

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2025/0132
<b>Responsible Officer:</b>	Rodney Piggott
<b>Land to be developed (Address):</b>	Lot 100 DP 1199949, 37 Roseberry Street BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Demolition works and construction of a restaurant (McDonalds) including signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned E3 Productivity Support
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Applicant:</b>	Slr Consulting Australia Pty Ltd

<b>Application Lodged:</b>	19/02/2025
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	22/05/2025 to 05/06/2025
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	740
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Refusal

<b>Estimated Cost of Works:</b>	\$ 3,919,072.00
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### EXECUTIVE SUMMARY

This application seeks consent for demolition of the existing structures on the subject site, and construction of a restaurant (McDonalds) and signage.

The restaurant is proposed to operate from 5:00am to 12:00am midnight, seven days a week, with a 52-seat internal dining room and a drive-through ordering and takeaway facility.

The application was notified in accordance with the Northern Beaches Community Participation Plan from 27 February to 13 March 2025 and again from 22 May to 5 June 2025 as a result of amendments made to the application.

As a result of both public notifications, Council received 740 submissions, with all but 2 submissions objecting to the proposed development.

Accordingly, the application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to the number of submissions received, which classifies the development as 'contentious'.

Concerns raised in the objections predominantly relate to the proposed land use, traffic impacts and congestion, noise impacts, and the proposed hours of operation (originally proposed to be 24 hours a day, seven days a week, reduced as above), and environmental impacts. All submissions are addressed in detail in the relevant section of this assessment report.

The assessment report establishes that there are concerns raised in the submissions that warrant refusal of the development application, specifically relating to Traffic impacts (Clause 4.2.4 of the Manly DCP), Acoustic Impacts relating to the proposed hours of operation (Clause 3.4.2 of the Manly DCP) and accordingly the proposal is not in the public interest.

Within this assessment report, detailed consideration is given to the issues raised in submissions, the compatibility of the development in the E3 Productivity Support zone, the potential amenity impacts of the development (noise, privacy, odour, and the like), the proposed hours of operation, the proposed built form and signage, and the traffic impact of the development.

This report concludes with a recommendation that the NBLPP **refuse** the development application, subject to the reasons in the recommendation.

## PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for demolition and construction of a new restaurant ('McDonalds'), as follows:

- Demolition of all existing structures on the site, and
- Construction of a new restaurant, comprised of:
  - Dining room with 52 seats,
  - Children's play area ('Playland'),
  - Service counter and cafe ('McCafe'),
  - Kitchen and servery,
  - Food storage rooms,
  - Manager, cashier and IT rooms,
  - Delivery driver pick-up room,
  - Amenities for customers and staff, and
  - Waste storage area,
  - Pedestrian access via Roseberry Street,
  - New driveway and crossover via Roseberry Street,
  - Dual-lane drive-through facility,
  - Parking area to accommodate 26 cars (including one accessible space), two motorcycles, two bicycles, and one loading bay,
  - Business identification signage (including one pylon sign) and directional signage,
  - Installation of a substation,
  - New timber fencing, and
  - Landscaping works,
  - The restaurant is proposed to operate from 5:00am to 12:00am midnight, seven days a week.

The above description is in accordance with the amended plans and documents received on 14 May 2025. In accordance with Council's Community Participation Plan, the amended plans and documents were publicly notified.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Manly Local Environmental Plan 2013 - Part 1 Preliminary

Manly Local Environmental Plan 2013 - 2.7 Demolition requires development consent

Manly Local Environmental Plan 2013 - Zone E3 Productivity Support

Manly Local Environmental Plan 2013 - 4.3 Height of buildings

Manly Local Environmental Plan 2013 - 4.4 Floor space ratio

Manly Local Environmental Plan 2013 - 4.5 Calculation of floor space ratio and site area

Manly Local Environmental Plan 2013 - 5.21 Flood planning

Manly Local Environmental Plan 2013 - 6.1 Acid sulfate soils

Manly Local Environmental Plan 2013 - 6.2 Earthworks

Manly Local Environmental Plan 2013 - 6.4 Stormwater management

Manly Local Environmental Plan 2013 - 6.12 Essential services

Manly Development Control Plan - 1.7 Aims and Objectives of this Plan

Manly Development Control Plan - 3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor

Manly Development Control Plan - 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

Manly Development Control Plan - 3.4.1 Sunlight Access and Overshadowing

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.4.3 Maintenance of Views

Manly Development Control Plan - 3.4.4 Other Nuisance (Odour, Fumes etc.)

Manly Development Control Plan - 3.5.1 Solar Access

Manly Development Control Plan - 3.5.2 Energy Sources and Systems

Manly Development Control Plan - 3.5.3 Ventilation

Manly Development Control Plan - 3.5.4 Energy Efficient Appliances and Demand Reduction and

Efficient Lighting (non-residential buildings)

Manly Development Control Plan - 3.5.5 Landscaping

Manly Development Control Plan - 3.5.6 Energy efficiency/conservation requirements for non-residential developments

Manly Development Control Plan - 3.5.7 Building Construction and Design

Manly Development Control Plan - 3.6 Accessibility

Manly Development Control Plan - 3.8 Waste Management

Manly Development Control Plan - 3.9 Mechanical Plant Equipment

Manly Development Control Plan - 3.10 Safety and Security

Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Manly Development Control Plan - 4.3.2 FSR and Height

Manly Development Control Plan - 4.3.3 Allotment Sizes

Manly Development Control Plan - 4.3.4 Access, Loading and Parking

Manly Development Control Plan - 4.3.5 Setbacks

Manly Development Control Plan - 4.3.6 Drainage

Manly Development Control Plan - 4.4.1 Demolition

Manly Development Control Plan - 4.4.3 Signage

Manly Development Control Plan - Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles

Manly Development Control Plan - Schedule 3 - Part A2 - Parking Rates and Requirements for Bicycles

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 100 DP 1199949 , 37 Roseberry Street BALGOWLAH NSW 2093
<b>Detailed Site Description:</b>	<p>The site is regular in shape with frontages of 45.825 metres along Roseberry Street to the east, and 60.35 metres along Kenneth Road to the north. The site has a surveyed area of 2,765m<sup>2</sup>.</p> <p>The site is located within the E3 Productivity Support zone and accommodates buildings for the purpose of commercial and warehouse uses.</p> <p>The site is generally level and does not contain any significant vegetation or topographical features. The site is predominantly developed/disturbed by way of buildings or asphalted surfaces.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by a mix of land uses. To the north of the subject site, the land is zoned E1 Local Centre and R3 Medium Density Residential under the Warringah Local Environmental Plan 2011. The residential land to the north is comprised of multi-storey residential flat buildings and townhouses. To the east, west and south, the land is zoned E3 Productivity Support (as is the subject site) under the Manly Local</p>

Environmental Plan, and is comprised of a variety of commercial developments including supermarkets, cafes, retail premises, and gyms.

Map:



## SITE HISTORY

The land has been used for commercial and industrial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA502/2000 for two signs was approved by Council on 11 December 2000.
- DA499/2005 for alterations and additions including a retail premises was approved by Council's former Development Assessment Unit on 20 March 2006.
- DA499/2005 Part 2 for modification of DA499/2005 was approved by Council on 19 July 2006.
- DA353/2008 for alterations and additions to the existing office, café and warehouse was approved by Council on 4 December 2008.
- DA222/2010 for alterations and additions was approved by Council's former Development Assessment Unit on 2 November 2010.
- DA2013/2013 for alterations and additions to the existing building was approved by Council on 23 June 2014.
- Pre-lodgement meeting PLM2024/0130 to discuss demolition and construction of a restaurant (McDonalds) was held on 5 November 2024.

## APPLICATION HISTORY

The following is a brief summary of the history of DA2025/0132:

- 19 February 2025: Application lodged with Council.
- 27 February - 13 March 2025: Public notification period.
- 13 March 2025: Council wrote to the Applicant raising concern with the following matters:

- Excessive signage, in relation to both size and number,
- Unreasonable hours of operation (being 24 hours a day, seven days a week), and
- Traffic assessment concerns and unreasonable traffic generation impacts.
- 10 April 2025: Council met with the Applicant to discuss the concerns raised and potential resolutions to those concerns.
- 14 May 2025: The Applicant lodged amended plans and documentation intending to resolve Council's concerns. The amendments included:
  - Reduction of the number and size of signage,
  - Reduction of hours of operation to 5am-12am midnight, and
  - Additional traffic assessment and proposal of roadworks to offset the unreasonable traffic generation impacts, including installation of a roundabout, median strip, and line-marking.
- 22 May to 5 June 2025: Second public notification period (due to the amendment of the application).

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters could be addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to hours of operation, signage, and traffic generation on 13 March 2025. The Applicant submitted information responding to the request on 14 May 2025.</p>

Section 4.15 Matters for Consideration	Comments
	<p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter could be addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter could be addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is not considered suitable for the proposed development due to the Traffic issues discussed by Councils Traffic Engineer and acoustic impacts caused by the proposed hours of operation.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	The proposal is not in the public interest due to the Traffic/Parking issues raised by Councils Traffic Engineer and the amenity impacts caused by the proposed hours of operation.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 22/05/2025 to 05/06/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 740 submission/s from:

Name:	Address:
Mr Michael Casterton Harper	68 Sunshine Street MANLY VALE NSW 2093
Mrs Kylie Joanne Reynolds	8 / 92 Harbord Road FRESHWATER NSW 2096
Peter John Cheleski	15 Westmeath Avenue KILLARNEY HEIGHTS NSW 2087
Lyndal Fiona Conacher	6 / 41 Roseberry Street MANLY VALE NSW 2093
Karen Rose Wylie	1 Highview Avenue MANLY VALE NSW 2093
Mr Jason Patrick Von Stieglitz	45 Kenneth Road MANLY VALE NSW 2093
Mrs Philippa Jane Hill	12 Austin Street FAIRLIGHT NSW 2094
Michael Cameron	41 King Street MANLY VALE NSW 2093
Mr Luke Aaron Rochlin	1 / 2 A Gilbert Street MANLY NSW 2095
Yana Leandres	43-45 Roseberry Street MANLY VALE NSW 2093
Jessica Darwell	
Amana Brain	10 / 40 Burchmore Road MANLY VALE NSW 2093
Mrs Narelle Marie Warren	92 King Street MANLY VALE NSW 2093
Ms Rachael Anne Shupe	2 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Mr Charles Franklin Crist	98 / 8 Koorala Street MANLY VALE NSW 2093
Ms Magda Lambrou	49 Rickard Street BALGOWLAH NSW 2093
Mrs Edwina Joy Mann	8 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Mrs Bryony Joy Gordon Fletcher	25 Quinlan Parade MANLY VALE NSW 2093
Mrs Diane Marie Therese La Spina	29 Sunshine Street MANLY VALE NSW 2093
Anne Howard	Address Unknown
Zacharie Michael Crellin	33a Quinlan Parade MANLY VALE NSW 2093
Ms Lorena Maria Monforte Julia Ferguson	51 Sunshine Street MANLY VALE NSW 2093
Ms Lucy Rebecca Payne	41 King Street MANLY VALE NSW 2093
Mrs Emma Catherine Lawler	44 Sunshine Street MANLY VALE NSW 2093
Mrs Maura Magee	49 Sunshine Street MANLY VALE NSW 2093
Mrs Kim De Kock	3 / 30 - 32 Queenscliff Road QUEENSCLIFF NSW 2096
Mr Stephen John Winnick	11 / 11 Koorala Street MANLY VALE NSW 2093
Ms Jay Lily Harwood	19 Serpentine Crescent NORTH BALGOWLAH NSW 2093
Rickey Fukazawa	20 Normandy Road ALLAMBIE HEIGHTS NSW 2100
Douglas Lewis Laird	21 Parkes Street MANLY VALE NSW 2093



<b>Name:</b>	<b>Address:</b>
Melissa Bradley	Address Unknown
Lara Dunford	69 Fairlight Street FAIRLIGHT NSW 2094
Jasmine Cunningham	Address Unknown
Mr John Douglas Le Gras	22 Rickard Street BALGOWLAH NSW 2093
Libby Mccurley	Address Unknown
Mrs Brigid Helene Asquith-Hunt	47 Gordon Street MANLY VALE NSW 2093
Ms Nicole Elizabeth Tessier	24 Golf Parade MANLY NSW 2095
Charlotte Elizabeth Collin	2 / 62 Kenneth Road MANLY VALE NSW 2093
Lara Therese Schindler	117 Griffiths Street BALGOWLAH NSW 2093
Ms Samantha Cowley	10 Warringah Street NORTH BALGOWLAH NSW 2093
Mrs Naida Mary Entwistle	2 / 40 Crown Road QUEENSCLIFF NSW 2096
Miia Barrow	Address Unknown
Julie Christine Quinn	16 Parkes Street MANLY VALE NSW 2093
Mrs Helen McGorman	PO Box 215 BALGOWLAH NSW 2093
Mr Gregory Stewart Nicholls	18 Pozieres Parade ALLAMBIE HEIGHTS NSW 2100
Alexandra O'Neill	70 Kenneth Road MANLY VALE NSW 2093
Ms Thea Louise Stanley	1/34 Wood Street MANLY NSW 2095
Ms Danielle Louise Amato	1 / 235 Condamine Street BALGOWLAH NSW 2093
Mr Neil Barker	2 / 98 Condamine Street BALGOWLAH NSW 2093
David Hunt	Address Unknown
Mrs Nyrie Anne Hopkins	30 Maroa Crescent ALLAMBIE HEIGHTS NSW 2100
Mr John Leigh Gillings Sharyn Elizabeth Gillings	42 King Street MANLY VALE NSW 2093
Mr David Patrick Travers	4 Maroa Crescent ALLAMBIE HEIGHTS NSW 2100
Mrs Maureen Grose	73 Birkley Road MANLY NSW 2095
Mr Peter John Horsley	20 Highview Avenue MANLY VALE NSW 2093
Mr Paul Owen Davison	16 Waiwera Avenue NORTH MANLY NSW 2100
Sally Ann Whitehead	87 Campbell Parade MANLY VALE NSW 2093
Withheld	NSW
Ms Leanne Cherie Jones	18 Horning Parade MANLY VALE NSW 2093
Mitchell Douglas Hannigan	7 / 142 Pittwater Road MANLY NSW 2095
Ms Victoria Jane Felsman	4 / 8 Koorala Street MANLY VALE NSW 2093
Ms Katherine Mary McLeod	4 Burchmore Road MANLY VALE NSW 2093
Ms Lara Michelle Gray	9 Burchmore Road MANLY VALE NSW 2093
Thomas William Brady	8 / 43 - 45 Roseberry Street MANLY VALE NSW 2093
Ms Nicola Jean Groskops	12 / 4 Campbell Parade MANLY VALE NSW 2093
Harrison Clark	Address Unknown
Rosalie Catherine Vale	8 / 21 - 23 Koorala Street MANLY VALE NSW 2093
Ms Julia Maren Schneemann	121 North Steyne MANLY NSW 2095

<b>Name:</b>	<b>Address:</b>
Christopher Ellis	8 / 21 - 23 Koorala Street MANLY VALE NSW 2093
Mrs Elizabeth Clare Latty Von Stieglitz	45 Kenneth Road MANLY VALE NSW 2093
Stefani Anastasieska	1 / 12 Howard Avenue DEE WHY NSW 2099
Mr Matthew Rendell Gee	87 Campbell Parade MANLY VALE NSW 2093
Garry Paul Beck	20 / 285 - 287 Condamine Street MANLY VALE NSW 2093
Mr Andrew Llewellyn Duffy	104 / 8 Koorala Street MANLY VALE NSW 2093
Bridget Sheehan	1 / 377 - 381 Barrenjoey Road NEWPORT NSW 2106
Susan Kemp	12 Pitt Street MANLY VALE NSW 2093
Jo Sommers	Address Unknown
Damian Leandres	Address Unknown
Mrs Clare Rose Butler	22 A Grandview Grove SEAFORTH NSW 2092
Clive Berkley Laurie Hassett	55 Seaview Street BALGOWLAH NSW 2093
Mr Andrew John Davidson	44 Quirk Road MANLY VALE NSW 2093
Mrs Kyla Leah Badstue	75 Innes Road MANLY VALE NSW 2093
Mrs Nicola Claire Biddle	99 A Campbell Parade MANLY VALE NSW 2093
Jacob Pittolo	Address Unknown
Ms Bianca Josephine Dent	14 Arana Street MANLY VALE NSW 2093
Mrs Sophie Ellen Koster	17 / 2 Paton Place BALGOWLAH NSW 2093
Ms Michelle Crowe	32 Parkes Street MANLY VALE NSW 2093
Mrs Jeanine Elizabeth Colless	207 Woodland Street BALGOWLAH NSW 2093
Mr Paul Anthony Rigg	3 Innes Road MANLY VALE NSW 2093
Mr Peter David Gibbons Bonnie Jon Gibbons Mr Michael Robert Gibbons	18 Woolgoolga Street NORTH BALGOWLAH NSW 2093
Ian Arthur Davidson	2 / 51 Griffiths Street FAIRLIGHT NSW 2094
Mr Gregory Howell Brady	51 Corrie Road NORTH MANLY NSW 2100
Mr Peter Clive Barr	41 Alexander Street MANLY NSW 2095
Mr Glenn David Coppinger	10 / 62 Kenneth Road MANLY VALE NSW 2093
Ms Jessica Hermosilla	38 Dudley Street BALGOWLAH NSW 2093
Ms Anna Beverley Atad	211 Balgowlah Road BALGOWLAH NSW 2093
Ms Rachel Anne Jonmundsson	32 Jamieson Avenue FAIRLIGHT NSW 2094
Kim Elyse Sagoa	99 / 8 Koorala Street MANLY VALE NSW 2093
Marius Sultan	Address Unknown
Ms Pamela Katherina Reidenbach	13 / 62 Kenneth Road MANLY VALE NSW 2093
Mrs Sara Jann Dobson	42 Parkes Street MANLY VALE NSW 2093
Janine Elaine Googan	79 Campbell Parade MANLY VALE NSW 2093
Ms Nicole Macleod	214 Condamine Street BALGOWLAH NSW 2093

<b>Name:</b>	<b>Address:</b>
Antony Ernest Rabbidge Joanne Farrar	24 Burchmore Road MANLY VALE NSW 2093
David Toma	11 Burchmore Road MANLY VALE NSW 2093
Rachel Gallagher	Address Unknown
Mr Peter Richard Leech	22 / 30 - 34 Gordon Street MANLY VALE NSW 2093
Mr Sean Christopher Keevil	33 Innes Road MANLY VALE NSW 2093
Sam Holmes	9 / 4 Campbell Parade MANLY VALE NSW 2093
Mr Daniel Lawrence Wilson	25 / 285 - 287 Condamine Street MANLY VALE NSW 2093
Mr Warren Douglas Randell	92 Griffiths Street FAIRLIGHT NSW 2094
Lara Jane Raymond	17 / 27 - 29 Quirk Road MANLY VALE NSW 2093
Claudia Siobhan Ormsby	37 / 76 Kenneth Road MANLY VALE NSW 2093
Mrs Louisa Morrow	19 Innes Road MANLY VALE NSW 2093
Mr John Stewart Hudson	3 / 22 Woods Parade FAIRLIGHT NSW 2094
Mrs Jacqueline May Smith	9 Ashworth Avenue BELROSE NSW 2085
Mr Peter John Stanley Alexiane Reine Marie-Louise Henry	20 / 11 - 17 Quirk Road MANLY VALE NSW 2093
Mr Peter Nicholas Vasili	31 Balgowlah Road MANLY NSW 2095
Mr David Paul Nord	13 Gilles Crescent BEACON HILL NSW 2100
Carmel Bartlett	Address Unknown
Jameel Khan	Address Unknown
Councillor Sarah Grattan (Councillor)	Northern Beaches Council 725 Pittwater Road DEE WHY NSW 2099
Mr James William Fitzgerald	57 Sunshine Street MANLY VALE NSW 2093
Mrs Sarah-Jane Garland	20 / 76 Kenneth Road MANLY VALE NSW 2093
Roslyn Elliott	7 / 62 Kenneth Road MANLY VALE NSW 2093
Michael John Bowden	12 - 15 Belgrave Street MANLY NSW 2095
Mr William Reynolds	81 A King Street MANLY VALE NSW 2093
Ms Joanna Rhian Orton	10 Jamieson Avenue FAIRLIGHT NSW 2094
Ms Bridget Pawley	2 / 19 Lodge Street BALGOWLAH NSW 2093
Councillor Bonnie Harvey (Councillor)	Northern Beaches Council 725 Pittwater Road DEE WHY NSW 2099
Mrs Leah Howison	13 Moore Road FRESHWATER NSW 2096
Mr Ian Ross Vidal	27 Laurie Road MANLY VALE NSW 2093
Mr Anthony Olson	4 / 8 Rickard Street BALGOWLAH NSW 2093
Mr Stephen John Gracie	14 Burchmore Road MANLY VALE NSW 2093
Mr Guy Dean Goldrick	1 / 70 Kenneth Road MANLY VALE NSW 2093
Miss Rashida Khan	10 Marinella Street MANLY VALE NSW 2093
Ms Amy Bingham	112 Wanganella Street BALGOWLAH NSW 2093
Andy Newlyn	Address Unknown
Mrs Jean Cole	4/11-17 Quirk Road MANLY VALE NSW NSW 2093

