

Manly Development Control Plan 2013

This table of compliance relates to land at 29-35 Reddall Street and 95 Bower Street, Manly. The proposed development is for multi-dwelling housing comprising 4 three storey townhouses and two three storey residential flat buildings containing a total of 19 units and 4 townhouses.

Provisions	Comments	Complies?
Part 3 - General Principles of Development		
3.1.1 Streetscape (Residential Areas)		
3.1.1.1 Complementary Design and Visual Improvement		
a) Development in the streetscape (including buildings, fences and landscaping) should be designed to: 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.	The proposed development is considered to be consistent with the surrounding dwellings and will complement the predominant form, character, materials, finishes and architectural style of the locality. The proposed development will maintain views from private and public land. The proposed height of the residential dwellings is not a significant increase to the height of the existing dwelling houses at the site. There are no heritage properties adjacent to the site. Proposed building materials and finishes are consistent with surrounding development.	Yes

Provisions	Comments	Complies?
Setback Principles in Higher Density Areas 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.		
3.1.1.2 Front Fences and Gates		
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. b) Boundary fences or walls must not be erected where they would conflict with the local character. 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. d) Gates must not encroach on public land when opening or closing.	The proposal contains fencing in the front and side setbacks, which acts to separate the residential development from the public domain along College Street, Reddall Street and Bower Street. This fencing generally comprises of sandstone cladding and is of a height which maximises opportunities for passive surveillance while maintaining visual and acoustic privacy for the residents. The location and materials used in the proposed fencing is similar to surrounding development within the Manly locality.	Yes
3.1.1.3 Roofs and Dormer Windows		
a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings. b) Roofs should be designed to avoid or minimise view loss and reflectivity.	The proposed residential development incorporates flat roof forms, which is consistent with the prevailing roof typology of existing residential flat	Yes

Provisions	Comments	Complies?
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.	buildings in the area. The flat roof forms of the residential buildings have been designed minimise any view loss for surrounding properties. Dormer windows are not proposed as part of this development.	
3.1.1.4 Garages, Carports and Hardstand Areas		
a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by: 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. b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.	Not applicable to the proposed development. The proposal uses basement parking to accommodate the required car spaces within the three residential buildings. As such only the driveways located along Bower Street and College Street will be visible from the public domain.	N/A
3.1.1.5 Garbage Areas		
Buildings with more than 1 dwelling require garbage storage enclosures which are: 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.	The proposed development is for 19 dwellings in total. Each of the three residential buildings contain garbage enclosures within their Basement levels which are completely located within their building envelopes and are not visible to adjoining properties. Specifically Building A	Yes

Provisions	Comments	Complies?
	contains a 12.7m² waste room, Building B includes a 11.4m² waste room and Building C contains a 9m² waste room as well as a separate bulk waste room. The proposal also incorporates a bin storage room adjoining the College Street driveway, which will be screened by landscaping.	
3.2 Heritage Considerations		
3.2.1 Consideration of Heritage Significance		
3.2.1.1 Development in the vicinity of heritage items, or conservation areas		
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: 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, materials, colours and finishes and building/street alignments. c) The impact on the setting of a heritage item or conservation area is to be minimised by:	The site does not contain any heritage items nor is it located within a heritage conservation area. The development site is located in the vicinity of the street trees along Bower Street (190) to the northeast of the site which are identified as a local heritage item. In the broader area, the site is also located near a state heritage item, being St Patrick's Estate (1131) to the south east of the site as well as the "Bower Hall" house at 101 Bower Street (187) which	Yes

Provisions	Comments	Complies?
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.	is identified as a local heritage item. A Heritage Impact Statement prepared by Archnex Designs is provided at Appendix 11. It confirms that the proposed development will have no adverse impacts on the significance and setting of the nearby heritage items.	
3.3 Landscaping		
3.3.1 Landscaping Design		
Landscape Character a) The design, quantity and quality of open space should respond to the character of the area. In particular: 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 clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species	A Landscape Plan prepared by Jane Irwin Landscape Architecture is provided at Appendix 5. The proposed landscaping satisfies minimum performance standards and is both sustainable and appropriate to the character of the area through the use of native vegetation. Landscaping provides natural amenity to the site and its surrounds and assists in promoting the usability of communal open space. Communal open space is	Yes

Provisions	Comments	Complies?
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) b) Planting criteria including Native Plant Species and Amenity 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: - 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. Undercroft areas 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.	provided at the ground levels of each of the three proposed residential flat buildings as well as through various garden balconies and green roofs. A variety of native trees will be planted as a result of the proposed development, ensuring that the current level of canopy cover is maintained and enhanced. The new trees have been selected to ensure species diversity which enhances the urban character of the locality and to enhance biodiversity in the area. As illustrated in the Landscape Plan, the proposed development considers the habitats for the long-nosed bandicoot in its landscaping design. Long-nosed bandicoot 150mm access points have been provided along the northern and eastern frontages of the site. The proposed trees have been situated to minimise any potential impacts on neighbouring properties in terms of overshadowing or view loss.	

Provisions	Comments	Complies?
3.3.2 Preservation of Trees or Bushland Vegetation		
3.3.2.2 Requirements for other DAs		
When a DA is required for clearing vegetation, the following requirements apply: 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.	A total of 56 trees are located within the development site. All but 10 trees are proposed to be removed to accommodate the proposed development. This proposal applies for development consent for the removal of 46 trees. The Arborist Report at Appendix 19 finds that the trees to be removed are classified as noxious under the <i>Northern Beaches Council Tree Preservation Legislation</i>, are of low retention value or are an environmental evasive species and are not suitable to be considered for retention. The proposed development will also not have any adverse impacts on trees located on public land. Trees deemed to have some significance by the Arborist	Yes

Provisions	Comments	Complies?
	Report have been retained within the development. The removal of trees will be compensated by the planting of various native trees in association with the proposed development. Refer to the Landscape Plan at Appendix 5, for further detail.	
3.3.2.3 Exceptions to Requirements	Not applicable to the proposed development. No significant trees are proposed to be removed.	N/A
3.3.3 Footpath Tree Planting		
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.	No footpath tree planting is proposed as part of this application. It is worth noting that there are no existing footpath trees at the site, or elsewhere along the footpaths within the R1, R2 and E4 zoned areas in the immediate locality. The proposed landscaping therefore maintains the existing vegetative character of the area, which does not include footpath tree planting. Moreover, it can be argued that the existing provision of median strip tree planting along Bower	Yes

Provisions	Comments	Complies?
	Street and Reddall Street already achieves the intent of this control.	
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)		
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: 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.	All dwellings within the proposed development having private open space areas oriented north to allow maximum solar access. The proposal provides a minimum 2 hours of solar access for the living and private open spaces of 73% of apartments (i.e. 19 units) between the hours of 9am and 3pm at mid-winter, as per the ADG. Refer to the ADG Compliance Table and SEPP 65 Design Verification Statement prepared by Squillace Architects at Appendix 4, for further detail.	Yes
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:	The proposed site layout and orientation means that shadows fall predominantly within the	Yes

Provisions	Comments	Complies?
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.	southern portion of the site and within the road reserve on Reddall Street and College Street. No adjoining residential dwellings are affected by any overshadowing of the proposed development. Therefore, the solar access adjacent currently enjoyed by adjacent buildings will be maintained. Shadow diagrams showing anticipated impacts between 9am and 3pm in mid-winter are found in the architectural package provided at Appendix 3.	
3.4.1.3 Overshadowing Solar Collector Systems		
A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.	As mentioned above, due to the orientation and layout of the site no adjoining properties will be affected by overshadowing from the proposed development. Therefore, any solar collectors on neighbouring properties will retain their current solar access. Refer to the shadow diagrams within the architectural package at Appendix 3 for further detail.	Yes

Provisions	Comments	Complies?
3.4.1.4 Overshadowing Clothes Drying Areas		
A minimum of 6 hours solar access be retained to a suitable clothes drying area.	Clothes drying areas within each of the town houses within Building A achieve a minimum of 6 hours solar access. Each of the units within Buildings B and C will be internally accommodated with drying appliances which will not requires the need for solar access.	Yes
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.	Materials and finishes to be used within the proposed developments aim to minimise excessive glare and reflectivity.	Yes
3.4.1.6 Sunlight Access to Communal Living Areas		
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).	Not applicable to the proposed development. No communal living areas are proposed.	N/A
3.4.2 Privacy and Security		
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.	The proposed windows are designed to be compatible with existing ones and will not increase overlooking.	Yes

