

## 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 September 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.

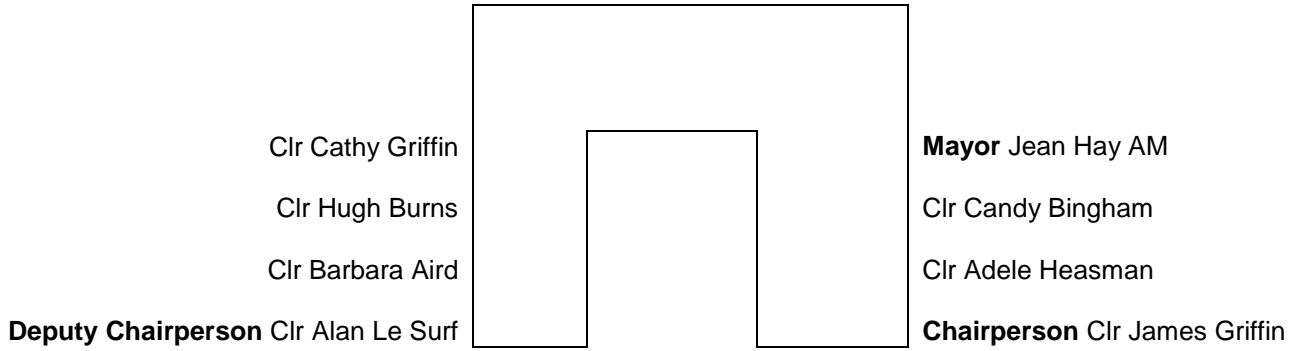
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[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)



# Seating Arrangements for Meetings

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



Press

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Public  
Addresses

## Public Gallery

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

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**Human Services And Facilities Division Report No. 1**

2015/16 Community and Cultural Grants Allocation

*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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

**Civic and Urban Services Division Report No. 7**

Tender for Provision of Hygienic Services (SHOROC Tender)

*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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

**Environmental Services Division Report No. 34**

Tender for Public Toilet Cleansing Services

*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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

**Environmental Services Division Report No. 35**

Tender for the Provision of a Resistance Free Car Park System and Associated Services  
T2015/10

*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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

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

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Item For Brief Mention Report No. 11  
**SUBJECT:** Items For Brief Mention Report  
**FILE NO:** MC/15/103119

**1. Tabled documents:**

<b>Date</b>	<b>Author</b>	<b>Matter</b>
17 Aug 15	Bruce Wright Executive Officer Grants Commission	Circular to Council GC 141 2015-16 Financial Assistance Grants
17 Aug 15	Rob Rogers AFSM Deputy Commissioner Executive Director Operations	10/50 Vegetation Clearing Scheme review.
20 Aug 15	Office of the Hon Warren Truss MP Deputy Prime Minister	Financial Assistance Grants programme for Local Government
25 Aug 15	Mike Baird MP State Member for Manly	Acknowledgement of Council's letter regarding parking at Centrelink, Brookvale.
25 Aug 15	Mike Baird MP State Member for Manly	Acknowledgement of Council's letter regarding parking at North Fort Kiosk, North Head.
24 Aug 15	Carolyn McNally Secretary Planning & Environment	Reply to Manly Council regarding proposed amendment to Manly Local Environmental Plan 2013
2 Sep 15	Rosalie Batistoni Acting Chief Executive Scouts Australia NSW	2014-2015 Annual Review for Scouts Australia NSW – Tabled at P&S Mtg
2 Sep 15	Darren Black CEO, PCYC NSW Superintendent David Scrimgeour Commander NSW Police Force Youth Command	2014 Police Citizens Youth Clubs NSW Annual Report – Tabled at P&S Mtg

**RECOMMENDATION**

1. That the Tabled documents be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

PS07092015IBM\_1.DOC

\*\*\*\*\* End of Item For Brief Mention Report No. 11 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Report Of Committees Report No. 17  
**SUBJECT:** Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature  
**FILE NO:** MC/15/104272

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

1. Sister Cities Advisory Committee – 22 July 2015
2. Manly Local Traffic Committee – 10 August 2015
3. Community Safety & Place Management Advisory Committee – 13 August 2015
4. Human Service & Social Planning Advisory Committee – 25 August 2015

### **RECOMMENDATION**

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

1. Sister Cities Advisory Committee – 22 July 2015
2. Manly Local Traffic Committee – 10 August 2015
3. Community Safety & Place Management Advisory Committee – 13 August 2015
4. Human Service & Social Planning Advisory Committee – 25 August 2015

### **ATTACHMENTS**

There are no attachments for this report.

PS07092015RC\_1

\*\*\*\*\* End of Report Of Committees Report No. 17 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Report Of Committees Report No. 18  
**SUBJECT:** Minutes for notation by Council - Access & Mobility Advisory Committee -  
18 August 2015  
**FILE NO:** MC/15/108893

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This report was dealt with at the Access & Mobility Advisory Committee meeting of 18 August 2015 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal notation by Council.

#### **ITEM 5.2 WHISTLER STREET CAR PARK REDEVELOPMENT**

Council has received three submissions of Expression of Interest for the Whistler Street Car Park redevelopment. The exhibition closed on 31 July 2015 and the plans were not available to table at the meeting.

Once again, the Committee raises its concern about the potential loss of accessible parking in the area currently serviced by Whistler Street Car Park and wishes to be advised where the 16 accessible car parking spaces will be relocated.

#### **RECOMMENDATION**

That the minutes of the Access & Mobility Advisory Committee meeting on 18 August 2015 be received and noted, including the following item:

#### **ITEM 5.2 WHISTLER STREET CAR PARK REDEVELOPMENT**

The Committee recommends to the General Manager that the same number of accessible parking spaces (16) be kept in any future redevelopment of the Whistler Street Car Park site.

