



STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a new swimming pool
and landscaping

Lot 252/-/DP36412

72 Baringa Avenue

Seaforth 2092

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the construction of new swimming pool and landscaping on land identified as Lot 252/-/DP36412, 72 Baringa Avenue Seaforth 2092.

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description

The subject land is identified as Lot 252/-/DP36412, 72 Baringa Avenue Seaforth 2092. Located on site is an existing dwelling and is surrounded by dwellings of a similar size. Access to the site is via Baringa Avenue. The site is an irregular shape and has a site area of 594.4sqm.



Figure 1: Aerial Image of Site & Surrounding Area



Figure 2: Map of the subject site

1.2 Proposed Development

The proposed development involves the **construction of a new swimming pool and landscaping** and comprises of:

- New Grenada pool by scenic pools 7m x 3m
- New timber deck and open steel pergola
- New garden beds
- New screen planting
- Pool fencing

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.2.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

2.2.1.1 State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated, and

(b) If the land is contaminated, it 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, and

(c) 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.

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

SEPP Infrastructure 2007

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

2.2.1.2 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (LEP 2013) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R2 – Low Density Residential
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Permitted without consent	Home-based child care; Home occupations
Permitted with consent	<p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems</p>
Prohibited	Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3

Height of Building	The site is located in the Area with a 8.5m height of building limit
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	The site is located in a area with a prescribed floor space ratio of 0.45:1.
Minimum Lot Size	The site is located in the Area (500sqm) of the minimum lot size map.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Not identified as acid sulphate
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.

Clause 4.1 Minimum subdivision lot size

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 500sqm. The development is not for subdivision.

Clause 4.3 Height of buildings

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 8.5m. The proposed development complies with the standard.

Clause 4.4 Floor space ratio

The site is located within the 0.45:1 FSR Ratio area of the Floor Space Ratio Map. The proposed development complies with the FSR development standard.

Clause 4.6 Exceptions to development standards

The clause provides an avenue to seek a variation to development standards. It is noted that the development complies with all the LEP Development Standards.

Clause 5.10 Heritage conservation

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

2.2.2 Proposed Instruments - Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.2.3 Manly Development Control Plan 2013 - Section 4.15 (1)(a)(iii)

Manly Development Control Plan 2013 (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development	Control
<u>3 General Principles of Development</u>	
<p><u>3.1 Streetscapes and Townscapes</u></p> <p>3.1.1 Streetscape (Residential areas)</p> <p>3.1.1.1 Complementary Design and Visual Improvement</p> <p>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:</p> <ul style="list-style-type: none"> I. complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality; II. ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land; III. maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys; IV. avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features; V. address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations; VI. visually improve existing streetscapes through innovative design solutions; and VII. incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design. <p><u>Setback Principles in Low Density Areas</u></p> <p>b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.</p> <p>See also paragraph 3.3 Landscaping and paragraph 4.1.5 Open Space and Landscaping.</p>	<p>No change to existing streetscape.</p>

<p><u>Setback Principles in Higher Density Areas</u></p> <p>c) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments. See also paragraph 3.4 Amenity.</p>	
<p>3.1.1.2 Front Fences and Gates</p> <p>See also paragraph 3.2.3 Fencing for Heritage Items and Conservation Areas.</p> <p>See also paragraph 4.1.10 Fencing for height controls.</p> <p>a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.</p> <p>b) Boundary fences or walls must not be erected where they would conflict with the local character.</p> <p>c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.</p> <p>d) Gates must not encroach on public land when opening or closing.</p>	<p>No change to front fences.</p>
<p>3.1.1.3 Roofs and Dormer Windows</p> <p>See also paragraph 4.1.7.2 Habitable Rooms in the Roof Structure.</p> <p>See also paragraph 3.4.3 Views regarding roof forms to minimise view loss.</p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>N/A</p>
<p>3.1.1.4 Garages, Carports and Hardstand Areas</p> <p>a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:</p>	<p>N/A</p>

<ul style="list-style-type: none"> I. its roof form, material choice and detailing by being subservient to the associated dwelling; and II. being compatible with the streetscape and the location in relation to front setback criteria. <p>b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape</p>	
<p>3.1.1.5 Garbage Areas</p> <p>Buildings with more than 1 dwelling require garbage storage enclosures which are:</p> <ul style="list-style-type: none"> a) not visible off site; b) integrated into the building design; c) unobtrusive and blend in with the design of front fences and walls when forward of the building; and d) located and designed with consideration given to the amenity of adjoining properties. 	N/A
<p><u>3.2 Heritage Considerations</u></p> <p>This section applies to:</p> <p>Heritage Items and Conservation Areas listed in the LEP; development in the vicinity of heritage; and other development which may have potential heritage significance. If the property has merit as a potential heritage item the heritage controls and considerations of this plan will apply.</p>	N/A
<p>3.2.1 Consideration of Heritage Significance</p>	
<p>3.2.1.1 Development in the vicinity of heritage items, or conservation areas</p> <ul style="list-style-type: none"> a) In addition to LEP listings of Environmental Heritage (LEP Schedule 5), this DCP requires consideration of the effect on heritage significance for any other development in the vicinity of a heritage item or conservation area. b) Proposed development in the vicinity of a heritage item or conservation area must ensure that: <ul style="list-style-type: none"> I. it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place; II. the heritage values or character of the locality are retained or enhanced; and III. any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, 	N/A

<p>materials, colours and finishes and building/street alignments.</p> <p>c) The impact on the setting of a heritage item or conservation area is to be minimised by:</p> <ol style="list-style-type: none"> I. providing an adequate area around the building to allow interpretation of the heritage item; II. retaining original or significant landscaping (including plantings with direct links or association with the heritage item); III. protecting (where possible) and allowing the interpretation of any archaeological features; and IV. retaining and respecting significant views to and from the heritage item. 	
<p>3.2.1.2 Potential Heritage Significance</p> <p>If the property is assessed as having merit as a potential heritage item, the heritage controls and considerations in this plan will apply.</p>	N/A
<p>3.2.2 Alterations or Additions to Heritage Items or Conservation Areas</p> <p>See also paragraph 4.1.7 First Floor and Roof Additions (Residential Development Controls)</p>	N/A
<p>3.2.2.1 Complementary Form and Scale that Distinguishes Heritage Significance</p> <ol style="list-style-type: none"> a) Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained. b) Consideration should be given to whether making a house bigger will ruin its appearance. Additions to small houses can easily overwhelm them and use up garden space needed for private open space and impact the setting and pattern of development in the locality. Modest additions work best and can be organised as wings or pavilions to the existing house. All additions must be at the back of the house, not the front. 	N/A
<p>3.2.2.2 Retaining Significant Features and Landscape Setting.</p> <p>Note: Significant features in relation to this paragraph include roofs, detailing, brickwork, colours and original windows (size, proportion and type).</p> <p>Alterations or additions to heritage items or buildings within a conservation area must:</p> <ol style="list-style-type: none"> a) retain original and traditional roof form, roof pitch with any alterations to the roofs to be sympathetic to the style of the heritage item or building within a conservation area; 	N/A

<ul style="list-style-type: none"> b) retain original architectural detailing such as barge board, finial trim, window awnings and front verandas. New detailing must be complementary to the character of the item or place; c) retain original wall treatments and original cladding (including slate). Modifications to face brick dwellings must use the original style of bricks, window heads, mortar joints and other building details; d) not render or paint original face brickwork. In particular face brickwork where already so treated should be restored, where practical, to its original un-painted state; e) where surfaces are not originally face brickwork: <ul style="list-style-type: none"> I. any appropriate use of cement render is complementary to and consistent with the heritage architectural style and colour schemes and repainting must be articulated in the same manner as the original colour rendering of the building; II. external colour schemes are to be in keeping with the original character of the heritage building based where possible on physical or documentary evidence in keeping with the architectural style and period of the building; III. contemporary colours are not discouraged, but should be combined in a complementary way; and IV. single colour solutions are not permitted; f) avoid removal of original fabric in order to retain the integrity of the heritage item or conservation area; <p>Note: Given that the loss of any heritage item would likely reduce overall heritage values in Manly, the Council is unlikely to approve demolition unless the place is incapable of reasonable reuse or where it would not be technically feasible to make it useable. The Council is equally unlikely to approve demolition of a structure for the sole reason that it is in poor condition due to deferred maintenance or neglect.</p> <ul style="list-style-type: none"> g) ensure that any new windows are to be inserted into the existing fabric of a heritage building and be of a size, proportion and type of window that is compatible with the building's architectural style/period as shown in Figure 7; and h) retain and maintain contributory landscape settings for heritage items and ensure new landscaping is sympathetic to the heritage significance of the item or place. 	
<p>3.2.3 Fences for Heritage Items and Conservation Areas</p> <p>See also paragraph 3.1.1.2 in relation to streetscape principles for fences in residential areas.</p> <p>See also paragraph 4.1.10 in relation to general fencing controls.</p>	<p>N/A</p>

<p>a) Modifications to the front fence and garden of a heritage item or buildings within a conservation area must be designed and constructed in materials that contribute to and not detract from the historic style of the building and character of the streetscape.</p> <p>b) Original fences must be retained and refurbished, where possible. New fences will be sympathetic in colour, material, height and design and will not detract from the heritage significance of the building or locality.</p> <p>Note: Historical photographs can assist with identifying original fences. The Manly Local Studies Library resources are a valuable source of historical records.</p>	
<p>3.2.4 Setbacks of Garages and Carports for Heritage Items and Conservation Areas</p> <p>a) Garages and carports are not to be constructed forward of the building alignment of a listed heritage item or a building within a conservation area.</p> <p>b) Where lanes exist with vehicular access to the rear of the property; driveways, crossings and garages are not to be provided on the primary street frontage.</p> <p>Note: Suitably landscaped car parking hardstand areas may be considered forward of the building alignment under this paragraph.</p>	N/A
<p>3.2.5 Exceptions to Parking Requirements and FSR Development Standards for Heritage Developments</p> <p>See also Heritage incentives under LEP clause 5.10(10) Conservation Incentives.</p> <p>See also provisions for financial assistance by the Local Heritage Fund which aims to assist with appropriate conservation works. Funding guidelines and applications are available from Council.</p>	N/A
<p>3.2.5.1 Exceptions to Parking Requirements</p> <p>See also paragraph 4.1.6 & paragraph 4.2.4 regarding development controls for parking and access.</p> <p>a) Council may consider exceptions to providing the required onsite car parking for:</p> <ol style="list-style-type: none"> I. alterations and additions to a heritage item or a dwelling in a conservation area listed in Schedule 5 of the LEP, if the car parking adversely impacts on the item; or II. any other development of a listed heritage item in circumstances where Council is satisfied that the conservation of the item depends on Council allowing an exception to the parking requirement. 	N/A
<p>3.2.5.2. Exceptions to FSR Development Standards</p> <p>Note: FSR is a development standard in the LEP clause 4.4.</p> <p>See also paragraph 4.1.3 FSR in this plan.</p>	N/A