<b>Name:</b>	<b>Address:</b>
Ms Catherine Anne Norbury	29 Balgowlah Road MANLY NSW 2095
Mr Glenn Prevett	12 Francis Street FAIRLIGHT NSW 2094
Ms Loretta Maree Reilly	10 Cecil Street FAIRLIGHT NSW 2094
Ms Anna Kathryn Osborne Malins	9 Aden Street SEAFORTH NSW 2092
Mr Carlo Valpiani Mrs Catherine Elizabeth Valpiani	136 Condamine Street BALGOWLAH NSW 2093
Linda Fiona Phillips	26 Mildred Avenue MANLY VALE NSW 2093
Monica Fernandez Agullo	8 / 228 - 232 Condamine Street MANLY VALE NSW 2093
Alex Louise Trego	22 Parkes Street MANLY VALE NSW 2093
Mr Martin Phillipe Kovel Ms Virandathi Asha Kovel	24 King Street MANLY VALE NSW 2093
Kaaren Haas	3 / 5 Fairway Close MANLY VALE NSW 2093
Sara Spence	Address Unknown
Mrs Catherine Anne Hockey	19 Laurie Road MANLY VALE NSW 2093
Mr Michael Richard Van Vliet Mrs Elizabeth Maree Van Vliet	32 Alto Avenue SEAFORTH NSW 2092
Mrs Jill Elizabeth Healy-Quintard	66 Innes Road MANLY VALE NSW 2093
Emily Lloyd	Address Unknown
Ms Zoe Samantha Kells	26 Lovett Street MANLY VALE NSW 2093
Mr Marco Lange	1 Waratah Street BALGOWLAH NSW 2093
Mr Steven Harcourt Collins	5 / 11 Fairway Close MANLY VALE NSW 2093
Artifex Interiors Pty Ltd	3/33 Roseberry Street MANLY VALE NSW 2093
Mr Barry Arthur Henderson	10 / 19 - 21 A Addison Road MANLY NSW 2095
Mrs Athena Kelcey	41 Kenneth Road MANLY VALE NSW 2093
Eloise Orlandini	1 / 40 White Street BALGOWLAH NSW 2093
Ms Fiona Angela Mary Kenny	9 Mildred Avenue MANLY VALE NSW 2093
Ms Shannon Silbernagel	2 / 105 Howard Avenue DEE WHY NSW 2099
Mr James Derek Nicholson Tennent	4 / 11 - 17 Quirk Road MANLY VALE NSW 2093
Mr Graham Mason	10 Marinella Street MANLY VALE NSW 2093
Mrs Victoria Ramsbottom-Isherwood	108 Crown Road QUEENSCLIFF NSW 2096
Katie Adamson	16/36 Gordon Street MANLY VALE NSW 2093
Mr Clive Lawrence Cunningham	84 Innes Road MANLY VALE NSW 2093
Mrs Sarah Walmsley Bos	50 Innes Road MANLY VALE NSW 2093
Mr Alan David King	210 / 11 Lawrence Street FRESHWATER NSW 2096

<b>Name:</b>	<b>Address:</b>
Isabel Edana Von Mengershausen Lister	11 / 31 Quirk Road MANLY VALE NSW 2093
Marysia O'shea	5 / 6 Cross Street BALGOWLAH NSW 2093
Mrs Kathleen Jean Ticehurst Hana McMahon Evan McMahon	9 / 1 - 5 Quirk Road MANLY VALE NSW 2093
Mrs Charlotte Camille Vergnolle	13 / 28 - 34 Roseberry Street BALGOWLAH NSW 2093
Celia Rosemary Butcher	38 Kenneth Road MANLY VALE NSW 2093
Mr Rhys Jamie Moorhouse Phillips	24 A Corrie Road NORTH MANLY NSW 2100
Mr Benjamin Anthony Streckeisen Mrs Jodie Streckeisen	197 Balgowlah Road BALGOWLAH NSW 2093
Mr Julian Doohan	79 King Street MANLY VALE NSW 2093
Natasha Nisansala Keuneman	82 Birkley Road MANLY NSW 2095
Ms Christine Armour Cross	83 Griffiths Street BALGOWLAH NSW 2093
Miss Julia Katherine Brown	3 / 40 Gordon Street MANLY VALE NSW 2093
Mrs Savannah Carys Baker	34 McDonald Street FRESHWATER NSW 2096
Nicole Cunningham	Address Unknown
Sarah Blankfield	31 / 76 Kenneth Road MANLY VALE NSW 2093
Mrs Sally Johanne Darmanin	15 / 3 Kenneth Road MANLY VALE NSW 2093
Mrs Katherine Emma Raynor	18 Griffiths Street FAIRLIGHT NSW 2094
Mr Stephen Rae Morgans	18 Laurie Road MANLY VALE NSW 2093
Nick	Address Unknown
Christopher James Raso	1/12 Howard Avenue DEE WHY NSW 2093
Anne Louise Millfors	18 Pappinbarra Parade PORT MACQUARIE NSW 2444
Thomas Stephen Delaney	5 / 6 Cross Street BALGOWLAH NSW 2093
Mr Phillip Andrew Lambley	23 Innes Road MANLY VALE NSW 2093
Ms Alison Jane Roberts	2 / 38 Burchmore Road MANLY VALE NSW 2093
Jeanette Thomson	48 Seaview Street BALGOWLAH NSW 2093
Callum Alexander Johnson	2 / 5 Fairway Close MANLY VALE NSW 2093
Mrs Jane Delmaine	29 Burchmore Road MANLY VALE NSW 2093
Ms Helen Anne King	47 / 8 Koorala Street MANLY VALE NSW 2093
Mr Bin Hua Mei Ms Cheng Ma	26 Highview Avenue MANLY VALE NSW 2093
Ms Margaret Gale	4 / 29 Quirk Road MANLY VALE NSW 2093
Mr Robert Neville George Snelling Ms Erika Catherine Burmeister	28 Innes Road MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Mrs Kylie Kathleen Freeman	38 Lovett Street MANLY VALE NSW 2093
Mrs Katherine Mary Madden	22 Sterland Avenue NORTH MANLY NSW 2100
Laura Rachael Jennings	9 Laurie Road MANLY VALE NSW 2093
Mrs Nicole Zyna	6 / 9 Fairway Close MANLY VALE NSW 2093
Andrew James Strain Peter Strain	9 Laurie Road MANLY VALE NSW 2093
William Dryden	2 / 285 - 287 Condamine Street MANLY VALE NSW 2093
Hui Ying Huang	2 / 5 Fairway Close MANLY VALE NSW 2093
Anna Fiona Barbouttis	24 Francis Street FAIRLIGHT NSW 2094
William Otteslev	6 / 40 Burchmore Road MANLY VALE NSW 2093
Daniella Sultan	Address Unknown
Mrs Corinne Maria Helu	30 Quirk Road MANLY VALE NSW 2093
Mr Michael Anthony Woodward Ms Wendy Woodward	8 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Jennifer Elizabeth Chizzoniti	141 Balgowlah Road BALGOWLAH NSW 2093
Ms Claire Louise Taverner	13 Parkview Road FAIRLIGHT NSW 2094
Mr Glendower Thomas Wirth	25 Bligh Crescent SEAFORTH NSW 2092
Ms Nicola Marie Brown	27 A Wyadra Avenue FRESHWATER NSW 2096
Ms Catherine Francisca Wolkers	5 / 52 - 54 Gordon Street MANLY VALE NSW 2093
Melissa Geftakis	13 / 41 Roseberry Street MANLY VALE NSW 2093
Mr Steven James Davies Mrs Karina Peta Davies	23 Edwin Street FAIRLIGHT NSW 2094
Mr Maurice Adrian Quinn Penilio Hilary Quinn	16 / 27 - 29 Quirk Road MANLY VALE NSW 2093
Mr Robert Charles Sturrock	33 A Lovett Street MANLY VALE NSW 2093
Mr Ricardo Damiani Zhinan Liu	17 / 41 Roseberry Street MANLY VALE NSW 2093
Emma Kimura Cathcart	37 Prince Edward Road SEAFORTH NSW 2092
Mr Francis Alan Ventress Ms Kathryn Anne Ventress	10 Addiscombe Road MANLY VALE NSW 2093
Anastasia Chernyshova	28 / 76 Kenneth Road MANLY VALE NSW 2093
Ms Deborah Ann Willcocks	75 Sunshine Street MANLY VALE NSW 2093
Mr Richard Eiichi Forsyth Jones Mrs Kirsten Emma Pedersen-Jones	18 / 76 Kenneth Road MANLY VALE NSW 2093
Mrs Nicola Mealor	4 / 69 Quinton Road MANLY NSW 2095
Ms Amelia Elizabeth Thackway	4 / 5 Griffin Street MANLY NSW 2095
Ms Tina Marianne Toivonen	6 Laurie Road MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Mr Daniel Niechoda Natalia Kramarenko	13 Laurie Road MANLY VALE NSW 2093
Miss Lynn Janet Rutherford	35 Water Reserve Road NORTH BALGOWLAH NSW 2093
Robert Lance McGowan	12 / 13 Fairway Close MANLY VALE NSW 2093
Mrs Heather Louise Beard	2 / 113 Balgowlah Road FAIRLIGHT NSW 2094
Susan Mary Allman	84 / 8 Koorala Street MANLY VALE NSW 2093
Mr Richard Edward Taylor	16 Mildred Avenue MANLY VALE NSW 2093
Graham Houston	15 Laurie Road MANLY VALE NSW 2093
Annette Gabriella Grattan	9 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Mrs Monique Branch Mr William Charles Branch	50 Sunshine Street MANLY VALE NSW 2093
Zoe Hanley	Address Unknown
Ms Jing Li Wang	10 Burchmore Road MANLY VALE NSW 2093
Mr Kevin Robert Lord	65 / 8 Koorala Street MANLY VALE NSW 2093
Ms Sian Cadwallader	8 / 58 Kenneth Road MANLY VALE NSW 2093
Mr Bevan Wilfred McPherson Mrs Rosemary Joan McPherson	22 / 41 Roseberry Street MANLY VALE NSW 2093
Mrs Alyssa Maree Curtis	18 Garraween Avenue NORTH BALGOWLAH NSW 2093
Mrs Kirsten Wilson Tully	32 Sunshine Street MANLY VALE NSW 2093
Mr Thomas Ross Chapman Mrs Rhiannon Chapman	12 Condoover Street NORTH BALGOWLAH NSW 2093
Rachel Pook	48 Burchmore Road MANLY VALE NSW 2093
Ms Susan Elizabeth Silipo	147 A Balgowlah Road BALGOWLAH NSW 2093
Mrs Kathryn Barbara Stevens	48 Sunshine Street MANLY VALE NSW 2093
Ms Amanda Bjorgan Langard	1 / 26 East Esplanade MANLY NSW 2095
Miss Julia Witts	105 - 111 Balgowlah Road FAIRLIGHT NSW 2094
Mr Michael Altenburger	85 / 8 Koorala Street MANLY VALE NSW 2093
Mrs Gai Ruth Grant	10 / 48 A Queenscliff Road QUEENSCLIFF NSW 2096
Mr Patrick William Coffey	12 / 5 Fairway Close MANLY VALE NSW 2093
Mrs Diana Elizabeth Ellem	5 / 8 Ocean Road MANLY NSW 2095
Mr Simon Dance	6 / 10 Ocean Road MANLY NSW 2095
Mr David Fraser Roberts	43 Smith Avenue ALLAMBIE HEIGHTS NSW 2100
Ms Michelle Louise Walker	6 Mildred Avenue MANLY VALE NSW 2093
Ms Gemma Rose Valpiani	36 D Burchmore Road MANLY VALE NSW 2093
Christopher Lewis Coleman	17 / 50 Roseberry Street MANLY VALE NSW 2093
Miss Melissa Elizabeth Eaton	4 / 43 - 45 Roseberry Street MANLY VALE NSW 2093
Ms Vicki Lee Flyght	5 Stroud Place BELROSE NSW 2085
Mrs Jennifer Susan Rymer	4 Coolalie Place ALLAMBIE HEIGHTS NSW 2100
Tim Hanigan	Address Unknown

<b>Name:</b>	<b>Address:</b>
Mrs Melody Marjorie Plesman-Mackaness	171 Balgowlah Road BALGOWLAH NSW 2093
Charlotte Pace	16 Hill Street FAIRLIGHT NSW 2094
Mr Vladimir Jan Riha	11 Kenneth Road MANLY VALE NSW 2093
Brett Andrew Kovac	3 / 42 A Burchmore Road MANLY VALE NSW 2093
Mrs Dianne Joy Spiers	16 / 48 A Queenscliff Road QUEENSCLIFF NSW 2096
Mrs Helga Maria Gordon	3 Highview Avenue MANLY VALE NSW 2093
Ms Sheena Arora	17 Parkes Street MANLY VALE NSW 2093
Philip John Beresford	4 / 27 Campbell Parade MANLY VALE NSW 2093
Mr Mark Darren Dover	16 Rebecca Court BROADBEACH WATERS NSW 4218
Miss Marissa Fay Papaioannou	5 / 58 Kenneth Road MANLY VALE NSW 2093
Stuart Montgomery	8 / 2 - 4 Wood Street MANLY NSW 2095
Angela Williams	34 Crown Road QUEENSCLIFF NSW 2096
Arjun Sharma Winter	12 / 17 Koorala Street MANLY VALE NSW 2093
Ms Bianca Ingrid Sylvester	306 / 10 West Promenade MANLY NSW 2095
Shirley Wong	20 / 56 - 58 Gordon Street MANLY VALE NSW 2093
Mr Daniel Lyndon Johnson Mrs Larissa Jane Johnson	116 Kenneth Road MANLY VALE NSW 2093
Miss Clare Odell Crummy	1 / 38 Burchmore Road MANLY VALE NSW 2093
Ms Katherine Marie Beer Blake James Sullivan	1 / 70 Kenneth Road MANLY VALE NSW 2093
Mrs Diana June Bilderbeck-Frost	83 King Street MANLY VALE NSW 2093
Eliza Zychska	2 / 56 - 58 Gordon Street MANLY VALE NSW 2093
Alexis Daskalopoulos	15 / 21 - 23 Koorala Street MANLY VALE NSW 2093
Mr James Scott Turnbull	C/- Stone Real Estate - Manly Shop 2 10 Darley Road MANLY NSW 2095
Steve Ferris	Address Unknown
Melissa Donna McCann	22 A High Street MANLY NSW 2095
Mrs Sally Marie Burnes	15 / 14 Fairway Close MANLY VALE NSW 2093
Mr Phillip Michael Gray	9 Burchmore Road MANLY VALE NSW 2093
Guillermo Bastera	5 / 48 A Queenscliff Road QUEENSCLIFF NSW 2096
Blair Lenferna	Address Unknown
Frazer Michael Allman	8 / 51 Griffiths Street FAIRLIGHT NSW 2094
Mr Brian Kingsford Pilbeam	7 / 51 The Crescent MANLY NSW 2095
Che Solomon	21 Highview Avenue MANLY VALE NSW 2093
Richard Heasman	63 Boyle Street BALGOWLAH NSW 2093
Steve Thomson	Address Unknown
Corene Stigter	Address Unknown