#### **ATTACHMENTS**

There are no attachments for this report.

PS07092015RC\_2

\*\*\*\*\* End of Report Of Committees Report No. 18 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Environmental Services Division Report No. 29  
**SUBJECT:** Development Applications Processed for the month of September 2015  
**FILE NO:** MC/15/5268

## SUMMARY

Development Applications being processed during September 2015.

## REPORT

The following applications are with the Town Planners for assessment:

DA#	Year	Site	Proposal
523	1999	1 Grandview Crescent	Section 96 Modification - Part 4
316	2004	13 Dalwood Avenue	Section 96 Modification - Part 3
409	2007	11 Oyama Avenue	Section 96 Modification - Part 3
149	2008	2 West Promenade	Section 96 Modification - Part 5
134	2011	16 Augusta Road	Section 96 Modification - Part 3
142	2011	Wharves and Jetties	Section 96 Modification - Part 2
45	2013	3 Mulgowrie Crescent	Section 96 Modification - Part 2
103	2013	54 Bower Street,	Section 96 Modification - Part 2
139	2013	47 West Street	Section 96 Modification - Part 2
167	2013	Wharves and Jetties	Section 96 Modification - Part 2
264	2013	24 Stuart Street	Section 96 Modification - Part 3
19	2014	18 Raglan Street	Section 96 Modification - Part 3
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
149	2014	The Corso	Construction of a permanent kiosk – on Council land adjacent to 90 The Corso, Manly
225	2014	119-120 North Steyne	Section 96 to modify approved Alterations and additions to existing Residential Flat Building including new windows to the southern and western sides of Unit 8 – involving raising the height of approved window located to existing deck area – Part 2
228	2014	63 Griffiths Street	Two (2) Lot Torrens Title Subdivision, alterations and additions to an existing dwelling including double carport, driveway and demolition of the rear laundry
12	2015	33 Quinton Road	Alterations and additions to an existing semi-detached dwelling house including rear ground floor addition, first floor addition, new panel lift carport door, pergola and front gate



## Environmental Services Division Report No. 29 (Cont'd)

DA#	Year	Site	Proposal
21	2015	68 Bower Street	Alterations and additions to an existing dwelling house including lower ground floor additions, internal and external alterations
28	2015	4 Dalwood Avenue	Demolition of existing dwelling house, construction of a new (2) storey dwelling house with decks, swimming pool, driveway, front fence and landscaping
35	2015	131A Woodland Street	Two (2) Lot Torrens Title Subdivision, amendment to the existing Strata Subdivision, alterations and additions including new double carport, stairs, front fence, demolition of a garage and laundry
36	2015	46 West Street	Alteration and additions to existing dual occupancy (attached) including addition of decks, privacy screens, new spa, lawn areas, boundary fence, infilling of an existing swimming pool, vergola and modification to the existing Strata Plan
63	2015	27 Adelaide Street	Alterations and additions to an existing dwelling house including first floor addition with balconies, new double garage, new windows, new doors, internal alterations and landscaping
86	2015	9 Woods Parade	Alterations and additions to an existing dwelling house including single hardstand parking space with new driveway
88	2015	133 Balgowlah Road	Removal of an existing rear hardstand area and construction of a double carport with new driveway and new front fence
93	2015	80 Alexander Street	Alterations and additions to an existing dwelling house including a new first floor addition, internal reconfiguration, rear partial demolition, ground floor, rear deck, and extension of the existing front porch, replace garage roof and door
94	2015	9 Fisher Road, Balgowlah Heights	Construction of an detached outbuilding for the use as pool room and storage area
97	2015	244 Sydney Road, Fairlight	Alterations and additions to an existing dwelling house including internal alterations, extension of an existing first floor rear deck, carport, driveway, swimming pool and vergola, demolition of garden shed, new front fence with gates and landscaping
103	2015	36 Beatrice Street	Two(2) Torrens Title subdivision and driveway
105	2015	14 Osborne, Road	Demolition of existing garage building, laundry and brick walls, construction of a parking garage for seven (7) vehicles, new hardstand area and new driveway to an existing Residential Flat Building
107	2015	23 Osborne Road	Alterations and additions to an existing semi-detached dwelling
111	2015	11 Bower Street	Demolition of existing structures, construction of a two (2) storey house with basement, roof deck, balconies, swimming pool and landscaping

Environmental Services Division Report No. 29 (Cont'd)

DA#	Year	Site	Proposal
117	2015	132 Sydney Road, Fairlight	Alterations and additions to existing shop top housing including the addition of balconies, external stairs, firewall at the rear, internal alterations, changes to windows and doors
118	2015	4A Alto Avenue,	An increase in the number of children from 25 children to 30 children to an existing Child Care Centre – Ku Bligh Park Pre-School
120	2015	97 Gurney Crescent	Alterations and additions to an existing dwelling house including deletion of an existing garage, rear and front additions to levels 1 and 2, relocation of stairs to level 3 and addition to level 4
122	2015	86 West Street	Alterations and additions to an existing dwelling house including internal reconfiguration and rear ground floor addition with deck
123	2015	2 Moore Street	Demolition of an existing dwelling house, construction of a new three (3) level dwelling house with swimming pool and landscaping
124	2015	10 Callicoma Road	Demolition of existing structures, construction of a two (2) storey dwelling house with double garage, decks and landscaping
125	2015	403 Sydney Road	Alterations and additions to existing semi-detached dwellings including extensions to front and rear and first floor additions to create two (2) secondary dwellings
127	2015	115 Darley Street	Alterations and additions to an existing dwelling house including first floor addition with deck, ground floor deck, new swimming pool, replace garage with a double carport and landscaping
129	2015	21 Beatrice Street	Demolition of existing structures, construction of a three (3) level dwelling house with double garage, carport, decks, swimming pool and landscaping
130	2015	23 Beatrice Street	Demolition of existing structures, construction of a three (3) level dwelling house with double garage, carport, decks, swimming pool and landscaping
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
133	2015	37 Boyle Street	Alterations and additions to an existing dwelling house including a first floor addition, enclosure of an existing ground floor deck with a new deck, pergola and privacy screens
135	2015	130 Pittwater Road	Alterations and additions to an existing dwelling house including internal alterations, changes to windows and rear extension
138	2015	28 Wood Street	Alterations and additions to an existing dwelling house including first floor rear extension, front fence, front and rear decks