<p>Under LEP clause 4.6, Council may consider exceptions to the maximum FSR where 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' and where 'there is sufficient environment planning grounds' to justify contravening the development standard' See LEP clause 4.6(3).</p> <p>a) Council may consider an exception to FSR under the LEP in relation to determining a DA for consent to erect a building on land upon which there is a building which is an item of the environmental heritage where the conservation of the item depends on allowing the exception and the development does not adversely impact on the significance of the heritage item.</p> <p>In this regard, when calculating the floor space of the development, Council may consider excluding the floor space of the item of the environmental heritage when considering an exception to the LEP standard. However, such an exception will only be considered if Council is satisfied that the conservation of the item depends on Council allowing an exception to the FSR Development Standard in the LEP.</p>	
<p>3.3 Landscaping</p>	
<p>3.3.1 Landscaping Design</p> <p>See also Schedule 4 - Part B - Native Tree Selection</p> <p>See also Schedule 4 - Part C - Plant selection for energy efficiency</p> <p>See also paragraph 3.5 Sustainability.</p> <p>See also paragraph 4.1.5 Open Space and Landscaping.</p> <p><u>Landscape Character</u></p> <p>a) The design, quantity and quality of open space should respond to the character of the area. In particular:</p> <ol style="list-style-type: none"> I. In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore. II. In higher density areas: the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features. III. In areas adjacent to native vegetation: the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna. IV. In areas of habitat for the long-nosed bandicoot: (see paragraph 5.4.2), landscape design must include native plant species to provide new and/or improved low dense 	<p>The proposed development complies.</p>

<p>clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species such as Lomandra sp., Dianella sp., Banksia spinulosa, Caustis sp., Xanthorrhoea sp., Isolepis sp., Juncus sp., Adiantum sp., Calochlaena sp., Callistemon sp., Grevillea juniperina, Gleichenia sp., Grevillea 'Robyn Gordon' and tussocky native grasses (eg. Kangaroo Grass)</p> <p>b) <u>Planting criteria including Native Plant Species and Amenity</u></p> <ul style="list-style-type: none"> I. Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at paragraph 4.1.5.2 of this plan. II. The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants. III. Trees should be positioned in locations that minimise significant impacts on neighbours in terms of: <ul style="list-style-type: none"> - blocking winter sunlight to either living rooms, private open space or solar collectors; or - where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views <p>Undercroft areas</p> <p>c) Undercroft areas must be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and/or the retention of natural features and vegetation where possible, having regard to the volume of the space and its orientation. In relation to sloping sites (see also paragraph 4.1.8) and in lower density areas, any supporting undercroft structures must be minimised.</p>	
<p>3.3.2 Preservation of Trees or Bushland Vegetation</p>	<p>N/A</p>
<p>3.3.2.1 Requirements for Vegetation Clearing Permits</p> <ul style="list-style-type: none"> a) All trees are prescribed for the purposes of clause 5.9 of the LEP b) A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy any prescribed tree or bushland vegetation unless authorised by a current Development Consent. This includes damage to a tree or bushland vegetation by: <ul style="list-style-type: none"> i. damaging or tearing live branches and roots; ii. damaging the bark, including attachment of objects using invasive fastenings, the fastening of materials around the trunk of trees which may result in a detrimental impact on tree health; iii. tree topping, where large branches and/or the trunk of the tree is removed from the top of the trees canopy; 	<p>N/A</p>

<ul style="list-style-type: none"> iv. tree lopping, where branches are removed to reduce the height and spread of the tree. v. damaging the root zone of a tree by way of compaction, including storage and stockpiling materials; vi. changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling; vii. under scrubbing of bushland vegetation; viii. burning of vegetation (not part of a Hazard Reduction Certificate) ; or ix. any other act or activity that causes the destruction of, the severing of trunks or stems of, or any other substantial damage to, some or all of the native vegetation in an area. <p>c) Tree DAs are required for:</p> <ul style="list-style-type: none"> i. removal or cutting down of any tree over 5m in height; ii. pruning of more than 10 percent of a tree canopy. iii. the removal or cutting down of vegetation in “Bushland”. <p>d) The applicant must demonstrate that any tree to be removed as part of a Tree DA meets one or more of the criteria of the Removal of Tree Test in Schedule 4 - Part A of this plan and the Tree Retention Assessment in Schedule 4 - Part A1 of this plan. An arborist report may be required to satisfy this requirement</p>	
<p>3.3.2.2 Requirements for other DAs</p> <ul style="list-style-type: none"> a) Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees, understorey vegetation and remnant native ground cover species. b) Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided. c) Development must also avoid any impact on trees on public land. d) For DAs involving the construction of new buildings and works of Classes 2 to 9 (BCA), the information contained in Schedule 4 - Part A2 of this plan is to be submitted. e) Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10 (BCA), a Tree Protection Plan as per Schedule 4 - Part A3 of this plan is to be submitted. 	N/A
<p>3.3.2.3 Exceptions to Requirements</p> <ul style="list-style-type: none"> • Council may consider a variation to the requirements where Council is satisfied a tree or other vegetation: 	N/A

<ul style="list-style-type: none"> i. is dying or dead and is not required as habitat for native fauna; or ii. is a risk. • Trees can be removed or pruned without Council's authorisation of a Vegetation Clearing Permit which are: <ul style="list-style-type: none"> i. in an area in which the Council has authorised their removal as part of a hazard reduction program, where that removal is necessary in order to manage risk; ii. required to be removed under other legislation (including the NSW Rural Fires Act 1997 and the Environmental Planning and Assessment Act 1979); iii. removed by Rural Fire Services because they pose or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bushfire; iv. a tree where the immediate removal is essential for emergency access or emergency works by the Council, the State Emergency Service or a public authority; v. a tree in a container, other than in a planter box that forms part of a building, or in a container that is permanently fixed to a structure; or vi. a field-grown tree propagated as part of a commercial horticultural or agricultural enterprise. • Council's authorisation of a Vegetation Clearing Permit is not required for: <ul style="list-style-type: none"> i. the removal of any tree on the Exempt Tree Species List (see Figure 7A); ii. reasonable maintenance involving trimming and pruning of up to 10 percent of a tree's canopy within a 12 month period (all pruning works must be in accordance with Australian Standard AS 4373:2007 Pruning of amenity trees); iii. the pruning or removal of hedges (unless required by conditions of a development consent). iv. "Hedge" means groups of 2 or more trees that: <ul style="list-style-type: none"> - are planted (whether in the ground or otherwise) so as to form a hedge, and - rise to a height of at least 2.5m (above existing ground level); v. the removal of a tree, where the base of the trunk of the tree at ground level, is located within 2m of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building); 	
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<p>vi. the removal of deadwood from a tree;</p> <p>vii. removal of any species of parasite mistletoe or parasitic plant from any part of a tree to ameliorate the effects on the tree from such a parasite; or</p> <p>viii. the removal of trees which are considered a high risk / imminent danger to life and property by a Level 5 qualified arborist. These trees can be removed without Council consent by the owner of the tree subject to the owner obtaining written confirmation from the arborist that clearly states the following:</p> <ul style="list-style-type: none"> - The arborists qualifications: AQF Level 5 Arborist or equivalent; - That the tree(s) is declared a 'high risk' or is an imminent danger to life and property; - That immediate removal of the tree(s) is recommended; and - A copy of the report must be sent to Council for record keeping purpose. <p>Notes: A "significant tree" is a tree that is over 5m in height and, that impacts on the streetscape by virtue of its size, appearance, type, age, condition and heritage/cultural significance.</p> <p>The cutting down, pruning or removal by persons other than the owner must have written permission from the owner.</p> <p>All work must be carried out in accordance with the Australian Standards 4373-2007 "Pruning of Amenity Trees" and in accordance with the current NSW WorkCover Code of Practice - Amenity Tree Industry.</p> <p>The submission of an arborist's report may be required to satisfy Council that a tree is dead or dying or is a risk to human life or property.</p> <p>The impact of development on native vegetation can be minimised by:</p> <ul style="list-style-type: none"> • locating buildings to minimise the amount of disturbance of vegetation and landforms; • providing adequate distance between the drip line of the tree and development. This avoids destabilising and deoxygenating the tree, altering the drainage and helps ensure its preservation; • avoiding strip footings and slab on ground construction due to the impact on trees in close proximity. Suitable footing alternatives are as follows: <ul style="list-style-type: none"> – stump footings usually associated with lightweight construction on sloping sites; or – pier and beam footings as the beams are able to span the root systems and minimise tree root damage. Pier and beam footings also allow trees to be located closer to development where no other alternative exists 	
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<ul style="list-style-type: none"> • locating paved areas outside the drip line of trees and minimise paved area impact on the native understorey vegetation or native groundcover species; • minimising hard surfaces to allow water infiltration to the root system; • locating trenches outside the drip line of a tree; • adequately protecting and managing trees and vegetation during construction; and • protecting tree trunk bases with fencing or a tree barrier during construction. <p>For vegetation listed as threatened species, populations or ecological communities see the following for further information:</p> <ul style="list-style-type: none"> – Commonwealth legislation: Environment Protection and Biodiversity Conservation Act (1999) – State legislation: Threatened Species Conservation Act (1995) <p>Council does not encourage the following species to be planted: <i>Chamaecyparis</i> spp. (Cypress pine) and <i>Cupressus</i> spp. (Cypress pine).</p> <p>Figure 7A: Northern Beaches Council: Manly details Tree species which are suitable for removal without consent unless identified as a Heritage item or within a Heritage area. (3.3.2)</p>	
<p>3.3.3 Footpath Tree Planting</p> <p>The installation of footpath trees is supported to satisfy the aims of the former Manly Council's Tree Management Policy 2011. Also, in relation to footpaths adjoining LEP Zone B6 in Condamine Street plantings will be in a manner which discourages parking on the footpath.</p> <p>See also paragraph 9 of the Manly Tree Management Policy.</p>	N/A
<p><u>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</u></p> <p><u>Designing for Amenity</u></p> <ul style="list-style-type: none"> • Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises. • Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints. • The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with 	The proposed development does not impact on neighbouring sunlight, privacy or views.

industry standards. See also Council's Administrative Guidelines regards DA lodgement requirements for materials and finishes.	
3.4.1 Sunlight Access and Overshadowing 3.4.1.1 Overshadowing Adjoining Open Space In relation to sunlight to private open space of adjacent properties: <ul style="list-style-type: none"> a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June); or b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm. 	The proposed development does not overshadow the POS of neighbouring properties.
3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: <ul style="list-style-type: none"> a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June); b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June); c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above. 	N/A
3.4.1.3 Overshadowing Solar Collector Systems A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.	N/A
3.4.1.4 Overshadowing Clothes Drying Areas A minimum of 6 hours solar access be retained to a suitable clothes drying area.	N/A
3.4.1.5 Excessive Glare or Reflectivity Nuisance See also Council's Administrative Guidelines in relation to the lodgement of appropriate details of building material and finishes. All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.	N/A
3.4.1.6 Sunlight Access to Communal Living Areas See also paragraph 4.4.9 Boarding Houses	N/A