<b>Name:</b>	<b>Address:</b>
Colombe Therese Cambourne	52 Innes Road MANLY VALE NSW 2093
Peter George Nacard	36 B Burchmore Road MANLY VALE NSW 2093
Christiane Mertens	Address Unknown
Mr Iain Kenneth Edward Waugh Ms Madeleine Murchie Southey	2 / 135 Sydney Road FAIRLIGHT NSW 2094
Mrs Anna Lauren Lindell	74 Peacock Street SEAFORTH NSW 2092
Ms Nicole Elizabeth Briscoe Marianne Briscoe	10 / 52 - 54 Gordon Street MANLY VALE NSW 2093
Ms Rhonda Elizabeth Williams	8 / 50 Roseberry Street MANLY VALE NSW 2093
Renata Maly Lucian Maly	13 / 70 Kenneth Road MANLY VALE NSW 2093
Mr Roger Douglas Band	74 Bower Street MANLY NSW 2095
Margaret Pollock	10/80-86 Crown Road QUEENSCLIFF NSW 2096
Ms Katrina Carol Piper	3 Chandos Street MANLY VALE NSW 2093
Mr Jonathan David Harrison Ms Kate Elizabeth Harrison	14 Quirk Road MANLY VALE NSW 2093
Mrs Louise Anne Stedman	40 Parkes Street MANLY VALE NSW 2093
Miss Catriona Robyn Balfour Scott	69 Sunshine Street MANLY VALE NSW 2093
Mr Pavel Krasa	19 / 8 Koorala Street MANLY VALE NSW 2093
John Sidney Brandon Ms Maria Veronica Trimboli	22 Laurie Road MANLY VALE NSW 2093
Mrs Karen Gail Adamson	1 / 42 A Burchmore Road MANLY VALE NSW 2093
Ms Peta Morris	21 A Arana Street MANLY VALE NSW 2093
Mr Edward Louey	374 Kingsgrove Road KINGSGROVE NSW 2208
Mr Daryl Geoffrey Sisson	137 Balgowlah Road BALGOWLAH NSW 2093
Mr Paul Clark	3 / 62 Kenneth Road MANLY VALE NSW 2093
Shona Marjorie McKenzie	106 A Clontarf Street NORTH BALGOWLAH NSW 2093
Joyce Moyser	Address Unknown
Lynne Morris Simonds	38 Quinlan Parade MANLY VALE NSW 2093
Edward Simonds	17 / 2 A Campbell Parade MANLY VALE NSW 2093
Laurien Bakker	13 / 1 - 5 Quirk Road MANLY VALE NSW 2093
Marlies Bakker	Address Unknown
Ms Ellen Bakker	24 Kenneth Road MANLY VALE NSW 2093
Madeleine Anderson	4 / 22 Crown Road QUEENSCLIFF NSW 2096
Madeline Allen	14 Augusta Road MANLY NSW 2095
Mr Martin Alwyn Parry	13 A Bangaroo Street NORTH BALGOWLAH NSW 2093
Mr Steven Anthony Vanags	32 Horning Parade MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Nigel John Fletcher	13 / 50 Roseberry Street MANLY VALE NSW 2093
Veronique Christine Simon	10 / 7 - 9 Quirk Road MANLY VALE NSW 2093
Michael Thomas Donohue	12 Laurie Road MANLY VALE NSW 2093
Lisa Woolfe	102 b King Street MANLY VALE NSW 2093
Mr Laurence Trevor Clark	27 / 62 Kenneth Road MANLY VALE NSW 2093
Ms Sarah Chandler	8 / 43 - 45 Roseberry Street MANLY VALE NSW 2093
Susan Nicols	46 Burchmore Road MANLY VALE NSW 2093
Ms Trudy Anne Van Der Straaten	163 Balgowlah Road BALGOWLAH NSW 2093
Miss Alicia Jean Nagle	2 / 31 Quirk Road MANLY VALE NSW 2093
Guy David Redstone	12 / 31 Quirk Road MANLY VALE NSW 2093
Mr Mario Von Appen	4 / 50 Roseberry Street MANLY VALE NSW 2093
Thomas Fisher	7 / 76 Kenneth Road MANLY VALE NSW 2093
Simon Andrew Hunter	41 Innes Road MANLY VALE NSW 2093
Mrs Beryl Amy Potgieter	8 / 60 Kenneth Road MANLY VALE NSW 2093
Mrs Michell Leanne Cudmore	80 Lagoon Street NARRABEEN NSW 2101
Mrs Natalie Margaret Chew	26 Chandos Street MANLY VALE NSW 2093
Kylie Morrison	Address Unknown
Nikki Laura Henderson	132 / 8 Koorala Street MANLY VALE NSW 2093
Philip Cheen Kuan	41 / 41 Roseberry Street MANLY VALE NSW 2093
Rakshya A	Address Unknown
Catherine Hicks	18 A Kentwell Road ALLAMBIE HEIGHTS NSW 2100
Elisabeth Torkington	26 Parkes Street MANLY VALE NSW 2093
Mrs Celia Claire Harper	24 / 36 Osborne Road MANLY NSW 2095
Mr Martin Stephen Hastings Mrs Janelle Lofthus	124 Kenneth Road MANLY VALE NSW 2093
Mrs Catherine Robin Pearson Mr Andrew Paul Pearson Kate Pearson Andrew Pears	27 Cutler Road CLONTARF NSW 2093
Ms Beth Patricia Fitzgerald	42 Quinlan Parade MANLY VALE NSW 2093
Jessica Klara Drebber	9 Chandos Street MANLY VALE NSW 2093
Mr Luke Gerard Lawler	44 Sunshine Street MANLY VALE NSW 2093
Mrs Helen Jane McDonagh	2 Chandos Street MANLY VALE NSW 2093
Mr Mark Robert Rodger	12 / 27 - 29 Quirk Road MANLY VALE NSW 2093
Mr Hamish Andrew Riddle	11 Griffiths Street FAIRLIGHT NSW 2094
Mr Jason Lee Pollock Ms Adriana Isabela Sultan-Pollock	11 / 41 Roseberry Street MANLY VALE NSW 2093
Mr Michael Damian Punch	14 Innes Road MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Mr Alexander Gardner Tizzard	40 Crown Road QUEENSCLIFF NSW 2096
Deborah McCarthy	12 A Monserra Road ALLAMBIE HEIGHTS NSW 2100
Ms Suzanne Mary Byrne	57 Sunshine Street MANLY VALE NSW 2093
Dr Rachel Ann Upperton	20 Cornwell Road ALLAMBIE HEIGHTS NSW 2100
Mr Leonard Gennusa	43 Innes Road MANLY VALE NSW 2093
Mr Paul Sydney Cole	6 Lakeside Crescent NORTH MANLY NSW 2100
Deborah Ann Gibbons	26 / 62 Kenneth Road MANLY VALE NSW 2093
Mr Patrick Bryan Murphy	14 Jennifer Avenue ALLAMBIE HEIGHTS NSW 2100
Mrs Ruth Louise Holt Lois Holt	30 Boyle Street BALGOWLAH NSW 2093
Mr Andrew Robert Holt	3 / 24 Woods Parade FAIRLIGHT NSW 2094
Ms Amanda Frances Dewhurst	57 Boyle Street BALGOWLAH NSW 2093
Anthony Sherlock	79 Innes Road MANLY VALE NSW 2093
Steven William Smith	17 / 70 Kenneth Road MANLY VALE NSW 2093
Mr Malcolm Craig Ricketts	1 Horning Parade MANLY VALE NSW 2093
Mrs Susan Mary Hollier Stephen Hollier	21 / 48 Lovett Street MANLY VALE NSW 2093
Mr Glenn Michael McKnight	PO Box 7177 WARRINGAH MALL NSW 2100
Nicholas David Torkington	26 Parkes Street MANLY VALE NSW 2093
Mrs Floriane Jacqueline Guilbaud-Oulton	64 Lakes Folly Drive BRANXTON NSW 2335
Mrs Georgina Sarah Mcleod	30 Lodge Street BALGOWLAH NSW 2093
Ms Natalie Louisa Ackling	36 Taiyul Road NORTH NARRABEEN NSW 2101
Mrs Orlaith Sheill	4 Maroa Crescent ALLAMBIE HEIGHTS NSW 2100
Miss Samantha Jayne O'Brien	9 Hill Street BALGOWLAH NSW 2093
Mrs Harriet Kate Kilpatrick	101 West Street BALGOWLAH NSW 2093
Ms Erin Windshuttle	2 / 2 Quinton Road MANLY NSW 2095
Ms Robyn Margaret Twigg	12 / 2 Wetherill Street NARRABEEN NSW 2101
Ms Kim Lockyer	3 / 18 Woods Parade FAIRLIGHT NSW 2094
David Neuhaus	Address Unknown
Lucy Brophy	2 / 20 Dudley Street BALGOWLAH NSW 2093
Mrs Roslyn Valerie Wheeler	26 Lodge Street BALGOWLAH NSW 2093
Ms Leigh Samantha Raymond	1 / 62 Osborne Road MANLY NSW 2095
Mr Kevin Henry Mascarenhas Mrs Erica Griffiths Ms Erica Felicia Griffiths	28 Chandos Street MANLY VALE NSW 2093
Joanne Rae Motta	43 / 76 Kenneth Road MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Mrs Rebecca Anne Taudien	2 / 3 A Northcote Avenue FAIRLIGHT NSW 2094
Nicky Dolman	Address Unknown
Mrs Courtney Joy McKenzie	2 / 31 Boyle Street BALGOWLAH NSW 2093
Mrs Emilie Lucie Christine Seris Cesar Augusto Martinez Etienne	16 / 44 Lauderdale Avenue FAIRLIGHT NSW 2094
Katrina Westcar	3 Parkes Street MANLY VALE NSW 2093
Baaska Demberel	103 / 6 Sylvan Avenue BALGOWLAH NSW 2093
Diana Molnar	1 B Cormack Street BALGOWLAH NSW 2093
Frances Marie Nord	9 / 60 Kenneth Road MANLY VALE NSW 2093
Mr Daniel Mark Pepyat	4 / 1 Woods Parade FAIRLIGHT NSW 2094
Robert William Martin Murphy	158 Condamine Street BALGOWLAH NSW 2093
Mrs Gayle Robertson Graham	208 Woodland Street BALGOWLAH NSW 2093
Ms Angela Mary Penn	30 Marinella Street MANLY VALE NSW 2093
Mrs Kelly Vicki Courtnall	32 Pacific Parade MANLY NSW 2095
Catherine Louise Williams	37 Innes Road MANLY VALE NSW 2093
Mr Simon Lincoln Mrs Leonie Sophie Lincoln	26 Quirk Road MANLY VALE NSW 2093
Max Burke	Address Unknown
Ms Louise Michelle Nettleton	Level 5 24-38 Bellevue Street Surry Hills NSW 2010
Will Spiers	2 / 36 Ocean Road MANLY NSW 2095
Mr Anthony Michael Sergas	23 Tottenham Street NORTH BALGOWLAH NSW 2093
Mr Steven James Mckenna	50 Kenneth Road MANLY VALE NSW 2093
Duncan James Small	30 / 62 Kenneth Road MANLY VALE NSW 2093
Miss Josephine Maree Hellstern	14 Audrey Street BALGOWLAH NSW 2093
Withheld	MANLY VALE NSW 2093
Mrs Helen Mary Sergas	18 Vesper Street MONA VALE NSW 2103
Mrs Jane Kathryn Leathwood	19 Willawa Street BALGOWLAH HEIGHTS NSW 2093
Emma G Fair	9 / 6 Fairway Close MANLY VALE NSW 2093
Mrs Jasmine Karen Leo	31 Fairmount Circuit GLENWOOD NSW 2768
Pierpaolo Giachero	4 / 18 Pittwater Road MANLY NSW 2095
Mrs Susannah Mary Rutherford	32 Francis Street FAIRLIGHT NSW 2094
Mr Stephen Charles Cargill	1 / 2 James Street MANLY NSW 2095
John Lex	Address Unknown
Sarah Elizabeth Burnett Davies	2 / 27 - 29 Quirk Road MANLY VALE NSW 2093
Mr Anthony Graham Clough	10 Callicoma Road SEAFORTH NSW 2092

<b>Name:</b>	<b>Address:</b>
Ms Santa Battaglia	3 / 11 Koorala Street MANLY VALE NSW 2093
Mrs Lynette Fagan	6 Pitt Street MANLY VALE NSW 2093
Niall Thomas Foster	44 / 8 Koorala Street MANLY VALE NSW 2093
Emily Shahmatov	Address Unknown
Mr Charles George Dobson	108 Queenscliff Road QUEENSCLIFF NSW 2096
Mr Samuel John Pearce	2 / 20 Innes Road MANLY VALE NSW 2093
Mrs Anne Catherine Allsopp Mr Bradley Alan Edward Allsopp	22 Golf Parade MANLY NSW 2095
Ajay Abraxas Plunket	38 Parkes Street MANLY VALE NSW 2093
Katia Spidaleri	1 / 27 - 29 Quirk Road MANLY VALE NSW 2093
Mrs Tracey Lowe	8 / 1 Lovett Street MANLY VALE NSW 2093
Ms Wendy Gillian Cramley	3 / 24 Lower Beach Street BALGOWLAH NSW 2093
Mr Claus Huttenrauch	47 Parkes Street MANLY VALE NSW 2093
Millie Catherine Allsopp	1 / 29 Quirk Road MANLY VALE NSW 2093
David Smith	4 / 70 Kenneth Road MANLY VALE NSW 2093
Mrs Zoe Megan Ingram	37 Parkes Street MANLY VALE NSW 2093
Olga Cahill	8 / 40 Burchmore Road MANLY VALE NSW 2093
Mr Philip Paul Albert Vincent Cramley Claudia Pendlebury	3 / 11 - 17 Quirk Road MANLY VALE NSW 2093
Mr Robert James Baker	7 Laurie Road MANLY VALE NSW 2093
Mr Daryl Trevor Smith Mrs Joanna Mary Lynsky-Smith Brenda Lynsky	2 Burchmore Road MANLY VALE NSW 2093
David Corbineau	Address Unknown
Andrea Pellegrini	Address Unknown
Mr Dwight Clayton Lovlin Ms Sarah Cole	24 Mildred Avenue MANLY VALE NSW 2093
Marina Ann Hatzakis	7 Pineview Avenue MANLY VALE NSW 2093
Mrs Jane Iris Clark	43 Parkes Street MANLY VALE NSW 2093
Mr Luke Shahmatov	13 / 27 - 29 Quirk Road MANLY VALE NSW 2093
Ms Danielle Lee Crews Hollie Crews	11 / 42 A Burchmore Road MANLY VALE NSW 2093
Ms Leonie Gail Cowan	37 King Street MANLY VALE NSW 2093
Malcolm Douglas Stedman	40 Parkes Street MANLY VALE NSW 2093
Mrs Melissa Lueckl	101 Pittwater Road MANLY NSW 2095
Paul Graeme Mcnamara	19 Mildred Avenue MANLY VALE NSW 2093
Mr Alun Charles Kelly Catherine Gwyn Kelly	13 B Woodbine Street NORTH BALGOWLAH NSW 2093

<b>Name:</b>	<b>Address:</b>
Mr Houssayn Bazzi Mrs Rebecca Louise Bazzi	161 Balgowlah Road BALGOWLAH NSW 2093
Mr Justin Allan Shupe	40 / 41 Roseberry Street MANLY VALE NSW 2093
Myles Grace Leabeater Grace Margaret Windeyer	19 / 56 - 58 Gordon Street MANLY VALE NSW 2093
Andrew John Caruso Kate Louise Patten	10 / 70 Kenneth Road MANLY VALE NSW 2093
Ms Natalie Bradey	92 / 8 Koorala Street MANLY VALE NSW 2093
Mr Robert Allott Campbell Cross	3 / 38 Hill Street FAIRLIGHT NSW 2094
Maria Kernaghan	10 / 21 - 23 Koorala Street MANLY VALE NSW 2093
Graeme Russell Kernaghan	10 / 21 - 23 Koorala Street MANLY VALE NSW 2093
Mr Craig McGowan Miss Alyson Peta Portlock	167 Balgowlah Road BALGOWLAH NSW 2093
Ms Amanda Margaret Magarey	3 / 2 Worrobyl Street NORTH BALGOWLAH NSW 2093
Helen Mary Wilkins	13 Burchmore Road MANLY VALE NSW 2093
Ms Roisin Theresa O'Hagan	15 Innes Road MANLY VALE NSW 2093
David Ainslie Drew Finlay	31 Lovett Street MANLY VALE NSW 2093
Ms Natasha Elizabeth Gerold	40 / 18 - 20 Waterloo Street NARRABEEN NSW 2101
Mrs Veronica Tessa Gerold	41 Carawa Road CROMER NSW 2099
Ms Emma Louise Bissaker	7 A Pitt Street MANLY VALE NSW 2093
Mr Christopher David Macleod Ms Kimberley Maree Lanser	29 La Perouse Street FAIRLIGHT NSW 2094
Mr Pasa Saglam	3 Arthur Street DEE WHY NSW 2099
Michael Sing Yeung Shum	5 Horning Parade MANLY VALE NSW 2093
Mirko Spidalieri	42 / 76 Kenneth Road MANLY VALE NSW 2093
Alice Elizabeth Walker	24 Campbell Parade MANLY VALE NSW 2093
Mrs Ann Frances Collins	41 Gordon Street MANLY VALE NSW 2093
Mr Kevin John Collins	41 Gordon Street MANLY VALE NSW 2093
Lamb & Walters Strata Management - Manly	1 / 13 Whistler Street MANLY NSW 2095
Withheld	MANLY NSW 2095
Ryan Gunning	Address Unknown
Mr Benjamin Amy	9 / 25 Ashburner Street MANLY NSW 2095
Ms Sinead Ellen Harmon	80 A Park Street MONA VALE NSW 2103
Tanya Lauren Gerold Jerome Eckerman	11 / 5 Koorala Street MANLY VALE NSW 2093
Dianna Schinella	Address Unknown
Mrs Helena Clare Edgerton	65 Innes Road MANLY VALE NSW 2093
Mr Oliver James Booth	6 / 35 Eurobin Avenue MANLY NSW 2095

<b>Name:</b>	<b>Address:</b>
Jarrold Bird	9 / 11 Koorala Street MANLY VALE NSW 2093
Mr Douglas Shupe	10 Blamey Street ALLAMBIE HEIGHTS NSW 2100
Mr Hamish Belton Alexander Lee	18 Koolooro Avenue FRESHWATER NSW 2096
Mrs Judith Anne Shupe	10 Blamey Street ALLAMBIE HEIGHTS NSW 2100
Miss Lesley Alison Irving	46 / 8 Koorala Street MANLY VALE NSW 2093
Kirsty Madeline Raines	8 / 11 Fairway Close MANLY VALE NSW 2093
Ms Maxine Kay Peacock-Smith Miss Reanne Scope	18 Worroobil Street NORTH BALGOWLAH NSW 2093
Nicholas Paul Gowing	34 Sunshine Street MANLY VALE NSW 2093
David Robert Newton	9 / 27 Parkes Street MANLY VALE NSW 2093
Mrs Susan Therese Mizoguchi	16 A New Street BALGOWLAH NSW 2093
Ben Patrick Ronan	10 / 285 - 287 Condamine Street MANLY VALE NSW 2093
Jarrold Peter Hitchcox	15 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Laura Mockute	6 Burchmore Road MANLY VALE NSW 2093
Mrs Peri Ann Tobias	18 Parkes Street MANLY VALE NSW 2093
Grace Hopkins	5 / 115 Griffiths Street BALGOWLAH NSW 2093
Mr James Alfredo Scognamiglio	1 / 17 Eustace Street MANLY NSW 2095
Mr Predrag Bubalo	6 Burchmore Road MANLY VALE NSW 2093
Kristin Anne Fulton Mr Garret John Haakma	30 Sunshine Street MANLY VALE NSW 2093
Ms Fiona Jane Singleton	108 Balgowlah Road BALGOWLAH NSW 2093
Aleksandar Veleviski	18 / 5 Koorala Street MANLY VALE NSW 2093
Miss Kiani Webster	7 Lower Beach Street BALGOWLAH NSW 2093
Robert Hughes	8 - 14 King Street MANLY VALE NSW 2093
May Shepherd	6 / 1 - 2 Tower Street MANLY NSW 2095
Kathryn Oona Traynor	9 / 79 Balgowlah Road FAIRLIGHT NSW 2094
Amber Costigan	3 Torver Place WHEELER HEIGHTS NSW 2097
Lisa Bella Esposito	Address Unknown
Paul Richard Hart	4/33-37 Palomar Parade FRESHWATER NSW 2096
Mrs Michelle Ahumada	1/330 Sydney Road BALGOWLAH NSW 2093
Ms Ann Mary Yeomans	4 / 20 Bonner Avenue MANLY NSW 2095
Jack H	Address Unknown
Mr Ian James Bowden	12 Mildred Avenue MANLY VALE NSW 2093
Ms Monica Cabilao	88 A Kenneth Road MANLY VALE NSW 2093
Mr Marcel Andreevich Batrac	3/28 Daniel Street LEICHHARDT NSW 2040
Fillip Rubes	Address Unknown
Yvonne Asquith	Address Unknown

<b>Name:</b>	<b>Address:</b>
John Lake	9 / 28 - 34 Roseberry Street BALGOWLAH NSW 2093
Ms Edwina Laginestra	22 Wyndora Avenue FRESHWATER NSW 2096
Kathryn Lamond	Address Unknown
Ms Lauren Courtney Munting	4 / 17 Lodge Street BALGOWLAH NSW 2093
Mr Giovanni-Battista Portelli	11 Robert Avenue NORTH MANLY NSW 2100
Jack Karikios	Address Unknown
Mrs Selina Mae Han	21 Sunshine Street MANLY VALE NSW 2093
Meg Heather Dempsey	85 Balgowlah Road FAIRLIGHT NSW 2094
Mr Benjamin Allen-Gdanitz	55 Collingwood Street MANLY NSW 2095
Ms Belinda Nicole Millard	3 / 1 High Street MANLY NSW 2095
Mrs Jane Berry	4 Condamine Street BALGOWLAH HEIGHTS NSW 2093
Mr Anthony Craig Jeckeln	30 B Hill Street FAIRLIGHT NSW 2094
Mr Gary Barnes	5 La Perouse Street FAIRLIGHT NSW 2094
Nadine Hazel Blayney	72 Frenchs Forest Road SEAFORTH NSW 2092
Ms Bianca Perry	79 Wanganella Street BALGOWLAH NSW 2093
Mrs Edwina Louise Symonds	15 Allawah Avenue ELANORA HEIGHTS NSW 2101
Ms Suzanne Cairns	3 Suwarrow Street FAIRLIGHT NSW 2094
Mr Daniel Paulo Ribeiro Botura	22 / 26 - 28 Shackel Avenue BROOKVALE NSW 2100
Mr James Johann Hume-Grimm	45 Consul Road North NARRAWEENA NSW 2099
Emily Roberts	Address Unknown
Stacey Louise Wright	4 / 284 Condamine Street MANLY VALE NSW 2093
Louis Castillo	Address Unknown
Mr Denis Robert Andre Pavageau Ms Angela Karen Dunn	2 / 83 Boyle Street BALGOWLAH NSW 2093
Dominic O'Kelly	Address Unknown
Miss Trisha Gayle Smith	1 / 3 Herbert Street MANLY NSW 2095
Vendula Belackova	4 / 48 Boyle Street BALGOWLAH NSW 2093
Eleanor Mary Black	1 / 426 Sydney Road BALGOWLAH NSW 2093
Kuan Lai Sin	35 Parkes Street MANLY VALE NSW 2093
Mike King	14 A Lillie Street NORTH CURL CURL NSW 2099
Cibele Mascagna	Address Unknown
Ms Emma Louise Wilson	75 Boyle Street BALGOWLAH NSW 2093
Saskia Brown	Address Unknown
Angela Alves Silveira	10 / 38 Burchmore Road MANLY VALE NSW 2093
Stratton Powell-Hughes	89 Campbell Parade MANLY VALE NSW 2093
Benjamin Drew Martin	3 / 55 Kangaroo Street MANLY NSW 2095
Ms Amber Estelle Greenhalgh	10 / 299 Condamine Street MANLY VALE NSW 2093