## Environmental Services Division Report No. 29 (Cont'd)

DA#	Year	Site	Proposal
139	2015	559 Sydney Road	Demolition of existing structures, construction of a four level building containing a three (3) level basement with forty-one (41) car parking spaces, retail/ commercial arcade with ten (10) tenancies, shop top housing with twenty-two (22) residential units and landscaping
140	2015	40 Edgecliff Esp.	Construction of a detached gazebo
143	2015	151 Darley Road	Alterations to additions to an existing hospice including enclosure of first floor balcony, relocations of water tanks, new roof, air conditioning works and car parks exhaust - Bear Cottage
144	2015	41 Lauderdale Avenue	Alteration and additions to an existing dwelling house including the installation of an external lift.
147	2015	31 Lodge Street	Demolition of existing structures, construction of a two (2) storey dual occupancy (attached) with basement garages, rear first floor balconies and Torrens Title Subdivision
148	2015	30-38 Ethel Street	Alterations and additions to enclose an existing outdoor gaming room - Balgowlah RSL Club
150	2015	120 Pittwater Road,	Change of use from a Boarding House to a Residential Flat Building
149	2015	6 Bungaloe Avenue	Alterations and Additions to an existing dwelling house including front and rear extensions with attached garage
151	2015	Rignold Street	Demolition of existing structures, construction of a three (3) storey dwelling house with a double carport, decks, above ground swimming pool and landscaping.
152	2015	6 Ocean Road	Demolition of existing rear structures, construction of rear three (3) levels addition, internal alterations, swimming pool, detached garage and landscaping
153	2015	6 Cecil Street	Alterations and Additions to an existing semi-detached dwelling including first floor addition, decks and hardstand car space in the front setback.
154	2015	52 Darley Road	Alterations and Additions to an existing boarding house to contain thirty-seven (37) boarding rooms and (1) manager accommodation
155	2015	2 Boyle Street	Alterations and additions to an existing dwelling house including an addition of an attic level with a dormer window and balcony, internal reconfiguration, new garage, new roof, new swimming pool and landscaping
157	2015	74 The Corso	Change of use to a Takeaway Food and Drink Premises and fitout - Roll N Sizzle - Shop 1
158	2015	9-15 Central Avenue	Change of Use to a massage and Beauty Premises(Business Premises), fitout and signage - Manly Gasorn Thai Remedial Massage and Beauty - shop 9
159	2015	1 Linkmead Avenue	Alterations and Additions to an existing dwelling house including enclosure and extension of an existing ground floor terrace and first floor terrace extension.
160	2015	10 Vista Avenue	Alterations and additions to an existing dwelling house including first floor internal reconfiguration, new windows and new roof.

## Environmental Services Division Report No. 29 (Cont'd)

DA#	Year	Site	Proposal
161	2015	16 Parkview Road	Alterations and additions to an existing dwelling house including rear ground floor additional with deck, additions of a detached two (2) storey structure with secondary dwelling above and double garage below.
162	2015	7 North Harbour Street	Removal of existing sea wall and reconstruction of a sea wall with a balustrade, new stairs and landscaping
166	2015	33 Upper Clifford Avenue	Alterations and additions to an existing dwelling house including redevelopment of an existing double garage, awnings, balconies, deck, swimming pool with spa, internal reconfiguration, addition of rooftop garden and landscaping
169	2015	67 Kangaroo Street	Alterations and additions to an existing dwelling house including first floor addition, internal reconfiguration and an extension to existing garage
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 care garage for each, new driveway, and landscaping
181	2015	5 Castle Rock Crescent, Clontarf.	Alterations and additions to an existing dwelling house including internal reconfiguration of entry, extension to first floor balcony and changes to an existing garage door.
184	2015	103 Pittwater Road, Manly	Alterations and additions to an existing dwelling house including first floor addition
186	2015	59 Baranbali Avenue, Seaforth	Alterations and additions to an existing dwelling house including first floor addition

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

108/2014 - 44 Alma St, CLONTARF 2093

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

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's2(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, 61requiring face brickwork to walls within 600mm of side boundaries and the addition of a vergola to northern facing balconies – Part 4

482/2004 - 8 Spring Cove Av, MANLY 2095

**Environmental Services Division Report No. 29 (Cont'd)**

Section 96 to modify approved Subdivision of Lot 2 DP 544297 being Precincts 4, 5, 6, 10 and 11 into 21 Allotments being 17 Residential lots for Individual Dwellings, Lot 1 for 5 Townhouses, 1 Lot for 16 Apartments, 1 Lot containing road and landscape areas and 1 Lot comprising precinct 4 and 11 of the St Patrick's Estate and construction of 11 Residential Apartments, 5 Townhouses and 17 Detached Dwellings at Precincts 5, 6 & 10 St Patrick's Estate -involving the addition of a lift for approved dwelling on Lot 8 DP1189590 - Part 10