Communal Living Areas for residential accommodation involving more than 1 dwelling (including Boarding Houses) must receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter into at least 1 communal living room (where more than 1 communal living room area is provided).	
3.4.2 Privacy and Security See also Amcord Design Element 5.5 for acceptable solutions in meeting the objectives of this plan where this plan is otherwise silent. Amcord solutions are not to be adopted where they result in any non-compliance with this plan or in the case of Residential Flat Buildings are inconsistent with guidance in relation to visual privacy set out in Part 3F of the Apartment Design Guide.	N/A
3.4.2.1 Window Design and Orientation a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary. b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.	N/A
3.4.2.2 Balconies and Terraces a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy. b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.	N/A
3.4.2.3 Acoustical Privacy (Noise Nuisance) See also Noise Guide for Local Government prepared by NSW Department of Environment, Climate Change and Water in 2010. a) Consideration must be given to the protection of acoustical privacy in the design and management of development. b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas. c) Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration mitigation strategies and measures. See particular requirements for noise control reports for licenced premises below at paragraph g) below. <u>Licensed Premises</u> See also paragraph 4.2.5.6.c Late Night Venues in Manly Town Centre and Surrounds	

<p>d) LEP clause 6.21 provides for consideration of noise impacts from licensed premises being either new premises and places; or alterations and additions to existing premises. While 'licensed premises' are not defined in the LEP or DCP, the definition adopted from the Liquor Act refers to any premises (or places) that are licenced under the Liquor Act 2007. In this regard any DA where a licence is required for the sale of liquor must consider this clause.</p> <p>e) The types of development that may be licenced include Restaurants, Cafes, Clubs, Hotels, Pubs, Entertainment Venues, and Community Facilities and the like. The types of licences may be granted and held under the Liquor Act 2007 for such premises include hotel licences, club licences, small bar licences, on-premises licences and others. In relation to Licensed Premises the Liquor Act 2007 provides and regulates the liquor license approvals process administered by the Office of Liquor, Gaming and Racing. With particular reference to potential noise impacts from Licenced Premises, the the Standard Noise Criteria is applied by the Office of Liquor Gaming and Racing.</p> <p>f) In relation to the assessment process applicants are encouraged to lodge the DA and liquor license application simultaneously. While the Office of Liquor, Gaming and Racing will not issue an approval for a liquor license untill development consent has been granted by Council, effective consideration of matters such as noise impacts may be better resolved when dealt with concurrently.</p> <p>g) Noise Control reports are to be submitted with DAs for licensed premises for the management of patron noise (including patrons exiting the premises) and other offensive noise (including amplified music and plant and equipment noise emissions) emitted over the life of the development. The Noise Control report is to demonstrate to the satisfaction of Council that the activities carried out and related to the operation of the premises will meet the following requirements:</p> <ul style="list-style-type: none"> i. The La10* noise level emitted from the licensed premises must not exceed the background of noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) by more than 5dB between 7am and 12 midnight at the boundary of any affected residence. ii. The La 10* noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz to 8kHz inclusive) between 12 midnight and 7am at the boundary of any affected residence. iii. The noise level from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am or as 	
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<p>otherwise required under conditions of development consent.</p> <p>iv. Balconies, verandas, any roof top areas and any external access thereto must be closed to patrons between the hours of 10pm to 8am daily to minimise noise nuisance.</p> <p>Note: For the purposes of condition, the La10 can be taken as the average maximum deflection of noise emission from licensed premises.</p> <p>See also paragraph 3.9.3 Noise from Mechanical Plant.</p> <p>Note: Development proposals including changes of use may lead to new or exacerbated noise impacts. For example a new residential development may be located close to existing noisy activities or a new or intensified noisy activity may be proposed close to existing residential areas. Common noisy activities include commercial premises, main roads and some entertainment facilities.</p>	
<p>3.4.3 Maintenance of Views</p> <p>a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.</p> <p>b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.</p> <p>c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.</p> <p>Note: DA assessment is to determine the extent of, and impact on views at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces. Refer to Figure 11 - View Loss Assessment Diagram.</p> <p><u>Planning Principle</u></p> <p>a) The ultimate assessment of views and view loss in this plan must be in accordance the following planning principle established by the NSW Land and Environment Court as follows:</p> <p><i>“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i></p>	<p>The proposed development does not impact on existing views.</p>

<p><i>The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i></p> <p><i>The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</i></p> <p><i>The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."</i></p> <p>Note: In relation to the protection of views, LEP clause 4.3A also identifies specific locations on the LEP Height of Buildings Map where the height of the building (including the roof structure) must not exceed the highest level of the adjoining road frontage, generally at the crown of the road. Other height controls also apply to this land including wall and roof height and maximum number of storeys. See paragraph 4.1.2 of this plan.</p>	
<p>3.4.4 Other Nuisance (Odour, Fumes etc.)</p> <p>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, for example food premises near residential accommodation. Council may require a report to be prepared by an air pollution consultant specifying odour control and other air impurity control methods.</p>	N/A
<p><u>3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)</u></p>	

<p>Other sustainability measures are also broadly incorporated into other sections of this plan with sustainable design principles also considered in this plan in respect of the following:</p> <ul style="list-style-type: none"> a) Sustainability Report. See Council's Administrative Guidelines; b) Site and Context Analysis; See Council's Administrative Guidelines in relation to information gained from an analysis of the site and context that are relevant in addressing the passive solar design measures include: <ul style="list-style-type: none"> i. Solar access; ii. Building form; iii. Ventilation; iv. Solar shading in summer; v. Landscaping for energy efficiency; and vi. Subdivision. c) Provision of solar access solar shading devices. See paragraph 3.4.1.3. d) Sustainable timber specification. See Schedule 8; e) Landscaping. See Council's Administrative Guidelines, paragraph 3.3 & paragraph 4.1.5.; and f) Waste Management. See paragraph 3.8.3 for example Composting. 	
<p>3.5.1 Solar Access</p> <p>The purpose of this paragraph is to provide passive solar design principles and measures to optimise solar access through:</p> <ul style="list-style-type: none"> • Building Form, Design and Orientation; • Solar Shading Devices. <p>See also paragraph 3.4.1 Sunlight Access and Overshadowing, for provisions to minimise overshadowing of adjoining properties.</p>	N/A
<p>3.5.1.1 Building Form, Design and Orientation</p> <p>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.</p>	N/A
<p>3.5.1.2 Solar Shading Devices</p> <p>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</p>	N/A

<p>shading devices. The most effective way of controlling overheating of a dwelling is to prevent summer sun from reaching glazed areas.</p> <ul style="list-style-type: none"> 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. 	
<p>3.5.2 Energy Sources and Systems</p> <p>See also paragraph 3.4.1.3 Overshadowing Solar Systems.</p>	N/A
<p>3.5.2.1 Photovoltaic solar cells</p> <p>Electricity from solar power is an environmentally friendly alternative to electricity produced by other sources, such as coal, that produce greenhouse gases. Photovoltaic solar cells can be used with mains electricity to provide household electricity and pump surplus power back into the electricity grid. Where a development application is for multi-storey apartment buildings, a centralised system, with separate meters for each unit is encouraged.</p> <p>The solar panels are typically mounted on the roof and face towards the sun (north) to absorb the energy from sunlight. There is an industry standard for the connection of rooftop photovoltaic systems to the grid. The use, location and placement of photovoltaic solar panels should take into account the potential permissible building form of adjacent properties.</p> <p>Salt corrosion resistant panels are recommended for areas which are exposed to the sea air.</p>	N/A
<p>3.5.2.2 Solar Hot Water Systems</p> <ul style="list-style-type: none"> a) A solar hot water system is to be installed in all new residential buildings and in major renovations that require a new hot water system, except in situations where the applicant can demonstrate that a solar water heater is unsuitable. Where considerable difficulty is experienced Council will consider the use of a heat pump system in lieu of a solar water heater or a combination of both. b) Solar hot water systems must achieve a minimum energy performance of 60 percent solar gain as measured by the Australian Standard for solar hot water systems AS 4234-1994 "Solar water heaters - Domestic and heat pump - Calculation of energy consumption". c) Hot water systems must have thermostatic controls and tanks and pipes should be insulated. 	N/A

<p>Note: Federal Government legislation prevents the installation of electric storage hot water systems in any existing detached or attached residential dwelling in favour of three alternative electric heat pump, solar or gas technologies. Working electric hot water systems do not have to be replaced until the unit fails. This legislation does not cover multi-unit residential or non-residential buildings.</p>	
<p>3.5.2.3 Trigeneration and Cogeneration <u>Cogeneration</u> means the use of a power generator (for example, gas turbines) to simultaneously generate both electricity and useful heat. The heat may be used for various applications such as space heating or water heating. <u>Trigeneration</u> means use of the waste heat to provide cooling similar to cogeneration. If the demand for cooling is high, the waste heat of the electricity generation process can be transformed into cooling energy by an absorption chiller. Trigeneration can be a cost-effective option, for certain developments such as major data centres requiring both onsite electricity generation with large year-round cooling requirements. Cogeneration and trigeneration systems can vary in size from large scale power stations to modular units for individual buildings. The cost-effectiveness of cogeneration and trigeneration varies greatly according to the specific power, heating and cooling requirement of the site or business.</p>	N/A
<p>3.5.2.4 Space cooling - Ceiling fans a) Ceiling fans can be used in summer or winter. In winter, fans move hot air from the ceiling area down to the floor especially in rooms with high ceilings. Reverse speed fans can be used as heat shifters in winter. In summer fans provide cooling breezes cooling the body as air moves over the skin, increasing heat loss by convection and evaporation. b) In Manly, a well-designed house may not need the cost and installation of an air conditioning system for the few uncomfortably hot days we experience per year. All that may be needed for those days is a fan or ceiling fan. A well designed house can reduce cooling requirements and costs to a minimum and fans can provide a high level comfort on most hot days at a very low running cost. c) Passive methods of minimising heat gain include window shading; appropriate insulation; and weather seals preventing hot air infiltration and cross ventilation to provide natural cooling by opening windows and doors when the outside temperature is cooler than the inside temperature. See also paragraph 3.5.3 Ventilation. d) If a space cooling system is to be used, consideration needs to be given to the size and location of rooms to be cooled, health considerations (for example dust, noise, dry/ humid air), the location of the system and the environmental impact of the system on adjacent buildings</p>	N/A
<p>3.5.3 Ventilation Building design that provides natural ventilation/cooling during summer is an important consideration in the design stage of new building works. Ventilation is also necessary for the good health of buildings by replacing</p>	N/A