Name:	Address:
Ms Emma Victoria Grose	15 Clifford Avenue FAIRLIGHT NSW 2094
Mrs Michelle Martin	10 A Kirra Road ALLAMBIE HEIGHTS NSW 2100
Mrs Renai Elizabeth Williams	26 Hill Street FAIRLIGHT NSW 2094
Tracey Martin	20 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Mr Daniel Galloway	33 Griffiths Street FAIRLIGHT NSW 2094
Phillip Dobbie	Address Unknown
Sascha Iris Fraser	3 A Jacaranda Place MANLY VALE NSW 2093
Ms Kerry Sian Capon	41 Curban Street BALGOWLAH HEIGHTS NSW 2093
Mrs Annemarie Claire White	48 Peacock Street SEAFORTH NSW 2092
Vanessa McDonald	11 / 80 Old Pittwater Road BROOKVALE NSW 2100
Hugh Stewart Andrew Johnston	5 / 13 Fairway Close MANLY VALE NSW 2093
Mr Alec John Cullen	63 Harbord Road FRESHWATER NSW 2096
Ms Michelle Ann Demasi	23 Adelaide Street BALGOWLAH HEIGHTS NSW 2093
Emma Wolfendale	Address Unknown
Mrs Lindsey Anne Stewart	21 Kitchener Street BALGOWLAH NSW 2093
Mrs Kim Sagoa	PO Box 3016 ALLAMBIE HEIGHTS NSW 2100
David Redstone	35 McDonald Street FRESHWATER NSW 2096
Oran Fitzpatrick	3/101 Queenscliff Road QUEENSCLIFF NSW 2096
Henry Otton	Address Unknown
Amy Wright	Address Unknown
Jamie Summerville-Hind	4 / 49 Wood Street MANLY NSW 2095
Allyson Courtney Porter	1 / 48 Lovett Street MANLY VALE NSW 2093
John Faulkner	54 A Park Street MONA VALE NSW 2103
Mr Alasdair Charles Mott	4 / 11 Cormack Street BALGOWLAH NSW 2093
Tania Atchison	4 A Kentwell Road ALLAMBIE HEIGHTS NSW 2100
Daniel Putelli	49 Parkes Street MANLY VALE NSW 2093
N Bruce	Address Unknown
Ms Adrienne Dawn Martin	34 Bungalow Avenue BALGOWLAH NSW 2093
Mr Perry Joshua Han	25 Tasman Road AVALON BEACH NSW 2107
Michael Paul Blount	3 / 32 Waine Street FRESHWATER NSW 2096
Mrs Jane Louise Viece	26 Jamieson Avenue FAIRLIGHT NSW 2094
Annabelle Louise Hosking	123 Hargrave Street PADDINGTON NSW 2021
Belinda Clarke	2 Seebrees Street MANLY VALE NSW 2093
Leigh Bronwyn Walker	1 / 9 Lovett Street MANLY VALE NSW 2093
Hua Sylvia Shum	5 Horning Parade MANLY VALE NSW 2093
Ms Katherine Fiona Deves	5/35-51 Nicholson Street ST LEONARDS NSW 2065
Frederic Charles Aurelian Chanut	57 Darley Road MANLY NSW 2095
Karen Jessica King	5 Cecil Street FAIRLIGHT NSW 2094

<b>Name:</b>	<b>Address:</b>
Lucy Sarah Singleton	41 Quinlan Parade MANLY VALE NSW 2093
Alexandra Morrissey	Address Unknown
Ms Danielle Janine Shaw	8 / 56 - 58 Gordon Street MANLY VALE NSW 2093
Mr Andrew David Wilson	2 / 5 Orchard Street BALGOWLAH NSW 2093
Kelsey Wilson	5 Orchard Street BALGOWLAH NSW 2093
Mr Benjamin Peter Rowse Teresa Martin	20 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Ms Margaret Sarah Nairn	91 A Griffiths Street BALGOWLAH NSW 2093
Ms Kristy Pownall	82 Gordon Street MANLY VALE NSW 2093
Andrew William Pownall	82 Gordon Street MANLY VALE NSW 2093
Gregory Richard Wishart	6 / 117 Griffiths Street BALGOWLAH NSW 2093
Mrs Amy Alice Hansen	98 King Street MANLY VALE NSW 2093
Mr Thor Bjorn Hansen	98 King Street MANLY VALE NSW 2093
Mrs Maic Kristell Tanguy	16 / 56 - 58 Gordon Street MANLY VALE NSW 2093
Mr Mark Norrie	10 Heathcliff Crescent BALGOWLAH HEIGHTS NSW 2093
Mr Adam Vidal	10 Hunter Street NORTH BALGOWLAH NSW 2093
Miss Ayesha Anne Delaney	26 Alan Avenue SEAFORTH NSW 2092
William James Lawson Stone	383 Condamine Street ALLAMBIE HEIGHTS NSW 2100
Brooke Wilson	6 / 33 Darley Road MANLY NSW 2095
Mr Phillip John Bird	3 Florence Court NORTH BALGOWLAH NSW 2093
Andrew Michael Reay	42 Grandview Grove SEAFORTH NSW 2092
Bella Seeto	Address Unknown
Mr Rene Schneider	7 / 1 Fay Street NORTH CURL CURL NSW 2099
Laura Leigh Cameron	14 / 52 - 54 Gordon Street MANLY VALE NSW 2093
Melissa Lauren Grima	2 / 1 - 5 Quirk Road MANLY VALE NSW 2093
Mr Nathan Lo	13 Nenagh Street NORTH MANLY NSW 2100
Geoffrey Michael Crommelin Clarke	19 / 7 Western Avenue NORTH MANLY NSW 2100
Ms Tiziana Beninati	13 Nenagh Street NORTH MANLY NSW 2100
Mrs Karen Louise Bennett	12 Boyer Road BEACON HILL NSW 2100
Mr Christopher Francis Robertson Mrs Karen Guinn Robertson	1 / 39 Lodge Street BALGOWLAH NSW 2093
Mr David Leonard Grose	16 Lovett Street MANLY VALE NSW 2093
Adrian Mark Nicholls	3 Burchmore Road MANLY VALE NSW 2093
Mrs Alison Crothers	1 / 112 Balgowlah Road BALGOWLAH NSW 2093
Alexandra Rose Gillies Mildenhall	19 / 73 Evans Street FRESHWATER NSW 2096
Ms Janet Davies	134 Woodland Street BALGOWLAH NSW 2093
Mrs Amelia Bromley	229 Pittwater Road MANLY NSW 2095
Maja Paleka	18 Bate Avenue ALLAMBIE HEIGHTS NSW 2100

<b>Name:</b>	<b>Address:</b>
Mr Alan John Pickersgill	14 / 44 Lauderdale Avenue FAIRLIGHT NSW 2094
Alex Vujasinovic	Address Unknown
John Thompson	Address Unknown
Mr Robin Fraser Lowe Mrs Alison Jane Lowe	21 Burchmore Road MANLY VALE NSW 2093
Mr Peter Socrates	94 Kenneth Road MANLY VALE NSW 2093
Melanie Bruce	Address Unknown
Mr Richard Grant Barney Wise	121 Campbell Parade MANLY VALE NSW 2093
Ms Emma Elizabeth Gill	30 Quinlan Parade MANLY VALE NSW 2093
Mr Sean Robert Richardson	29 Albert Street FRESHWATER NSW 2096
Mr Torsten Gabrielsson	15 / 7 The Crescent MANLY NSW 2095
Mrs Honnie Bustos	13 St Pauls Road NORTH BALGOWLAH NSW 2093
Mr Brian Andrew Clark Mrs Jennifer Anne Clark	1 / 113 West Street BALGOWLAH NSW 2093
Mr Christopher Lachlan Nielson	3 Kimo Street NORTH BALGOWLAH NSW 2093
Barry Dinsmore Dunn	39 Gordon Street MANLY VALE NSW 2093
Malony Salcedo Dayanghirang	1 / 261 Condamine Street MANLY VALE NSW 2093
Ms Renata Brezinova	4 / 31 Quirk Road MANLY VALE NSW 2093
Ms Narelle Beacham	56 Warriewood Road WARRIEWOOD NSW 2102
Ms Emma Louise Hibbert	14 / 295 - 297 Condamine Street MANLY VALE NSW 2093
Mrs Catherine Joan Dossetor	3 Coles Road FRESHWATER NSW 2096
Susan Sorensen	25 Boromi Way CROMER NSW 2099
Mrs Jennifer Theresa Bensted	2 / 169 - 171 Pittwater Road MANLY NSW 2095
Mrs Nicole Crowley	20 King Street MANLY VALE NSW 2093
Mr James Edward Munro	23 A Parkes Road COLLAROY NSW 2097
Mr Declan Nigel Richard Hourihan	3 Reid Street SEAFORTH NSW 2092
Mr Jordan Edward Maddocks	76 Innes Road MANLY VALE NSW 2093
Viliam Mako	7 / 50 Roseberry Street MANLY VALE NSW 2093
Mr Cameron Munro Gregor	30 A Kenneth Road MANLY VALE NSW 2093
Rod Supe	7 / 62 Kenneth Road MANLY VALE NSW 2093
Mr Paul Nicholas Poteris	44 Radio Avenue BALGOWLAH HEIGHTS NSW 2093
Jean Elizabeth Fitzpatrick	4 / 18 Koorala Street MANLY VALE NSW 2093
Mr Jack Robert Kemish	10 / 8 Koorala Street MANLY VALE NSW 2093
Eileen Margaret Robertson	22 / 35 - 37 Quirk Road MANLY VALE NSW 2093
Agnese Simcic	31 Parkes Street MANLY VALE NSW 2093
Ms Lisa Clare Ticehurst	9 / 1 - 5 Quirk Road MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Harry Bate	Address Unknown
Mr Mitchell Pogson Mrs Fiona Jane Hamilton Pogson	38 Lodge Street BALGOWLAH NSW 2093
Mrs Fiona Mary Teudt	14 / 49 Frenchs Forest Road East FRENCHS FOREST NSW 2086
Phillip Fagan	6 Pitt Street MANLY VALE NSW 2093
Paul Clark	Address Unknown
Camille Yaptinchay	18 Jamieson Avenue FAIRLIGHT NSW 2094
Jeffrey Allan McNaughton Mrs Geraldine Jay Mcnaughton	14 Parkes Street MANLY VALE NSW 2093
Ms Sarah Gregg	45 Parkes Street MANLY VALE NSW 2093
Mrs Brooke Elizabeth Alver	185 Balgowlah Road BALGOWLAH NSW 2093
Kimberley Wai Ke Lam-Wong	6 / 43 - 45 Roseberry Street MANLY VALE NSW 2093
Mr Reza Bagheri	2/237 Sydney Road FAIRLIGHT NSW 2094
Laragh Stegman	1 / 2 East Esplanade MANLY NSW 2095
Adrian Stephen McBain	6 / 228 - 232 Condamine Street MANLY VALE NSW 2093
Yuki Tokimoto	Address Unknown
Josiah Daniel Sciascia Emma Jane Joseph	34 Parkes Street MANLY VALE NSW 2093
Ms Melinda June Hamel	173 Balgowlah Road BALGOWLAH NSW 2093
Mr Christopher Simon Philpot Ms Nicole Gwendolyn Redenbach	23 Lovett Street MANLY VALE NSW 2093
Warren David Brown	20 Burchmore Road MANLY VALE NSW 2093
Avis-Joy Keanly	14 / 2 A Campbell Parade MANLY VALE NSW 2093
Ms Anna Rebecca Bryant	1 / 20 Lodge Street BALGOWLAH NSW 2093
Mrs Joan Mary Morris	8 / 84 Dee Why Parade DEE WHY NSW 2099
Mrs Rachel Ann Aboud	42 Lodge Street BALGOWLAH NSW 2093
Mr Daniel James Goodsir	19 Parkes Street MANLY VALE NSW 2093
Mrs May Pik Yi Delaney	20 Quirk Road MANLY VALE NSW 2093
Kellie McMaster	16 Sunshine Street MANLY VALE NSW 2093
Jenny Clark	Address Unknown
Mr Benjamin Peter Tesoriero	15 / 24 Banksia Street DEE WHY NSW 2099
Ms Catherine Leonard	13 / 44 Lauderdale Avenue FAIRLIGHT NSW 2094
Michael Lucas Carter	4 / 5 Koorala Street MANLY VALE NSW 2093
Ms Svetlana Gibb	20 Yallaroi Road NARRAWEENA NSW 2099
Milestone (Aust) Pty Ltd	Suite 9 17 Thurlow Street REDFERN NSW 2016
Mrs Julie Elder	2 / 14 Dalley Street QUEENSCLIFF NSW 2096
Ms Cheryl Jane Almeida	30 / 30 - 34 Gordon Street MANLY VALE NSW 2093
Ms Rebecca Jane Peacock	41 Innes Road MANLY VALE NSW 2093

<b>Name:</b>	<b>Address:</b>
Kristine Ronella Carpenter	5 / 319 Condamine Street MANLY VALE NSW 2093
Mr Hansen Ji	8 Pitt Street MANLY VALE NSW 2093
Eric Yat-Shuen Wong	36 A Burchmore Road MANLY VALE NSW 2093
Ms Kate Laura Rutledge	63/69 Addiscombe Road MANLY NSW 2095
Ms Stephanie Louise Agostino	76 Innes Road MANLY VALE NSW 2093
Mr Nicholas David Morphett Ms Lucinda Jayne Morphett	4 Lodge Street BALGOWLAH NSW 2093
Ms Alexandra Bonello	19 Highview Avenue MANLY VALE NSW 2093
Emma Sollo	1 A Mildred Avenue MANLY VALE NSW 2093
Paola Alessandra Alma Augusta Williams	5 / 14 Fairway Close MANLY VALE NSW 2093
Mr Peter Alexander Ruszkowski	30 Lovett Street MANLY VALE NSW 2093
Ian Edward Martin Karen Matine	1 / 83 Wanganella Street BALGOWLAH NSW 2093
Sally King	1 / 290 Sydney Road BALGOWLAH NSW 2093
Mr Gregory Charles Abdallah	22 Maroa Crescent ALLAMBIE HEIGHTS NSW 2100
Sonya Anne Carrier	6 Cornwell Road ALLAMBIE HEIGHTS NSW 2100
Mr Lee Cole	7 / 14 - 26 Pacific Street MANLY NSW 2095
Chris Laws	91 / 8 Koorala Street MANLY VALE NSW 2093
Angela Tsiriplis	4 / 3 High Street MANLY NSW 2095
Mrs Angela Kate French	101 Griffiths Street BALGOWLAH NSW 2093
Helen Mary Jackson	4 / 75 Evans Street FRESHWATER NSW 2096
Mrs Carole Jill Noritis	6 A Boronia Street NORTH BALGOWLAH NSW 2093
Mrs Helena Jane Blackstock	67 Golf Parade MANLY NSW 2095
Thomas Taylor	13 Carlton Street FRESHWATER NSW 2096
Mrs Kim Millard Crott	10 A Bungalow Avenue BALGOWLAH HEIGHTS NSW 2093
Paul James Cleverly	11 Sunshine Street MANLY VALE NSW 2093
Lisa Anne Vanderwert-Walsh	4 Daisy Street NORTH BALGOWLAH NSW 2093
Ms Marie Elizabeth Barbuto	5 / 32 Lovett Street MANLY VALE NSW 2093
Amanda Zibawi	11/25 Parkes Street MANLY VALE NSW 2093
Mr Kel Matthew Mcnamara	52 Soldiers Avenue FRESHWATER NSW 2096
Sascha Elia Chahwan-Harris	2 Sunshine Street MANLY VALE NSW 2093
Manuel Talbert	Po Box 676 MANLY NSW 1655
Mrs Elizabeth Nancy Cooke	14 Jackson Street BALGOWLAH NSW 2093
Mrs Julie Anne Speer	38 Griffiths Street FAIRLIGHT NSW 2094
Michelle Hu	24 / 261 Condamine Street MANLY VALE NSW 2093
Krystal Doolan	19 Pitt Street MANLY VALE NSW 2093
Mrs Debra Amy Weir	26 Gibbs Street MANLY VALE NSW 2093

The number of submissions shown on the front page may not reflect where multiple submissions were received from the same property.

In addition a hyperlink was provided to an on-line petition "Say No to McDonald's in Balgowlah/Manly Vale" which included over 3,706 likes

The following issues were raised in the submissions received as a result of both notification periods and are addressed as follows:

### **Prohibited land use**

#### Comment:

Submissions raised concerns that the proposed land use (take away food and drink premises) is a prohibited land use in the zone.

The subject site is within the E3 Productivity support zone. Both *takeaway food and drink premises* and *restaurants* as defined in the Manly LEP are permitted with consent land uses. The applicant submitted the proposal as a *take away food and drink premises* however based on the proposal including a dining room with a 52 seat capacity Council determined it was a restaurant and exhibited it accordingly.

Some submitters suggested the site would be better developed with residential land uses however Residential land uses are prohibited within the E3 zone.

This matter does not warrant refusal of the application.

### **Traffic and Parking**

#### Comment:

Submissions raised concerns about the proposal being Traffic generating development as per State Environmental Planning Policy (Transport & Infrastructure) 2021. and will create unreasonable vehicle movements, traffic congestion, conflict between vehicles and pedestrians and e bike users. Concerns also related to the applicants assumption that 51% of trips to the restaurant will be made by motorists already passing the site. The loss of on street parking was also raised as a concern.

Transport for NSW provided advice on 12 March 2025 and Council's Traffic Engineer in their review of the application have advised the proposal is not Traffic generating development as per State Environmental Planning Policy (Transport & Infrastructure) 2021.

Council's Traffic Engineer has determined that insufficient information has been provided to demonstrate that the proposal's traffic/parking impacts can be satisfactorily managed therefore the application cannot be supported.

In relation to on site parking the proposed development requires 3 parking spaces. The proposed development provides 26 car parking spaces, being in excess of the requirements of the MDCP 2013.

These traffic matters warrant refusal of the application.

### **Amenity Impacts including Hours of Operation**

#### Comment:

Submissions raised concerns about unreasonable amenity impacts relating to noise, odour, vermin, light spill, overshadowing and privacy due to the hours of operation, mechanical plant, patrons and

vehicle movements.

The hours of operation are proposed to be 5:00am to 12:00am midnight (reduced from the original for 24 hours a day, seven days a week). The proposed hours of 5am to 12 midnight are not supported and are considered to result in unreasonable acoustic and traffic impacts on surrounding premises and road network. This is included as a reason for refusal.