Provisions	Comments	Complies?
	Proposed windows are offset from those in the adjacent building.	
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.	Visual privacy is enhanced by the provision of building splays and modulation to allow for windows to face away from the site boundary and adjacent dwellings. The proposed balconies and terraces are all screened using a combination of materials to minimise overlooking and maximise privacy.	Yes
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.	The proposal aims to provide residents with a reasonable level of acoustical privacy. The criteria specified in this Part have been considered and noted. An acoustic report prepared by The Acoustic Group providing further detail in relation to acoustic privacy and compliance with these provisions is provided in Appendix 24. The proposed development has been designed to meet the specifications for 'five	Yes

Provisions	Comments	Complies?
	star' developments in the AAAC <i>Guideline for Apartment and Townhouse Acoustic Rating</i> . There are no communal areas proposed within the residential developments. Driveways providing vehicular access to the dwellings are situated at College Street and Bower Street. It is worth noting that adjoining properties located on the opposite sides of these roads are situated behind vegetation and wider roads widths which may act as a buffer to minimise potential noise impacts of the development.	
3.4.3 Maintenance of Views		
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. 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. 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. 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	The proposed development is located within close proximity to the foreshore and is located within the view corridor of surrounding buildings. The extent of impact that this proposal will have on views throughout the locality is extremely minor when considered in terms of the whole of the affected properties. The proposal does not obscure the views reasonably attained from	Yes

Provisions	Comments	Complies?
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. Planning Principle d) 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: <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> <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> <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> <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</i>	neighbouring properties in any way, but on the whole, increases opportunities for view sharing. Refer to the Visual Impact Assessment provided at Appendix 25 and the View Analysis at Section 6.3.7. of the SEE, for further detail.	

Provisions	Comments	Complies?
<i>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> 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.		
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)		
3.5.1 Solar Access		
3.5.1.1 Building Form, Design and Orientation		
The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.	All of the units proposed are oriented to the north. Furthermore, each unit's private open space areas have all been designed to face north. The proposed residential development has been designed to avoid apartments facing solely to the south.	Yes
3.5.1.2 Solar Shading Devices		
Whilst the design of buildings should take advantage of winter sun, there is an equal need to provide protection from the severity of summer sun. There is a need to control summer sun penetration and prevent the overheating of the building. This can be achieved using appropriate solar shading devices. The most effective way of controlling overheating of a dwelling is to prevent summer sun from reaching glazed areas.	Solar shading has been achieved for the development through the incorporation of awnings, balconies and retractable shade devices.	Yes

Provisions	Comments	Complies?
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.		
3.5.2 Energy Sources and Systems		
3.5.2.1 Photovoltaic solar cells		
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. 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. Salt corrosion resistant panels are recommended for areas which are exposed to the sea air.	Not applicable to the proposal. Solar panels are not provided within the proposed development.	N/A
3.5.2.2 Solar Hot Water Systems		
Note: Residential electric hot water systems typically comprise up to a third of overall residential energy use. Changing from an electric hot water system to solar hot water systems is likely to be the single most effective action a residence can take to save energy and produce no greenhouse gas emissions. A solar hot water system can provide between 50 and 90 percent of your hot water needs (and with electric or gas boosters to provide the rest of your hot water needs).	Individual instantaneous gas hot water systems with a 6 stars rating will be provided to each of the private dwellings. A BASIX Assessment Report and Certificate prepared by ESD Synergy is provided at Appendix	No Justified -

Provisions	Comments	Complies?
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. 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.	10. The report concludes that the proposal optimises its thermal performance and with commitment to the recommendations contained within this report the proposed development is able to meet BASIX requirements and is BASIX compliant.	
3.5.3 Ventilation		
3.5.3.1 Building Design and Orientation to prevailing wind		
a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible. b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.	The proposed buildings have been oriented in a north-easterly direction to maximise the effects of summer breezes. 100% of the units within the proposal are naturally cross ventilated, thereby complying with the ADG.	Yes
3.5.3.2 Location and area of openings		
a) The area of unobstructed window opening should be equal to at least 5 percent of the floor area served.	The proposed development locates windows and door openings on opposite walls,	Yes

Provisions	Comments	Complies?
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.	whilst taking into account prevailing winds for the purposes of natural ventilation. Each unit with access to private open space in the form of a balcony or deck has a separate opening window as well as a door.	
3.5.5 Landscaping		
3.5.5.1 Considerations in Plant Selection and Landscaping Design		
a) Matters to consider in selecting trees and vegetation best suited to conserving energy in buildings include: i) adaptability to site conditions i.e. size of block, soils, microclimate (wind, sun and shade pattern, slope, proximity to existing vegetation, building services, water requirements); ii) canopy density for shading/cooling; iii) seasonal character i.e. deciduous species; iv) growth patterns - height and spread of canopy and root spread. Make sure you find out the heights of trees when buying from nurseries and try to choose trees that grow to approximately 6m to 10m in height and that have low maintenance requirements; v) choosing plant material with low water requirements, and plants that are fire retardant if you live in a fire hazard area; vi) weed invasion - near bushland can be prevented by choosing plant and landscaping materials carefully; and vii) the relationship between the building and the garden landscaping needs to be considered at an early stage in the design process. Where possible provide direct access from the principal	A variety of native trees will be planted as a result of the proposed development, ensuring that the current level of canopy cover is maintained and enhanced. The new trees have been selected to ensure there is species diversity which will enhance the urban character of the locality and also enhance biodiversity in the area. Refer to the Landscape Plan at Appendix 5, for further detail.	Yes

Provisions	Comments	Complies?
indoor living areas to those outside. These considerations need to be carried out in conjunction with the architect/ builder. b) Landscaping should generally contribute to energy efficiency by: i) controlling sun to reduce summer heat gain, by shading the house and outdoor spaces, without reducing solar access in winter; ii) controlling winds to reduce both heat loss, (by providing protection from unfavourable winds) and heat gain (by funnelling cooling summer breezes); iii) improving outdoor comfort levels in summer, through shading, absorbing heat and funnelling breezes.		
3.5.7 Building Construction and Design		
3.5.7.1 Environmentally Sound Building Materials		
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. 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. 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. c) Material choice should also take account of environmental considerations, namely: i) abundant or renewable resources;	The proposed development utilises a range of energy efficient materials and finishes. The proposed materials and finishes schedule is provided as part of the architectural plans at Appendix 3.	Yes

Provisions	Comments	Complies?
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. 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 remains the most widely recognised and best regarded in the world. 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. See www.goodwoodguide.org.au.		
3.5.7.2 Thermal mass		
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: i) inside the insulated fabric of the house; ii) in north facing rooms, where they can benefit from winter heat gain. 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.	The proposed development has been designed using high-quality materials which have a good thermal mass including brick, concrete and sandstone. The inclusion of these materials will increase the thermal comfort of the development whilst also creating a built form outcome which is visually attractive when	Yes

Provisions	Comments	Complies?
c) Achieving thermal mass in the building envelope as illustrated in Figure 18 is important for both: i) 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; ii) heat release in summer. The thermal mass soaks up excess heat in the building. During the night this heat is slowly released.	viewed from public domain areas. Refer to the materials schedule within the architectural plans at Appendix 3, for further detail.	
3.5.7.3 Glazing		
Notes: The thermal performance of a building relies upon a balance of 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. Due to the low altitude of the sun in winter, (30° during the winter solstice) a greater percentage of solar radiation is transmitted during winter, than in summer. This contributes to 'direct heat gain'. The direct heat gain system of space heating requires a relatively large proportion of glazing on the north facing part of the house. This allows low angled winter sunshine to penetrate deeply, and heat the interior of the building. North facing glazing can take the form of full height glass windows and doors. These should also be incorporated with an effective shading system, for summer sun. Generally, north facing glazing should account for between 10 to 30 percent of the dwelling's overall floor area. Windows should be rated under the Window Energy Rating Scheme and Building Code of Australia Section J - Part 2 Glazing. a) Clerestory windows and skylights: 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. b) Orientation of living spaces:	The proposed development orients all living areas north so as to allow maximum solar access to the living areas of dwellings. Appropriate glazing treatments have been implemented to minimise glare for each unit. Refer to the architectural plans at Appendix 3, for further detail.	Yes