222/2012 - 16 Macmillan St, SEAFORTH 2092

Section 96 to modify approved Alterations and additions to an existing dwelling including internal alterations, new windows, new doors, rear deck and single carport - involving the deletion of the approved

217/2013 - 30A Castle Circuit, SEAFORTH 2092

Section 96 to modify approved Construction of a new two (2) store dwelling with double garage, terraces, swimming pool, driveway and landscaping – involving reduction in swimming pool size, changes to lower ground and ground floors, changes to existing windows, addition of new windows, reduction in stair platform and addition of fire place flue – Part 2

163/2015 - 90 Lauderdale Av, FAIRLIGHT 2094

Alterations and additions an existing Residential Flat Building including a vergola over an existing terrace – Unit 3

165/2015 - 53 East Esplanade, MANLY 2095

Alterations and addition to the existing shop (gallery) including illuminated above awning blade wall sign (advertising structure)

167/2015 - 22 Victoria Parade, MANLY 2095

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

375/2010 - 116 Griffiths St, BALGOWLAH 2093

Section 96 to modify approved Alterations and additions to an existing garage, rear extension and deck – involving changes to roof, addition of a laundry to rear, addition of roofed verandah to the south entrance, internal alterations, changes to windows and doors – Part 3

171/2015 - 39 Clontarf St, SEAFORTH 2092

Alterations and additions to an existing dwelling house including rear first floor addition

242/2014 - 19 Fairy Bower Rd, MANLY 2095

Section 82A Review of Determination for refused 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 – Part 2

224/2012 - 16 Jellicoe St, BALGOWLAH HEIGHTS 2093

Section 96 to modify approved Alterations and additions to an existing dwelling including first floor addition, ground floor front addition, Rear balcony extension, rear deck and landscaping. – involving deletion of condition 40 in relation to Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) and deletion of condition 41 requiring a restriction on the use of land and a positive covenant – Part 4

174/2015 - 53 East Esplanade , MANLY 2095

Change of use to a food and drink premises, shop fitout and signage – KFC – Lot 18

234/2012 - 92 The Corso, MANLY 2095

Section 96 to modify the approved Demolition of the rear of the existing building, ground floor and first floor additions with office space and balcony – involving recessed entries, internal and externals modifications and relocation of plant – Part 5

**Environmental Services Division Report No. 29 (Cont'd)**

13/2014 - 46 Lewis St, BALGOWLAH HEIGHTS 2093

Section 96 to modify the approved Alterations and additions to an existing dwelling, rear addition to the lower ground floor and second floor, rear courtyards, rear deck, driveway and double carport - involving modification to front fence and gate, new skylights and windows – Part

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

177/2015 - 11-27 Wentworth St, MANLY 2095

Alterations and additions to an existing Residential Flat Building including partial enclosure of an existing deck and Internal alterations – Unit 209

178/2015 - 19 Vista Av, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling house including first floor addition, internal alterations and extension to an existing garage

182/2015 - 4 Hayes St, BALGOWLAH 2093

Alterations and additions to existing and approved building to consolidate them into one (1) building including an extension to connect the buildings, modification to façade, internal modifications, signage and consolidation of the lots

179/2015 - 22 Acacia Rd, SEAFORTH 2092

Construction of an in-ground swimming pool and landscaping

180/2015 - 56 Alexander St, MANLY 2095

Alterations and additions to an existing dwelling house including an addition of an attic level and carport

181/2015 - 15 Bungalow Av, BALGOWLAH HEIGHTS 2093

Alterations additions to an existing dwelling house including a a pergola, retaining wall, swimming pool and landscaping

183/2015 - 352 Sydney Rd, BALGOWLAH 2093

Alterations and additions to an existing shop front including new windows, new signage and changes to the façade

187/2014 - 103 Bower St, MANLY 2095

Section 96 to modify approved 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– involving revision of condition ANS01 in relation to internal configuration on the south eastern boundary – Part 2

189/2015 - 1 Harland St, FAIRLIGHT 2094

Alterations and additions to an existing dwelling house including second floor addition

190/2015 - 8 Waterview St, SEAFORTH 2092

Installation of an inclinor along the eastern boundary

191/2015 - 45 Fisher St, BALGOWLAH HEIGHTS 2093

Construction of a detached two (2) storey dwelling house with double garage and landscape for approved Lot 1 under DA230/2014

**Environmental Services Division Report No. 29 (Cont'd)**

The following applications were presented to the Manly Independent Assessment Panel on 20 August 2015.

<b>DA#</b>	<b>Address</b>	<b>Proposal</b>	<b>Determination by MIAP</b>
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	Approved
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	Deferred Consent Approval
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	Refused
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	Approved
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	Refused
54/2015	22 Radio Avenue	Alterations and additions to an existing dwelling house including rear ground and first floor addition, landscaping and detached secondary dwelling	Approved
62/2015	17 Monash Crescent	Construction of a new two (2) storey dwelling house with basement level, decks, detached double garage with car stacker, new driveway, swimming pool, spa and landscaping	Approved
68/2015	19 Willawa Street	Alterations and additions to an existing dwelling house including new first floor addition, side ground floor addition, enclosure of ground floor rear balcony, partial demolition to create rear verandah, internal alterations, new entry porch, path and steps, swimming pool and landscaping	Approved
77/2015	51 Lauderdale Avenue	Boundary Realignment of the existing two (2) lots with new easements	Approved

**RECOMMENDATION**

THAT the information be received and noted.