<p>internal air which may contain carbon dioxide, damp and contaminants with fresh outside air.</p> <p>This paragraph provides passive solar design principles and measures to optimise natural ventilation through:</p> <ul style="list-style-type: none"> a) building design and orientation to prevailing wind; and b) the location and area of permanent openings, windows and doors. 	
<p>3.5.3.1 Building Design and Orientation to prevailing wind</p> <ul style="list-style-type: none"> 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. 	N/A
<p>3.5.3.2 Location and area of openings</p> <ul style="list-style-type: none"> 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. d) Rooms in residential flat buildings which access exposed balconies are to include a separate opening window as well as a door. 	N/A
<p>3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)</p> <p>The Federal Government has mandated a phase out of incandescent lighting technology and placed minimum standards on fluorescent lamps; however, there are additional ways to achieve emissions reduction in lighting energy consumption and energy consumption from appliances in Manly which are outlined below (for non-BASIX buildings and are encouraged in buildings to which BASIX applies, where requirements exceed BASIX standards):</p>	
<p>3.5.4.1</p> <p>New and replacement installed electrical appliance must be rated no less than one star below the maximum available for that appliance type on the Energy Star rating schemes at the time of installation</p>	N/A
<p>3.5.4.2</p> <p>New or replacement air conditioning units are to have a minimum 4 star energy rating for cooling only. Reverse cycle air conditioning units are to</p>	N/A

have a minimum of 4 star rating on one cycle and 3 star rating on the alternate cycle.	
3.5.4.3 New gas heaters must be rated no less than one star energy rating below the maximum available at the time of installation.	N/A
3.5.4.4 Demand reduction lighting technologies and energy efficient lighting must be used including: <ul style="list-style-type: none"> i. high energy efficient lamps including LED lights, compact fluorescent lights or tubular quad phosphor and troposphere fluorescent lamps with high frequency ballasts instead of tungsten 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 a) the relationship between the building and the garden landscaping needs to be considered at an early light bulbs (i.e. standard bulbs); b) appropriate lighting lux levels relative to the use of different areas (for example, high lighting levels should be provided for workstations and service areas. (Refer to AS1680 Lighting Standards); c) Fitting controls to ensure lights are not left on when not required, including automated lighting controls, movement sensors, timers, lux level sensors and voltage reduction units; and d) Providing energy efficient lighting such as solar, metal halide or sodium discharge lamps for the security of external spaces, such as car parks and controlling external lighting by time and movement sensors. 	N/A
3.5.5 Landscaping 3.5.5.1 Considerations in Plant Selection and Landscaping Design <ul style="list-style-type: none"> a) Matters to consider in selecting trees and vegetation best suited to conserving energy in buildings include: <ul style="list-style-type: none"> i. adaptability to site conditions i.e. size of block, soils, microclimate (wind, sun and shade pattern, slope, 	The plants for the proposed development are chosen to best suit the site and climate.

<p>proximity to existing vegetation, building services, water requirements);</p> <ul style="list-style-type: none"> 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. <p>b) Landscaping should generally contribute to energy efficiency by:</p> <ul style="list-style-type: none"> 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. 	
<p>3.5.6.1 NABERS Rating Scheme</p> <p>The Sustainable Development Authority previously developed a scheme known as the Australian Building Greenhouse Rating Scheme. The Scheme has since been formed into the National Australian Built Environment Rating Scheme (NABERS) and is managed by the NSW Office of the Environment and Heritage.</p> <p>The NABERS scheme covers offices and commercial tenancies, selected hotels, shopping centres and homes. The scheme is being developed for hospitals, schools and data centres.</p> <p>The key environmental categories covered under NABERS include:</p> <ul style="list-style-type: none"> a) Energy use and greenhouse emissions; b) Water use; c) Waste; and d) Indoor environment. <p>The NABERS scheme is voluntary; however, Federal Legislation requires building owners selling or leasing commercial office floor space greater</p>	<p>N/A</p>

than 2000sqm to disclose their NABERS rating through a Building Energy Efficiency Certificate.	
<p>3.5.7 Building Construction and Design</p> <p>Building design is to apply fundamental principles in achieving energy efficiency in terms of the following:</p> <ul style="list-style-type: none"> • environmentally sound building materials; • thermal mass; • glazing; • wall and roof colour; and • insulation. 	N/A
<p>3.5.7.1 Environmentally Sound Building Materials</p> <p>a) Where possible, reuse existing site materials and materials that have a low embodied energy. That is, materials that have the least impact on the environment in production.</p> <p>b) Building materials should be selected to increase the energy efficiency of the building, and to minimise damage to the environment. In particular, the use of plantation and recycled timber is encouraged and no rainforest timbers or timbers cut from old growth forests are to be used in Manly. Building Specification for timber should specify plantation or regrowth timbers, or timbers grown on Australian farms or State Forest plantations, or recycled timbers. Recommended building timbers are located at Schedule 8 of this plan.</p> <p><i>Note: Whilst the commercial considerations of choice of building materials are generally influenced by availability, economy and market considerations, greater energy efficiency and environmental sustainability can be achieved by careful choice of building materials.</i></p> <p>c) Material choice should also take account of environmental considerations, namely:</p> <ul style="list-style-type: none"> i. abundant or renewable resources; ii. energy efficient materials, with low embodied energy; iii. recycled materials; iv. non-polluting materials; v. environmentally acceptable production methods; vi. durable materials, with low maintenance; and vii. recyclable and reusable materials. <p>d) Wood certified by the Forest Stewardship Council known as 'Good Wood' must be utilised where possible. The Forest Stewardship Council sets the international standard for credible forest management and chain of custody certification and</p>	N/A

<p>remains the most widely recognised and best regarded in the world.</p> <p>e) 'Good Wood' is certified by the Forest Stewardship Council and comes from ethically and ecologically sustainable sources. Buying Good Wood tells companies there is no market for illegal and destructive timber and forces them to act responsibly.</p>	
<p>3.5.7.2 Thermal mass</p> <p>See also the Building Code of Australia Section J - Part 1 Building Fabric.</p> <p>a) For the construction of buildings, use materials that have a good thermal mass, such as bricks, concrete and stone. These materials should be used where they can benefit the thermal comfort and energy efficiency of a dwelling. To be effective, materials with thermal mass should be located:</p> <ol style="list-style-type: none"> inside the insulated fabric of the house; in north facing rooms, where they can benefit from winter heat gain. <p>b) Manly's temperate climate means that the storage of heat through thermal mass is an important factor in achieving 'thermal comfort' in the home.</p> <p>c) Achieving thermal mass in the building envelope as illustrated in Figure 18 is important for both:</p> <ol style="list-style-type: none"> heat gain in winter. Internal walls with thermal mass can soak up heat from the sun through north-facing windows. During the night, this heat is released back into the rooms; heat release in summer. The thermal mass soaks up excess heat in the building. During the night this heat is slowly released. 	N/A
<p>3.5.7.3 Glazing</p> <p>Notes: The thermal performance of a building relies upon a balance of <i>thermal mass materials, and the area of glass exposed to sunlight. The northern orientation of major glazed areas should receive maximum solar radiation (heat gain) during winter, and a minimum amount during summer.</i></p> <p>Windows should be rated under the Window Energy Rating Scheme and Building Code of Australia Section J - Part 2 Glazing.</p> <p>a) <u>Clerestory windows and skylights:</u></p> <p>Where sun penetration is required to the southern parts of the house, glass roofs, skylights, or clerestory windows can be used. However, they must be shaded in summer to reduce excessive heat gain.</p> <p>b) <u>Orientation of living spaces:</u></p>	N/A

Where a dwelling's living spaces are orientated northwards, aim to achieve a glazed area of up to 30 percent of the dwelling's floor area in this direction.	
<p>3.5.7.4 Insulation</p> <p>See also Building Code of Australia Section J - Part 1 Building Fabric.</p> <ul style="list-style-type: none"> a) Bulk insulation: such as glass fibre, rock wool and foamed plastics reduce conducted heat flow. This is achieved by the material itself and air trapped between its fibres or particles resists heat conduction. b) Reflective insulation: reduces radiant heat flow by reflecting most of the radiation on the warm side and not emitting much on the cool side. Effective reflective insulation needs to be used in conjunction with an air space. c) Draught proofing: In winter, draughts can cause a heat loss of around 20 percent in homes with insulated ceilings. In summer, hot air leaking into a building can be uncomfortable. To reduce heat loss/gain from a building, provide adequate draught excluders or weather-stripping to all windows and doors. d) Fitted curtains with pelmet: To reduce heat loss in winter and heat gain in summer, fit internal close fitting curtains with pelmet. e) Wall and roof colour Lighter colours are preferred for wall and roof materials. Dark walls and roofs absorb heat, light walls and roofs reflect heat. This phenomenon is particularly important in summer where solar radiation is absorbed by the roof and walls, heating the building. f) Pipes and storage tanks Pipes and storage tanks should be insulated for hot water systems. 	N/A
3.5.8 Water Sensitive Urban Design	
<p>3.5.8.1 Principles of Water Sensitive Urban Design</p> <p>Under LEP clause 6.4 Stormwater Management, the principles of Water Sensitive Urban Design to be considered in granting development consent for any development in residential, business and industrial zones are summarised as follows:</p> <ul style="list-style-type: none"> a) protection and enhancement of natural water systems (including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater systems) and riparian land; b) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments; 	N/A

<ul style="list-style-type: none"> c) minimisation of harmful impacts of urban development by mimicking natural water runoff regimes where possible and appropriate; d) integration of vegetated stormwater treatment and harvesting systems into the landscape in a manner that maximise visual and recreational amenity of urban development and also provides water quality benefits; e) reduction in potable water demand through water efficiency and rainwater and stormwater harvesting; and f) location of water quality and stormwater treatment measures outside riparian land. 	
<p>3.5.8.2 Water Sensitive Urban Design Targets</p> <p><u>Stormwater Quality Management</u></p> <ul style="list-style-type: none"> i. For all development, the impervious areas that are directly connected to the stormwater system should be minimised. ii. For development requiring a Water Sensitive Urban Design Strategy under Council's Administrative Guidelines the following reductions in post development average annual loads of pollutants are required: <ul style="list-style-type: none"> - 90 percent reduction in the post development average annual load of Gross Pollutants (greater than 5mm); - 80 percent reduction in the post development average annual load of Total Suspended Solids; <ul style="list-style-type: none"> - 60 percent reduction in the post development average annual load of Total Phosphorus; and - 45 percent reduction in the post development average annual load of Total Nitrogen. <p>Note: <i>The post development annual load should be determined by the applicant and presented to Council in a Water Sensitive Urban Design Strategy, along with a description of the measures used to achieve the reduction target.</i></p> <p>Legislated pollution reduction targets are not currently established by the NSW Government but guidance is provided to Councils through the NSW Government Sydney</p> <p><u>Water Conservation</u></p> <ul style="list-style-type: none"> i. Buildings that are not affected by Building Sustainability Index (BASIX) that are installing any water use fittings must demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards Scheme. Minimum ratings recommended under this scheme include: <ul style="list-style-type: none"> - 3 star showerheads; - 3 star urinals; - 4 star dual-flush toilets; and 	