Provisions	Comments	Complies?
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.		
3.5.7.4 Insulation		
The use of insulation in walls and roofs can alter the rate at which a house can lose or gain heat. Insulation is not a heat store - it just makes it harder for heat to pass through a wall, roof or floor. The types of roof, ceiling and wall insulation are summarised at Figure 20 below. See also Building Code of Australia Section J - Part 1 Building Fabric. Draught proofing: a) 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. Fitted curtains with pelmet: b) To reduce heat loss in winter and heat gain in summer, fit internal close fitting curtains with pelmet. Wall and roof colour c) 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. Pipes and storage tanks d) Pipes and storage tanks should be insulated for hot water systems.	A BCA Report has been prepared by City Plan Services and is provided at Appendix 26. This report concludes that the proposed development is capable of complying with the BCA in terms of insulation. Details of the insulation to be provided will be included with the Construction Certificate documentation. This can be conditioned as part of the development consent.	Yes

Provisions	Comments	Complies?
3.5.8 Water Sensitive Urban Design		
3.5.8.1 Principles of Water Sensitive Urban Design		
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: 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; 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.	Water Sensitive Urban Design (WSUD) principles have been adopted in the design of the proposed development, mimicking natural drainage systems. The adoption of these principles will reduce stormwater discharge, increase stormwater quality and minimise stormwater associated impacts off-site.	Yes
3.5.8.2 Water Sensitive Urban Design Targets		
a) Stormwater Quality Management Note: Urbanisation places pressure on waterways and stormwater systems and can increase pollutants entering receiving environments.	An OSD/WSUD system is provided on site at the site's south-eastern corner, adjacent to the public reserve and Bower Street. The OSD design has been prepared in accordance	Yes

Provisions	Comments	Complies?
Objective 1) To reduce the pollutant loads reaching downstream receiving waters and environments. 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: 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; 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. Notes: 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. b) Water Conservation Note: Urbanisation results in significant volumes of imported potable water from Warragamba Dam and large volumes of generated waste water discharged to the environment at North Head wastewater treatment plant. Significant financial, social and sustainability benefits exist through local adoption of water conservation measures. Objective 1) To enhance potable water conservation in developments to provide enhanced sustainability benefits. ii) Water efficient washing machines and dishwashers are to be specified and used wherever possible.	with section 4 of Manly Specification for On-site Stormwater Management. It is proposed to discharge the stormwater to the existing stormwater gully pit along Bower Street. Refer to the Stormwater Concept Plan and Report prepared by ACOR at Appendix 6, for further detail.	

Provisions	Comments	Complies?
Notes: 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). c) Groundwater Quality Management Note: Urbanisation not only places pressure on waterways and stormwater systems but can also impact groundwater quality and dependent ecosystems in Manly. Objective 1) To protect groundwater resources in accordance with NSW State groundwater policy, enhance groundwater and protect any groundwater dependent ecosystems. 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'.		
3.6 Accessibility		
3.6.1 Application of Legislation for Accessibility		
3.6.1.1 The Disability (Access to Premises - Buildings) Standards 2010		
a) The purpose of the Disability (Access to Premises - Buildings) Standards 2010 referred to as the 'Premises Standards' is to: 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	An Access Report prepared by City Plan Services is provided at Appendix 12. The report finds that the proposal is capable of complying with the BCA, AS4299-1995 and the Liveable	Yes

Provisions	Comments	Complies?
ii) give certainty to building certifiers, building developers and building managers that access to buildings is provided in accordance with the Premises Standards, to the extent covered by the Standards, it will not be unlawful under the Disability Discrimination Act 1992. 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.	Housing Design Guidelines and is therefore able to satisfy the controls within SEPP 65 and this DCP which relate to adaptable housing.	
3.6.1.2 The Building Code of Australia and Australian Standards		
The Building Code of Australia refers to Australian Standards that apply to the design of equitable access. The standards that apply are generally listed in this plan at Schedule 5. The complete Australian Standards is at www.saiglobal.org.au. 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. 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: 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. c) The provisions of this plan do not apply to development that: i) does not require a DA and approval under the Building Code of Australia;	An Access Report prepared by City Plan Services is provided at Appendix 12. The report finds that the proposal is capable of complying with the BCA, AS4299-1995 and the Liveable Housing Design Guidelines and is therefore able to satisfy the controls within SEPP 65 and this DCP which relate to adaptable housing.	Yes

Provisions	Comments	Complies?
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.		
3.6.1.3 The Disability Discrimination Act 1992		
Under the Disability Discrimination Act, where the public can legally access, then it must be accessible to people with disabilities. The Disability Discrimination Act applies to both new and existing buildings as well as places under construction. Applicants who propose to carry out development are to be aware of the requirements of the Disability Discrimination Act, the Environmental Planning and Assessment Act and the Building Code of Australia.	Noted	Yes
3.6.2 Consideration of exceptions and standards to access requirements		
3.6.2.1 Part 4 of the Premises Standards - Unjustifiable Hardship Exemption		
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'. The Board has set up a process to assist applicants seeking an assessment of unjustifiable hardship under the Premises Standards. This will initially be an Access Advisory Committee that can assess applications for unjustifiable hardship exemptions. At present the process is not mandatory and the Committee's decisions are advisory only.	Not applicable to the proposed development.	N/A
3.6.2.2 General DA Requirements for Access		
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).	Noted. An Access Report prepared by City Plan Services is	Yes

Provisions	Comments	Complies?
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.	submitted with this DA and is provided at Appendix 12 .	
3.6.2.3 Alternative Solutions		
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. Note: Although an alternative solution that is non-compliant with the Building Code of Australia or this DCP may be accepted by the consent authority, it does not protect the applicant against a complaint being made against them under the Disability Discrimination Act.	Not applicable to the proposed development.	N/A
3.6.3.1 Accessible (Adaptable) Accommodation Requirements		
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. 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: i) Provision of plans showing the dwelling in its pre-adaptation and post adaptation stages; 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;	The proposed development contains a total of 23 dwellings and therefore requires 6 Class C Adaptable units and 5 Silver Level Liveable housing units. The proposal provides a total of 6 adaptable units and 5 liveable units and therefore complies with this control. The Access Report provided at Appendix 12 also concludes that the proposed development is capable of complying with the BCA, Class C accessibility requirements within AS4299-1995 and the Silver level	Yes

Provisions	Comments	Complies?
viii) Easy use of Garbage facilities by mobility impaired residents; and ix) Easy egress in case of emergency. 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. 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.	requirements of the Liveable Housing Design Guidelines	
3.6.3.2 Car Parking Facilities		
Reference: AS2890.1 and Building Code of Australia. 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: 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. 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	A total of 42 car parking spaces are proposed for the development. In accordance with this control, the DCP requires 1 accessible parking space for the development. A minimum of six accessible car spaces are required to comply with the requirements of AS4299-1995. The proposed development provides a total of 6 accessible parking spaces within the	Yes

Provisions	Comments	Complies?
management plan to implement ongoing maintenance to ensure amenable and safe use of the accessible facility. 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.	basement levels of the two residential flat buildings.	
3.6.3.3 Lifts		
Reference: AS1735.12 and Building Code of Australia. 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. Building Code of Australia requirements for the lift dimensions are at least 1.1m by 1.4m.	Two sets of lifts are provided within each of the two residential flat building which contain adaptable housing.	Yes
3.6.3.4 Sanitary Facilities		
Reference: F2.4 (Building Code of Australia), AS1428.1 cl.10 and AS1428.2 cl.15 a) At least one uni-sex sanitary facility accessible for a person with a disability must be provided in all new or refurbished buildings. Exceptions to requirement for small shops and restaurants 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. 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	Not applicable to the proposed development. There are not any communal areas proposed within the two residential flat buildings which would facilitate the need for the provision of communal unisex bathrooms outside from each private dwelling.	N/A

