

Manly Local Environmental Plan 1988

[1988-591]



New South Wales

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New South Wales

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Manly Local Environmental Plan 1988



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Manly Local Environmental Plan 1988*.

2 Land to which plan applies

This plan applies to all land within the Municipality of Manly as shown on the map.

3 Aims and objectives

(1) The general aims and objectives of this plan are:

- (a) to repeal all the existing local planning controls which apply to the land shown on the map and to replace those controls with a single local environmental plan,
- (b) to give the council greater responsibility for environmental planning by creating only broad controls in this plan and leaving more detailed local environmental planning provisions in the development control plans provided by the council,
- (c) to simplify the general restrictions on development by reducing the number of land use zones,
- (d) to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreational needs of residents and visitors,
- (e) to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of the Municipality,
- (f) to recognise that tourism is a major industry and employer in Manly and to endeavour to encourage its growth and continuing viability,
- (g) to conserve and protect Aboriginal relics and items of the environmental heritage being buildings, works, relics or places of historic, scientific, cultural, social, archaeological, traditional, architectural, natural or aesthetic significance,

- (h) to manage change within the Municipality so that Aboriginal relics and items of the environmental heritage that contribute to its special sense of place are protected and conserved,
 - (i) to preserve and enhance the amenity of defined environmentally sensitive areas, public places and areas visible from public places or from navigable waters around the Municipality,
 - (j) to ensure that new development does not detract from the very special visual quality of the Municipality,
 - (k) to interrelate movement systems with land use, and
 - (l) to increase safety and amenity of residential, commercial and industrial precincts without downgrading accessibility.
- (2) The particular aims of this plan are:
- (a) to divide land into the zones referred to in clause 9 and to achieve in each of those zones the objectives specified for the land in clause 10, and
 - (b) to enable the council to make development control plans regulating the carrying out of development in any zone:
 - (i) by restricting the carrying out of that development to a specified area within the zone, or
 - (ii) by fixing standards or specifying requirements for that development,
 - (c) to make provision for exempt development within the Manly local government area, and
 - (d) to make provision for complying development within the Manly local government area other than those areas where, because of environmental sensitivity, the consideration of development applications by the Council would be more appropriate, and
 - (e) to provide environmental planning controls that will result in the management of any disturbance to acid sulphate soils so as to minimise impacts on natural waterbodies and wetlands and on fishing, urban and infrastructure activities, and
 - (f) to require development consent for works that would disturb soils or groundwater levels in localities identified as having acid sulphate soils, and
 - (g) to require special assessment of certain development on land identified as being subject to risks associated with the disturbance of acid sulphate soils.

4 Policies and strategies

The policies and strategies of this plan are:

(a) in relation to residential and community life:

- (i) to maintain, protect and increase the Municipality's permanent residential population,
- (ii) to prescribe the nature and intended future of the residential areas within the Municipality by means of density and other controls,
- (iii) to provide initiatives to improve the range and quality of community services and facilities throughout the Municipality,
- (iv) to encourage greater community involvement in school facilities and promote adaptation of existing education structures which will allow multiple use and community access, particularly those facilities which are not needed at the present time,
- (v) to provide for a broad range of housing types to cater for all socio-economic groups without adverse effects on the character and amenity of the Municipality,
- (vi) to encourage an adequate supply of rental accommodation within the Municipality,
- (vii) to maintain and increase the number of boarding and lodging houses in view of the long term needs of age pensioners and invalid pensioners, and
- (viii) to encourage revitalisation, rehabilitation and redevelopment of residential areas while ensuring that dwelling form, including alterations and additions, does not degrade the amenity of surrounding residences or the aesthetic quality of the Municipality,

(b) in relation to tourism:

- (i) to encourage and concentrate tourist development in the Tourist Area,
- (ii) to encourage tourism to co-exist with local residents to their mutual advantage, and
- (iii) to develop tourism as an industry for the purpose of gaining employment, economic, cultural, social and recreational benefits in the community,

(c) in relation to industry and commerce:

- (i) to promote industry and commerce which will contribute to the economic growth and employment opportunities within the Municipality,