<ul style="list-style-type: none"> - 4 star taps (for all taps other than bath outlets and garden taps). <p>ii. Water efficient washing machines and dishwashers are to be specified and used wherever possible.</p> <p>iii. Industrial and commercial developments must supply 80 percent of their non potable demand using non potable sources. This shall include the use of rainwater as the primary source and be supplemented by recycled water only in instances where rainwater cannot meet 80 percent of the demand. Where the 80 percent demand threshold cannot be met, the use of non potable sources shall be maximised and will be considered on a merits basis by Council.</p> <p>Notes: <i>Examples of non potable demand includes toilet and urinal flushing, washing machines, garden watering (irrigation), vehicular washing, ornamental ponds and cooling tower top up (see Blacktown Council WSUD and Integrated Water Cycle Management DCP). The percentage of proposed roof area directed to a rainwater tank must be maximised to increase the effectiveness and reliability of the reuse system. Water use within public open space (for uses such as irrigation, water features, public amenities etc.) is to be supplied from alternative sources to meet a minimum of 80 percent of the demand and treated to NSW State Government and Commonwealth Government standards (see Interim Reference Guideline for the South East Queensland Concept Design Guidelines for WSUD for Sydney).</i></p> <p><u>Groundwater Quality Management</u></p> <p>I. Consideration must be given to this paragraph in relation to all development to which this paragraph applies consistent with the spirit and principles of the NSW State Groundwater Policy and 'The NSW State Groundwater Policy Framework Document'.</p>	
<p>3.6 Accessibility</p> <p>3.6.1 Application of Legislation for Accessibility</p> <p>All DAs are to have regard to state and federal accessibility requirements, particularly residential development with more than 4 dwellings and non-residential development. Relevant legislation and its application are summarised below.</p>	N/A
<p>3.6.1.1 The Disability (Access to Premises - Buildings) Standards 2010</p> <p>a) The purpose of the Disability (Access to Premises - Buildings) Standards 2010 referred to as the 'Premises Standards' is to:</p> <ul style="list-style-type: none"> i. ensure that reasonable, achievable, equitable and cost effective access to buildings, and facilities and services within buildings, is provided for people with disabilities; and ii. give certainty to building certifiers, building developers and building managers that access to buildings is provided in accordance with the Premises Standards, to 	N/A

<p>the extent covered by the Standards, it will not be unlawful under the Disability Discrimination Act 1992.</p> <p>b) Development requiring a construction certificate or complying development certificate needs to comply with the Premises Standards, unless an exception or concession under the Premises Standards applies. Furthermore it is a statutory condition of development consent and of complying development certificates that work be carried out in accordance with the access provisions in the Building Code of Australia, as per clauses 98 and 136A of the Environmental Planning and Assessment Regulation.</p>	
<p>3.6.1.2 The Building Code of Australia and Australian Standards</p> <p>a) In relation to new development, the building classes required to comply with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 are at Schedule 5 of this plan. Other development that increases the public usage of the premises must also comply with the same requirements as new development such as for a building where a new service is provided to the public such as a restaurant, hotel, and retail or health services.</p> <p>b) In relation to development involving alterations and additions, development, compliance with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 is required:</p> <ol style="list-style-type: none"> I. where an applicant proposes substantial changes or alterations to over 50 percent of an existing building; or II. if an applicant is able to demonstrate an alternative design solution. See paragraph 3.6.2. <p>c) The provisions of this plan do not apply to development that:</p> <ol style="list-style-type: none"> I. does not require a DA and approval under the Building Code of Australia; II. is a Class 1a or Class 4 buildings; and III. is building work where there is no identified barriers to access such as maintenance, repair and replacement works. 	N/A
<p>3.6.1.3 The Disability Discrimination Act 1992</p> <p>Under the Disability Discrimination Act, where the public can legally access, then it must be accessible to people with disabilities.</p>	N/A
<p>3.6.2 Consideration of exceptions and standards to access requirements</p> <p>Section 23 of the Disability Discrimination Act 1992 recognises that it may not be possible or fair to enforce the requirement of access to premises in all situations.</p>	N/A
<p>3.6.2.1 Part 4 of the Premises Standards - Unjustifiable Hardship Exemption</p>	N/A

<p>Part 4 of the Premises Standards outlines exceptions and concessions stating that it is "not unlawful for a person to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the person." An application for an exemption to the Premises Standards on the basis of unjustifiable hardship may arise in relation to a new building, or work to an existing building, including the 'new part' or the 'affected part'.</p>	
<p>3.6.2.2 General DA Requirements for Access</p> <p>All development that is subject to this plan must have an access checklist and/or access statement and as detailed at Council's Administrative Guidelines (Lodgement Requirements). The checklist is to confirm that the proposed development complies with relevant access requirements and an Access Statement is lodged to deal with any variation to provisions.</p>	N/A
<p>3.6.2.3 Alternative Solutions</p> <p>An alternative or partial solution is preferred under this plan over a total exemption from the requirements of access. An alternative solution may be accepted if it demonstrates that it satisfies the performance criteria of either the Building Code of Australia or relevant standard.</p>	N/A
<p>3.6.2.4 Access to heritage items</p> <p>To assist in investigating all available options in reducing impacts of services or improving or providing access to a place, some useful resources are listed at Schedule 5 to this plan.</p> <ul style="list-style-type: none"> a) Proposals that affect a heritage place will be assessed in terms of the heritage significance of the place, in accordance with relevant legislation, relevant development control plans, conservation management plans (where the place is state significant) and the merits of the proposal. b) DAs for access works to a heritage place should be accompanied by a Statement of Heritage Impact which addresses all issues regarding the proposal and impacts on the heritage significance of the place. All alternative options to the proposal should be well detailed and documented in the statement. The NSW Heritage Office provides guidelines for Statements of Heritage Impact on their website at www.heritage.nsw.gov.au. 	N/A
<p>3.6.3.1 Accessible (Adaptable) Accommodation Requirements</p> <p>Access in accordance with AS4299 - Adaptable Housing must be provided to at least 25 percent of dwellings within residential accommodation containing 4 or more dwellings.</p> <ul style="list-style-type: none"> a) The provision of any required Adaptable Housing need to be demonstrated in the DA drawings. In particular, the following building features are to be included for adaptable housing: <ul style="list-style-type: none"> i. Provision of plans showing the dwelling in its pre-adaptation and post adaptation stages; 	N/A

<ul style="list-style-type: none"> ii. A continuous accessible path of travel from the car space to and within the adaptable dwelling and to common facilities; iii. Provision of an adaptable parking space of at least 3.8m wide; iv. Circulation space to allow potential wheelchair manoeuvrability externally and internally; v. Modular kitchen cabinetry; vi. Easily adjustable bathroom facilities; vii. Easy to use laundry facilities; viii. Easy use of Garbage facilities by mobility impaired residents; and ix. Easy egress in case of emergency. <p>b) Council's DA determination may condition that the required adaptable units be certified to meet the essential design elements listed in Australian Standard - AS4299. In this regard, applicants will need to submit sufficient design and construction details with the DA that demonstrate that the development is capable of satisfying future levels of access - post adaptation to meet access requirements including full wheelchair accessibility.</p> <p>c) In relation to Backpackers' Accommodation at least 1 room capable of accommodating 4 people should be adaptable for access to a person with a disability. Kitchen facilities should also be capable of being used by a person with a disability. Toilet and shower rooms should be provided of suitable design and dimension to allow ease of use by a person with a disability as required by Australian Standard - AS 1482.</p>	
<p>3.6.3.2 Car Parking Facilities</p> <p>Reference: AS2890.1 and Building Code of Australia.</p> <ul style="list-style-type: none"> a) This plan specifies parking rates for people with disabilities (which may exceed the Building Code of Australia in certain circumstances). All development involving a new or refurbished building must provide parking for people with disabilities at a rate of at least: <ul style="list-style-type: none"> I. 1 car parking space for development comprising at least 10 spaces and less than 50 spaces II. 2 car parking spaces for development comprising at least 50 spaces and less than 100 spaces and 1 additional car for every 50 spaces thereafter. 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. See Schedule 3 Minimum Dimension for further access requirements. 	N/A

<p>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.</p> <p>d) Notices must be displayed in parking stations at the entrance and at each change in direction including the location of car parking spaces for people with disabilities and also detailing the maximum headroom for vehicles.</p>	
<p>3.6.3.3 Lifts</p> <p>Reference: AS1735.12 and Building Code of Australia.</p> <p>In addition to the requirements in accordance with AS1735.12, the provision of a vertical lift is to be considered for all buildings containing adaptable housing as required in this plan.</p> <p>Building Code of Australia requirements for the lift dimensions are at least 1.1m by 1.4m.</p>	N/A
<p>3.6.3.4 Sanitary Facilities</p> <p>Reference: F2.4 (Building Code of Australia), AS1428.1 cl.10 and AS1428.2 cl.15</p> <p>a) At least one uni-sex sanitary facility accessible for a person with a disability must be provided in all new or refurbished buildings.</p> <p>Exceptions to requirement for small shops and restaurants</p> <p>b) In relation to small shops and restaurants, Council may vary the requirement for sanitary facilities in circumstances where there may be existing shared toilet amenities available for these smaller premises. Where provision of an accessible toilet facility is not achievable the applicant must submit an access statement in accordance with this plan. Council acknowledges that retail uses with a floor space of under 50sqm, are particularly constrained by the building envelope to provide compliant accessible toilet facilities. In this regard the floor space required for the sanitary facility may be 10sqm alone.</p> <p>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.</p>	N/A
<p>3.6.3.5 Continuous Accessible Path of travel</p> <p>Reference: AS1428.1 cl.5 & AS1428.2 cl.7.</p> <p><u>New buildings</u></p> <p>a) In relation to all new buildings, a continuous accessible path of travel is required to:</p> <p style="padding-left: 40px;">I. the main entrance and exit points of the building; or</p>	N/A

<p>II. the public areas of the building including colonnades, plazas, tunnels and bridges and to all shops, restaurants and other services of a retail or service nature excluding residential accommodation comprising less than 5 dwellings.</p> <p><u>Alterations and additions</u></p> <p>b) In relation to alterations and additions, a continuous accessible path of travel is required to:</p> <ul style="list-style-type: none"> I. all existing buildings or developments where this plan applies if it is proposed to carry out substantial alterations; II. a principal entrance if substantial alterations to the main entrance are proposed; and III. public areas if it is proposed to carry out a substantial intensification of use. <p>In no case should alterations result in a decrease in access.</p> <p><u>Mixed use development</u></p> <p>c) In relation to mixed use development, a continuous accessible path of travel will be required to the main entrance and to the relevant floors of all residential buildings if it is proposed to use part of the building for an office, shop or other commercial use which would be open to the public.</p> <p><u>Interface with public areas</u></p> <p>d) In relation to where private development encroaches upon the public domain to achieve equitable access via a ramp or tactile ground surface indicators then the applicant should obtain consent from Council prior to lodgement of a DA</p> <p><u>Entrances to buildings</u></p> <p>e) Entrances to buildings should be kept free of clutter at all times.</p> <p>Note: <i>This is particularly important in the case of shops where in many instances merchandise and other items on display near the entrance present an obstacle to people entering or leaving the shop.</i></p> <p><u>Obstacles in corridors</u></p> <p>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. Similarly, corridors and aisles within shops should be free from obstructions which would make their use difficult or impossible for people with disabilities.</p>	
<p><u>3.7 Stormwater Management</u></p> <p>The following consideration and requirements apply to the management of stormwater:</p>	<p>The proposed development is</p>