Provisions	Comments	Complies?
implement ongoing maintenance to ensure open, amenable and safe use of the accessible facility.		
3.6.3.5 Continuous Accessible Path of travel		
Reference: AS1428.1 cl.5 & AS1428.2 cl.7. New buildings a) In relation to all new buildings, a continuous accessible path of travel is required to: i) the main entrance and exit points of the building; or 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. Interface with public areas 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 Entrances to buildings e) Entrances to buildings should be kept free of clutter at all times. Note: 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. Obstacles in corridors 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.	The proposed residential developments accommodate a continuous path of travel from the public domain at Bower Street and College Street to the building entrances. Specifically, pedestrian access to Building A is provided at the Basement 1 level, with a ramped entrance provided from College Street. Pedestrian access to building B is provided from a separate ramped entrance from College Street at the Lower Ground floor. Pedestrian access to building C is provided from Reddall Street at first floor level. Entrances and corridors within the buildings will be designed to be free of any potential obstacles or obstructions.	Yes

Provisions	Comments	Complies?
3.6.3.7 Signage and Hearing Augmentation		
a) Appropriate signage and tactile information indicating accessible facilities must be provided at the main entrance directory, or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage will have regard to the provisions of Australian Standard - AS1428.2. Reference: AS1428.1 cl.16 & Building Code of Australia part 3.7. b) An assistive listening device must be provided in accordance with Building Code of Australia part 3.7 to any new/ refurbished public theatre, auditorium, hall, conference centre, church, or the like, where a public address system is installed such as a loop system, 100p receiver or FM system. Reference: AS1428.1 - Cl.14.	Noted. Braille and tactile signage details will be specified with the construction certificate stage.	Yes
3.6.3.8 Fire Safety and Maintenance		
Fire safety a) Fire isolated stairs are to provide handrails on both sides of stairs and contrast stripping on the edge of the stair nosing in accordance with AS1428.1 cl.10. Fire isolated ramps are to comply with Australian Standard - AS1428.1 cl. 5. Evidence of a documented fire safety strategy is to be considered for emergency egress for people with disabilities. Inspection of facilities b) The access and facilities provided in accordance with this plan should be inspected and maintained on a regular basis. Floor surfaces c) Floor surfaces should be kept in a clean condition and in a good state of repair, as dirt, grit, litter, broken surfaces and the like may constitute a hazard to ambulant people, and make it difficult for wheelchair users to move about.	Fire safety and maintenance details will be specified within the construction documentation to demonstrate compliance with the Australian Standards.	Yes

Provisions	Comments	Complies?
3.7 Stormwater Management		
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.	Stormwater management measures for the development have been provided in accordance with the relevant stormwater management standards. An OSD/WSUD system is provided on site at the site's south-eastern corner, adjacent to the public reserve and Bower Street. The OSD design has been prepared in accordance with section 4 of Manly Specification for On-site Stormwater Management. It is proposed to discharge the stormwater to the existing stormwater gully pit along Bower Street. Refer to the Stormwater Concept Plan and Report prepared by ACOR at Appendix 6, for further detail.	Yes

Provisions	Comments	Complies?
3.8 Waste Management		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A Demolition and Construction Waste Management Plan prepared by Squillace Architects and a Waste Management Plan prepared by Elephants Foot are provided at Appendix 9 and Appendix 8 respectively. The proposal aims to minimise material usage and waste throughout the construction and demolition phases. In addition, sustainable waste management practices are to be adopted throughout the life of the building when occupied by residents.	Yes
3.9 Mechanical Plant Equipment		
3.9.1 Plant Rooms		
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. 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 rooms are provided within the basement levels of each of the two residential flat buildings, for electrical and hot water uses.	Yes

Provisions	Comments	Complies?
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. *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.		
3.9.2 Roof-top Plant, Lift Towers etc.		
Roof-top plant and lift towers must be inconspicuous and / or designed as an integral part of the building in such a way as to appear as an appropriate part of the overall townscape. Plant equipment is to be appropriately located and designed such that it is not apparent from the street level view or from other active pedestrian areas and must not compromise street character, landscaping or pedestrian amenity or conflict with townscape objectives of this plan. See paragraph 3.1 Streetscapes and Townscapes.	Noted. Lift overruns contained within the development have been designed to not be significantly visible from the streetscape.	Yes
3.9.3 Noise from Mechanical Plant		
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. See also paragraph 3.4.2.4 Acoustical Privacy. 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.	All plant systems are located within the basement levels of the proposed buildings and will not have any adverse acoustic impacts on adjoining properties.	Yes

Provisions	Comments	Complies?
3.10 Safety and Security		
3.10.1 Safety		
The principle of 'safety in design', is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors. a) Vehicular Access is to be designed and located to achieve safety by: i) locating car park entry and access on secondary streets or lands where available; ii) minimising the number and width of vehicle access points; iii) providing clear sight lines at pedestrian and vehicular crossings; and iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.	The proposal ensures a high level of personal safety to residents and visitors. Vehicular access points are not located on main roads, but rather on secondary roads (being Collector Street and Bower Street) and as such will not be subject to high levels of traffic. Pedestrian and vehicular access into the development will be clearly delineated and are separate from each other. Access to and from private areas is restricted and controlled to allow only residents and visitors.	Yes
3.10.2 Security (Casual Surveillance)		
In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by: a) orientating some rooms to the street; b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;	Dwellings are oriented towards both Bower Street and College Street. The building lobbies on each level are compact, with clear lines of site from all levels provided to both the communal areas on the Wyagdon Street as	Yes

Provisions	Comments	Complies?
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.	well as those within the development itself. A maximum 2 units are accessible from each level's lobby area. Clear design features, lighting and materials have been utilised to distinguish public, semi-private and private domains.	
Part 4 Development Controls and Development Types		
4.1.1 Dwelling Density, Dwelling Size and Subdivision		
4.1.1.1 Residential Density and Dwelling Size		
This section contains maximum permissible residential density controls which generally apply to land identified on the LEP Lot Size Map and determine the maximum number of dwellings that may be achieved on any one parcel of land. 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. Figure 24 - Minimum Residential Density determines the maximum number of dwellings that may be achieved on any one development site. This figure indicates the minimum site area required for every dwelling contained on a site. For example, if a density control of 300sqm per dwelling applies to a site with a site area of 600sqm the density control would allow for a maximum of 2 dwellings.	The development site is located within Density Area D3 and as such a density rate of 1 unit/250m² applies. The required residential density for the site is 12.59 dwellings. 23 dwellings are proposed as part of this application. Although exceeding the maximum permissible density as outlined in Figure 24, the proposal is considered to be appropriate within the character	No Justified -

Provisions	Comments	Complies?																				
<u>Figure 24 - Minimum Residential Density (to be read in conjunction with Schedule 1 - Map A)</u> <table><tr><th><u>Residential Density Areas</u></th><th><u>Minimum Residential Density</u></th></tr><tr><td>D1</td><td>50 sqm of site area required per dwelling</td></tr><tr><td>D2</td><td>150 sqm of site area required per dwelling</td></tr><tr><td>D3</td><td>250 sqm of site area required per dwelling</td></tr><tr><td>D4</td><td>300 sqm of site area required per dwelling</td></tr><tr><td>D5</td><td>500 sqm of site area required per dwelling</td></tr><tr><td>D6</td><td>600 sqm of site area required per dwelling</td></tr><tr><td>D7</td><td>750 sqm of site area required per dwelling</td></tr><tr><td>D8</td><td>950 sqm of site area required per dwelling</td></tr><tr><td>D9</td><td>1150 sqm of site area required per dwelling</td></tr></table>	<u>Residential Density Areas</u>	<u>Minimum Residential Density</u>	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	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	of the local area. The proposed development provides a variety of building typologies which can accommodate a range of residents. The proposal also meets the objectives of the DCP in that it maintains the character of the streetscape through the separation of the built form into three distinct building envelopes which reflect the existing scale and massing of surrounding built forms. Furthermore, the proposed development is surrounded by a number of buildings which breach this density control (see Figure 1 on the following page) and is therefore in line with the existing density character of the locality. The size of the dwellings proposed in this application satisfy the requirements of the ADG as outlined in the ADG Compliance Table and SEPP 65 Design Verification Statement prepared by Squillace Architects at Appendix 4.	
<u>Residential Density Areas</u>	<u>Minimum Residential Density</u>																					
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																					
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																					
c) Notwithstanding the minimum Residential Density in Figure 24, no more than 2 dwellings may be constructed on lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15 -17 Suwarrow Street Fairlight. Dwelling Size d) Dwellings are required to have the following minimum internal areas: Studio dwellings: 35sqm 1 bedroom dwellings: 50sqm 2 bedroom dwellings: 70sqm 3 bedroom dwellings: 90sqm The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal area by 5sqm. A 4th bedroom and further additional bedrooms increase the minimum internal area by 12sqm each. Note: Dwelling Size Guidelines are adopted from the NSW Apartment Design Guidelines to apply more broadly to all residential accommodation considered under this Plan.																						