**ATTACHMENTS**

There are no attachments for this report

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\*\*\*\*\* End of Environmental Services Division Report No. 29 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Environmental Services Division Report No. 30  
**SUBJECT:** List of LEC Appeals relating to DAs during September 2015  
**FILE NO:** MC/15/5278

**UMMARY**

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

**REPORT**

DA#	LEC Reference	House #	Address	Date lodged	Firm	Status
DA 233/2014	Class 1 10607/2015	38	Frenchs Forest Road	10/07/2015	Marsdens	Hearing on 11&12 /11/15
<b>Judgement/Awaiting Judgement</b>						
DA 19/2014	Class 1 10281/2015	18	Raglan Street	30/03/2015	HWL Ebsworth	Discontinued on 27/07/15
DA 220/2013	Class 1 10551/2014	9-11	Victoria Pde	29/7/2014	Maddocks	Appeal upheld on 12/08/15
DA 144/2014	Class 1 10461/2015	30	Arthur Street	29/05/2015	Pikes	Discontinued on 13/08/15

**RECOMMENDATION**

THAT the information be received and noted

**ATTACHMENTS**

There are no attachments for this report

PS07092015ESD\_2.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 30 \*\*\*\*\*



**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Environmental Services Division Report No. 31  
**SUBJECT:** Post Exhibition of a Planning Proposal for Minor Amendments to LEP Heritage Maps  
**FILE NO:** MC/15/109089

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## SUMMARY

This report recommends an LEP Amendment for minor amendments to LEP Heritage Maps following public exhibition of a Planning Proposal. Council received Gateway Determination in relation to this matter on 9 June 2015, which was requested in accordance with Council's resolution to prepare and submit a Planning Proposal. The public exhibition of the Planning Proposal and a review of the one submission received are now reported to Council. The recommendation of this report, following public exhibition is that Council proceed to make the LEP Amendment as exhibited in the Planning Proposal.

## REPORT

### Background

At its Ordinary Meeting dated 11 May 2015 Council resolved that:

1. *Council resolve to submit a Planning Proposal to the Department of Planning and Environment regarding the mapping of Heritage Conservation Areas including a request that the Minister delegate the making of the plan to the General Manager.*

In accordance with Council's Resolution a Planning Proposal was prepared and sent to the Department. By letter dated 9 June 2015, Council received the Departments' Gateway Determination with its authority to exercise delegation in the making of the Amending LEP.

The objective of the Planning Proposal is to amend the mapping of Councils' Heritage Conservation Areas to more accurately reflect the extent of these areas consistent with the local spatial cadastre. There are no properties to be either added or removed from the Conservation Area under the Planning Proposal. In relation to a small number of properties the existing Conservation Area boundaries traverse the sites such that the land parcels are only partly contained within the Conservation Area. This Planning Proposal amends the Conservation Area boundaries to more clearly contain the whole of each of these parcels within the Conservation Areas.

### Public Exhibition and Review of Submission Received

The Planning Proposal was publically exhibited for 2 weeks commencing with a Public Notice in the Manly Daily on 18 July 2015. Individual land owners affected by the Planning Proposal were also notified by letter at the same time. At the close of the exhibition on 3 August 2015, one (1) submission had been received from the owner of premises at 34-35 South Steyne Manly who made the following comments:

- The Planning Proposal incorrectly refers to the building at 34-35 South Steyne as a 3 storey building where it is in fact a 2 storey building.
- The building has over a period of years been refurbished and enhanced to provide an open eating environment reflective of the Manly beachfront and many of the other restaurants in this section of South Steyne, Manly.

**Environmental Services Division Report No. 31 (Cont'd)**

- The building has no features that appear worthy of being contained within a conservation area. It is also one building removed from the conservation and heritage listed buildings fronting The Corso.
- The existing Heritage Conservation Area boundary depicts only part of the property to be within the Conservation Area and we see this as recognising that the building is well distanced from the Conservation precinct of The Corso and in addition there is another 3 storey building between our own property and The Corso.
- In light of the above comments, we suggest that it is more appropriate to remove the whole of premises at 34-35 South Steyne from the Heritage Conservation Area rather than including it. We believe that by excluding the building from the Heritage Conservation Area that the integrity of the Manly Town Centre Conservation Area will not be compromised.

Councils' Heritage Advisor has reviewed the above submission and in conclusion states that she does not believe that this submission asserts a supportable position regarding the removal of the whole of premises at 34-35 South Steyne from the Manly Town Centre Heritage Conservation Area. In this regard the purpose of the Planning Proposal is for minor administrative corrections of boundary inaccuracies only and should not, in the opinion of the Heritage Advisor, be further advanced on to merit judgements on the suitability of the buildings for inclusion/exclusion in the Conservation Area as purported in the submission received. Council's justification for the Planning Proposal is not based on the merits of heritage significance (or otherwise) for any particular properties including 34-35 South Steyne referred to in the submission. Furthermore the Heritage Advisor notes that no assessment of significance has been undertaken to warrant more than the minor boundary realignments as proposed i.e. minor amendments to rectify a mapping error sustained by a case of insufficiently detailed mapping to maintain consistency with the cadastre.

In summary, the Planning Proposal is not recommended to be further amended as suggested in the submission by the removal of 34-35 South Steyne from the Manly Town Centre Heritage Conservation Area for the following reasons:

1. The current location of the Heritage Conservation Area boundary through 34-35 South Steyne is such that only part of the land is contained in the Heritage Conservation Area, does not suggest that the property has less heritage significance or that it could be justifiably removed from the Heritage Conservation Area in this Amending LEP.
2. The Planning Proposal is only to make minor boundary realignments on an administrative basis and to further consider either removing or adding properties in response to submissions received in the consultation process is outside the scope of this Planning Proposal.
3. Whilst it appears that the building has been substantially modified, there has been no assessment of significance undertaken for the property. Without this assessment in the context of a more comprehensive review rather than a piecemeal approach; it is very difficult to make an informed decision about the appropriateness of any sites' inclusion/exclusion.
4. The building at 34-35 South Steyne was assessed as an aesthetically *neutral* (not *intrusive*) during recent Town Centre Conservation Area inventory sheet reviews.
5. Despite considerations of the buildings' status as *neutral* and its modified configuration, it is still located in a very important position, not only within the Town Centre Conservation Area, but also in the vicinity of significant individually listed heritage items. As such the additional layer of planning control provided by its continued inclusion in the Conservation Area is valuable from a regulatory perspective.