<ul style="list-style-type: none"> a) In support of the purposes of LEP clause 6.4(3), all developments must comply with the Council's 'Stormwater Control Policy' (see Council Policy Reference S190). The standards to achieve the controls contained in the Stormwater Control Policy are provided in Council's "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater management measures are to be implemented and maintained in accordance with the Specification for Stormwater Management; b) Stormwater disposal systems must provide for natural drainage flows to be maintained; c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical; d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and f) In relation to development in the LEP Zone B6 Enterprise Corridor, Burnt Bridge Creek runs through this land. Land in this locality is also generally low-lying. In this regard stormwater runoff from new developments in these LEP zones must be limited to that currently existing for the site for a 1 in 5 year storm or 40 litres per second whichever is the least, unless the drainage system is demonstrated to be sufficient for unimpeded discharge for a fully developed catchment area. Developers should assess whether their land warrants additional drainage considerations because of its location. The NSW Government Floodplain Development Manual may be useful in this assessment. 	<p>connected to existing stormwater services.</p>
<p>3.8 Waste Management</p> <p>3.8.1 Waste and Recycling Storage Areas</p> <ul style="list-style-type: none"> a) Garbage storage areas must be of sufficient size to store the number of bins required by Council, being: <ul style="list-style-type: none"> i. For single dwellings and duplexes and multi-unit dwelling with individual waste and recycling storage areas: 1 x 80 litre bin for residual waste, 2 x 120 litre bins for paper and co-mingled (container) recycling, 1 x 240 litre bin for vegetation recycling. ii. For multi-unit dwellings where there is a common waste and recycling storage area, Council allocates a 240L general waste bin, a 240-litre paper recycling bin and a 240 litre co-mingled (container) recycling bin to be shared by every 4 residential dwellings. Provision for space for a 240-litre vegetation bin should be included where such bins are allocated. 	<p>N/A</p>

<ul style="list-style-type: none"> iii. For mixed use developments: The building must include no less than two independently designated areas or garbage rooms for commercial and residential occupants; to keep commercial waste and recycling separate to residential waste and recycling. iv. For commercial developments: Council does not provide a waste collection service for commercial developments. It is recommended that private waste contractors are consulted early in the development process to ensure that garbage storage areas are adequately designed. b) Any waste storage facility must be architecturally designed to reflect the design style of the proposed /existing building and not detract from the visual amenity and streetscape character in the immediate vicinity. And should also be wholly contained within the property and not placed on any leased or Council land. In this respect, the storage facility must be screened from the street frontage in a manner that improves the streetscape appearance of the facility 	
<p>3.8.2 Demolition and Construction Waste Management</p> <p>Requirements for the management of wastes, particularly in relation to the demolition of buildings are as follows:</p> <ul style="list-style-type: none"> a) Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval; b) Any material moved off-site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1998; c) Demolition and construction waste dockets demonstrating lawful disposal of waste must be retained onsite and kept readily accessible for inspection by regulatory authorities such as Council, the Environmental Planning Authority or Work Cover NSW; d) Waste is only to be disposed of at an appropriately licensed facility; e) Production, storage and disposal of hazardous waste are only conducted in accordance with any applicable Environmental Planning Authority guidelines. 	
<p>3.8.3 Composting</p> <ul style="list-style-type: none"> a) In relation to single dwellings, a composting facility should be installed on site where practicable, away from the main building and in such a way that it does not adversely impact on neighbouring properties. b) Multi-unit dwellings are to designate a non-paved area (minimum 0.8m x 0.8m) on site as space for communal or individual composting or worm farming units. 	N/A

<p>c) All commercial premises should investigate opportunities to compost food waste wherever practicable.</p>	
<p><u>3.9 Mechanical Plant Equipment</u></p> <p>3.9.1 Plant Rooms</p> <p>a) Plant rooms are generally required to accommodate mechanical plant systems for commercial buildings or major residential development and used exclusively for that purpose. The design and size of these rooms will vary depending on the technical specifications of the systems and other factors such as access and ventilation.</p> <p>b) The provision of plant equipment in low density residential development rarely demands exclusive rooms for the occupation of plant i.e. a 'plant room', but where an exclusive plant room is proposed, the floor area must be no larger than the actual area which the plant and/or machinery occupies plus the equivalent of a 0.5m access/maintenance area surrounding the plant/machinery item for access and ventilation*. Plant rooms are not to be used for other purposes such as for storage and laundry and the overall size of the plant room should generally be less than a size of habitable rooms and must not add to building bulk or result in excessive excavation. In considering the location of mechanical plant equipment in dwelling houses, the use of an otherwise non-habitable location/ space or under storey that is well ventilated and which minimise noise impacts are preferred.</p> <p><i>*Note: While additional space around plant equipment may be required for occupational, health and safety reasons, (i.e. more than 0.5m around the plant) then the floor area will be calculated as gross floor area for the purposed of the FSR calculation.</i></p>	
<p>3.9.3 Noise from Mechanical Plant</p> <p>a) External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.</p> <p>See also paragraph 3.4.2.4 Acoustical Privacy.</p> <p><i>Note: Excessive noise from the operation of mechanical plant such as air conditioning units, swimming pool pumps, and ventilation and refrigeration systems can disturb residents, disrupt sleep, interfere with normal daily activities or significantly impact on people's health.</i></p>	<p>The pool pump is located to minimise noise impact on neighbours.</p>
<p><u>3.10 Safety and Security</u></p> <p>3.10.1 Safety</p> <p>The principle of 'safety in design', is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.</p>	<p>N/A</p>

<p>d) Vehicular Access is to be designed and located to achieve safety by:</p> <ul style="list-style-type: none"> i. locating car park entry and access on secondary streets or lands where available; ii. minimising the number and width of vehicle access points; iii. providing clear sight lines at pedestrian and vehicular crossings; and iv. separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation. 	
<p>3.10.2 Security (Casual Surveillance)</p> <p>In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by:</p> <ul style="list-style-type: none"> a) orientating some rooms to the street; b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object; c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure. 	N/A
Development Control	Compliance
4 Development Controls and Development Types	
<p>4.1 Residential Development Controls</p> <p>4.1.1 Dwelling Density, Dwelling Size and Subdivision</p> <p>4.1.1.1 Residential Density and Dwelling Size</p> <p>Residential Density Areas</p> <p>Minimum Residential Density</p> <ul style="list-style-type: none"> a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan. - D1: 50 sqm of site area required per dwelling - D2: 150 sqm of site area required per dwelling - D3: 250 sqm of site area required per dwelling - D4: 300 sqm of site area required per dwelling - D5: 500 sqm of site area required per dwelling - D6: 600 sqm of site area required per dwelling 	

<ul style="list-style-type: none"> - D7: 750 sqm of site area required per dwelling - D8: 950 sqm of site area required per dwelling - D9: 1150 sqm of site area required per dwelling <p><u>Dwelling Size</u></p> <p>Dwellings are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> - Studio dwellings: 35sqm - 1 bedroom dwellings: 50sqm - 2 bedroom dwellings: 70sqm - 3 bedroom dwellings: 90sqm 	
<p>4.1.1.2 Residential Land Subdivision</p> <ul style="list-style-type: none"> a) The paragraph applies to both new subdivisions as well as the re-configuration of existing allotments within a subdivision. b) The future development of new lots is to be considered in DAs for subdivision. A subdivision involving a new lot for residential development less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan. Concept plans of likely future redevelopment may be required in this regard. c) Vehicular access and services must be considered and comply with the following minimum requirements: <ul style="list-style-type: none"> i. Each lot must have frontage to a public road being at least 1m wide, with the land held as fee simple irrespective of whether this frontage serves as part of a right of way for access or not; ii. Battle-axe allotments must provide a 3.5m wide vehicular access handle to a public road or place in either fee simple, or by right(s)-of-way or in combination; iii. Driveways longer than 30m require provision of a passing bay (as shown in Figure 25 - Battle-axe Allotments) or otherwise provide an increased width demonstrating appropriate access, manoeuvrability and safety. Note: For carriage way width and construction specifications refer to the Council's Specification for Civil Infrastructure Works, Development and Subdivisions, 2003. d) The provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts- environmental or otherwise are to be minimised or resolved in the design. In particular sufficient details of stormwater management are to accompany the subdivision. Note: For carriage way width and construction specifications refer to the Council's Specification for Civil Infrastructure Works, Development and Subdivision, available from the Manly Customer Service Centre. 	<p>The proposed development is not for subdivision.</p>
<p>4.1.2 Height of buildings</p>	<p>N/A</p>

4.1.2.1 Wall Height

- a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.

Subzones on the LEP Height of buildings (HoB)map	Maximum wall Height on flat land (no gradient)	Maximum Wall Height on land with a site gradient less than 1:4	Maximum wall height on land with a site gradient of 1:4 or steeper
Area 'L' (11m)	9m	See figure 28- maximum wall height determined by the slope	10.5m
Area 'N1' (13m)	12m		12m
All other areas on map	6.5m		8m

- b) For the purpose of determining maximum wall height, the slope of the land is calculated at natural ground level along the full length of the proposed wall expressed as a ratio that is applied in Figure 27 - Interpretation of Wall Height based on Slope. The slope of land on which the wall is sited will differ from one building to another and from one elevation of that building to another elevation and will be used in Figure 28 below to determine the maximum wall height in each case.