Provisions	Comments	Complies?
Note: This paragraph does not apply to Secondary Dwellings which are subject to their own development standard for minimum floor area at LEP clause 5.4(9).		



FIG 4.3

LEGEND:

- LOWER DENSITY RESIDENTIAL
- HIGHER DENSITY RESIDENTIAL
- MULTI UNIT DWELLINGS
- DWELLINGS THAT BREACH DENSITY CONTROL
- THESE BUILDINGS ARE MORE CONSISTENT WITH THE HIGHER DENSITY ZONE



Figure 1: Density Map of existing dwellings

Provisions	Comments	Complies?
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)		
a) LEP Zones where numeric height controls in this DCP apply Height controls under paragraph 4.1.2 of this plan apply to development in LEP Zones R1, R2, R3, E3 and E4. This part of the DCP does not apply to development of other lands subject to the LEP Height of Building standard identified on the LEP Height of Building Map. See also paragraph 4.2 of this plan in relation to height controls and considerations in the LEP Business Zones. b) Exceptions to Height Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building. See also paragraph 4.1.7.2 Habitable Rooms in the Roof Structure.	The proposed development proposes to vary the applicable maximum height of buildings pursuant to the MLEP, being 8.5m. The proposed development has a maximum height of 9.3m, therefore exceeding the height limit by 800mm. A clause 4.6 variation request has been prepared by CPSD, which justifies the proposed height non-compliance.	No - Justified Refer to Clause 4.6 Variation Request
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.	As mentioned above, the proposal has a maximum height of 10m and therefore seeks to vary the applicable maximum height of buildings and wall height limit. It is worth noting that the subject site is sloping in nature. The proposed wall heights of the buildings have been designed to	No - Justified Refer to Clause 4.6 Variation Request

Provisions				Comments	Complies?																
Figure 26 - Wall Height in relation to the LEP Height of Buildings Map <table><tr><th>Subzones on the LEP Height of Buildings (HoB) Map *</th><th>Maximum Wall Height on flat land (no gradient)</th><th>Maximum Wall Height on land with a site gradient less than 1:4</th><th>Maximum Wall Height on land with a site gradient of 1:4 or steeper</th></tr><tr><td>Area 'L' on HoB Map (11m)</td><td>9m</td><td>See Figure 28 -</td><td>10.5m</td></tr><tr><td>Area 'N1' on HoB Map (13m)</td><td>12m</td><td>Maximum Wall Height Determined by the Slope.</td><td>12m</td></tr><tr><td>All other areas on HoB map</td><td>6.5m</td><td></td><td>8m</td></tr></table> * Note: Council's Wall Height control applies to the subzones within LEP Zones R1, R2, R3, E3 and E4.				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' on HoB Map (11m)	9m	See Figure 28 -	10.5m	Area 'N1' on HoB Map (13m)	12m	Maximum Wall Height Determined by the Slope.	12m	All other areas on HoB map	6.5m		8m	be modulated so as to accommodate this slope. A clause 4.6 variation request has been prepared by CPSD, which justifies the proposed height non-compliance.	
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' on HoB Map (11m)	9m	See Figure 28 -	10.5m																		
Area 'N1' on HoB Map (13m)	12m	Maximum Wall Height Determined by the Slope.	12m																		
All other areas on HoB 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.																					

Provisions																	Comments	Complies?																																																																																																																																																																																																																																																																																																					
Figure 28 - Maximum Wall Height Determined by the Slope Note: This table is used to determine the maximum wall height based on a calculation of the slope of land under the wall. 4.1.2.1 Wall Height <table><tr><td rowspan="15">Site Gradient /Slope</td><td>1:4 +</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:4.3</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:4.5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:5.5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:6</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:6.8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:7.5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:9</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:15</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:20</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:30</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>1:60</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>0</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td colspan="2">Max. wall height (m) in all areas except areas 'L' and 'N1' on the LEP HoB Map</td><td>6.5</td><td>6.6</td><td>6.7</td><td>6.8</td><td>6.9</td><td>7.0</td><td>7.1</td><td>7.2</td><td>7.3</td><td>7.4</td><td>7.5</td><td>7.6</td><td>7.7</td><td>7.8</td><td>7.9</td><td>8.0</td></tr><tr><td colspan="2">Max. wall height (m) in area 'L' LEP HoB Map</td><td>9.0</td><td>9.1</td><td>9.2</td><td>9.3</td><td>9.4</td><td>9.5</td><td>9.6</td><td>9.7</td><td>9.8</td><td>9.9</td><td>10</td><td>10.1</td><td>10.2</td><td>10.3</td><td>10.4</td><td>10.5</td></tr></table>																	Site Gradient /Slope	1:4 +																1:4.3																1:4.5																1:5																1:5.5																1:6																1:6.8																1:7.5																1:9																1:10																1:12																1:15																1:20																1:30																1:60																0																Max. wall height (m) in all areas except areas 'L' and 'N1' on the LEP HoB Map		6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	Max. wall height (m) in area 'L' LEP HoB Map		9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10	10.1	10.2	10.3	10.4	10.5		
Site Gradient /Slope	1:4 +																																																																																																																																																																																																																																																																																																																						
	1:4.3																																																																																																																																																																																																																																																																																																																						
	1:4.5																																																																																																																																																																																																																																																																																																																						
	1:5																																																																																																																																																																																																																																																																																																																						
	1:5.5																																																																																																																																																																																																																																																																																																																						
	1:6																																																																																																																																																																																																																																																																																																																						
	1:6.8																																																																																																																																																																																																																																																																																																																						
	1:7.5																																																																																																																																																																																																																																																																																																																						
	1:9																																																																																																																																																																																																																																																																																																																						
	1:10																																																																																																																																																																																																																																																																																																																						
	1:12																																																																																																																																																																																																																																																																																																																						
	1:15																																																																																																																																																																																																																																																																																																																						
	1:20																																																																																																																																																																																																																																																																																																																						
	1:30																																																																																																																																																																																																																																																																																																																						
	1:60																																																																																																																																																																																																																																																																																																																						
0																																																																																																																																																																																																																																																																																																																							
Max. wall height (m) in all areas except areas 'L' and 'N1' on the LEP HoB Map		6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0																																																																																																																																																																																																																																																																																																						
Max. wall height (m) in area 'L' LEP HoB Map		9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10	10.1	10.2	10.3	10.4	10.5																																																																																																																																																																																																																																																																																																						

Provisions	Comments	Complies?
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: i) 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 ii) to allow an additional understorey where that storey satisfies the meaning of basements in the LEP. See also paragraph 3.1.1.3 Roofs and Dormer Windows.	The proposal is located on land within the 'I' area on the LEP Height of Buildings Map. The proposed development comprises four three-storey townhouses and two three-storey residential flat buildings. It is worth noting that the surrounding development at 101 Bower Street, 26-30 Reddall Street and 2 College Street are all greater than two storeys. Therefore, the proposal reflects the number of storeys within similar residential development in the surrounding locality. Moreover, the proposed development will be situated along the decline of both Bower Street and College Street. As a result, the proposal will have a physical appearance which will be similar in height to the development surrounding it. A clause 4.6 variation request has been prepared by CPSD, which justifies the proposed	No - Justified Refer to Clause 4.6 Variation Request

Provisions	Comments	Complies?
	height non-compliance. The variance is considered to be acceptable as it will not result in any adverse impacts on the amenity of neighbouring residential development.	
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.* Note: In this paragraph ‘actual wall height’ means the wall height that is either existing or proposed rather than the maximum achievable wall height control in this plan. 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. Note: As the LEP definition ‘Building Height’ incorporates plant and lift overruns, these structures must be similarly contained and not protrude above the maximum roof height. Roof Pitch 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.	Not applicable to the proposed development. The proposed dwellings are designed with flat roof forms and do not contain roof parapets.	N/A