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The Office of Environment and Heritage have also has been consulted in relation to this Planning Proposal and advise that on their review of the relevant documents that they have offered no comments to the proposal.

**CONCLUSION**

The Planning Proposal has been exhibited to amend Manly DCP 2013 in relation to minor boundary realignments to the Heritage Conservation Areas. In a review of a submission received from a land owner who is subject of the proposed boundary realignments, it is concluded and recommended that Council proceed with the Planning Proposal as exhibited. In this regard the removal of 34-35 South Steyne from the Conservation Area, as suggested in the submission received, is not supported and considered beyond the scope of this Planning Proposal in the absence of appropriately detailed and precinct wide heritage assessment.

The next stage in progressing the LEP Amendment is to approach the Parliamentary Counsel's Office for the drafting of an Amending LEP and a legal opinion that the plan may be made for publication.

**RECOMMENDATION**

That Council:

1. Determine that it has considered the submission made concerning the Planning Proposal in accordance with section 57(8) of the Environmental Planning and Assessment Act 1979.
2. Proceed to draft and finalise an Amending LEP in accordance with the Planning Proposal as publically exhibited.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 31 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Environmental Services Division Report No. 32  
**SUBJECT:** Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises - Post Exhibition  
**FILE NO:** MC/15/109107

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## SUMMARY

An amendment to the Manly LEP 2013 regarding a new local LEP provision for noise mitigation measures for licensed premises, was exhibited from 25 July to 24 August 2015. No submissions were received. This report recommends Council proceed with amending the Manly LEP 2013 by inserting the new clause as exhibited.

## REPORT

### Background

This amendment proposes an additional local clause in Part 6 of the LEP which requires additional considerations in relation to 'licensed premises'. This clause would require that in determining any development applications for licensed premises, considerations must be given to noise impacts on any residential accommodation in the vicinity.

The proposed draft clause is as follows:

#### **6.21 Noise impacts - licensed premises**

- (1) *The objective of this clause is to ensure that development applications for licensed premises consider noise impacts on any residential accommodation in the vicinity.*
- (2) *Before determining a development application involving the use of land as licensed premises, the consent authority must consider any impact of the proposed development in relation to noise nuisance on any residential accommodation in the vicinity.*
- (3) *In this clause:*

***licensed premises*** has the same meaning as it has in the Liquor Act 2007

Council at its Ordinary Meeting on 20<sup>th</sup> April 2015 resolved the following:

1. *Council adopt the Planning Proposal to amend the Manly LEP 2013 to insert a specific LEP noise provision regarding noise mitigation measures for licensed premises; and*
2. *Council submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.*

Council received its Gateway Determination on 28<sup>th</sup> May 2015. Council was given delegation to make the LEP amendment.

**Environmental Services Division Report No. 32 (Cont'd)****Exhibition and Submissions**

The Planning Proposal was publically exhibited from 25<sup>th</sup> July to 24<sup>th</sup> August 2015 (28 days). No public submissions were received during the exhibition of the Planning Proposal.

As a condition of the Gateway Determination, consultation letters were also sent to Transport for NSW – Roads and Maritime Services, and NSW Trade and Investment – Office of Liquor, Gaming and Racing, giving the agencies 28 days to respond. To date no response has been received.

**Conclusion**

As no submissions were received during the exhibition of the Planning Proposal, it is recommended that Council resolve to proceed with making the amendment to the LEP as exhibited.

**RECOMMENDATION**

THAT

1. Council proceed to prepare the draft Manly LEP 2013 Amendment, regarding a new LEP provision for noise mitigation measures for licensed premises, as exhibited.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 32 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 7 September 2015  
**REPORT:** Environmental Services Division Report No. 33  
**SUBJECT:** Post Exhibition Draft DCP Amendments  
**FILE NO:** MC/15/109113

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## SUMMARY

This report recommends adoption of certain DCP Amendments following their public exhibition in accordance with earlier Council Resolutions. The proposed DCP Amendments include improved guidance in relation to the provision of open space above ground as well as new guidelines to accompany the LEP in relation to noise impacts from Licenced Premises. The public exhibition of the DCP Amendments and a submission received are now reported to Council. The recommendation of this report is that Council proceed to adopt the DCP Amendments as exhibited and reviewed following exhibition.

## REPORT

### Background

At its Ordinary Meeting dated 13 July 2015 Council resolved as follows:

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.

The DCP Amendments provide:

- improved guidance in relation to open space above ground for development proposed in residential areas; and
- new guidelines to accompany the LEP in relation to noise impacts from Licenced Premises.

### Public Exhibition and Review of Submission Received

The DCP Amendments were publically exhibited for 4 weeks commencing with a Public Notice in the Manly Daily on 25 July 2015.

At the close of the exhibition on 24 August 2015, one (1) submission had been received, being an internal submission, arising from consultations with Council's Assessment Planners, who made the following comments:

*"With regard to Manly DCP 2013 – Amendment 6, in Figure 34 Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground, there are other uses permitted within the R1, R2, and R3 zones such as child care centres that should be included within the 40% Open Space Above Ground (maximum of Total Open Space).*

*Childcare centres in particular often use large deck areas and the way the current controls are framed they can have above ground open space for 100% of the Total Open Space (assuming 1m soil depth for soft open space). A similar issue could occur in relation to the R3 zone with restaurants.*

*I would suggest that you change the wording from 'Residential Accommodation' to 'all other development'."*

In review of the above submission it is considered appropriate that the guidelines for above ground open space apply to all development in the residential zones including child care centres and the

**Environmental Services Division Report No. 33 (Cont'd)**

like. Further amendments to the draft DCP are made to this effect including certain other refinements to referencing and notations throughout the document. In summary, the DCP Amendments are recommended including further suggested amendments arising from the submission review.