The proposed mechanical plant will not give rise to offensive or disruptive noise during operation as detailed in the Acoustic Report.

The proposed development is consistent with the MDCP 2013 in relation to views, privacy, solar access, and odour requirements.

These hours of operation issue is a reason for refusal.

## **Business Impacts**

### Comment:

Submissions raised concerns that the proposal was inconsistent with the Franchising Code of Conduct, will impacts on local businesses, will send profits to other countries and there are other McDonalds in the local government area.

Issues relating to compliance with the Franchising Code of Conduct, impacts on businesses, and business profits and what countries the profits go too are not planning matters for consideration under the *Environmental Planning and Assessment Act 1979*.

The fact there are other McDonalds in the LGA are not a reason for refusal of this application.

These matters do not warrant refusal of the application.

## **Environmental & Other Impacts**

### Comment:

Submissions raised concerns relating to the environmental impacts of demolition and matters such as wind funneling, acid sulfate soils, site contamination and pollution.

The proposal is environmentally sound with the exception of the Traffic issues raised by Councils Traffic Engineer and the noise impacts based on the hours of operation.

The proposed building is of a design and scale anticipated for the subject site based on the numerical controls and its compliance with Building Height and setbacks and is not anticipated to result in unreasonable wind funneling.

Council's referral bodies are supportive of the proposal with the exception of the Traffic Engineer.

These traffic and noise matters warrant refusal of the application.

## **Public Assets and Infrastructure Impacts**

### Comment:

Submissions raised concerns relating to the degradation of the footpath and road network due to increased usage.

With the exception of the traffic/parking issues already addressed in the above submissions the proposal will not unreasonable impact on the surrounding public assets and infrastructure.

This matter does not warrant refusal of the application.

### **Anti-Social Behaviour**

#### Comment:

Submissions raised concerns regarding potential anti social behaviour.

Anti social behaviour is a site management issue and if required a NSW Police issue.

The application was referred to the NSW Police for comment and at the time of writing this report no comments have been received. Council referred the application to the NSW Police although a referral was not required based on the proposed land use.

An assessment of the proposed development in this regard is provided in the section of this report relating to Clause 3.10 Safety and Security of the Manly Development Control Plan 2013.

This matter does not warrant refusal of the application.

### **Health & Fast Food Impacts**

#### Comment:

Submissions raised concerns about the sale of fast foods on the health of the community.

The sale of specific food types is not a planning matter for consideration under the *Environmental Planning and Assessment Act 1979*.

This matter does not warrant refusal of the application.

### **Built Form**

#### Comment:

Submissions raised concerns about the architectural merit of the development, its visual bulk and character and that its an overdevelopment of the site and displays excessive signage.

The development is generally in compliance with the applicable built form and signage controls and is of a size, scale and bulk and landscaped setting to ensure its contextually appropriate.

The signage is consistent with the zoning and is of a scale and form that will not cause unreasonable impacts or clutter.

These matters do not warrant refusal of the application.

### **Excavation and General Construction Impacts**

#### Comment:

Submissions raised concerns about impacts of excavation and construction including traffic and parking issues.

The proposal could be adequately conditioned to ensure no unreasonable impacts if it were approved.



This matter does not warrant refusal of the application.

### **Council's Vision and Plans**

#### Comment:

Submissions raised concerns the proposal is inconsistent with Councils Towards 2040 (Local Strategic Planning Statement), the Community Safety Plan, Environment and Climate Change Strategy and Councils Vision.

The proposed development is inherently in accordance with Council's vision and the plans in so far as they relate to development as the proposal is generally consistent with the EP&A Act 1979, EP&A Regulation 2021, Manly LEP and Manly DCP with the exception of the Traffic issues and noise.

These matters do not warrant refusal of the application.

### **Difficulty lodging submissions on Councils Website**

#### Comment:

Submissions raised concerns about difficulty lodging submissions and accessing supporting information on Councils website.

Having regard to the number of submissions received the public exhibition has been effective. It must be noted that many issues relating to the difficulty in lodging a submission came from the fact many submissions were lodged prior to formal exhibition of the DA.

The two formal public exhibitions effectively notified the community which is evident in the number of submissions received.

Accessing some traffic modelling has been difficult for some objectors and special software is required but can be obtained.

These matters do not warrant refusal of the application.

### **Property Values**

#### Comment:

Submissions raised concerns that the proposal will result in a loss of property value.

Property values and the impact on them from development is not a planning matter for consideration under the *Environmental Planning and Assessment Act 1979*.

This matter does not warrant refusal of the application.

### **Public Interest**

#### Comment:

Submissions raised concerns relating to the proposal not being in the public interest due to the number of objections, the number of signatures on petitions against the proposal, the refusal of DA's for other McDonalds in other LGA's and that the proposal has no community benefit.

The proposal is not in the public interest as Councils Traffic Engineer is not satisfied the proposal is satisfactory and the noise impacts based on the hours of operation are considered unreasonable.

This is included as a reason for refusal.

## REFERRALS

Internal Referral Body	Comments
Environmental Health (Acid Sulfate)	<p><b><i>Supported, subject to conditions</i></b></p> <p>In relation to the proposal and the presence or potential for presence of acid sulphate soils, and Detailed Site Investigation (DSI) has been prepared and lodged with the proposal.</p> <p>The DSI contains site investigations in relation to acid sulphate soils.</p> <p>The DSI concludes that, as the subject site is class 4 acid sulphate, given that the works involve soil disturbance, that an acid sulphate soils management plan is required (also submitted with the proposal).</p> <p>Environmental Health agrees with the findings of the DSI and supports the proposal with the recommendation of a number of conditions of consent.</p>
Environmental Health (Contaminated Lands)	<p><b><i>Supported, subject to conditions</i></b></p> <p>In relation to the proposal and the potential presence of contamination, a Detailed Site Investigation (DSI) has been prepared and lodged with the proposal.</p> <p>The DSI concludes that, the site is suitable for the proposed development and provides a number of recommendations.</p> <p>Environmental Health agrees with the findings of the DSI and supports the proposal, based on compliance with the recommendations with the inclusion of a number of conditions of consent.</p>
Environmental Health (Industrial)	<p><b><i>Supported, subject to conditions</i></b></p> <p>The proposal is supported by and acoustic report and odour assessment which are deemed appropriate. In response to a request for further information, the applicant has advised amended the proposal as follows:</p> <ul style="list-style-type: none"> <li>• an additional acoustic screen has been added to the roof to further minimise any potential noise impacts on surrounding receivers</li> <li>• the hours of operation are now proposed to be reduced from 24/7 to 5:00am-12:00am (Mon-Sun) to further minimise any potential acoustic and associated amenity impacts on residential receivers</li> </ul> <p>The proposal is supported with the recommendation of a number of</p>

Internal Referral Body	Comments
	conditions of consent.
Environmental Health (Food Premises, Skin Pen.)	<p><b><i>Supported, subject to conditions</i></b></p> <p>The proposal is accompanied by detailed plans which depict the kitchen layout and proposed compliance with the relevant Australia Standard.</p> <p>The proposal is supported by Environmental Health.</p>
Landscape Officer	<p><b><i>Supported, subject to conditions</i></b></p> <p><u>Original Comments (26 February 2025):</u>  The application as described in reports and as illustrated on plans is assessed by Landscape Referral against the Manly Local Environment Plan (MLEP) zone E3 Productivity Support, and the following Manly DCP 2013 (MDCP) controls (but not limited to): 3.3.1 Landscaping Design; 3.3.2 Preservation of Trees or Bushland Vegetation; and 4.1.5 Open Space and Landscaping.</p> <p>The proposed development property and immediate adjoining properties are zoned E3 - Productivity Support. Directly across Roseberry Street the land is zoned E3, whilst the land along the northern side of Kenneth Road is R3 Medium Residential. Of relevance to the landscape setting outcomes, under zone E3 Productivity Support, the following objective is noted: create employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.</p> <p>Based on the above landscape setting outcomes, it is considered that the proposed development provides an adequate landscape buffer along the Kenneth Road and Roseberry Street frontages. The submitted Landscape Plan for external landscape works across the property raises no concerns, subject to satisfying imposed conditions of consent should the application be approved, including substitution of inappropriate self-seeding species as nominated on the Landscape Plan and plant density requirements.</p> <p>The existing newly planted street trees along Kenneth Road (3 x Brushbox) and Roseberry Street (2 x Brushbox) shall be retained and protected, and conditions shall be imposed for street tree protection.</p> <p><u>Updated Comments (15 May 2025):</u>  Amended plans and reports are submitted, principally in respect to traffic management proposals, signage and trading hours.</p> <p>Landscape Referral note that the amended Landscape Plan reduces tree planting by two in total at the northern western boundary along Kenneth Road, where signage is located. The remaining proposed tree planting is adequate to satisfy MDCP control 4.1.5. All other landscape design outcomes remain unaltered. Landscape Referral conditions of consent should the application be approved remain unaltered.</p>

Internal Referral Body	Comments
NECC (Development Engineering)	<p><b><i>Supported, subject to conditions</i></b></p> <p>The proposal is for the construction of a new McDonald's at the corner of Roseberry Street and Kenneth Road. No Development Engineering objections to approval subject to conditions as recommended.</p> <p><i>Note to Planner: It is noted Councils Traffic Team have requested additional information regarding road works. If amendments or new works are proposed to satisfy traffic requirements please refer back to Development engineering for further assessment and amendments to conditions.</i></p> <p><b>Review 20/06/2025:</b> Amended plans have been reviewed. No changes to previously recommended conditions. Traffic Teams request for additional information is noted. Planner to refer back to Development Engineering for further assessments if amendments or new works are proposed to address traffic requirements.</p>
NECC (Flooding)	<p><b><i>Supported, subject to conditions</i></b></p> <p>This proposal is for the demolition of an existing property and the construction of a freestanding, single-storey take away retailer with drive-thru access and an open carpark. The proposal is assessed against Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP. The proposal is located within the Medium and Low Flood risk precincts. The relevant flood characteristics vary across the property. These flood characteristics allow a 0.3m freeboard to be justified. As such the flood planning level for the property is 7.89m AHD which is below the proposed finished floor level of 8.0m AHD. Subject to conditions the proposal generally complies with Section 5.4.3 of the Manly DCP and Clause 5.21 of the Manly LEP.</p>
Traffic Engineer	<p><b>Not supported</b></p> <p><b>Additional Comments relating to Amended Plans &amp; Reports (18/06/2025)</b></p> <p>The Traffic Team has reviewed the latest version of the traffic report and the Sidra Models prepared by CBRK, dated June 17, 2025. This updated information was prepared to address the concerns raised by Councils traffic team regarding the amended traffic report and SIDRA models from May 14, 2025, as well as issues discussed during the online meeting with the applicant on June 2, 2025.</p> <p>There were a number of concerns raised in the initial Traffic Engineer Referral Response dated March 10, 2025. Many of these issues,</p>

Internal Referral Body	Comments
	<p>along with topics discussed during a meeting with the applicant on April 10, 2025, were addressed in the amended traffic report dated May 14.</p> <p>As requested, concept sketches were developed for a mini roundabout at the intersection of Hayes Street and Roseberry Street and a median along the Roseberry Street frontage of the site. A slight shifting of the centreline for the westbound traffic lanes on Kenneth Road on departure from Roseberry Street was also proposed to assist traffic approaching the intersection with Condamine Street. As a result of the proposed Roseberry Street median, access to the site will now be restricted to left-in and left-out turns onto Roseberry Street. The consultant has updated the traffic distribution to reflect these changes in access arrangements.</p> <p>After reviewing the plans and swept path analysis for the roundabout at Hayes and Roseberry, Council has determined that the benefits achieved by the roundabout are outweighed by negative impacts on access to/from adjacent properties and adverse impacts on pedestrian safety and amenity. The applicant is no longer required to construct the roundabout.</p> <p>The items not addressed in the amended traffic report dated May 14, 2025, were as follows:</p> <ul style="list-style-type: none"> <li>• The traffic generation rates outlined in the TfNSW Guide to Transport Impact Assessment indicate that a McDonald's generates approximately 260 vehicle trips during peak weekend hours and 180 vehicle trips during the PM peak on weekdays.</li> <li>• The phasing of the intersection at Condamine Street and Kenneth Road should be aligned with the current TCS plans.</li> <li>• The modelled cycle and phase times for the existing conditions did not accurately represent the current operation of the Condamine Street and Kenneth Road intersection.</li> <li>• The modelled queue lengths along Kenneth Road did not accurately reflect the observed existing conditions.</li> <li>• Additional line marking and modifications were to be considered to facilitate concurrent right turns from the second and third westbound lanes on Kenneth Road. The above to operate concurrently with the eastbound right turn lane. This included accommodating semi-trailers turning right out of Kenneth Road westbound, which would necessitate redesignating the second westbound lane on Kenneth Road.</li> </ul> <p>In the updated traffic report dated June 17, 2025, CBRK has included additional information addressing each of the issues raised.</p> <ul style="list-style-type: none"> <li>• The applicant aimed to align the traffic signal timing at the intersection of Condamine Street and Kenneth Road with the TCS plans. Since the TCS plan includes several variable phases</li> </ul>

Internal Referral Body	Comments
	<p>for this intersection, the applicant analysed observed data collected over a 30-minute period to identify the phases utilised by the TCS. The traffic report should include a cross-reference of the modelled phases/cycle times with the observed phases/cycle times, based on approximately 10 signal phase cycles.</p> <ul style="list-style-type: none"> <li>• The consultant's observations indicate that the intersection of Condamine Street and Kenneth Road operates on a consistent cycle time of 120 seconds. The report notes that the phases at this intersection change according to demand within these fixed cycle times. Council believes that a variable or actuated signalised intersection can adjust its cycle time based on traffic demand. Unlike fixed-time signals that maintain a constant cycle length, actuated signals use sensors to detect the presence and volume of vehicles and pedestrians, dynamically adjusting the timing of the signal phases to optimise traffic flow. This flexibility allows the cycle time to change according to the real-time needs of the intersection. Therefore, Council asserts that it is inappropriate to model the intersection using fixed cycle times (user-given cycle times).</li> <li>• The model has been calibrated to ensure that the simulated queue lengths closely match the observed queue lengths recorded by the applicant during peak periods on weekday afternoons and Saturday middays. The 95th percentile queue lengths for key traffic movements during both weekday afternoon and Saturday midday peak hours are similar, as shown in Tables 1 and 2 of the report. However, the area surrounding the proposed development faces existing significant traffic congestion issues, particularly during peak times such as the morning and evening peak periods, the weekday school pick-up period around 3 PM, and on weekends particularly around midday. There is concern that despite the additional observations undertaken by the applicant, the base case modelling still does not accurately reflect Council's observations of site conditions with Council having queues extending east to Quirk Road and south to Hayes Street. This is not reflected in the modelling.</li> <li>• The traffic study was conducted on a Friday afternoon and Saturday midday. To gain a more comprehensive understanding of the traffic impact, additional studies should be conducted over multiple days and at other peak times. As the Kenneth Road/Condamine Street intersection is very close to capacity and oversaturated on the westbound approach at peak times, small changes in demands can significantly impact upon queue lengths and congestion.</li> <li>• The updated models have incorporated the TfNSW traffic generation rates, which indicate 180 two-way vehicles on Friday afternoons and 260 two-way vehicles on Saturdays around midday. Additionally, it has been assumed that 50% of these trips are pass-by trips, and the traffic diagrams have been revised accordingly.</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• An updated traffic assessment has been conducted, incorporating the above matters into the model for both existing and existing plus development scenarios.</li> <li>• The modelling has been completed for the intersections at Condamine Street / Kenneth Road, Kenneth Road/ Roseberry Street, Roseberry Street/ Hayes Street and Access to the site. The intersections are closely spaced; therefore, a network-wide process (SIDRA Network Model) was assessed by the consultant. This determines the backward spread of congestion as queues on downstream lanes block upstream lanes (queue spillback), and applies a capacity constraint to oversaturated upstream lanes, thus limiting the flows entering downstream lanes.</li> <li>• The modeling for the "existing + development" scenario shows that even after the upgrades and changes to the intersection, queues on Kenneth Road can extend back past the Kenneth Road/Roseberry Street roundabout. Despite Council's reservations that this modelling cannot be relied upon as the base model does accurately reflect sight conditions it never-the-less suggests that the queues are not clearing with each traffic signal cycle, which impedes vehicles from proceeding through or turning out of the roundabout.</li> <li>• While the movement summary shows a LOS D for the signalised intersection of Condamine Street / Kenneth Road and LOS B for the roundabout, the 95th percentile back of the queue extends to the upstream site lane. The capacity reduction has also been determined at the proposed access to the development based on the queue blockage probability derived from the percentile back of the queue values of a site located further downstream.</li> <li>• Further refinement of the models for the site is necessary to ensure satisfactory performance. There are still strong concerns that the additional traffic generated by the development will result in unacceptable increases to queuing and delays and Council's belief remains that additional mitigation measures are required to achieve acceptable traffic conditions to manage increased traffic resulting from the development. Although the applicant's proposal for shifting of the centreline on Kenneth Road, provides some benefit, it does little to assist traffic efficiency exiting Kenneth Road. What Council was actually seeking was works to allow the centre lane of three westbound traffic lanes to be utilised for right turns. This turn is currently not permitted from the centre lane due to conflict with right turns out of Kenneth Road eastbound. The applicant's traffic engineer argues that such a change results in no improvement to overall intersection efficiency although it would reduce delays and queuing on Kenneth Road. Council believes this option should be further pursued with TfNSW. The applicant should also review other options focussed on designing storage lanes, turn lanes etc on Kenneth Road and or Roseberry St, to provide adequate space for vehicles to</li> </ul>

Internal Referral Body	Comments
	<p>queue without obstructing through traffic and to improve efficiency of ingress/egress to the site. This may require road widening. Additionally, converting the Roseberry Street/Kenneth Road intersection into a signalised intersection and adjusting traffic signal timings to create a "green wave" and more effective platooning of traffic onto Condamine Street during the green light phase should also be more closely examined if other options are found to be infeasible. This option has not to date been adequately reviewed by the applicant.</p> <p><b>Conclusion</b></p> <p>The traffic report and the SIDRA Models in their current form remain unacceptable for the reasons outlined above and have not addressed Council's concerns relating to the traffic impacts of the development and have not proposed adequate mitigation measures to address the adverse traffic implications of the additional generated traffic.</p> <p>The proposal is therefore unsupported.</p> <p><b><u>Planner Comment:</u></b></p> <p>This is included as a reason of refusal.</p> <hr/> <p><b>Comments dated 10/03/2025</b></p> <p><b><u>Proposal description:</u></b> Demolition works and construction of a restaurant (McDonald's) including signage</p> <p>The traffic team has reviewed the following documents:</p> <ul style="list-style-type: none"> <li>• Traffic Impact Assessment (TIA), Reference 12473/1, prepared by Colston Budd Rogers &amp; Kafes Pty Ltd dated December 2024,</li> <li>• The Statement of Environmental Effects, Ref No. 610.032207.00001, Revision 1.0 prepared by SLR Consulting Australia, dated 16 December 2024.</li> <li>• Plans (Master Set), Rev C – designed by Webber Architects, dated 12/12/2024, and</li> <li>• Pre-Lodgement Advice (PLM2024/0130) dated 05 November 2024.</li> </ul> <p><b><u>Parking Requirements and Design</u></b></p> <ul style="list-style-type: none"> <li>• Manly DCP applies to the subject site. The Manly DCP requires 1 space per 40m<sup>2</sup> of GFA for a takeaway</li> </ul>