4.1.2.2 Number of Storeys

- a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.
- b) Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.
- c) Variation to the maximum number of storeys may be considered:
- where specific physical site constraints warrant an exception to this requirement. In these circumstances the development must still fully comply with other numeric height controls and development standards; and

N/A

ii. to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.		
4.1.2.3 Roof Height a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29. b) Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the appearance of lift structures and the like that protrude above the roof. <u>Roof Pitch</u> c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.		The dwelling is existing.
4.1.2.4 Application of DCP Controls in respect of Land Identified under ‘Special Height Provisions’ under Clause 4.3A of the LEP. While LEP clause 4.3A Special Height Provision prescribe the maximum building height for certain lots identified on the LEP Height of Building Map, the DCP guidelines at paragraphs 4.1.2 of this plan provide more detailed height control (walls, roof & storeys) on any part of the lot where the application of the DCP height controls do not conflict with the LEP i.e. where in the circumstances of the case, the DCP provides for a greater building height overall.		N/A
4.1.3 Floor Space Ratio (FSR) 4.1.3.1 Exceptions to FSR for Undersized Lots The undersized nature of a lot is a matter that Council may consider in determining whether ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ and ‘there is sufficient environment planning grounds to justify contravening the development standard’ under LEP clause 4.6(3). a)The extent of any exception to the LEP FSR development standard pursuant to LEP clause 4.6 in this plan is to be no greater than the achievable FSR for the lot size indicated in Figure 30 - Extent of FSR Variation for Undersized Lots.		N/A
Subzones on the LEP Lot Size (LSZ) Map	Maximum Variation to FSR for undersized lots	
Area ‘C’	Calculation of FSR based on 250 sqm lot size/ site area	
Area ‘D’	Calculation of FSR based on 300sqm lot sizes/site area	
Area ‘I’	Calculation of FSR based on 500sqm lot size/ site	

Area 'M'	Calculation of FSR based on 600 sqm lot size/ site area	
Areas 'R', 'T' & 'U'	Calculation of FSR based on 750sq, lot size/ site area	
4.1.4 Setbacks 4.1.4.1 Street Front Setbacks <ul style="list-style-type: none"> a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape. c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1. d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction. 		The pool is located on a corner block but positioned in a location that is essentially the rear yard of the dwelling. It is considered that the location of the pool is acceptable on merit as it utilises screen planting and vegetation to minimise the impact.
4.1.4.2 Side Setbacks and Secondary Street Frontage <ul style="list-style-type: none"> a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building. b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony. c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries; d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets. e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph 4.1.4.3.b.vi.of this plan. f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic 		The pool is setback at least 900mm from the side boundaries.

<p>conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.</p>	
<p>4.1.4.5 Foreshore Building Lines and Foreshore Area</p> <p>Note: Foreshore building lines are contained in the LEP clause 6.10 and the LEP Foreshore Building Line Map. This paragraph is to be read in conjunction with the LEP and provides supporting and more detailed controls and considerations in respect of exceptions which may be considered under LEP clause 4.6.</p> <ul style="list-style-type: none"> a) Any exception proposed to the foreshore building lines under LEP clause 4.6 must consider the particular site terrain, the setback of adjoining development and Council's existing or future proposed foreshore walkway. Any exception sought for foreshore land that is reclaimed must also consider the position of the mean high watermark on adjoining properties. b) Development on any property with a foreshore building line may be required to be setback a further distance from the mean high water mark than required by the LEP Foreshore Building Line Map to satisfy the objectives of the LEP in instances where the proposed height of building on the foreshore frontage is greater than 15m. The minimum foreshore setback for development in this instance is to be no less than the maximum wall height at the foreshore frontage. c) Development of land that is permitted in the foreshore area is to be designed to complement the natural or established landscaped character of the waterfront and must not be used for accommodation. d) Care must be taken when considering opportunities for 'continuous public access along the foreshore and to the waterway' under LEP clause 6.10(3)(e) to ensure that: <ul style="list-style-type: none"> i. remnant riparian vegetation is not degraded and removed; or ii. the width of riparian land that is to be protected and or rehabilitated is not reduced on order to provide public access; or iii. pathways are to be generally located outside the foreshore/riparian areas to avoid impacts on foreshore/riparian areas, flora and fauna and habitat it provides and the rehabilitation of riparian vegetation. If access to the foreshore/riparian areas needs to be provided, the access should be limited to strategic locations rather than provided continuous access pathways along these sensitive areas. Locating the pathways outside the foreshore/riparian areas would also improve public surveillance and safety. e) In relation to Lots 101,102 & 103 DP1047595 and Lots 104 & 105 DP1048038 Rignold Street, Seaforth; the following foreshore building line controls apply notwithstanding any other provisions of this plan: 	<p>N/A</p>

<ul style="list-style-type: none"> i. The natural tree cover between the foreshore building line and the water's edge is to be retained and any future landscaping should complement existing natural vegetation. The retention of rock outcrops and other native features of the site are to be given due consideration in any development of the site. ii. Swimming pools will not be permitted between the foreshore building line and the water's edge, but gazebos, pergolas and other similar structures will be permitted provided that they are designed in keeping with the bushland character of the site and the adjacent foreshore area. iii. No retaining walls or fences are to be erected between the foreshore building line and the water's edge. 				
4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2				
<ul style="list-style-type: none"> a) Buildings, swimming pools and garden sheds on sites with a common boundary to land zoned in the LEP as Zones RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and E2 Environmental Conservation must be set back at least 6m from this common boundary and in the case of rear setbacks, the minimum 8m setback prevails (see paragraph 4.1.4.4 of this plan). However, gazebos, barbeques, child play equipment and the like may be permitted within this setback provided they are designed to complement the natural or landscape character of the adjacent LEP Zones. b) Remnant native vegetation must be protected on land particularly within the minimum required setback area adjacent to land zoned in the LEP as Public or Private Recreation (Zones RE1 & RE2), National Parks (Zone E1) and Environmental Conservation (Zone E2). The design of development generally adjacent to native vegetation should be sympathetic to the natural environment in order to protect and enhance areas as habitat for native fauna. 				
4.1.5 Open Space and Landscaping				
4.1.5.1 Minimum Residential Total Open Space Requirements				
<u>Numeric Controls</u>				
<ul style="list-style-type: none"> a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground. <p>The minimum total open space requirement is determined as a percentage of the site area in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.</p>				
Residential Open Space Areas at DCP	Total Open space (minimum	Landscaped Area (minimum	Open space Above Ground (maximum of total Open space)	The proposed development is located in area OS3 and has a

Schedule 1- Map B	percentage of site area)	percentage of total open space		soft landscape area of 240.78sqm and complies with the control.
Area OS1	At least 45% of the site area	At least 25% of open space	In relation to dwelling houses: no more than 25% of Total Open Space.	
Area OS2	At least 50% of the site area	At least 30% of open space	In relation to all other land uses permitted in the Zone: No more than 40% of Total Open Space	
Area OS3	At least 55% of the site area	At least 35% of open space		
Area OS4	At least 60% of the site area	At least 40% of open space		
b) Minimum dimensions and areas for Total Open Space Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications: i. horizontal dimension of at least 3m in any direction; and ii. a minimum unbroken area of 12sqm. iii. A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.				The proposed development complies with the control.
Provisions for Total Open Space Above Ground				
Note: This paragraph limits the extent of total open space which may be provided above ground level. See dictionary meaning of 'open space above ground'				
c) Open Space Above Ground is limited on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The maximum open space above ground requirement is determined as a percentage of the Total Open Space.				
Amenity Considerations i) Areas of total open space that are above ground are considered to have a potentially greater impact on the amenity of neighbours. Accordingly the provision of open space that is above ground is to be confined to a maximum				

<p>percentage of the total open space for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground.</p> <ul style="list-style-type: none"> ii) All open space above ground including verandas, balconies, terraces, are not to be enclosed. iii) The Total Open Space Above Ground as provided for in Figure 34 may be refused by Council where privacy and/or view loss are issues and where development does not satisfy particular considerations in the following paragraphs iv) and v). iv) Roof terraces are not permitted unless designed for privacy with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites. <p>Note: In relation to assessing privacy in this paragraph, the anticipated lines of sight are to be determined from any location on the terrace at an eye level of 1.6m above the proposed finished floor level. Council may require sketches to accompany the DA demonstrating critical view lines from the proposed development to adjoining spaces and windows in sectional drawings.</p> <ul style="list-style-type: none"> v) Council may also require methods of sound attenuation and/or acoustic treatment to be indicated in the DA to protect the acoustic amenity of neighbouring properties and the public. See paragraph 3.4.2.4 Acoustical Privacy (Noise Nuisance). 	
<p>4.1.5.2 Landscaped Area</p> <p><u>Numeric Controls</u></p> <ul style="list-style-type: none"> a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a percentage of the actual * total open space onsite. Note: 'Actual' space refers here to proposed (or existing where no change proposed), rather than the minimum requirement for open space in this plan. <p><u>Minimum Dimensions and Areas</u></p> <ul style="list-style-type: none"> b) Minimum dimensions and areas must provide for the following: <ul style="list-style-type: none"> i. soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and See also paragraph 4.1.5.1.c regarding the extent of open space above ground. ii. a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation 	<p>The proposed development has soft landscape area of 240.78sqm and complies with the control. Proposed planting has minimum soil depth of 1m.</p>

<p>regime. See also paragraph 3.3 Landscaping regards requirements for design and planting principles.</p> <p>c) <u>Minimum Tree Plantings</u></p> <ul style="list-style-type: none"> i. The minimum tree numbers must be in accordance with Figure 37 - Minimum Number of Native Trees Required. ii. The minimum tree requirement may include either existing established native trees or new native trees planted at a pot/container size to be at least 25 litres capacity and being a species selected in accordance with Schedule 4 Part B - Native Tree Selection. iii. The required minimum number of native trees required under this paragraph must be planted in a deep soil zone as defined in this plan's Dictionary. <p>Note: Suggested minimum soil volumes for tree planting generally are as follows: Large size trees (13-18m high with 16m spread) required 80 cubic metres of soil. Medium size trees (9-12m high with 8m spread) requires 35 cubic metres of soil. (Source: NSW Apartment Design Code 2015).</p>			
Site Area (sqm)	Areas in the LEP Lot size map	Minimum number of native trees listed in Schedule 4 Part B	The proposed development includes the planting of 4 trees.
Up to 500	Area 'C'	1 tree	
Up to 500	All areas except 'C'	2 trees	
Between 500 and 800	All areas	3 trees	
Over 800	Area 'C'	3 trees	
Over 800	All areas except area 'C'	4 trees	
<p><u>Landscaping Driveways</u></p> <p>d) Driveways alongside boundaries will be sufficiently setback to provide a landscaped area at least 0.5m wide between the driveway area and side boundary for the length of the driveway. Any parking hard stand area or carport associated with the driveway should also be similarly setback unless requiring a greater setback elsewhere under this plan.</p>			N/A
<p>4.1.5.3 Private Open Space</p> <p><u>Principal Private Open Space</u></p> <p>a) Principal private open space is to be provided in accordance with the following minimum specifications:</p> <ul style="list-style-type: none"> i. Minimum area of principal private open space for a dwelling house is 18sqm; and ii. Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling. 			POS is existing.