- (ii) to consolidate, promote and strengthen retail activity in the Manly Town Centre,
 - (iii) to limit retail activity to existing commercial zoned areas and encourage further development of these centres to cater for the retail, commercial entertainment, welfare and recreational needs of residents and visitors,
 - (iv) to consolidate existing centres by encouraging development of first floor retail activities in conjunction with pedestrian arcades at locations adjacent to car parks and along the waterfront,
 - (v) to develop a balanced pattern of traffic movement and off-street car parking stations which will foster greater opportunity for retail growth within the Business/Industrial centres of the Municipality,
 - (vi) to encourage the provision of different sized office areas suitable for a variety of uses,
 - (vii) to ensure sufficient servicing space is provided for delivery to shops and commercial and industrial premises,
 - (viii) to create safe pedestrian areas within all retail areas,
 - (ix) to encourage the provision of industrial activities by permitting specific office and subsidiary activities in association with the primary industrial use, and
 - (x) to maintain and improve the quality of the Municipality by minimising disturbances caused by air pollution, water pollution, noise pollution and any other pollutants,
- (d) in relation to open space and recreation:
- (i) to enhance the range of open space types and recreational opportunities while increasing the total environmental quality of the Municipality,
 - (ii) to encourage a diversity of commercial recreation activities suitable for adults as well as youths which will complement the tourist attractiveness of Manly,
 - (iii) to consider and provide for the needs of the handicapped in designing, locating or rehabilitating recreational facilities and amenities, and
 - (iv) to develop a system of cycleways and walkways to provide neighbourhood links for residents, tourists and commuters using existing low traffic roads, foreshores and existing open space areas,
- (e) in relation to landscape:
- (i) to protect and enhance the natural and cultural landscapes throughout the Municipality,

- (ii) to preserve the natural landscape near the water's edge while allowing recreational uses to continue, and
 - (iii) to upgrade the environment of the Municipality through the appropriate management, conservation and reinstatement of the existing pattern of vegetation,
- (f) in relation to environmental heritage:
- (i) to promote the Municipality's environmental heritage and celebrate its diverse environment, including architecture, Aboriginal archaeology, industrial archaeology and landscape,
 - (ii) to set a good example with the Municipality's heritage and guide, encourage and educate others to further the appropriate conservation of the heritage items they own or administer, and
 - (iii) to continue an active program of public information and participation in heritage and conservation matters, and
- (g) in relation to movement:
- (i) to manage the existing road network to provide an efficient system for traffic movement while also providing safety and residential amenity,
 - (ii) to seek to facilitate access to public transport services, and
 - (iii) to support the upgrading of the Manly Ferry Service and its use as a viable alternative transport system to the Municipality and the southern part of the Manly Warringah Peninsula.

5 Relationship to other environmental planning instruments

- (1) This plan repeals the following environmental planning instruments:
- (a) the *Manly Planning Scheme Ordinance*,
 - (b) Interim Development Orders Nos 1 to 9—Municipality of Manly, inclusive,
 - (c) Manly Local Environmental Plans Nos 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11, and
 - (d) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, to the extent to which those instruments applied to that land.
- (2)–(4) (Repealed)

6 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except for the definitions of **arterial road**, **general store**, **health care professional**, **map** and **recreation facility** in clause 4 (1) and clause 15 of those provisions, are adopted for the purposes of this plan.

7 Interpretation

(1) In this plan:

Aboriginal relic means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the area of the Municipality of Manly, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

acid sulphate soils means actual or potential acid sulphate soils, as defined in the *Acid Sulphate Soils Assessment and Management Guidelines*.

Acid Sulphate Soils Assessment and Management Guidelines means the *Acid Sulphate Soils Assessment and Management Guidelines* as published from time to time by the NSW Acid Sulphate Soils Management Advisory Committee and adopted by the Director.

Acid Sulphate Soils Planning Map means the map marked *Manly LEP 1988 (Amendment No 34—Exempt and Complying Development)—Acid Sulphate Soils Planning Map 5* kept in the office of the Council.

amusement centre means a building or place used for the purpose of playing electrically or mechanically operated amusement devices such as pin ball machines, video machines, and the like.

appointed day means the day on which this plan was published in the Gazette.

backpacker accommodation means a building used to provide low-cost accommodation for travellers, which includes dormitories, but is not used as a principal place of residence.

bed and breakfast accommodation means a dwelling which:

- (a) provides temporary overnight accommodation for the short-term traveller,
- (b) offers at least breakfast for guests,
- (c) does not accommodate more than 2 adult guests with or without accompanying children,
- (d) does not contain facilities in rooms for the preparation of meals by guests, and

(e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the accommodation facility and who normally reside in the dwelling.

boating facility means a building or place used for the purposes of recreational boating activities and includes a marina, boat launching ramp, boat repair and servicing facility, wharf, jetty or any means of dry storage of boats.

