for the purpose of improved traffic visibility. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner. See also paragraph 5.5 Road Widening and Realignment and Council's Corner Splay Policy for instances where the corner splay may be acquired by Council at intersections in the public interest and in the circumstances of the particular case.

ATTACHMENT 1

Environmental Services Division Report No. 8.DOC - Proposed Amendment to Manly Development Control Plan 2013

Details of Proposed Amendments to Manly Development Control Plan 2013

- *Insert at paragraph 4.5 – Road Widening and Realignment as follows (in red):*

5.5 Road Widening and Realignment

Development must not encroach upon land required for local road widening or realignment. Council's local road widening or realignment schemes are generally indicated at Schedule 1 - Map E of this plan and more specific details may be obtained from Council's Civic and Urban Services Division to verify requirements for any road realignment and/or a corner splay to facilitate improved traffic conditions.

Note: Requirements for local road widening or realignment may arise in relation to significant redevelopment of properties effected by an adopted local road widening or realignment scheme. Further clarification of any pending dedication of land adopted by Council may be obtained from Council's Civic and Urban Services Division.

See also paragraphs 4.1.4.2.f and 4.2.3.d in relation to requirements for splayed setbacks at the street corner of corner lots for residential development and in the business centres respectively.

See also Council's Corner Splay Policy (Council Policy Reference C150) providing for the acquisition of corner splays at intersections in the public interest and in the circumstance of the particular case'.