Internal Referral Body	Comments
	<p>restaurant; however, the new TfNSW Guide to Transport Impact Assessment recommends the greater of 1 space per 2 internal seats or 1 space per 3 seats (internal and external).</p> <ul style="list-style-type: none"> <li>• The proposed McDonald's restaurant will have a GFA of approximately 380m<sup>2</sup> and will accommodate 52 internal seats. According to the Manly DCP, the site requires 10 parking spaces. Applying the car parking rates from TfNSW to the proposed development indicates a need for 26 residential parking spaces. The provision of 26 parking spaces, therefore, satisfies the parking requirements set out by TfNSW.</li> <li>• A dual-lane drive-through facility is proposed for the development, which includes a queuing system designed to accommodate at least 14 vehicles without interfering with parking operations. The facility features designated spaces for six vehicles to queue before reaching the order points. Additionally, there are two waiting bays available after the collection point. This design complies with the queue length requirements established by TfNSW for drive-through facilities.</li> <li>• The internal carpark layout and car spaces appear to be compliant with Australian Standards AS2890.1:2004 Off-Street Parking requirements. However, parking spaces' widths and the access driveway widths have not been dimensioned; this needs to be confirmed on dimensioned plans, and dimensioned plans are to be submitted to confirm that the access driveway and all bays are appropriately sized.</li> <li>• Swept path plots for access to and from the development have been satisfactorily demonstrated with B99 vehicles entering and exiting the site from Roseberry Street, including drive-through facilities, and then exiting the car park area.</li> <li>• Due to frequent traffic queues along the entire frontage of the site, the PLM comments suggest installing a median on Roseberry Street at the proposed driveway. This median would physically prevent right turns into and out of the driveway, ensuring that vehicles making those turns are not obstructed by traffic queues. This measure aims to reduce congestion both within the site and on surrounding roads. To facilitate access for vehicles potentially blocked by the median, a roundabout would be necessary at the intersection of Roseberry Street and Hayes Street. However, the traffic report indicates that there is insufficient space to accommodate a roundabout at this intersection, and implementing this option may lead to increased travel times. This issue requires further discussion in the report, including supporting materials such as figures that illustrate the challenges of installing a mountable roundabout at the intersection, as well as a</li> </ul>

Internal Referral Body	Comments
	<p>turning path analysis that could not be performed for the proposed roundabout.</p> <ul style="list-style-type: none"> <li>• The consultant explored an alternative for the site's frontage. This option involves removing the parking on the eastern side of Roseberry Street, directly opposite the site, and not marking any queuing lines in the northbound traffic lane on Roseberry Street in front of the McDonald's access. Detailed design plans for the proposed layout should be submitted to the Council for approval before a construction certificate is issued.</li> <li>• There are bicycle racks for four bicycles. These racks are available for both customers and staff to use.</li> <li>• Manly DCP does not stipulate motorcycle parking rates for takeaway restaurants. However, the subject DA has proposed two (2) motorcycle parking spaces to facilitate alternate travel modes.</li> <li>• According to the traffic report, the development will enhance sight lines by incorporating low-level landscaping in the northeastern corner of the site.</li> </ul> <p><b><u>Servicing</u></b></p> <ul style="list-style-type: none"> <li>• As outlined in the Traffic Report, all service vehicles will access the site via Roseberry Street. The development will receive deliveries from vehicles up to 8.8 meters long, classified as medium rigid trucks (MRVs), with an average of two deliveries per day. Waste collection will also be handled by a private contractor using an MRV-sized vehicle. Deliveries will take place outside of peak traffic periods.</li> <li>• An architectural plan proposes a loading dock that is separate from the car parking area and the drive-through facility. Service vehicles will enter the development in a forward direction and will park in the loading bay by reversing into the designated area. Upon leaving, service vehicles will exit the loading bay and turn onto Roseberry Street in a forward direction. The report includes swept path diagrams showing satisfactory access to and from the loading area.</li> </ul> <p><b><u>Traffic Impact</u></b></p> <ul style="list-style-type: none"> <li>• The new TfNSW guide to Transport Impact Assessment indicates that McDonald's generates an average of 183 vehicle movements per hour during the PM peak on weekdays and 267 vehicle movements per hour during peak times on weekends in Sydney. In regional areas, this figure is 225 vehicle movements per hour during peak times on weekends. These traffic generation rates outlined in the guideline are higher than those used in the traffic report for the development's traffic impact assessment. Therefore, a further review of the</li> </ul>

Internal Referral Body	Comments
	<p>development's traffic impacts should be conducted, and the traffic generation, distribution, and model inputs and outputs should be revised accordingly.</p> <ul style="list-style-type: none"> <li>• As traffic generation exceeds 200 vehicles per hour, and the site also affects the operation of the State Road signalised intersection at Condamine/Kenneth Street, referral of the application to TfNSW is required.</li> <li>• The additional traffic generated by the development, as shown in parentheses in Figures 2 and 3, appears to be inaccurate. For example, on weekday afternoons, there were 55 vehicles turning north when exiting the site; however, it seems that only 40 of those vehicles were accounted for as heading northbound. This indicates that 10 vehicles were overlooked in the analysis. Similarly, on Saturday afternoons, out of 70 vehicles turning north on Roseberry Street from the development, only 50 vehicles were noted as travelling north and either turning left, going straight, or turning right at the upstream roundabout. This means that another 20 vehicles were missing from the analysis.</li> <li>• A network-wide model (Sirda Network Model) has been developed and assessed by the consultant. The analysis includes the intersections of Condamine Street/Kenneth Road, Kenneth Road/Roseberry Street, and Roseberry Street/Hayes Street, focusing on both the Weekday PM peak and Saturday Midday traffic conditions. This model evaluates the backward spread of congestion, where queues in downstream lanes can block upstream lanes (referred to as queue spillback). Additionally, it accounts for capacity constraints in oversaturated upstream lanes, which limits the flow of traffic entering downstream lanes.</li> <li>• Since the development access location is approximately 30 meters from the Kenneth Road/Roseberry Street roundabout, and due to frequent traffic queues along the entire frontage of the site, the analysis of the site access and all proposed layout changes at this point should also be included in the models.</li> <li>• a copy of the traffic modelling analysis completed in Sidra is to be submitted to the Council.</li> </ul> <p><b><u>Conclusion</u></b></p> <p>The plans and the traffic report in their current form are unacceptable for the reasons outlined above and the requested amendments/ additional information should be provided prior to further assessment of the plans/traffic impact.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021,	<b><i>Supported, subject to conditions</i></b>

External Referral Body	Comments
s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
NSW Police - Crime Prevention Office (Local Command matters)	No comments have been received at the time of writing this report.  Note: As the referral was not a legislative requirement and the Police have not commented within 14 days of receiving the referral request concurrence is assumed. If the Police provide comments prior to the meeting a supplementary memo will be provided to the Panel.

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

### State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

#### Housing and Productivity Contribution

*Part 2 Development for which contribution is require and determination of contribution, Division 2 Housing and productivity contribution amounts, Clause 7 Base component.*

This Clause details the base component amounts that apply to the calculation of the housing and productivity contribution, as set out in the following table:

Region	HPC class of development	Amount	HPC unit
Greater Sydney	Residential subdivision	\$12,000	new dwelling lot
	Residential strata subdivision	\$10,000	new strata dwelling lot
	Non-strata multi-dwelling development	\$10,000	new non-strata dwelling
	Commercial development	\$30	square metre of new GFA
	Industrial development	\$15	square metre of new GFA

#### Comment:

The proposed development is for the purpose of a restaurant, being a food and drink premises. Food and drink premises are a type of retail premises. Retail premises are a type of commercial premises. As such, the proposed development is commercial. The proposed development has a gross floor area of 364.4m<sup>2</sup>. However, the subject site in its current state is developed with more than 364.4m<sup>2</sup> of approved floor space for commercial and industrial purposes. As such, there is no new gross floor

area on the site as a result of the development, and no Housing and Productivity Contribution is payable.

## **SEPP (Transport and Infrastructure) 2021**

### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

## **SEPP (Industry and Employment) 2021**

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Complies</b>
<b>1. Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent and compatible with existing signage in the surrounding area, including comparable commercial premises.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No consistent theme for outdoor signage exists in the locality.	Yes
<b>2. Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas,	The proposed signage is designed and sited so as not to dominate the streetscape and or detract from the amenity or visual quality of the site.	Yes

waterways, rural landscapes or residential areas?	The subject site is not within an environmentally sensitive area, heritage area, conservation area, open space area, waterway area, rural area, or residential zoned area. The site is located across the road from residential zoned land, though the illuminated signs are not directly oriented towards those properties, and the hours of illumination are restricted to hours of operation of the business to which the signs relate.	
<b>3. Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage sits below the height of surrounding buildings and vegetation, so does not dominate the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact upon the viewing rights of other advertisers.	Yes
<b>4. Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the site and surrounds, as well as in consideration of the applicable built form controls. The signage has been reduced to ensure its no higher than 3.0m above the fence line fronting Kenneth Rd.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed in a clear and modern manner, and therefore creates visual interest.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is simplified in that it is for business identification purposes only.	Yes
Does the proposal screen unsightliness?	The subject site does not contain unsightliness requiring screening.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any buildings, structures or tree canopies on the site or in surrounding area.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management.	Yes
<b>5. Site and building</b>		

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale, proportion and form of the proposed signage is consistent with and complementary to the use of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage is respectful in that it is secondary to the building on site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is for business identification only, so does not require innovation or imagination. However, the proposed signage is logically located and designed to achieve an adequate level of exposure, while remaining visually compatible with the building.	Yes
<b>6. Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage does not require any safety lighting, devices or platforms.	Yes
<b>7. Illumination</b>		
Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence or other form of accommodation?	The illumination of the signage will not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the signage can be adjusted if necessary.	Yes
Is the illumination subject to a curfew?	A condition of consent is included in the recommendation of this report to limit signage illumination to the approved hours of operation.	Yes
<b>8. Safety</b>		
Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is designed and sited so as not to reduce safety on any public road, or for pedestrians or bicyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is designed and sited so as not to obscure sightlines for pedestrians or motorists.	Yes

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

Sub-section 4.6 (1)(a) of Chapter 4 requires the consent authority to consider whether land is contaminated.

Comment:

In accordance with the requirements of Chapter 4, the Applicant carried out a Preliminary Site Investigation (Ref: 24072RP01), prepared by Reditus Consulting, dated August 2024. The PSI found that:

- *The site history review recognised the site as being used for industrial processes including a painting, panel beaters and car wreckers prior to being used for coffee roasting since circa 2006.*
- *The adjacent properties at 33 Roseberry Street (south of site) and 210-212 Condamine Street (west of site) were formerly used for light industrial, manufacturing and printing purposes. Namely chemical manufacturers, lithographic printers, letterpress printers, and screen printers. Volatile organic compounds (VOCs), heavy metals, inorganic substances and Per- and poly-fluorinated substances (PFAS) containing chemicals are used in these processes. The potential exists for these chemicals to enter groundwater through neighbouring properties and mitigate beneath the Site.*
- *The site is within a Class 4 acid sulfate soil area which implies acid sulfate soils are likely to be found beyond 2 metres below the natural ground surface. Acid sulfate soils pose a risk to the environment if disturbed (exposed to the atmosphere) and allowed to oxidise.*

Therefore, as the Investigation indicates that there is a potential for contaminants to exist on the site, sub-section 4.6 (1)(b) and 7(1)(c) of this chapter must be considered.

Sub-section 4.6(1)(b) stipulates that *"if the land is contaminated, it [Council] is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out"*.

Comment:

Given the claimed potential of contamination on the site, the PSI recommended preparation of a Detailed Site Investigation, which the Applicant has prepared and submitted with this development application, prepared by Reditus Consulting, dated 27 August 2024 (Ref: 24072RP02). The DSI confirms the location and type of contaminants on the site and provides recommendations for the remediation of the site to enable the development to be safely carried out. In this regard, the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the recommendation of this report.

Sub-section 4.6 (1)(c) stipulates that *"if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*.

Comment:

The DSI does not find that remediation of the land is required. The land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation are included as conditions in the recommendation of this report.



## Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	No
zone objectives of the LEP?	No

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	Max. 11m	Restaurant: Max. 7.3m	-	Yes
		Pylon Sign: Max. 5.725m	-	Yes
		Fence: Max. 1.335m	-	Yes
Floor Space Ratio	Max. 1:1 (2,765m <sup>2</sup> of GFA*)	0.132:1 (364.4m <sup>2</sup> of GFA)	-	Yes

\* GFA means gross floor area.

### Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	No
2.7 Demolition requires development consent	Yes
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.12 Essential services	Yes

### Detailed Assessment

#### Part 1 Preliminary

The proposal adversely affect the amenity of the existing permanent residential population due to the traffic/parking concerns and acoustic impacts based on the proposed hours of operation and is therefore inconsistent with Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.

#### 2.7 Demolition requires development consent

This clause provides that demolition of a building or work may be carried out only with development consent, unless otherwise identified as exempt development (that is, not requiring consent) in an applicable environmental planning instrument, such as the *Manly Local Environmental Plan 2013* or the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The demolition proposed for this development is not classified as exempt development. Accordingly, consent for the demolition of existing structures on the subject site is sought under this development application and shall not lawfully be carried out unless such consent is granted.

### **Zone E3 Productivity Support**

The proposed development is considered with respect to the objectives of the E3 Productivity Support zone as follows:

*To provide a range of facilities and services, light industries, warehouses and offices.*

Comment:

The proposed development is for the purpose of a restaurant, being a land use that is permissible with consent in the zone, and contributes to the range of facilities and services in the locality.

*To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*

Comment:

The proposed development is compatible in the locality in that it is for the purpose of a land use that is permissible with consent and is not of unreasonable impacts by way of its design or operation. The proposed use does not unreasonably compete with surrounding land uses. There is only one other such comparable land use existing in the vicinity (at 271-275 Condamine Street to the north-west).

*To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*

Comment:

The proposed development contributes to the economic viability of the locality in that it serves the needs of residents of, and visitors to, the area, without unreasonable impact by way of its design or operation.

*To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*

Comment:

The proposed development serves the needs of the community. The proposed land use is permissible in other employment zones, though is well-located and appropriate on the subject site. Alternative employment zones are focused on denser commercial development, mixed used development, or industrial development.

*To provide opportunities for new and emerging light industries.*

Comment:

The proposed development does not prevent opportunities for light industries within the zone.

*To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*

Comment:

The proposed development does not prevent opportunities for other land uses within the zone.

*To create a pedestrian environment that is safe, active, and interesting.*

Comment:

The proposed development is designed and sited so as to provide and contribute to a safe, active and interesting pedestrian environment. Safety, activity and interest on the subject site is increased via the proposed development by way of reduced built form, leading to greater casual surveillance on and around the site, and enhanced landscaping.

*To create employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Comment:

The proposed development is well-designed in consideration of the built form controls and requirements under the applicable Local Environmental Plan, Development Control Plan, and State Environmental Planning Policies. The resultant development is of high visual quality and is suitably landscaped so as to present well to the public domain and surrounding private properties.

*To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining and nearby residential land uses.*

Comment:

The subject site is located to the south of land zoned E1 Local Centre and R3 Medium Density Residential, each under the *Warringah Local Environmental Plan 2011*. As detailed throughout this assessment report, the proposed development is designed and will operate to ensure reasonable amenity of all surrounding land uses with the exception of the traffic issues which adversely affect the amenity of the surrounding premises in relation to the road network and the unreasonable noise impacts from the 5am opening time.

Accordingly the p[proposal is inconsistent with the objectives of the Zone and is not supported.

#### **4.3 Height of buildings**

The proposed development is compliant with the maximum height of buildings development standard of 11 metres, with the highest portion of the development being the roof parapet to the 'Playland' area of the restaurant building at 7.3 metres.

#### **4.4 Floor space ratio**

The proposed development is compliant with the maximum floor space ratio development standard of 1:1, which would equate to a gross floor area of 2,765m<sup>2</sup>. The proposed development provides 364.4m<sup>2</sup> of gross floor area, equating to a floor space ratio of 0.132:1.

#### **4.5 Calculation of floor space ratio and site area**

The gross floor area and subsequent floor space ratio calculations have been carried out in accordance with this clause, the definitions of 'gross floor area' and 'floor space ratio' per the *Manly Local Environmental Plan 2013*, and applicable caselaw set by the NSW Land and Environment Court dictating how gross floor area is to be measured.

#### **5.21 Flood planning**

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the*

*capacity of existing evacuation routes for the surrounding area in the event of a flood, and*  
*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*  
*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (e).

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The application has been referred to Council's Flood Engineer, who has reviewed the development in relation to the above matters. The Engineer is supportive of the works, subject to conditions of consent, which have been included in the recommendation of this report. Accordingly, the development is satisfactory with respect to the above matters at (a) through (d).

## **6.1 Acid sulfate soils**

Clause 6.1 Acid Sulfate Soils requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. In this regard, development consent is required for the carrying out of works described on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. The site is located in an area identified as Acid Sulfate Soil Classes 4 and 5, as indicated on Council's Acid Sulfate Soils Planning Map.

A Detailed Site Investigation (DSI) has been prepared and lodged with the proposal. The DSI concludes that, given that the works involve soil disturbance, an Acid Sulfate Soil Management Plan (ASSMP) is considered to be necessary for the development of the site. Such a report has been submitted with the development application, and is acceptable as reviewed by Council's Environmental Health Officer. The ASSMP is included as an approved document in the recommended conditions of consent. Subject to the recommended conditions of consent, the proposed development is not anticipated to result in unreasonable risk with respect to acid sulfate soils.

## **6.2 Earthworks**

The objectives of Clause 6.2 Earthworks require development:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land*

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

*(c) the quality of the fill or the soil to be excavated, or both*

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties*

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

*(e) the source of any fill material and the destination of any excavated material*

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

*(f) the likelihood of disturbing relics*

Comment:

The site is not mapped as being a potential location of Aboriginal or other relics.

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area*

Comment:

The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment:

Conditions are included in the recommendation of this report that will minimise the impacts of the development.

## **6.4 Stormwater management**

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

*(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*

Comment:

The development will provide a suitable amount of permeable surfaces given the zoning of the land and the proposed use. In this regard, Council is satisfied that the design will maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water.

*(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*

Comment:

Given the flood prone classification of the subject site, it is not practicable to incorporate on-site stormwater retention into the development.

*(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Comment:

The proposal has been assessed by Council's Development Engineers who have raised no objections to approval, subject to conditions. In this regard, Council is satisfied that the development will minimise any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

## 6.12 Essential services

Under this clause, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment:

The subject site is supplied with the above essential services. The proposed development retains and relies upon these services.