boat repair and servicing facility means a building or place used to repair, service or restore boats.

bulky goods means large goods which are, in the opinion of the council, of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale.

conservation area means the land edged heavy black and marked "Conservation area" on the map marked "*Items of the Environmental Heritage Map 2 Architecture and Historical Archaeology*".

council means the Council of the Municipality of Manly.

demolition, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

Foreshore Scenic Protection Area means any land shown by black hatching and marked as a Foreshore Scenic Protection Area on the map.

health care professional means a person who renders professional health services to members of the public and includes:

- (a) a chiropodist registered under the [Chiropodists Registration Act 1962](#),
- (b) a chiropractor or and osteopath registered under the [Chiropractic Act 1978](#),
- (c) a physiotherapist registered under the [Physiotherapists Registration Act 1945](#),
- (d) an optometrist registered under the [Optometrists Act 1930](#), and
- (e) a recognised, qualified or accredited naturopath, herbalist, masseur or masseuse, acupuncturist or hypnotherapist.

item of the environmental heritage means a building, work, relic, place or tree, of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance to the Municipality of Manly, described in Schedule 4 and situated on (or within) land shown coloured either orange or brown, or otherwise identified, on either:

- (a) the map marked “*Items of the Environmental Heritage—Map 1 Landscape*”, or
- (b) the map marked “*Items of the Environmental Heritage—Map 2 Architecture and Historical Archaeology*”,

as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Manly Local Environmental Plan 1988 (Amendment No 4)

Manly Local Environmental Plan 1988 (Amendment No 26)

Manly Local Environmental Plan 1988 (Amendment No 30)

Manly Local Environmental Plan 1988 (Amendment No 31)

Manly Local Environmental Plan 1988 (Amendment No 32)

Manly Local Environmental Plan 1988 (Amendment No 41)

Manly Local Environmental Plan 1988 (Amendment No 50)

multi-dwelling development means a building containing two or more dwellings, or a group of two or more dwellings on a lot, and includes duplexes, semi-detached dwellings, townhouses, villa homes and residential flat buildings.

recreation area means:

- (a) a children’s playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
 - (i) the council, or
 - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

recreation facility means:

- (a) a building or place used for indoor recreation,
- (b) a billiard saloon,
- (c) a table tennis centre,

- (d) a squash court,
- (e) a swimming pool,
- (f) a gymnasium,
- (g) a health studio,
- (h) a bowling alley, or
- (i) any other building of a like character used for recreation, whether used for the purpose of gain or not,

but does not include a place of assembly or an amusement centre.

relic means any deposit, object or material evidence, which is 50 or more years old, relating to the settlement of the area of the Municipality of Manly, (excluding Aboriginal relics).

renovation in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting of unpainted brickwork, plastering or other decoration of the building or work,

small shop means a small shop as defined in section 76A of the *Factories Shops and Industries Act 1962*, with a total floor space not exceeding 50 square metres (excluding any residence attached or within the curtilage of the building) and used for any purpose listed in Schedule 1.

telecommunications facility means any part of the infrastructure of a telecommunications network, or any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

the map means the map marked "*Manly Local Environmental Plan 1988*", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Manly Local Environmental Plan 1988 (Amendment No 1)

Manly Local Environmental Plan 1988 (Amendment No 5)

Manly Local Environmental Plan 1988 (Amendment No 6)

Manly Local Environmental Plan 1988 (Amendment No 12)

Manly Local Environmental Plan 1988 (Amendment No 17)

Manly Local Environmental Plan 1988 (Amendment No 21)

Manly Local Environmental Plan 1988 (Amendment No 25)

Manly Local Environmental Plan 1988 (Amendment No 33)

Manly Local Environmental Plan 1988 (Amendment No 38)

Manly Local Environmental Plan 1988 (Amendment No 39)

Manly Local Environmental Plan 1988 (Amendment No 46)

Manly Local Environmental Plan 1988 (Amendment No 48)

Tourist Area means any land shown by heavy black dots on the map.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the council, and
- (c) a reference to land within a zone specified in the Table to clause 10 is a reference to land shown on the map in the manner indicated in clause 9 as the means of identifying land of the zone so specified.

(3) This plan is to be read in conjunction with:

- (a) the map, and
- (b) the maps listed in Schedule 7, with the exception of Map 4 (*Manly Local Environmental Plan (Amendment No 34—Exempt and Complying Development)—Environmentally Sensitive Areas Map 4*), which is to be read in conjunction only with clause 10A.