Provisions	Comments	Complies?												
4.1.3 Floor Space Ratio (FSR)														
4.1.3.1 Exceptions to FSR for Undersized Lots														
Note: On existing sites in Residential LEP Zones (including E3 & E4) with a site area less than the minimum lot size required on the LEP Lot Size (LSZ) Map, Council may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this DCP are satisfied. See LEP clause 4.6(4)(a). 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. <table><caption>Figure 30 - Extent of FSR Variation for Undersized Lots</caption><tr><th>Subzones on the LEP Lot Size (LSZ) Map</th><th>Maximum variation to FSR for undersized lots</th></tr><tr><td>Area 'C' on the LEP LSZ map</td><td>Calculation of FSR based on 250 sqm lot size/ site area</td></tr><tr><td>Area 'D' on the LEP LSZ map</td><td>Calculation of FSR based on 300 sqm lot size/ site area</td></tr><tr><td>Area 'I' on the LEP LSZ map</td><td>Calculation of FSR based on 500 sqm lot size/ site area</td></tr><tr><td>Area 'M' on the LEP LSZ map</td><td>Calculation of FSR based on 600 sqm lot size/ site area</td></tr><tr><td>Areas 'R', 'T' & 'U' on the LEP LSZ map</td><td>Calculation of FSR based on 750 sqm lot size/ site area</td></tr></table>	Subzones on the LEP Lot Size (LSZ) Map	Maximum variation to FSR for undersized lots	Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area	Area 'D' on the LEP LSZ map	Calculation of FSR based on 300 sqm lot size/ site area	Area 'I' on the LEP LSZ map	Calculation of FSR based on 500 sqm lot size/ site area	Area 'M' on the LEP LSZ map	Calculation of FSR based on 600 sqm lot size/ site area	Areas 'R', 'T' & 'U' on the LEP LSZ map	Calculation of FSR based on 750 sqm lot size/ site area	Not applicable to proposed development.	N/A
Subzones on the LEP Lot Size (LSZ) Map	Maximum variation to FSR for undersized lots													
Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area													
Area 'D' on the LEP LSZ map	Calculation of FSR based on 300 sqm lot size/ site area													
Area 'I' on the LEP LSZ map	Calculation of FSR based on 500 sqm lot size/ site area													
Area 'M' on the LEP LSZ map	Calculation of FSR based on 600 sqm lot size/ site area													
Areas 'R', 'T' & 'U' on the LEP LSZ map	Calculation of FSR based on 750 sqm lot size/ site area													
4.1.3.2 Exceptions to FSR for Plant Rooms														
In calculating the gross floor area under the LEP dictionary meaning for the purpose of calculating FSR, consideration must be given to paragraph 3.9 Plant Equipment of this plan with regard to the design and maximum area of plant equipment and plant rooms.	Noted	Yes												

Provisions	Comments	Complies?
4.1.3.3 Exceptions to FSR for Open Balconies		
In calculating the Gross Floor Area under the LEP dictionary meaning for the purpose of calculating FSR, balconies that are enclosed will not be excluded from the LEP definition of Gross Floor Area i.e. will be included in FSR when the balcony is: i) enclosed to the extent that it is part of the building envelope as defined by the Building Code of Australia; and ii) considered by Council to have the character of a habitable room. Note: In this regard it is noted that the LEP only excludes balconies from the Gross Floor Area when the outer walls are less than 1.4m high.	Noted	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation		
4.1.4.1 Street Front setbacks		
See also paragraph 3.2.4 in relation to Heritage and paragraph 4.2 in relation to controls in LEP Business Zones. a) 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.	The site has three street frontages (Reddall Street, Bower Street and College Street). Along Reddall Street, a 3-metre setback is provided which is consistent with the prevailing building lines along Reddall Street to the north. Along Bower Street, a minimum 2-metre setback is provided, with an increased average setback. The Bower Street setback is largely consistent with the	Yes

Provisions	Comments	Complies?
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. Note: Reference to 'prevailing building lines' in this paragraph means the building lines determined in undertaking the context and site analysis required to accompany all DAs (see Council's Administrative Guidelines) including, in this case, demonstrated survey of all building lines and street frontages in the vicinity i.e. the visual catchment along the street.	prevailing building lines along Bower Street to the north. While this is marginally smaller than the prevailing building line, the projections into this front setback relate to the balconies of the townhouses and will have no adverse impact on the streetscape or adjoining properties. Along College Street, there is no prevailing building line. In accordance with the DCP a 6-metre setback is provided to Buildings C & B (with a small extent of private open space projecting into the setback to Building C) and a 3-metre setback provided to Building A. The setback to Building A will have no adverse impact on the streetscape and adjoining properties and is considered to be acceptable.	
4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2		
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).	The development site is adjacent to land zoned RE1 Public Recreation to the north-west. The proposal includes a rear setback	Yes

Provisions	Comments	Complies?
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.	to this land of 6m and therefore complies with the MDCP.	
4.1.5 Open Space and Landscaping		
4.1.5.1 Minimum Residential Total Open Space Requirements		
Numeric Controls a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground. The minimum total open space requirement is determined as a percentage of the site area in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.	The site is located within open space area OS3 as identified in Map B - Residential Open Space Areas within this DCP. Therefore, a minimum of 55% of the site area is required to be provided as open space. At least 35% of the total open space area is to be landscaped area and no more than 40% of the total open space area is to be located above ground.	Yes

Provisions	Comments	Complies?																				
<i>Figure 34 – Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground</i> Residential Open Space Areas at DCP Schedule 1 – Map B <table><tr><th></th><th>Total Open Space (minimum percentage of site area)</th><th>Landscaped Area (minimum percentage of Total Open Space)</th><th>Above Ground (maximum of Total Open Space)</th></tr><tr><td>Area OS1</td><td>at least 45% of site area</td><td>at least 25% of open space</td><td>-In relation to dwelling houses: no more than 25% of Total Open Space</td></tr><tr><td>Area OS2</td><td>at least 50% of site area</td><td>at least 30% of open space</td><td></td></tr><tr><td>Area OS3</td><td>at least 55% of site area</td><td>at least 35% of open space</td><td>-In relation to all other land uses permitted in the Zone: no more than 40% of Total Open Space</td></tr><tr><td>Area OS4</td><td>at least 60% of site area</td><td>at least 40% of open space</td><td></td></tr></table> Note: to be read in conjunction with Schedule 1 - Map B and relevant Dictionary meanings.		Total Open Space (minimum percentage of site area)	Landscaped Area (minimum percentage of Total Open Space)	Above Ground (maximum of Total Open Space)	Area OS1	at least 45% of site area	at least 25% of open space	-In relation to dwelling houses: no more than 25% of Total Open Space	Area OS2	at least 50% of site area	at least 30% of open space		Area OS3	at least 55% of site area	at least 35% of open space	-In relation to all other land uses permitted in the Zone: no more than 40% of Total Open Space	Area OS4	at least 60% of site area	at least 40% of open space		The amalgamated site has a combined area of 3,148.7m2. The proposal provides a total open space area of approximately 1,779m2 (56%) in accordance with the definition in the DCP. Of this, a landscaped area of approximately 1,119m2 (63%) is also provided in accordance with the definition in the LEP. Above ground landscaping is proposed in the private rooftop open space area for terrace B04 at the Ground Level of Building A as well as in the private open space areas of Penthouse 201 and Penthouse 202 at Level 2 of Building C. A green roof is also provided at Level 2 of Building B. The above ground landscaping provided as part of this application is considered to be no greater than 40 % of the total open space area. Refer to the Landscape Plan prepared by Jane Irwin Landscape Architecture at Appendix 5, for further detail.	
	Total Open Space (minimum percentage of site area)	Landscaped Area (minimum percentage of Total Open Space)	Above Ground (maximum of Total Open Space)																			
Area OS1	at least 45% of site area	at least 25% of open space	-In relation to dwelling houses: no more than 25% of Total Open Space																			
Area OS2	at least 50% of site area	at least 30% of open space																				
Area OS3	at least 55% of site area	at least 35% of open space	-In relation to all other land uses permitted in the Zone: no more than 40% of Total Open Space																			
Area OS4	at least 60% of site area	at least 40% of open space																				