## Manly Development Control Plan

### Built Form Controls

Built Form Controls - Site Area: 2,765m <sup>2</sup>		Requirement	Proposed		% Variation*	Complies
<b>4.3 Development in LEP Zone B6 Enterprise Corridor</b>	4.3.4 Access, Loading and Parking	Min. 1 loading bay	1		-	Yes
		No parking in street frontage setback	Kenneth Road:	No parking in front setback	-	Yes
			Roseberry Street:	No parking in front setback	-	Yes
		Driveway width min. 5m	5.7m		-	Yes

	4.3.5 Setbacks	Min. 4.5m		Kenneth Road:	Pylon Sign: 900mm	80%	<b>No</b>
					Fence: 2m	55.55%	<b>No</b>
					Driveway: 2.8m	37.78%	<b>No</b>
					Building: 8.69m	-	Yes
				Roseberry Street:	Substation: 1.5m	66.67%	<b>No</b>
					Awning: 4.5m	-	Yes
					Driveway: 7.9m	-	Yes
					Building: 16.2m	-	Yes
		Setback areas to be landscaped		Kenneth Road:	Suitably landscaped	-	Yes
				Roseberry Street:	Suitably landscaped	-	Yes
<b>4.4.3 Signage</b>	4.4.3.1 Controls for all Development Types	Max. 2 signs per frontage		Kenneth Road:	2 signs* (signs S1 and S16A)	-	Yes
				Roseberry Street:	3 signs* (signs S2A, S6 and S15A)	50%	<b>No</b>
				* Other than directional/safety signage			
	4.4.3.3 Controls for Particular Development Types	Signs Above Awning (signs S2A, S3A, S5A, S15A and S16A)	Considered on merit	Acceptable on merit - See discussion under Clause 4.4.3		-	Yes
		Fascia Signs (sign S4)	Must not project above or below awning	Does not project vertically or horizontally		-	Yes
			Must not laterally extend >300mm from end of awning	Does not extend beyond awning		-	Yes
			Must be set min. 600mm	22m from boundary		-	Yes

			from kerb line			
		Horizontal projecting wall sign (sign S6)	Must be erected at a right-angle to the wall	Erected at a right angle	-	Yes
			Min. 2.6m above ground	2.4m above ground	7.7%	No
			Max. 500mm height	400mm height	-	Yes
			Must be set min. 600mm from kerb line	15.9m from boundary	-	Yes
		Pole/Pylon Signs (sign S1)	Must not project >1.2m over road alignment	Does not project into road alignment	-	Yes
			If projects over road alignment, must be min. 2.6m above ground at that point	Does not project into road alignment	-	Yes
			Equivalent setback to other pole/pylon signs	No other pole/pylon signs in vicinity	-	NA
			Max. 1 pole/pylon sign per 10m of frontage	1 pylon sign fronting Kenneth Road	-	Yes
<b>Schedule 3 Parking and Access</b>	Part A1 - Parking Rates and Requirements for Vehicles (and 3.6 Accessibility)	Cars	1 space per 40m <sup>2</sup> of serviced gross floor area (3 spaces, per 114.5m <sup>2</sup>	26	-	Yes



			served area)	1	-	Yes
			1 accessible car space			
			Motorcycles			
	Part A2 - Parking Rates and Requirements for Bicycles	Bicycles	No minimum requirement	2	-	Yes
			1 stand per 3 car spaces (9 stands, per 26 car spaces)	4	55.55%	No

The subject site is located within Zone E3 Productivity Support under the Manly Local Environmental Plan 2013. The E3 zone was formerly known as B6 Enterprise Corridor until the State government's repeal of business and industrial zones and replacement with employment zones on 26 April 2023. The Manly Development Control Plan 2013 has not been amended in accordance with this change. Any reference to B6 Enterprise Corridor is taken to be a reference to E3 Productivity Support.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
1.7 Aims and Objectives of this Plan	No	No
3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor	Yes	Yes
3.3 Landscaping	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	No	No
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	No	No
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access	Yes	Yes
3.5.2 Energy Sources and Systems	N/A	N/A
3.5.3 Ventilation	Yes	Yes
3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.6 Energy efficiency/conservation requirements for non-residential developments	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	No	No
4.3 Development in LEP Zone B6 Enterprise Corridor	Yes	Yes
4.3.2 FSR and Height	Yes	Yes
4.3.3 Allotment Sizes	Yes	Yes
4.3.4 Access, Loading and Parking	Yes	Yes
4.3.5 Setbacks	No	Yes
4.3.6 Drainage	Yes	Yes
4.4.1 Demolition	Yes	Yes
4.4.3 Signage	No	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.4.3 Flood Prone Land	Yes	Yes
Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles	Yes	Yes
Schedule 3 - Part A2 - Parking Rates and Requirements for Bicycles	No	Yes

### Detailed Assessment

#### **1.7 Aims and Objectives of this Plan**

The proposal is inconsistent with the aims and objectives of the Manly DCP as the traffic/parking and acoustic amenity impacts are unreasonable.

#### **3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor**

This clause provides the requirements for streetscapes in the E3 Productivity Support zone. An assessment of the relevant requirements under this control (abridged for brevity) is provided as follows.

##### **3.1.2.1 Streetscape**

*Development is to be of a high visual quality, particularly at corner locations.*

##### Comment:

The subject site is set on the corner of Kenneth Road and Roseberry Street. As demonstrated by the submitted plans, the proposed development is of a suitably high quality design, supported by ample vegetation and landscaping to assist with its visual presentation in the streetscapes.

### **3.1.2.2 Car parking**

*Car parking is not to be located between the street frontage and the building alignment.*

Comment: Car parking is set a minimum of 7.9 metres from the Roseberry Street frontage, so is compliant with the street frontage setback control applying to this site.

### **3.1.2.3 Landscaping**

*Landscaped areas are to be maintained to the Council's satisfaction throughout the life of the development.*

Comment:

The proposed development includes sufficient landscaped area in consideration of the proposed development and the context of the site. A condition of consent is included in the recommendation of this report requiring landscaping to be maintained for the life of the development.

### **3.1.2.4 Security Fencing**

*Security fencing should be set back from any road frontage and integrated with landscaped areas.*

Comment:

The proposed development does not include security fencing, but does include a timber fence along the northern frontage of the site (Kenneth Road). The fencing is a maximum of 1.335 metres in height as viewed from the street and is well-integrated with landscaping so as not to be visually intrusive.

### **3.1.2.6 Design for Townscape**

*Development is to have regard to the principles in the Townscape Principles Map at Schedule 2 of the MDCP 2013.*

Comment:

No Townscape Principles Map applies to the subject site in the latest version of the MDCP 2013.

## **3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)**

Refer to discussion under Clause 3.4.2 Privacy and Security

### **3.4.1 Sunlight Access and Overshadowing**

The proposed building is compliant with the building height control and generously set back from all property boundaries.

As demonstrated by the submitted shadow diagrams the development does not result in any non-compliance with the requirements under this control. As such, the proposed development does not result in any unreasonable overshadowing impact.

### **3.4.2 Privacy and Security**

The proposal is at the site boundaries a minimum of 20 metres from any nearby residential property, therefore does not result in any unreasonable visual privacy impacts.

In relation to acoustic privacy the following is provided:

*Objective 1) To minimise loss of privacy to adjacent and nearby development by appropriate design for*

*acoustical privacy.*

Comment:

- The subject site is in close proximity to numerous residential receivers, with residential dwellings located across Kenneth Road and Roseberry Street to the north and north-east.
- A substantial proportion of the business's operation is outdoor, with the provision of the drive-through ordering and take away facility, meaning that a substantial proportion of operation noise is not contained internally.

The proposed hours of operation are between 5am and 12 midnight.

In relation to the nature of the proposal and the outdoor activities associated with the drive through component and the proximity to the adjoining residential zone the hours of operation are not supported and will result in unreasonable acoustic impacts..

Accordingly the proposal is inconsistent with the relevant objective of this control as this included as a reason for refusal.

### **3.4.3 Maintenance of Views**

The proposed development is of a lower maximum building height, smaller footprint and more centralised location on the site than the existing development, so does not increase built form on the site, and accordingly does not reduce any available valuable views. The proposed development is designed and sited so as not to obstruct any important views to or from public or private places, and therefore does not result in any unreasonable view sharing impacts. It is noted that no submissions raised concern that the proposed development results in loss of view or unreasonable view sharing impacts.

### **3.4.4 Other Nuisance (Odour, Fumes etc.)**

This clause requires that consideration must be given to the protection and maintenance of public health and amenity in relation to any proposed development that involves the emission of odours to ensure compliance with legislation, such as food premises near residential accommodation (as in this case).

The proposed development is supported by an Odour Amenity Assessment, prepared by a suitably qualified professional. The Odour Amenity Assessment addresses the applicable regulatory requirements with respect to odour, identifies and assesses potential odour sources, and provides odour control measures accordingly, including ventilation in compliance with the relevant Australian Standard, and good housekeeping practices. The development application (including the Odour Amenity Assessment) has been reviewed by Council's Environmental Health Officer, who is supportive of the proposed development, subject to conditions of consent, which would be included if the proposal were recommended for approval. As such, due consideration has been given to the protection and maintenance of public health and amenity regarding emission of odours, and it is established that the proposed development will not give rise to unreasonable odour impacts.

### **3.5.1 Solar Access**

This clause requires consideration of passive solar design principles and measures to optimise solar access, via building form, design and orientation, and solar shading devices. An assessment of the relevant requirements under this control is provided as follows.

#### **3.5.1.1 Building Form, Design and Orientation**

*The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.*

Comment:

The proposed development is well designed with respect to solar access, in that the building is centralised on the subject site, achieving solar access from the west, north, and east. The building addresses both street frontages, being Kenneth Road to the north, and Roseberry Street to the east. The proposed development is consistent with applicable built form controls, and is of a form anticipated for the locality. The proposed development does not rely on unreasonable tree removal, and includes a substantial increase in tree planting so as to provide passive shading.

### **3.5.1.2 Solar Shading Devices**

*Whilst the design of buildings should take advantage of winter sun, there is an equal need to provide protection from the severity of summer sun. There is a need to control summer sun penetration and prevent the overheating of the building. This can be achieved using appropriate solar shading devices. The most effective way of controlling overheating of a dwelling is to prevent summer sun from reaching glazed areas.*

- a) The design of buildings may reduce summer sun penetration to north, east and west facing walls of buildings incorporated by the use of external solar shading devices, such as; awnings, external venetians, balconies, pergolas, eaves, overhangs, sails and the like.*
- b) The minimum projection width for north facing overhangs, or shading devices, should be a width equivalent to at least 45 percent of the height of the shaded opening, measured from the bottom of the glass, to be shaded.*

Comment:

The proposed development includes 2-metre wide awnings to the northern and eastern elevations of the building, so as to provide a suitable balance of solar access and necessary shading, in accordance with the requirements at a) and b). The western elevation is treated with a narrower (500 millimetre) awning, and has fewer openings, so as to reduce the impacts of western summer sun.

### **3.5.2 Energy Sources and Systems**

This clause provides the considerations for solar panels, solar hot water systems, cogeneration (turbines for generation of electricity and heat) and trigeneration (turbines for generation of cooling). The proposed development does not include these elements.

### **3.5.3 Ventilation**

This clause requires consideration of principles for the optimisation of natural ventilation through building design and orientation, and the location and area of openings. An assessment of the relevant requirements under this control is provided as follows.

#### **3.5.3.1 Building Design and Orientation to prevailing wind**

- a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible.*
- b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.*

Comment:

The proposed development is well-orientated to benefit from summer breezes, with openings to each

elevation, including the north and east. The provided openings also allow for natural cross ventilation.

### **3.5.3.2 Location and area of openings**

- a) The area of unobstructed window opening should be equal to at least 5 percent of the floor area served.*
- b) Locate windows and openings in line with each other, and with the prevailing breezes to assist ventilation so that air can pass through a building from one side to the other, replacing warm inside air with cooler outside air.*
- c) Consider the use of solar or naturally activated exhaust fans to ventilate external walls. This also keeps living areas cool in summer and dry in winter.*

#### Comment:

The proposed development provides window openings compliant with the requirements of this control, being of sufficient area and in suitable locations. The development is to be exhausted in accordance with the relevant Australian Standard (AS) 1668.2.

### **3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)**

This clause includes provisions to ensure the energy efficiency of appliances and lighting in non-residential buildings. The proposed development will be carried out in accordance with the National Construction Code (including with respect to Part J1 Energy efficiency performance requirements and Part J7 Artificial lighting and power) and applicable Australian Standards.

### **3.5.5 Landscaping**

This clause provides the considerations for plant selection and landscaping design. An assessment of the relevant requirements under this control is provided as follows.

#### **3.5.5.1 Considerations in Plant Selection and Landscaping Design**

- a) Matters to consider in selecting trees and vegetation best suited to conserving energy in buildings include:*
  - i) adaptability to site conditions i.e. size of block, soils, microclimate (wind, sun and shade pattern, slope, proximity to existing vegetation, building services, water requirements);*
  - ii) canopy density for shading/cooling;*
  - iii) seasonal character i.e. deciduous species;*
  - iv) growth patterns - height and spread of canopy and root spread. Make sure you find out the heights of trees when buying from nurseries and try to choose trees that grow to approximately 6m to 10m in height and that have low maintenance requirements;*
  - v) choosing plant material with low water requirements, and plants that are fire retardant if you live in a fire hazard area;*
  - vi) weed invasion - near bushland can be prevented by choosing plant and landscaping materials carefully; and*
  - vii) the relationship between the building and the garden landscaping needs to be considered at an early stage in the design process. Where possible provide direct access from the principal indoor living areas to those outside. These considerations need to be carried out in conjunction with the architect/ builder.*

#### Comment:

Council's Landscape Officer has reviewed the proposed development, including the landscape plan and species selected for planting. The Landscape Officer is supportive of the proposed development

with respect to the above matters, subject to conditions of consent, which are included in the recommendation of this report.

*b) Landscaping should generally contribute to energy efficiency by:*

- i) controlling sun to reduce summer heat gain, by shading the house and outdoor spaces, without reducing solar access in winter;*
- ii) controlling winds to reduce both heat loss, (by providing protection from unfavourable winds) and heat gain (by funnelling cooling summer breezes);*
- iii) improving outdoor comfort levels in summer, through shading, absorbing heat and funnelling breezes.*

Comment:

The location of planting and species selected will assist energy efficiency by provision of passive solar shading, controlling of winds, and allowing for ventilation.

### **3.5.6 Energy efficiency/conservation requirements for non-residential developments**

This clause includes provisions to ensure the energy efficiency and conservation of developments with respect to hot water systems. The proposed development will be carried out in accordance with the National Construction Code (including with respect to Part J8 Heated water supply) and applicable Australian Standards.

### **3.5.7 Building Construction and Design**

This clause provides that building design is to apply fundamental principles in achieving energy efficiency in terms of environmentally sound building materials, thermal mass, glazing, wall and roof colour, and insulation. The proposed development will be constructed in accordance with the National Construction Code (including but not limited to Parts J4 Building Fabric, J4D3 Thermal Construction, and J5 Building Sealing) and applicable Australian Standards.

## **3.6 Accessibility**

This clause requires that all development applications are to have regard to accessibility requirements. An assessment of the relevant requirements under this control (abridged for brevity) is provided as follows.

### **3.6.3.2 Car Parking Facilities**

- a) All development involving a new or refurbished building must provide parking for people with disabilities at a rate of at least 1 car parking space for development comprising at least 10 spaces and less than 50 spaces.*
- b) The car spaces must be identified and reserved at all times and be in the vicinity of lifts or as close as possible to public areas and facilities.*
- c) Parking spaces for people with disabilities should be used only by those entitled to use the spaces. In this regard DA applicants need to demonstrate evidence of an operational management plan to implement ongoing maintenance to ensure amenable and safe use of the accessible facility.*

Comment:

The proposed development provides 26 parking spaces, including one accessible space, as required by a). The accessible car space is appropriately located as close as possible to the southern building entrance, as required by b). The accessible parking space is marked according to its use, and a condition of consent has been included in the recommendation of this report requiring the Plan of Management to be amended to provide reference to the ongoing safe maintenance of the car parking

space as an accessible facility, as required by c).

#### **3.6.3.4 Sanitary Facilities**

- a) At least one uni-sex sanitary facility accessible for a person with a disability must be provided in all new or refurbished buildings.*
- c) Accessible toilet facilities which are entered from the interior of a building should not be locked. In this regard applicants need to demonstrate evidence of an operational management plan to implement ongoing maintenance to ensure open, amenable and safe use of the accessible facility.*

##### Comment:

One accessible uni-sex sanitary facility is provided, as required by a). The accessible sanitary facility is accessible from within the restaurant building and will not be externally locked, and a condition of consent has been included in the recommendation of this report requiring the Plan of Management to be amended to provide reference to the ongoing safe maintenance of the sanitary facility as an accessible facility, as required by c).

#### **3.6.3.5 Continuous Accessible Path of travel**

- a) In relation to all new buildings, a continuous accessible path of travel is required to the main entrance and exit points of the building or the public areas of the building.*
- e) Entrances to buildings should be kept free of clutter at all times.*
- f) Objects such as fire extinguishers, drinking fountains, planter boxes, litter bins and photocopiers should be placed in a way that they do not become an obstacle or a hazard for people using the corridors.*

##### Comment:

A continuous accessible path of travel is provided from the existing footpath along Roseberry Street, into the subject site, to the restaurant building and into all of its publicly accessible areas, as required by a). The paths of travel and building entrances are designed to provide clear access, free of obstructions, and with generous area for accessible manoeuvring, as required by e) and f).

#### **3.6.3.7 Signage and Hearing Augmentation**

- a) Appropriate signage and tactile information indicating accessible facilities must be provided at the main entrance directory, or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage will have regard to the provisions of the relevant Australian Standard.*

##### Comment:

The proposed development includes accessible parking signage and tactile dots as necessary with respect to the facilities provided, as required by a).

#### **3.6.3.8 Fire Safety and Maintenance**

- b) The access and facilities provided in accordance with this plan should be inspected and maintained on a regular basis.*
- c) Floor surfaces should be kept in a clean condition and in a good state of repair, as dirt, grit, litter, broken surfaces and the like may constitute a hazard to ambulant people, and make it difficult for wheelchair users to move about.*

##### Comment:

The proposed development is designed so as to be compliant with the requirements at b) and c). A condition of consent has been included in the recommendation of this report requiring the Plan of Management to be amended to provide reference to the above fire safety and maintenance requirements.



Given the above, the proposed development has due regard to accessibility requirements.

### **3.8 Waste Management**

The clause provides that development that includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and must be accompanied by a Waste Management Plan.

The development application is supported by a Site Waste Minimisation & Management Plan and a Plan of Management, each prepared by suitably qualified professionals, which demonstrate suitable waste management procedures for the demolition, construction, and operation phases of the development, in accordance with Council's Waste Management Guidelines.

With respect to demolition and construction, the Site Waste Minimisation & Management Plan provides for the types and estimated volumes of waste generated by those stages, and provides appropriate methods for reuse, recycling, and disposal of the waste as required.

With respect to operation, the Site Waste Minimisation & Management Plan demonstrates sufficient waste management procedures, as well as waste disposal and storage facilities on the site, including waste collection twice weekly via a private contractor. The proposed waste management procedures are sufficient in ensuring the operation of the premises does not result in unreasonable presence of vermin. Conditions would be included if approval were recommended to ensure that operation of the premises is in accordance with the Site Waste Minimisation & Management Plan and the Plan of Management.

The submitted Plan of Management (which, as required by recommended conditions of consent, is to be adhered to during operation for the life of the development), includes litter management procedures for the subject site, including the adjoining footpath, gutter, building entry, car park and surrounds. Per the Plan of Management and in addition to the bins provided throughout the site and premises, the Duty Manager is to ensure the listed site areas are clean and clear of litter at all times. If approved a condition prior to the occupation of the premises for the restaurant use and commencement of trading would be included requiring a litter patrol area to be specified, and patrols of the area will be carried out daily, generally after sunrise, at midday, before sunset, and additional times on weekends as needed. Litter elsewhere in the locality is a matter outside of the control of the Applicant and not a matter for consideration under this assessment.

### **3.9 Mechanical Plant Equipment**

This clause provides the requirements for plant rooms, rooftop plant areas, and lift towers, as well as noise generated from those elements. The proposed development includes rooftop plant, but does not include a plant room or a lift. The proposed development is well-designed with respect to the necessary roof-top mechanical plant. All roof-top plant is set below the roof parapet height, so as not to be visible from the public domain. Additionally, acoustic screening is provided (also below the roof parapet height) to further offset any noise generation by the plant. As such, the proposed mechanical plant will not give rise to any unreasonable visual or acoustic impacts.

### **3.10 Safety and Security**

This clause requires that the principle of safety in design is to be considered for all development to ensure safety and security for residents, occupants, and visitors. The development application is supported by a Crime Risk Assessment and a Plan of Management, covering the operation of the proposed restaurant. The proposed development is considered with respect to safety and security as follows.