8 Consent authority

The council is the consent authority for the purposes of this plan.

Part 2 General restrictions on development of land

9 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 2 Residential Zone—coloured light scarlet.

Zone No 3 Business Zone—coloured light blue.

Zone No 4 Industrial Zone—coloured purple.

Zone No 5 Special Uses Zone—coloured yellow with red lettering (and either hatched or unhatched).

Zone No 5 (h) (Special Uses (Hospital) Zone)—coloured yellow with green edging.

Zone No 6 Open Space Zone—coloured dark green (and either hatched or unhatched).

Zone No 8 National Park Zone—uncoloured with dark green edging (and either hatched or unhatched).

10 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without development consent,
 - (b) development may be carried out only with development consent, and
 - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 2 Residential Zone

1 Objectives of zone

The objectives are:

- (a) to set aside land to be used for the purposes of housing and associated facilities,

- (b) to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality,
- (c) to allow a variety of housing types while maintaining the existing character of residential areas throughout the Municipality,
- (d) to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment,
- (e) to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations,
- (f) to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality,
- (g) to ensure full and efficient use of existing social and physical infrastructure and the future provisions of services and facilities to meet any increased demand, and
- (h) to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.

2 Without development consent

Bed and breakfast accommodation; dwelling-houses, other than dwelling-houses in the Foreshore Scenic Protection Area; home occupations.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Advertising structures; amusement centres; bulk stores; car repair stations; backpacker accommodation, clubs, hotels, motels, refreshment rooms, service stations and tourist facilities (other than backpacker accommodation, clubs, hotels, motels, refreshment rooms, service stations and tourist facilities in the Tourist Area); commercial premises; gas holders; generating works; heliports; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motor show rooms; public buildings; retail plant nurseries; roadside stalls; sawmills; service stations; shops other than

small shops; transport terminals; warehouses.

Zone No 3 Business Zone

1 Objectives of zone

The objectives are:

- (a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Municipality,
- (b) to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas,
- (c) to ensure there is adequate provision for car parking in future development in the business areas, and
- (d) to minimise conflicts between pedestrians and vehicular movement systems within the business areas.

2 Without development consent

Bed and breakfast accommodation; home occupations.

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Bulk stores; bus depots; car repair stations; dwelling-houses other than those erected and used in conjunction with any permissible use and situated on the same allotment as that use; fuel depots; gas holders; generating works; heliports; purposes specified in Schedule 3; junk yards; liquid fuel depots; mines; road transport terminals; roadside stalls; sawmills; warehouses.

Zone No 4 Industrial Zone

1 Objectives of zone

The objectives are:

- (a) to provide for suitable industrial activities in order to increase local

employment opportunities,

- (b) to minimise negative visual impact of development by limiting the size and scale of buildings and having regard to suitable landscaping, and
- (c) to encourage the provision of industrial activities by permitting specific office and subsidiary activities in association with the primary industrial use.

2 Without development consent

Nil.

3 Only with development consent

Refreshment rooms; retail outlets for bulky goods; any purpose other than a purpose included in item 4.

4 Prohibited

Backpacker accommodation; commercial premises other than recreational facilities and those commercial premises listed in Schedule 2; dwellings other than those above ground floor level, erected and used in conjunction with any industry included in item 3 and situated on the same land as that industry; educational establishments; gas holders; generating works; heliports; institutions; junk yards; liquid fuel depots; mines; purposes listed in Schedule 3; retail plant nurseries; roadside stalls; shops other than those shops listed in Schedule 2.

Zone No 5 Special Uses Zone

1 Objectives of zone

The objective of this zone is to identify and set aside land required for essential services to the public or the community which:

- (a) in the case of land shown unhatched on the map, is now owned or used for public or community purposes, or
- (b) in the case of land shown hatched on the map, will be acquired by a public authority for the particular public or community purpose shown on the map.

2 Without development consent

Nil.

3 Only with development consent

The particular purpose indicated by red lettering on the map; child care centres and other child care facilities; drainage; educational establishments; landscaping; roads; telecommunications facilities; utility installations other than generating works or gas holders.

4 Prohibited

Any purpose other than those included in item 3.

Zone No 5 (h) Special Uses (Hospital) Zone

1 Objectives of zone

The objective of this zone is to permit land within the zone to be used for the purpose of a hospital, subject to:

- (a) minimising loss of views to and from, and within, the St Patrick's College Estate, and
- (b) minimising intrusion in the heritage landscape and visual curtilage of Moran House.