Provisions	Comments	Complies?
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 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. 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. 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. 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).		
4.1.5.2 Landscaped Area		
Numeric Controls 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.	As mentioned above, the proposed development provides a landscaped area of approximately 1,119m ² (63% of the provided open space area) in	Yes

Provisions	Comments	Complies?
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. Minimum Dimensions and Areas b) Minimum dimensions and areas must provide for the following: 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 regime. See also paragraph 3.3 Landscaping regards requirements for design and planting principles. c) Minimum Tree Plantings 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. 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).	accordance with the definition in the LEP. The proposal's provision of landscaped area therefore complies within Figure 24 of this DCP. In accordance with the requirement of the ADG, the proposed landscape design includes 315m² of deep soil, equating to 13% of the site area. Additional deep soil is provided to other parts of the site that is 3 metres or wider, constituting another 72m² of area, equating to another 3% of deep soil to the site. The proposed landscaping includes extensive native tree and shrub planting along the site's boundaries comprising a mix of locally indigenous shrubs. Along the northern boundary, proposed planting includes a range of larger shrubs clustered together to prevent sightlines between the property and the adjoining property. At roof level, green roofs with mixed swathes of plants indigenous to North Head with hardy succulents have	

Provisions	Comments	Complies?																		
Figure 37 - Minimum Number of Native Trees Required Note: to be read in conjunction with the LEP Lot Size Map. <table> <tr> <th>Site Area (sqm)</th><th>Areas in the LEP Lot Size Map</th><th>Minimum number of native trees listed in Schedule 4 Part B</th></tr> <tr> <td>up to 500</td><td>Area 'C' on the LEP Lot Size Map</td><td>1 tree</td></tr> <tr> <td>up to 500</td><td>all Areas except Area 'C' on the LEP Lot Size Map</td><td>2 trees</td></tr> <tr> <td>between 500 and 800</td><td>all Areas on the LEP Lot Size Map</td><td>3 trees</td></tr> <tr> <td>over 800</td><td>Area 'C' on the LEP Lot Size Map</td><td>3 trees</td></tr> <tr> <td>over 800</td><td>all Areas except Area 'C' on the LEP Lot Size Map</td><td>4 trees</td></tr> </table> Landscaping Driveways 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.	Site Area (sqm)	Areas in the LEP Lot Size Map	Minimum number of native trees listed in Schedule 4 Part B	up to 500	Area 'C' on the LEP Lot Size Map	1 tree	up to 500	all Areas except Area 'C' on the LEP Lot Size Map	2 trees	between 500 and 800	all Areas on the LEP Lot Size Map	3 trees	over 800	Area 'C' on the LEP Lot Size Map	3 trees	over 800	all Areas except Area 'C' on the LEP Lot Size Map	4 trees	been selected for hardiness and visual appeal, as well their low profile to maintain views. A detailed planting schedule accompanies the landscape plans at Appendix 5. For further detail with respect to proposed landscaping and planting, reference should be made to the Landscape Plan.	
Site Area (sqm)	Areas in the LEP Lot Size Map	Minimum number of native trees listed in Schedule 4 Part B																		
up to 500	Area 'C' on the LEP Lot Size Map	1 tree																		
up to 500	all Areas except Area 'C' on the LEP Lot Size Map	2 trees																		
between 500 and 800	all Areas on the LEP Lot Size Map	3 trees																		
over 800	Area 'C' on the LEP Lot Size Map	3 trees																		
over 800	all Areas except Area 'C' on the LEP Lot Size Map	4 trees																		
4.1.5.3 Private Open Space																				
Note: Private open space is in addition to the provision of communal open space for residential accommodation with more than 1 dwelling. Guidelines for the provisions of communal open space are contained in the Residential Flat Design Code referenced in this plan. Principal Private Open Space a) Principal private open space is to be provided in accordance with the following minimum specifications: 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. Note: Principal private open space is both part of the private open space as defined in the LEP and the total open space requirement defined in the DCP and must also comply with the meanings and provisions for these spaces provided in the LEP and elsewhere in this DCP.	Private open space in the form of balconies and decks is provided to all units within the proposed development. All balconies/decks have a minimum area of at least 17.2m² and are therefore NSDCP 2013 compliant. Further detail in relation to balcony size and dimensions is provided in the Architectural Plans at Appendix 3.	Yes																		

Provisions	Comments	Complies?
See also dictionary meaning of principal private open space in this DCP		
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)		
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas		
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. 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: 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 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. Note: The width of any parking structure considered under this paragraph is to be measured along the elevation of the structure that fronts the street. 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.	Car parking is completely contained within the Basement levels of the proposed development and will not be visible from the streetscape.	Yes
4.1.6.2 Roof Top Parking		
Parking on the roof top should be avoided for Residential Accommodation and for any other development in the LEP Residential Zones (Zones R1, R2, R3, E3 & E4).	Parking for the proposed development is completely	Yes

Provisions	Comments	Complies?
	contained within the Basement levels of the buildings.	
4.1.6.3 Bicycle Storage		
Secure bicycle storage is required for residential accommodation in accordance with Schedule 3 Part 2 Bicycles. Bicycle storage areas should be of sufficient dimensions to comply with Australian Standards. Other development which generates requirements for vehicular parking: bicycle parking stands are required at a minimum rate of one stand for every three car parking spaces with a minimum provision of one stand for each premise.	Bicycle parking is provided via bicycle storage rooms within the Basement Levels of both residential flat buildings (Building B and Building C). Building B provides a total of 21 car parking spaces, requiring a need to accommodate 7 bicycles. Building C provides a total of 23 spaces, thus having a requirement to accommodate 8 bicycles. The bicycle storage areas provided within both buildings has capacity to accommodate the bicycle numbers required.	Yes
4.1.6.4 Vehicular Access		
a) All vehicles should enter and leave the site in a forward direction. 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.	Vehicular access to the parking levels within the proposed buildings is provided via driveways for each building; two from College Street and one from Bower Street. The design of the driveways enables vehicles to	Yes

Provisions	Comments	Complies?
c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping. d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety. e) Vehicular access will not be permitted from pedestrianised areas in Manly Town Centre. 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. Note: NSW Roads and Maritime Services advise in relation to properties fronting arterial roads (being managed by Roads and Maritime Services) that continued availability of on street car parking cannot be assumed. State Environmental Planning Policy - (Infrastructure) 2007 also states that Council must not grant consent to development on land that has frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than a classified road. In the consultation of this plan with Roads and Maritime Services, it is advised that direct vehicular and pedestrian access for a child care centre should not be permitted to a classified road. See also paragraph 4.4.6 Child Care Facilities. See also paragraph 4.1.5.2.d Landscaping Driveways. See also paragraph 4.1.8 Development on Sloping Sites including driveways on sloping sites. 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. Note: In assessing driveways and crossings under this paragraph, consideration will be given to whether the works have any impact on kerbside parking supply and demand.	ingress and egress in a forward direction, which will not be impaired by structures or landscaping. The driveways are located separate from pedestrian access walkways into the site.	

Provisions	Comments	Complies?
b) Particular attention should be given to separating pedestrian entries and vehicular crossings. 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. Note: For other information on street crossings and kerb laybacks see the former Manly Council's Specifications for the Construction of Concrete Vehicular Crossings by Private Contractors.		
4.1.8 Development on Sloping Sites		
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: 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. Driveways on sloping sites c) On steep sites, driveways must be designed so they do not dominate the street frontage, by: 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. When is a Site Stability (Geotechnical Survey) Report required? a) A Site Stability Report is required with a DA when the proposed development involves:	The design of the residential buildings respects the sloping topography of the site, via the stepping back of each building along the site as well as the stepping back of their upper levels in line with the slope of the site. Driveways have been designed to integrate with the sloping nature of the site without dominating the streetscape The subject site is identified as being located within Area G4 within Map C of this DCP. A Preliminary Geotechnical Assessment, Hazardous Building Materials Assessment and Remediation Action Plan are provided at Appendices 15, 16 and 17.	Yes

Provisions	Comments	Complies?
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. Note: Applicants must consider which geotechnical area their property falls under in accordance with the Map of Geotechnical Areas at Schedule 1 to this DCP. Considerations for each geotechnical area include geotechnical implications on development; potential geotechnical hazards and typical consequences of failure. 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. d) Area G4 – Potential Hazards and Requirements i) Geotechnical assessment may be required depending on location and nature of development and man-made cut and fill. ii) Residential footings are to be in accordance with AS2870. 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.	The reports find that the construction of the proposed development is viable and practicable, especially as there are similar developments in nearby sites (e.g. 102 Bower St) with similar geotechnical and geological conditions, which have been successfully constructed.	