**Conclusion**

DCP Amendments have been exhibited to amend Manly DCP 2013 and a submission received have been considered. It is now recommended that Council proceed with the DCP Amendment as exhibited and as further amended following review of the submission.

The DCP Amendment may now be adopted as recommended in this report and will be effective on the publication of a notice of Council's adoption of the DCP Amendment in the local newspaper. A reference is to be made in the DCP to a new LEP clause 6.21 in relation to noise from licensed premises. While this clause was exhibited with the DCP it will require further processes and publication by NSW Government. Accordingly, reference to this new LEP clause in the DCP will be notated as 'exhibited draft – pending imminent publication' until such time as the LEP clause is published in the NSW Legislation web page.

**RECOMMENDATION**

That Council:

1. Determine that it has considered the submission made concerning the amended Development Control Plan in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000.
2. Adopt Development Control Plan 2013 Amendment 6 as reported and to commence under Notice in the local newspaper.

**ATTACHMENTS**

<b>AT-</b>	Planning Strategy Committee Meeting - 7 September 2015 - DCP Amendments	5
<b>1</b>	- Attachment	Pages

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\*\*\*\*\* End of Environmental Services Division Report No. 33 \*\*\*\*\*

## ATTACHMENT 1

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### Environmental Services Division Report No. 33.DOC - Post Exhibition Draft DCP Amendments Planning Strategy Committee Meeting - 7 September 2015 - DCP Amendments - Attachment

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

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

- *Update various citations and summary table of amendments to reflect 'Amendment 6'*
- *Update at paragraph 1.3 Relationship to other Plans and Policies in relation to referencing latest NSW Code to accompany SEPP65 and including reference to Development Control Policy for Manly Cove 1996. Also update other references to legislation at paragraph 2.2 in relation to Complying Development.*
  
- *Insert at paragraph 2.1 Submission requirements for Lodgement of DAs as follows:*
  - 2.1 Submission requirements for Lodgement of DAs
    - 2.1.2.1 - General extent for analysis
      - i) insert reference to 'environmental sensitivities of the location'. and provide clarification of requirements for a simple statement explaining how the design of the proposal has responded to the site analysis.
    - 2.1.2.2 - Considerations for Site and Context Analysis)...
      - d) insert reference to 'communal open space' and 'typology' of buildings; ...
      - p) Solar Access enjoyed by adjacent and nearby residents with particular regard to the location of adjacent private open space and living rooms (see paragraph 3.4.1); ...
      - u) Noise sources on and near the site including acoustic privacy enjoyed by adjacent and nearby residents.

*Note: other minor edits at paragraphs 2.1.2.2. k, 2.1.2.2. l & 2.1.4.a*
  - 2.1.15 - Threatened Flora and Fauna Assessment of Significance Report  
*Paragraph generally edited to update and remove repetition with paragraph 5.4.2. and to note various other local species for general information.*
  - 2.1.16 - Social Impact Assessment for Development including Late Night Venues
    - a) All DAs for Late Night Venues (see Dictionary) and any licensed premises must be accompanied by a social impact assessment....
  
- *Insert at paragraph 3.4 - Amenity as follows:*
  - 3.4 - Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)
    - a) Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and/or other occupants of the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises.  
...
      - 3.4.2.4 - Acoustical Privacy (Noise Nuisance) ...
        - c) Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration



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mitigation strategies and measures. (See particular requirements for noise control reports for licensed premises below at paragraph g).

#### Licensed Premises

- d) LEP clause 6.21 (exhibited draft pending imminent publication) provides for consideration of noise impacts from licensed premises being either new premises and places; or alterations and additions to existing premises. While 'licensed premises' are not defined in the LEP or DCP, the definition adopted from the Liquor Act 2007 (the Act) refers to any premises (or places) that are licensed under the Act. In this regard any DA where a licence is required for the sale of liquor must consider this clause. The types of development that may be licenced include Restaurants, Cafes, Clubs, Hotels, Pubs, Entertainment Venues, and Community Facilities etc. The types of licences may be granted and held under the Act for such premises include hotel licences, club licences, small bar licences, on-premises licences and others.
- e) In relation to Licensed Premises, the Liquor Act 2007 provides and regulates the liquor licence approvals process administered by the Office of Liquor, Gaming and Racing. With particular reference to potential noise impacts from Licensed Premises, the the Standard Noise Criteria is applied by the Office of Liquor Gaming and Racing.
- f) In relation to the assessment process, applicants are encouraged to lodge the DA and liquor licence application simultaneously. While the Office of Liquor, Gaming and Racing will not issue an approval for a liquor licence until development consent has been granted by Council, effective consideration of matters such as noise impacts may be better resolved when dealt with concurrently.
- g) Noise Control reports are to be submitted with DAs for licensed premises for the management of patron noise (including patrons exiting the premises) and other offensive noise (from sources including amplified music and plant and equipment) emitted over the life of the development. The Noise Control report is to demonstrate to the satisfaction of Council that the activities carried out and related to the operation of the premises will meet the following requirements:
- i) The La10\* noise level emitted from the licensed premises must not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz to 8k Hz inclusive) by more than 5dBa between 7am and 12 midnight at the boundary of any affected residence.
  - ii) The La 10\* noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8k Hz inclusive) between 12 midnight and 7am at the boundary of any affected residence.
  - iii) The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as otherwise required under conditions of development consent.