2 Without development consent

Nil.

3 Only with development consent

Drainage; hospitals; landscaping; telecommunications facilities; utility installations other than generating works or gas holders.

4 Prohibited

Any purpose other than those included in item 3.

Zone No 6 Open Space Zone

1 Objectives of zone

The objectives are:

- (a) to ensure there is provision of adequate open space areas to meet the

needs of all residents and provide opportunities to enhance the total environmental quality of the Municipality,

- (b) to encourage a diversity of recreation activities suitable for youths and adults,
- (c) to identify, protect and conserve land which is environmentally sensitive, visually exposed to the waters of Middle Harbour, North Harbour and the Pacific Ocean and of natural or aesthetic significance at the water's edge,
- (d) to facilitate access to open areas, particularly along the foreshore, to achieve desired environmental, social and recreation benefits,
- (e) to conserve the landscape, particularly at the foreshore and visually exposed locations, while allowing recreational use of those areas, and
- (f) to identify areas which:
 - (i) in the case of areas shown unhatched on the map are now used for open space purposes, and
 - (ii) in the case of land shown hatched on the map are proposed for open space purposes.

2 Without development consent

Works for the purpose of landscaping, gardening or bush fire hazard reduction.

3 Only with development consent

Agriculture; boating facilities; car parking ancillary to a use permitted in this item; child care centres; drainage; forestry; golf courses; marinas; parks; public baths; public dressing pavilions, racecourses; recreation areas; refreshment rooms; roads; sports clubs; sports grounds; surf life saving clubs, telecommunications facilities; tennis courts; utility installations other than gas holders or generating works or both.

4 Prohibited

Any purpose other than a purpose included in items 2 or 3.

Zone No 8 National Park Zone

1 Objectives of zone

The objectives of the zone are:

- (a) to conserve areas of natural, ecological, scenic, educational, scientific, cultural or historic importance while permitting compatible development, and
- (b) to identify areas which:
 - (i) in the case of areas shown unhatched on the map, are now used for national park purposes, or
 - (ii) in the case of land shown hatched on the map, are proposed for national park purposes.

2 Without development consent

Any purpose authorised by the [National Parks and Wildlife Act 1974](#).

3 Only with development consent

Nil.

4 Prohibited

Any purpose other than those included in item 2.

10A Exempt and complying development

- (1) Development listed in Schedule 8 is exempt development if it complies with any relevant standards set for the development in Schedule 8.
- (2) Development listed in Schedule 9 is complying development if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it will achieve the outcomes listed in Schedule 9 for the development.
- (3) Development is not complying development if it is carried out on land within an environmentally sensitive area.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Schedule 10.
- (5) In addition, a complying development certificate that relates to the erection of a temporary and portable building must:

- (a) state that the building is a temporary building, and
 - (b) specify a removal date that is no later than one year after the date of issue of the complying development certificate.
- (6) In this clause, **environmentally sensitive area** means an area within Manly local government area which, for reasons of environmental sensitivity, is identified as an environmentally sensitive area on the map marked "*Manly Local Environmental Plan (Amendment No 34—Exempt and Complying Development)—Environmentally Sensitive Areas Map 4*".

Part 3 Special provisions

11 Subdivision

A person shall not subdivide land to which this plan applies except with the consent of the council.

12 Lands to be acquired

- (1) This clause applies to land within Zone No 5 or 6.
- (2) Except as provided by subclause (3), a person shall not, on land to which this clause applies:
 - (a) carry out development other than the erection of a building or the carrying out of a permanent work or a permanent excavation required for or incidental to the purposes referred to in item 2 or 3 of the matters relating to the zone applicable to that land in the Table to clause 10, or
 - (b) spoil or waste land so as to render it unfit for those purposes.
- (3) Where it appears to the council that, in relation to land to which this clause applies, the purposes referred to in subclause (2) cannot be carried into effect within a reasonable time after the appointed day, the owner of the land may, with the consent of the council, carry out development on the land.
- (4) A consent referred to in subclause (3) shall not be granted unless the council is satisfied that proper arrangements have been made (whether by the imposition of conditions under section 80 or 80A of the Act or otherwise) with respect to any one or more of the following:
 - (a) the removal or alteration of a building, work or excavation,
 - (b) the reinstatement of the land,
 - (c) the removal of any waste material or refuse from the land.
- (5) A consent referred to in subclause (3) shall not be granted in relation to an allotment

of land within Zone No 5 and lettered “proposed road widening” on the map, except with the approval of the statutory authority responsible for the acquisition of that land.