## **Assessment of Safety - External**

### Proximity to public transport

The subject site is in close proximity to the north-bound and south-bound Manly Vale B-line bus stops, being 75 to 110 metres walking distance away, respectively. These locations are frequented by commuters during the hours of operation of the proposed development.

### Proximity to licensed venues

The subject site is not a licensed premises and is not in close proximity to any licensed venues.

### Proximity to residential dwellings

The subject site is located to the south of medium density residential land, across Kenneth Road.

### Street activity

The subject site is in close proximity (40 metres) to Condamine Street, being a main road.

The subject site has two frontages, being Kenneth Road to the north and Roseberry Street to the east. Kenneth Road separates the land zoned E3 Productivity Support to the south (in which the subject site is located) and the land zoned E1 Local Centre and R3 Medium Density Residential to the north.

Businesses along Roseberry Street to the south of the site generally cease operation before the proposed development, between 5:00pm and 11:00pm, depending on the business and the weekday. Businesses attracting the majority of business along Roseberry Street (being the two supermarkets) operate until 10:00pm, seven days a week.

### Location and design of vehicular entry

Vehicular entry is logically proposed via Roseberry Street, towards the south-eastern corner of the subject site. Whilst Roseberry Street is the primary street address, it acts as the subordinate street of the site's two frontages, given its location further away from Condamine Street. The proposed development has one vehicular access point of a suitable width. The vehicular access point is well-designed with respect to sightlines for motorists and pedestrians, the intersection of Roseberry Street and Kenneth Road, and existing driveways for other properties along Roseberry Street.

### Location and design of pedestrian entry

The proposed development includes a separated pedestrian access point, being 2.7 metres north of the proposed driveway, on Roseberry Street. The pedestrian pathway is predominantly sheltered, and is supported by suitable way-finding and safety signage. Line-marking is included for the purpose of a pedestrian crossing where the pedestrian pathway meets the internal driveway.

### Location and design of parking

Vehicular parking is located to the south of the building, separate from and without conflict to, the pedestrian pathway. The parking area is open and at-grade, with clear sightlines to Roseberry Street from the any point within the parking area.

### Building orientation/Location of windows/doors

The proposed building is located centrally on the subject site, with good passive/casual surveillance provided to the north, south and east, by way of windows and doors, and with the main entry points being via the east and south. To the west is the drive-through order point, with little way of casual surveillance at that point. However, this area is well-covered by CCTV, detailed below.

### Location and design of fencing

Timber fencing and a retaining wall is provided to approximately three quarters of the northern

frontage of the site. The fencing is no greater than 1.335 metres in height at any point, allowing casual surveillance of the site by pedestrians along the Kenneth Road footpath.

#### Location and design of loading/waste area(s)

The loading area is to the west of the building, adjacent to the drive-through order point, being well-covered by CCTV. The waste storage room is wholly internal, to the south-western corner of the building.

#### External lighting

Per the Crime Risk Assessment and Plan of Management, all areas of the site are covered by external lighting to enable good vision and prevent concealment.

#### CCTV

Per the Crime Risk Assessment and Plan of Management, all areas of the site are covered by CCTV surveillance 24 hours a day, 7 days a week.

#### Way-finding/safety signage

Per the submitted plans, way-finding and safety signage is provided throughout the site to ensure general safe operation of the site for employees and customers, including both motorists and pedestrians.

#### Location and design of vegetation

Landscaping is well-located around the perimeter of the site so as to provide suitable amenity during daytime hours and so as not to prevent visibility at any time.

#### Concealment opportunities

The location and design of the building and the whole development is such that does not provide any areas of concealment. The whole site is visible from either (or both) street frontage, and is well-covered by lighting and CCTV.

### **Assessment of Safety - Internal**

#### Internal lighting

Internal lighting will be provided for clear visibility and way-finding for employees and customers during hours of operation.

#### CCTV

The whole of the premises (other than in the toilet facilities) is subject to CCTV surveillance 24 hours a day, 7 days a week. Screens of CCTV footage are provided internally for monitoring by staff.

#### Location and design of toilets

Customer toilet facilities are located with clear access from the main entry/dining area of the premises. Toilet facilities are designed to provide privacy and amenity for users, without compromising safety and security.

#### Location and design of waste area(s)

The waste storage room is located internally in the south-western corner of the building, accessible by staff only and covered by CCTV surveillance.

#### Location and design of the playground

The 'Playland' area is well-designed and located with clear visibility from within the building, as well as to and from Roseberry Street.

#### Concealment opportunities

The publicly accessible portion of the restaurant is designed so as not to allow any area of concealment, other than the toilet facilities, which inherently require privacy and amenity for users.

### **Assessment of Safety - General**

#### Hours of Operation

The hours of operation are not supported and are included as a reason for refusal.

#### Plan of Management

Operation of the premises is to be in accordance with the Plan of Management for the life of the development. The Plan of Management provides the framework and procedures for the safe and secure operation of the premises. The Plan of Management covers the following matters:

- Surveillance (CCTV, lighting, visibility)
- Signage
- Security controls
- Patron management procedures
- Crime management procedures
- Incident and complaint reporting and handling
- Noise management
- Cleaning and waste management procedures

### **Conclusion**

Given the above, the proposed development is designed and will be operated in accordance with the requirements of the MDCP 2013, as well as Crime Prevention Through Environmental Design (CPTED) principles, so as to minimise risk, prevent crime, and promote safety and security.

#### **4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor**

Councils Traffic Engineer provided the following comment:

*"The traffic report and the SIDRA Models in their current form remain unacceptable for the reasons outlined above and have not addressed Council's concerns relating to the traffic impacts of the development and have not proposed adequate mitigation measures to address the adverse traffic implications of the additional generated traffic.*

*The proposal is therefore unsupported."*

Accordingly, insufficient information has been submitted to determine compliance with the provisions of the MDCP and this is included as a reason for refusal.

#### **4.3.2 FSR and Height**

As detailed in the section of this report relating to the Principal Development Standards of the *Manly Local Environmental Plan 2013*, the proposed development is compliant with the applicable maximum height of buildings and floor space ratio controls.

#### **4.3.3 Allotment Sizes**

The proposed development makes use of, and does not alter, the existing allotment size, configuration, and dimensions.

#### **4.3.4 Access, Loading and Parking**

In accordance with the requirements of this control, the proposed development provides one loading bay, does not include parking in either of the Kenneth Road and Roseberry Street frontages, and provides a driveway of 5.7 metres in width (where the minimum is 5 metres).

#### **4.3.5 Setbacks**

The proposed development includes built form within the minimum 4.5 metre street frontage setback required by this control, as follows:

- Pylon sign 900 millimetres from the northern front boundary (Kenneth Road),
- Timber fence and retaining wall 2 metres from the northern front boundary (Kenneth Road),
- Driveway 2.8 metres from the northern front boundary (Kenneth Road), and
- Substation 1.5 metres from the eastern front boundary (Roseberry Street).

In the absence of objectives under this control, the objective of Clause 4.3 Development in LEP Zone B6 Enterprise Corridor of the Manly Development Control Plan 2013 (MDCP 2013) is addressed with respect to the above non-compliant elements.

*Objective 1) To minimise negative visual impact of development by limiting the size and scale of buildings and having regard to suitable landscaping.*

#### Comment:

The elements listed above that are within the 4.5 metre street frontage setback required by this control are of a location, design and scale that does not result in unreasonable visual impact. Each of the elements are well-located, in that they are set amongst meaningful landscaping, which assists to soften and offset the built form of the development.

Specifically, the pylon sign is set with three Gynea lily trees (which achieve a mature height of approximately 2 metres) to its east and west, the fence is set behind those Gynea lily trees and four additional trees (of species that achieve a mature height of approximately 6-8 metres), and the driveway is set below street level and is screened by those trees and additional shrubbery planting. The substation is a required for the operation of the proposed development, and is best left clear of vegetation in its immediate vicinity. In light of that, the substation is logically located in the south-eastern corner of the site, being an appropriate balance of easy access and reduced visual impact.

Further, Clause 4.4.3.3 (k) of the MDCP 2013 provides specific controls for pole/pylon signs, such as the one proposed under this application. Clause 4.4.3.3 (k) provides that a pylon sign must not project more than 1.2 metres over any road alignment, and, if it does project over any road alignment, it must be at least 2.6 metres above the ground where it so projects. It can be inferred that if a pylon sign is projecting into the road alignment, it must be (at least partially) within the street frontage setback area. As such, the MDCP 2013 contemplates this form of signage at the street frontage.

It should be noted that the proposed restaurant building (which ostensibly is the portion of the development that has the potential to create the most visual impact), is set 8.6 metres from the northern frontage of the site along Kenneth Road, and 16.2 metres from the eastern frontage of the site along Roseberry Street. The generous setbacks employed, in conjunction with the proposed landscaping arrangements, create a development of reasonably low visual impact in the context of the

area. This combined with the pylon sign being a maximum of 3.0m above the fence along Kenneth Road is satisfactory.

Given the above factors, the proposed development is consistent with the objective of Clause 4.3 and is acceptable despite the above-listed non-compliant elements.

#### **4.3.6 Drainage**

The objective of this clause is to ensure that any new development protects, maintains, and rehabilitates urban ecosystems including waterways and riparian land, given Burnt Bridge Creek runs through this historically 'industrial' area and the land in this locality is generally low-lying. The development application is supported by stormwater management plans prepared by a suitably qualified professional that demonstrate suitable stormwater management arrangements for the site. Council's Development Engineer is supportive of the proposed development, including with respect to stormwater management, subject to conditions of consent, which have been included in the recommendation of this report.

#### **4.4.1 Demolition**

This clause provides that, where development involves demolition (as in this case), the Applicant is to demonstrate that the degree of demolition considers any existing building on the land that should be retained and appropriately adapted in order to:

- a) Meet ecologically sustainable development principles by conserving resources and energy and reducing waste from any demolition process.
- b) Conserve the cultural heritage of the existing building and that of the locality.
- c) Comply with the requirements of the Northern Beaches Waste Management Guidelines.

The proposed development involves demolition of all existing structures on the subject site, so as to construct the proposed development, which cannot be accommodated in the current built configuration of the site. The development application is supported by a Site Waste Minimisation & Management Plan demonstrating that existing structures will be suitably and sustainably demolished, in accordance with the requirements of the Northern Beaches Waste Management Guidelines. The subject site does not contain any heritage-listed items, does not adjoin any heritage-listed items, and is not in a heritage conservation area, so is not of cultural heritage value.

#### **4.4.3 Signage**

This clause provides the controls for signage. An assessment of the relevant requirements under this control (abridged for brevity) is provided as follows.

##### **4.4.3.1 Controls for all Development Types**

- a) In relation to shopfronts, a maximum of 2 identification signs will be permitted per frontage*
- b) Excessive signage usually has an opposite effect to its original intention. The cluttering causes visual pollution and confusion to the observer.*
- d) The design of signs is to be integral to the architectural style and finishes of the building to which they are attached, rather than a "tack on" appearance.*
- e) Signs must not have an adverse impact on the streetscape in terms of unobtrusive design, colour, height, size and scale in proportion to building and other urban elements.*
- f) Signs should be located at a height which avoids impact from footpath maintenance vehicles and discourages vandalism.*
- g) Council will give due attention to all applications with respect to possible distraction of motorists due to illumination, position, colours, design and proximity to traffic lights. Signs must be maintained in*

*good and substantial repair and in a clean and tidy condition at all times.*

*h) In considering the illumination of signage, care is be given to avoid nuisance from glare and spillage of light which may impact on residents and passing traffic.*

Comment:

The proposed development includes two signs fronting Kenneth Road (signs S1 and S16A), and three signs fronting Roseberry Street (signs S2A, S6 and S15A), with a total of 8 signs proposed for the development, excluding necessary directional and safety signage. The proposed signage is not excessive in that the signage types, sizes and designs are varied, and are spread throughout the site. The signs are limited to a reasonable extent so as to provide a suitable balance between business identification for the restaurant premises, and consistency with the character of the area and the streets on which the site is located. Signs are well-located so as to provide suitable clearance for passing pedestrians and motorists, and allow for suitable maintenance. The signs are designed and sited such that they are not anticipated to result in distraction for motorists and can be easily maintained. Illumination of the proposed signage is limited to the hours of operation of the premises, and shall be installed such that they do not result in light spill nuisance to the nearby residential properties.

#### **4.4.3.3 Controls for Particular Development Types**

Signs above awning height

- c) Signs are not generally allowed above awning height and are to be located below the awning height rather than on the building facade above the awning.*
- d) Council will consider on merit, exceptions for signs above awning height applications that are:*
  - i) flush to the wall,*
  - ii) proportionate to the scale, size and height of the host building and adjoining buildings,*
  - iii) in keeping with the architectural design and finish of the building, and*
  - iv) considerate of the form and appearance of existing advertising and the shape and compactness of the proposed signage.*

Comment:

The proposed development includes five above-awning signs, being signs S2A, S3A, S5A, S15A, and S16A. Each sign is set flush to the wall on which it is located, is of a suitable size and scale with respect to the wall and the whole building, is in keeping with the architectural design and finishes of the building, and is consistent with the type, location and scale of other signage in the locality.

Fascia signs

- i) i) must not project above or below the fascia or return end of the awning to which it is attached,*
- ii) must not extend more than 0.3m from the fascia end of the awning, and*
- iii) unless the council otherwise approves, must not extend or project beyond a point 0.6m within the vertical projection of the kerb line.*

Comment:

The proposed development includes one fascia sign, being sign S4 on the southern elevation. The fascia sign does not project above or below the awning to which it is attached, does not extend beyond the ends of the awning, and is set 22 metres from the nearest street-fronting boundary (Roseberry Street), so does not project within 600 millimetres of the kerb line.

Pole or pylon signs

- k) i) must not project more than 1.2m over any road alignment,*
- ii) if projecting over any road alignment, the sign must be at least 2.6m above the ground where it so projects, and*

*iii) In the E3 Productivity Support zone, buildings set back from the street alignment may be accompanied by a freestanding pole sign, setback at an equivalent setback to that of any other existing pole signs. The number of pole signs should be limited to one sign per 10m of frontage. Signage size and shape will be considered on merit; but should not dominate the area of the building or the landscaped buffer area within the building line setback area.*

Comment:

The proposed development includes one pylon sign, being sign S1 in the north-eastern corner of the site, fronting Kenneth Road. The pylon sign is set 900 millimetres from the northern site boundary, so is wholly contained in the site and does not project into the road alignment. There are no other pole/pylon signs in the locality against which to compare the proposed pylon sign with respect to setbacks. An assessment of the setback of the proposed pylon sign is detailed in the section of this report relating to Clause 4.3.5 Setbacks of the MDCP 2013. The pylon sign is of a size, scale and design so as to provide suitable business identification for the restaurant premises, without resulting in visual dominance.

Projecting wall signs (horizontal)

*m) Where the height of a projecting wall sign is less than its width, the projecting wall sign must:*

- i) be erected at right-angles to the wall of the building to which it is attached,*
- ii) be at least 2.6m above the ground,*
- iii) have a maximum height of 500mm, and*
- iv) not project beyond a point within 600mm of the vertical projection of the kerb alignment.*

Comment:

The proposed development includes one horizontal projecting wall sign, being sign S6 on the eastern elevation. The sign is set at a right-angle to the eastern elevation, is set 2.4 metres above the ground, is 400mm in height, and is set 15.9 metres from the nearest street-fronting boundary (Roseberry Street), so does not project within 600 millimetres of the kerb line. With respect to its height above ground, the proposed sign is acceptable, given it is small in size (being for the identification of the take away food delivery collection area), set close to the eastern wall, and allows sufficient height for passage of pedestrians around the site.

Given the above, the proposed signage is acceptable with respect to the requirements of this control.

### **Schedule 3 - Part A1 - Parking Rates and Requirements for Vehicles**

Schedule 3 Parking and Access - Part A1 - Parking Rates and Requirements for Vehicles of the MDCP 2013 provides that car parking at a rate of 1 space per 40m<sup>2</sup> of serviced gross floor area is required for the proposed use, being a restaurant. The proposed development includes 114.5m<sup>2</sup> of serviced area, which triggers a requirement of 3 parking spaces. The proposed development provides 26 car parking spaces, being in excess of the requirements of the MDCP 2013.

### **Schedule 3 - Part A2 - Parking Rates and Requirements for Bicycles**

Schedule 3 Parking and Access - Part A2 - Parking Rates and Requirements for Bicycles of the MDCP 2013 provides that, for development which generates requirements for vehicular parking, bicycle parking stands are required at a minimum rate of one stand for every three car parking spaces with a minimum provision of one stand for each premise. The proposed development includes 26 parking spaces, which triggers a requirement of 9 bicycle stands. The proposed development includes 2 bicycle racks, capable of accommodating 4 bicycles. In the absence of objectives applying to this schedule, a general assessment of the proposed bicycle parking outcome is provided as follows.



As detailed in the section of this report relating to Schedule 3 Parking and Access - Part A1 - Parking Rates and Requirements for Vehicles of the MDCP 2013, the proposed development triggers a requirement of 3 parking spaces, and provides 26 car parking spaces, being far in excess of the requirements of the MDCP 2013. This also prompts a high number of bicycle parking stands (arguably unnecessarily). That is, if parking was provided on the basis of the the anticipated parking generation rates stipulated by the MDCP 2013, only 1 bicycle parking stand would be required according to the rate at Schedule 3 Part A2. The proposed development exceeds that minimum requirement with the inclusion of 2 bicycle racks, capable of accommodating 4 bicycles.

It should be noted that the subject site is in close proximity to the north-bound and south-bound Manly Vale B-line bus stops, being 75 to 110 metres walking distance away, respectively. The site's proximity to public transport is effective in offsetting the non-compliance without increasing reliance on car parking. Further, it is noted that Council's Traffic Engineer raises no concern with respect to the proposed provision of bicycle stands.

As such, the proposed development is acceptable with respect to bicycle parking and the non-compliance does not warrant refusal of the application.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2024**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2024.

A monetary contribution of \$39,191 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$3,919,072.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the

application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Inconsistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

## **PLANNING CONCLUSION**

This development application seeks consent for demolition of the existing structures on the subject site, and construction of a restaurant (McDonalds) and signage. The restaurant is proposed to operate from 5:00am to 12:00am midnight, seven days a week, with a 52-seat internal dining room and a drive-through ordering and takeaway facility. T

The application was notified in accordance with the Northern Beaches Community Participation Plan twice and received a total of 740 submissions, with all but two (2) submission in objection to the development. Accordingly, the application was referred to the Northern Beaches Local Planning Panel (NBLPP), given the classification of the development as 'contentious'.

Detailed consideration was given to the objectives of the E3 Productivity Support zone, the potential amenity impacts of the development, the proposed hours of operation, the proposed built form and signage, and the traffic impact of the development. This assessment report establishes that the proposed development does not satisfy the requirements of Councils Traffic Engineer and insufficient information has been provided to determine compliance with Clause 4.2.4 of the Manly DCP, does not satisfactorily resolve the hours of operation to limit unreasonable amenity impacts and is accordingly not in the public interest.

The proposal has therefore been recommended for **refusal**, subject to reasons set out in the report.

## **REASON FOR DETERMINATION**

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council , as the consent authority REFUSE Development Consent to Development Application No DA2025/0132 for the Demolition works and construction of a restaurant (McDonalds) including signage on land at Lot 100 DP 1199949,37 Roseberry Street, BALGOWLAH, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions the the Manly Local Environmental Plan 2013 - Zone E3 Productivity Support.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 1.7 Aims and Objectives of the Manly Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.2 *Privacy and Security* of the Manly Development Control Plan, as the proposed hours of operation result in unreasonable amenity impacts.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.2.4 *Car parking, Vehicular access and Loading controls for all LEP Business zones including B6 Enterprise Corridor* of the Manly Development Control Plan, as insufficient information has been provided to determine the proposals impacts on the road network.