<p><u>Private Open Space for Boarding Houses</u></p> <p>b) Private open space for Boarding Houses is to be provided in accordance with the following minimum specifications:</p> <ul style="list-style-type: none"> i. Minimum area of 20sqm with a minimum dimension of 3m for the use of the lodgers. ii. If accommodation is provided on site for a boarding house manager – 1 area of at least 8sqm with a minimum dimension of 2.5m is to be provided adjacent to that accommodation. iii. The area is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. 	
<p>4.1.6 Parking, Vehicular Access and Loading</p> <p>4.1.6.1 Parking Design and the Location of garages, carports or hardstand areas</p> <p>a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p> <p>b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:</p> <ul style="list-style-type: none"> i. garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; ii. carports must be open on both sides and at the front; and <p>c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.</p> <p>d) In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.</p>	N/A
<p>4.1.6.4 Vehicular Access</p> <p>a) All vehicles should enter and leave the site in a forward direction.</p> <p>b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.</p> <p>c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</p>	N/A

<p>e) Vehicular access will not be permitted from pedestrianised areas in Manly Town Centre.</p> <p>f) In relation to the development of 15-17 Suwarrow Street and 28-34 Balgowlah Road Fairlight, should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site, being a 1 metre right of way required for lots 29 and 30 in Sec 5, DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15-17 Suwarrow Street Fairlight.</p>	
<p>4.1.6.5 Driveways and Crossings</p> <p>a) Driveway crossovers/ gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces. An appropriate means of minimising impacts in this regard may involve relocation of garages or carports away from the front property boundary if there is a reasonable alternative location.</p> <p>b) Particular attention should be given to separating pedestrian entries and vehicular crossings.</p> <p>c) The use of porous pavements and retention of existing vegetation is strongly encouraged in the design of driveways in order to maximise stormwater infiltration</p>	N/A
<p>4.1.7.1 First Floor Additions</p> <p>a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p> <p>b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of the former Manly Council area. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>	N/A
<p>4.1.7.2 Habitable Rooms in the Roof Structure</p> <p>Habitable rooms will be permitted in a roof structure subject to compliance with all other controls in this plan and the LEP including height and FSR in the LEP. However alterations and additions to a building which existed prior to 2007 may involve habitable rooms within an existing roof structure that is above the maximum wall and roof height; (see paragraph 4.1.2 of this plan) subject to the rooms not detracting from the character or integrity of the roof structure and not adversely impacting on the amenity of adjacent and nearby properties and the streetscape. Similarly, alterations and additions which exceed the maximum height must not increase the overall height of the building. Consideration may be given in this paragraph to the</p>	N/A

application of LEP clause 4.6 in considering exceptions to the LEP Building Height standard	
<p>4.1.8 Development on Sloping Sites</p> <p>Requirements</p> <ul style="list-style-type: none"> a) The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces. b) Developments on sloping sites must be designed to: <ul style="list-style-type: none"> i. generally step with the topography of the site; and ii. avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street. <p><u>Driveways on sloping sites</u></p> <ul style="list-style-type: none"> c) On steep sites, driveways must be designed so they do not dominate the street frontage, by: <ul style="list-style-type: none"> i. limiting their height above existing ground level to avoid the need for elevated ramps and similar structures to access car parking areas, especially those which may encroach on public land; ii. limiting their width; iii. using materials that do not visually detract from the natural surroundings; and iv. retaining significant trees. <p>When is a Site Stability (Geotechnical Survey) Report required?</p> <ul style="list-style-type: none"> a) A Site Stability Report is required with a DA when the proposed development involves: <ul style="list-style-type: none"> i. any land identified on the LEP Landslide Risk Map. DAs for development on land identified on the LEP Landslide Risk Map must consider certain matters under LEP clause 6.8; ii. any excavation greater than 1m below natural ground level for a basement or basement car parking area; iii. building works (load bearing) on land contained in geotechnical area 'G1' in the Potential Geotechnical Landslip Hazard Map at Schedule 1 to this plan; or iv. building works (load bearing) on other land not contained in geotechnical area 'G1', i.e. areas 'G2', 'G3' and 'G4' where a Preliminary Assessment of Site Conditions (Landslip) determines the need for a Site Stability Report, or where otherwise required by Council. <p>Considerations required in Geotechnical area 'G1'</p> <ul style="list-style-type: none"> a) <u>Site Stability Report required in geotechnical Area 'G1'</u> DAs for load bearing building works to be carried out on land or in the vicinity of land in geotechnical area 'G1' on the Potential 	N/A

Geotechnical Landslip Hazard Map (see Schedule 1 to this plan) must be accompanied by a Site Stability Report.

b) Detailed Requirements:

When considering a Construction Certificate application, the Certifying Authority must be satisfied that any construction intended in the area includes appropriate precautions to prevent instability developing. Construction Certificate drawings should be viewed by the geotechnical engineer to confirm that the intent of the geotechnical recommendations has been correctly implemented. Site visits by geotechnical engineer may be appropriate during construction. Notwithstanding the above, Site Stability Report may not be required for minor works proposed in area G1 at the discretion of Council.

c) Potential Geotechnical Hazards & Typical Consequences of Failure:

- i. Rock falls and rock toppling from natural cliffs, together with slumping of soil and fill materials from unsupported cuts onto public and private roadways and pathways are potential hazards in area G1.
- ii. Down slope creep of deeper talus materials may occur on steeper soil covered slopes as well as possible down slope movement of detached blocks of sandstone, soil slumps and flows. Typical consequences of failure include moderate damage to some of structure, ranging to possible extensive damage to most of structure, or extending beyond site boundaries. Significant part of site may require large stabilisation works if landslide occurs, or to prevent landslide occurring.

Considerations required in Other Geotechnical Areas (Areas G2, G3 and G4)

a) Site Stability Report may be required in Geotechnical Areas G2, G3 and G4

- i. The applicant should complete Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of this plan to determine whether a Site Stability Report is required. All development involving load bearing building works must complete the checklist for Preliminary Assessment of Site Conditions (Landslip) to ensure developments follows good engineering practice.

b) Area G2 - Potential Hazards

- i. Potential Geotechnical hazards in this area include:
 - Rock falls and slumping of soil and fill materials from unsupported cuts and natural cliffs onto public and private pathways and roadways.
 - Possible creep of talus materials on steeper soil covered slopes.

<ul style="list-style-type: none"> • Possible movement of detached blocks of sandstone. Limited to moderate damage of some or part of structures (for example dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works unlikely to be required. <p>c) <u>Area G3 - Potential Hazards</u></p> <p>i. Potential for Geotechnical Hazards includes settlement of foundations due to failure of unsupported excavations, dewatering & vibrations and other construction activity. Possibility of earthquake induced settlement of foundation also exists in this area. Typical consequences of failure comprise little to moderate damage of some or part of structures, including neighbouring land including dwellings or roadway and typically requiring some stabilisation works over part of the site. The need for large scale stabilisation works is unlikely in Area G3.</p> <p>d) <u>Area G4 – Potential Hazards and Requirements</u></p> <p>i. Geotechnical assessment may be required depending on location and nature of development and man-made cut and fill.</p> <p>ii. Residential footings are to be in accordance with AS2870.</p> <p>iii. Potential hazards for this land include rock falls & minor slumping of soil and fill materials from top of unsupported cuts onto public and private pathways, roadways and building platforms. There is little to moderate typical consequences of failure involving damage of some or part of structures (for example, to a dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works are unlikely to be required in Area G4.</p>	
<p>4.1.9 Swimming Pools, Spas and Water Features</p> <p>4.1.9.1 Height above ground</p> <p>a) Swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level. Consideration of any exception to exceed the height above ground must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse more than 1m above natural ground level:</p> <ul style="list-style-type: none"> i. would not detract from the amenity or character of the neighbourhood; and ii. is a minimum distance from any side boundary equivalent to the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level. 	<p>The proposed swimming pool is in line with existing ground level.</p>
<p>4.1.9.2 Location and Setbacks</p> <p>a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the building line. Consideration of any exception to the required location must</p>	<p>The swimming pool is located behind the front building line.</p>

<p>demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:</p> <ul style="list-style-type: none"> i. does not detract from the amenity or character of the neighbourhood; and ii. is a minimum distance from the front boundary equivalent to at least twice the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level. <p>b) The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary.</p>	
<p>4.1.9.3 Proportion of Total Open Space</p> <p>Swimming pools and associated concourse areas must not comprise more than 30 percent of the total open space.</p>	<p>The proposed development complies.</p>
<p>4.1.9.4 Other matters - sewer connections, pumps, structural certificates, rainwater tank and pool blankets</p> <ul style="list-style-type: none"> a) All swimming pools and spas must be connected to the sewerage system; b) Pumps and filters must be located, enclosed and acoustically controlled to limit noise to the appropriate standard. (See also paragraph 3.9.3 Noise from Mechanical Plant); c) A spa pool must not be located on a deck or balcony unless the structural integrity of the deck or balcony to accommodate the spa is certified by a structural engineer; d) A separate rain water tank, of adequate capacity, must be installed to recharge the pool when required; and e) Swimming pools should be covered with a secure "pool blanket", or similar device, when not in use to minimise water loss by evaporation and to conserve energy in heated pools. 	<p>The swimming pool will be connected to existing services.</p>
<p>4.1.10 Fencing</p> <p>Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.</p>	<p>Pool fencing will be installed according to the Australian standards and swimming pool act.</p>
<p>4.1.10.1 Exceptions to maximum height of Fences</p> <ul style="list-style-type: none"> a) In relation to stepped fences or walls on sloping sites (see paragraph 4.1.8), the fence and/or wall height control may be averaged. b) In relation to open/ transparent fences,height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m. c) In relation to development along busy roads: <ul style="list-style-type: none"> i. where a development will be subjected to significant street noise, Council may consider exceptions to the permitted fence height where the use of double glazing or thicker 	<p>N/A</p>

<p>glazing for the residence is not available. The use of double glazing for windows in the development is the preferred means of noise reduction. See also paragraph 3.4.2.4 Acoustical Privacy.</p> <p>ii. fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with 'solid' fencing.</p>	
<p>4.1.10.2. Fencing Height in relation to the height of retaining walls</p> <p>Fences must be setback at least 1m from the lip of any retaining wall unless the combined height of the fence and retaining wall is contained within the maximum fence height required in this plan.</p>	N/A

2.2.4 The likely impacts of that development – Section 4.15(b)

2.2.4.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

- a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*
- b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*
- c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

2.2.4.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the rural surroundings through its consistency with the existing residential development of the area.

2.2.4.3 VISUAL IMPACT

The development has been designed in a way and style that complements the area. The development is not expected to create an eye sore to the surrounding community.

2.2.4.4 ACCESS, TRANSPORT AND TRAFFIC

Due to the small nature of the development it is not considered to cause any impact on the local road network.

2.2.4.5 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

2.2.4.6 SERVICES

Electricity, telephone and physical, legal and emergency service access exists to the existing development. The site has reticulated (town) water supply and reticulated sewer service available.

2.2.4.7 European Heritage

The site is not within a heritage area or close to any existing heritage items.

2.2.4.8 Flooding

The site is not located within a flood prone area.

2.2.4.9 Landslip Risk Hazard

The site is not mapped as being a landslip hazard and as such no geotechnical report is required.

2.2.4.10 Bushfire

The site is not located within a bushfire zone.

2.2.4.11 Ecology

The physical works that will result from the proposed development will involve some minor earthworks for the installation of pool.

2.2.4.12 Noise and Vibration

No potential noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

2.2.4.13 Social and Economic Impact

The proposed development is for the swimming pool and landscaping and should have no social or economic impact on the area.

2.2.5 Suitability of the Site – Section 4.15(c)

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

2.2.6 The Public Interest – Section 4.15(e)

The proposed development is considered to be in the public interest.

3 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed *swimming pool and landscaping* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Manly Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.