Provisions	Comments	Complies?
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.		
4.1.10 Fencing		
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.	The proposal contains fencing in the front, side and rear setbacks, which acts to separate the residential development from the public domain along College Street, Reddall Street and Bower Street as well to provide separation to the adjacent public reserve at the rear of the site. The fencing provided at the site's Reddall Street and Bower Street frontages has a maximum height of 1 metre and therefore complies. The fencing provided at the site's side elevations, to College Street and the public reserve, have a maximum height of 1.2 - 1.3 metres. It is worth noting that the development will be situated on a sloping site and is therefore subject to an exception as detailed in the control below.	No Justified -

Provisions	Comments	Complies?
4.1.10.1 Exceptions to maximum height of Fences		
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: 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 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. ii) fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with 'solid' fencing.	The proposal contains fencing in the front, side and rear setbacks, which acts to separate the residential development from the public domain along College Street, Reddall Street, Bower Street and the public reserve. The fencing separating the proposed development from College Street and the public reserve exceeds the maximum 1 metre height by 0.2-0.3 metres. The development is to be located on a sloping site which falls from west to east towards Bower Street. The highest point of the site is located along the western site boundary (i.e. Reddall Street) with levels varying along this boundary from RL21.69AHD to RL22.42AHD. The lowest point of the site is located on the eastern site boundary (i.e. Bower Street) with levels varying from RL9.63AHD to RL12.07AHD. Fencing provided at the frontages to College Street and the public reserve have been	Yes

Provisions	Comments	Complies?
	moderated to accommodate this steep incline. The majority of the fencing provided at these elevations consists of vertical blades which provides a greater level of transparency to the College Street streetscape and the public reserve, than its other elevations. As such it can be argued that a 1.5 metre height limit may be applied, in which case the proposed fencing will be compliant. Furthermore, the fence is of a height which maximises opportunities for passive surveillance while maintaining visual and acoustic privacy for the residents.	
4.4.1 Demolition		
Where development involves demolition, the applicant is to demonstrate that the degree of demolition considers any existing building on the land that should be retained and appropriately adapted in order to: a) Meet ecologically sustainable development principles by conserving resources and energy and reducing waste from any demolition process; and	The proposed development seeks consent for the demolition of all existing structures on the site. There are no identified heritage items located on the site.	Yes

Provisions	Comments	Complies?
b) Conserve the cultural heritage of the existing building and that of the locality. An appropriate assessment of potential heritage significance must accompany any DA in relation to demolition. If the property has merit as a potential heritage item, the heritage controls and considerations in this plan apply, and c) Comply with the requirements of the Northern Beaches Waste Management Policy See also paragraph 3.2.1 Consideration of Heritage Significance.	A Demolition and Construction Management Plan prepared by Squillace Architects is provided at Appendix 9. The proposal aims to minimise material usage and waste throughout the demolition phase through recycling or reuse.	
4.4.5 Earthworks (Excavation and Filling)		
4.4.5.1 General		
a) Earthworks must be limited to that part of the site required to accommodate the building and its immediate surrounds to protect significant natural features of the site including vegetation and prominent rock outcrops. b) Natural and undisturbed ground level must be maintained within 0.9m of side and rear boundaries. c) On steeply sloping sites, pier and suspended slab or an equivalent non-invasive form of construction technique must be used to minimise earthworks and vegetation loss and retain natural features. d) Excavation under the canopy of any tree (including those on neighbouring properties) will only be permitted providing its long-term survival and stability is not jeopardised. Such excavation must be supported by an Arborist report. e) Approved sediment, siltation and stormwater control devices must be in place (and maintained) prior to and during the carrying out of any earthworks and other works on the site.	The proposed development involves excavation in order to construct the Basement level car parking and storage areas as well as some portions of the Lower Ground level. The proposed basement car park does not extend the full width of the site. A Preliminary Geotechnical Assessment, Remediation Action Plan and Hazardous Building Materials Assessment are provided at Appendices 15, 16 and 17. These reports provide detail on mitigation methods for	Yes

Provisions	Comments	Complies?
	any risks to adjoining properties in relation to the excavation. Erosion and sediment control measures including a sediment fence, drop inlet pit, sand bag sediment trap and stabilised construction exit are included as part of this application. Refer to the Stormwater Concept Plan and Report at Appendix 6, for further detail.	
4.4.5.2 Excavation		
a) Excavation is generally limited to 1m below natural ground level with the exception of basement parking areas (which will be contained within the footprint of the building) and swimming pools; b) A dilapidation survey report and geotechnical assessment may be required for excavation works exceeding 1m. Dilapidation survey reports are to include photographic survey of the physical condition of adjoining properties, both internally and externally, including walls ceilings, roof, structural members and other such items. Such records are to provide proper record in relation to the proposed development to particularly assist in any dispute over damage to adjoining proposed arising from the works. It is in the interests of applicants and adjoining landowners for it to be as full and as detailed as necessary commensurate with the nature of the proposed development.	Excavations will be required to achieve the basement level parking areas for each of the residential buildings, estimated at about 2m near the Bower Street frontage (i.e. Basement A), around 10m along the western section of Building B, and approximately 6m for Building C near the Reddall Street frontage of the site.	Yes

Provisions	Comments	Complies?
4.4.5.3 Filling		
a) Filling must not exceed 1m above natural ground level. b) Only natural rock, gravels or sand material (not builder's waste or demolition materials), obtained from approved sources, must be used as filling.	Not applicable to proposed development. Fill is not proposed as part of this application.	N/A
Part 5 Special Character Areas and Sites		
5.4 Environmentally Sensitive Lands		
5.4.1 Foreshore Scenic Protection Area		
5.4.1.1 Additional matters for consideration		
LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area. a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also: i) minimise the contrast between the built environment and the natural environment; ii) maintain the visual dominance of the natural environment;	The proposed development is consistent with the existing built elements on the site. The proposed development would have no impact the natural environment. Materials, colours and textures to be used are non-reflective and	Yes

Provisions	Comments	Complies?
iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat; iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas; v) locate rooflines below the tree canopy; vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality. b) Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly. See also paragraph 4.1.4.5 of this DCP and LEP clause 6.10 in relation to Foreshore Building Lines and limited development in the Foreshore Area	are consistent with the existing built elements on the site.	
5.4.2 Threatened Species and Critical Habitat Lands		
Any development of land with known habitat for threatened species must consider the likely impacts of the development and whether further assessment needs to be undertaken by a Species Impact Statement. See also Council's Administrative Guidelines for DA lodgement requirements. a) Any DA on land identified in Schedule 1 - Map D, being land generally to the south-east of Ashburner Street, Manly and including North Head must be accompanied by an Assessment of Significance Report ('7 Part Test') under Section 5A Environmental Planning and Assessment Act 1979. Critical habitat for the little penguin (<i>eudyptula minor</i>) and habitat for the long nosed bandicoot (threatened species) is prescribed in the Threatened Species and Conservation Act 1995	A Terrestrial Biodiversity Report and '5-Part Test' for the Long-Nosed Bandicoot has been prepared by SIA Ecological & Environmental Planning and is provided at Appendix 21. This report finds that the existing development site provides a valuable habitat for a range of native biodiversity. Landscaping proposed as part of this	Yes

Provisions	Comments	Complies?
Notes: The Minister for the Environment and the Minister for Primary Industries, with the concurrence of the Minister for Planning, have prepared assessment guidelines to assist in the interpretation and application of the factors of assessment. The guidelines clarify the specific terminology of the relevant legislation and provide clear interpretations of the factors of assessment.	application will restore a similar habitat for the site and will therefore result in no net loss of biodiversity habitat at the site. The Report notes that the median strips surrounding the site provide foraging habitat for the Long-Nosed Bandicoot and provides a range of recommendations to mitigate any potential adverse impacts to these species.	