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

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

- Edit paragraph 3.8.1 to clarify that waste storage facilities are an integrated part of a development as follows:

3.8.1 - Waste and Recycling Storage Areas

- b) ...Any waste storage facility should be wholly contained within the property and not be placed on any leased or Council land. ...

- Edit paragraph 4.1.4.1 - Setbacks with clarifying insert of 'street' front setback and 'prevailing' building lines.

- Insert and amend at paragraph 4.1.5 Open Space and Landscaping as follows:

4.1.5 - Open Space and Landscaping

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

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Objective 2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland. ...

*Figure 34 -  
 Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground*

Residential Open Space Areas at DCP Schedule 1 – Map B	Total Open Space (minimum percentage of site area)	Landscaped Area (minimum percentage of Total Open Space)	Open Space Above Ground (maximum of Total Open Space)
Area OS1	at least 45% of site area	at least 25% of open space	-In relation to dwelling houses: no more than 25% of Total Open Space.
Area OS2	at least 50% of site area	at least 30% of open space	
Area OS3	at least 55% of site area	at least 35% of open space	-In relation to other land uses permitted in Zone: no more than 40% of Total Open Space.
Area OS4	at least 60% of site area	at least 40% of open space	

Note: to be read in conjunction with Schedule 1 - Map B. and the Dictionary meanings of Total Open Space, Landscaped Area and Open Space Above Ground.

4.1.5.1 Minimum Residential Total Open Space Requirements

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See also Dictionary meaning of Total Open Space in this plan.  
See also paragraph 4.1.5.3 Principal Private Open Space.

#### Numeric Controls

- a) Open Space must be provided on site in accordance with **Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.**

The minimum total open space requirement **is determined as a percentage of the site area** in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone **B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.**

#### Minimum dimensions and areas for Total Open Space

(incorporating landscaped area and principal private open space)

- b) Total Open Space (see Dictionary noting inclusion of landscape area and above ground open space) must adhere to the following minimum specifications:
- i) horizontal dimension of at least 3m in any direction; and
  - ii) a minimum unbroken area of 12sqm.
  - iii) **A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.**

Figure 35 – Landscape Dimensions (Note: no change to this figure proposed)

Figure 36 – Percentage of Total Open Space Above Ground (Note: deleted and incorporated into Figure 34)

- c) Provisions for Total Open Space Above Ground

**Note: This paragraph limits the extent of total open space which may be provided above ground level. See dictionary meaning of 'open space above ground'.**

#### Numeric Controls

- i) Open Space Above Ground is limited on site in accordance with **Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.**

The maximum open space above ground level requirement **is determined as a percentage of the Total Open Space.**

#### Amenity Considerations

- ii) **Areas of total open space that are above ground are considered to have a potentially greater impact on the amenity of neighbours. Accordingly the provision of open space that is above ground is to be confined to a maximum percentage of the total open space for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground.**

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- iii) All open space above ground including verandas, balconies, terraces, are not to be enclosed.
- iv) The maximum percentage of Total Open Space Above Ground in Figure 34 may not be capable of being achieved and may be refused by Council where privacy and/or view loss are issues and where development does not satisfy particular considerations in the following paragraphs v) and vi).
- v) Roof terraces are not permitted unless designed for privacy with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites.

Note: In relation to assessing privacy in this paragraph, the anticipated lines of site is to be determined from any location on the terrace at an eye level of 1.6m above the proposed finished floor level. Council may require sketches to accompany the DA demonstrating critical view lines from the proposed development to adjoining spaces and windows in sectional drawings.

- vi) Council may also require methods of sound attenuation and/or acoustic treatment to be indicated in the DA to protect the acoustic amenity of neighbouring properties and the public. See paragraph 3.4.2.4 Acoustical Privacy (Noise Nuisance).

Note: also minor edits for clarity at paragraph 4.1.5.3.b.i & iii.

- Edit paragraph 4.2.3 - Setbacks to include reference to various exceptions including paragraph 4.2.8.2 in relation to setbacks in Zone B1 adjoining residential zones.
- Revise existing provisions for Late Night Venues in Manly Town Centre and Surrounds at paragraph 4.2.5.6.c Noise Control to integrate with new provisions for Licensed Premises as follows:

#### 4.2.5.6 Late Night Venues

##### Noise Control

- c) Requirements of this plan in relation to licensed premises at paragraph 3.4.2.4 d - g apply to licensed Late Night Venues under this paragraph.
- Edit at paragraph 5.1.2 The Corso to improve clarity including references to related heritage items. The note at beginning of Part 5 Special Character Areas and Sites is also edited by replacing 'emphasis' with 'appropriate weight' in consideration of more site specific design requirements.
- Edit at paragraph 5.4.2 consistent with abovementioned edits for paragraph 2.1.15.
- Edit title of Schedule 11 to improve consistency.
- Insert and amend at DCP Dictionary as follows:

##### Dictionary Meanings

*total open space* means that part of a site which is designed or designated to be used for active or passive recreation, and includes:

- Landscaped area as defined in the LEP;
- Open Space Above Ground as defined in this DCP;

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- Hard paved areas (un-enclosed pedestrian walkways and access paths, pergolas, clothes drying and barbeque areas);
- Swimming pools occupying less than 30 percent of total open space; and
- Private open space (including principal private open space) as defined.

but excludes:

- any area for parking (including garages; carports; hardstands and vehicular access to that parking); and
- out buildings (including sheds, cabanas, cubby houses and the like).

*open space above ground* means that part of the total open space that is above ground being (including a veranda, balcony, terrace) and has a finished floor level that is more than 1m above existing ground level.