13 Acquisition of certain land

- (1) The owner of any land shown hatched on the map and within:
 - (a) Zone No 6 (other than the land edged red on the map),
 - (b) Zone No 6 and edged red on the map,
 - (c) Zone No 5 and lettered “proposed road widening” on the map, or
 - (d) Zone No 8,may by notice in writing require:
 - (e) in the case of land referred to in paragraph (a), the council,
 - (f) in the case of land referred to in paragraph (b), the Corporation,
 - (g) in the case of land referred to paragraph (c), the Commissioner for Main Roads, or
 - (h) in the case of land referred to in paragraph (d), the Minister for Environment,to acquire that land.
- (2) Subject to subclause (3), on receipt of a notice referred to in subclause (1) the public authority concerned shall acquire the land.
- (3) Land to which this clause applies may be developed for any purpose, with the consent of the council, until that land is acquired by the public authority concerned where the council is satisfied that the carrying out of that development will not adversely affect the usefulness of the land for the purposes for which it has been reserved.
- (4) The council shall not grant consent as referred to in subclause (3) to the development of land to be acquired by the Commissioner for Main Roads unless it obtains the concurrence of the Commissioner for Main Roads.
- (5) In considering whether to grant concurrence under subclause (4), the Commissioner for Main Roads shall take into consideration:
 - (a) the effect of the proposed development on the costs of acquisition,
 - (b) the imminence of acquisition, and
 - (c) the costs associated with the reinstatement of the land for the purposes for which the land has been reserved.

14 Responsibility for acquisition of certain land

- (1) Notwithstanding any other provision of this plan, the council shall not acquire or pay compensation for part lots 1, 2 and 3 in DP 620 and part lot A in DP 374668 within Zone No 6 where the land may be required to be provided without cost to the council as a condition of approval of a subdivision of adjoining land in the same ownership.
- (2) The owner of land referred to in subclause (1) may by notice require the council to acquire such part or parts of the land as may not be required to be provided without cost to the council as a condition of approval of a subdivision of adjoining land in the same ownership and upon receipt of such notice the council shall acquire the land to which the notice relates.

15 Arrangements for access to certain land

No development shall be carried out on land within Zone No 2 edged red on the map, being land in the vicinity of Rignold Street, Seaforth, until arrangements satisfactory to the council have been made for access to the land.

15A Development within Zone No 5 (h)

- (1) This clause applies to land within Zone No 5 (h).
- (2) Development for the purpose of a hospital building may be carried out only if the building complies with the following requirements:
 - (a) the gross floor area of the building must not exceed 1600 square metres, and
 - (b) the height of the building must not exceed two storeys measured from the existing ground level, and
 - (c) the outline of the building is to follow the natural ground level of the site to the maximum extent practicable, and
 - (d) the maximum wall height of the building must not exceed 8 metres above existing ground level, except as provided by paragraph (e), and
 - (e) the maximum wall height may exceed 8 metres, but must not exceed 9 metres, if not more than 30% of the total length of all external walls of the building has a vertical height above existing ground level of more than 8 metres, and
 - (f) the ridge of any roof of the building must not exceed RL 48.
- (3) Any building must be situated within the hatched area marked "A" on the map marked "*Manly Local Environmental Plan 1988 (Amendment No 23)*". However, a building may be located within the hatched area marked "B" on that map if the ridge of any roof of the building in that area does not exceed RL 45.
- (4) In this clause:

existing ground level means the level of the site as at 1 November 1996.

maximum wall height is the greatest vertical distance from the existing ground level to the topmost part of the external wall of the building.

RL means height (in metres) above Australian Height Datum.

16 Development within Zone No 6

Where the council or a public authority owns land which is within Zone No 6, the council shall not consent to an application to carry out development on that land unless it has made an assessment of:

- (a) the need for the proposed development on that land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

17 Visual and aesthetic protection of certain land

The council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.

17A (Repealed)

18 Items of the environmental heritage

- (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:
 - (a) demolish, renovate or extend any such building or work,
 - (b) damage or despoil any such relic or any part of any such relic,
 - (c) excavate any land for the purpose of exposing or removing any such relic,
 - (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place, or
 - (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,except with the consent of the council.
- (2) The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:
 - (a) the significance of the item as an item of the environmental heritage of the

Municipality of Manly,

- (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
- (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and
- (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.

19 Development in the vicinity of an item of the environmental heritage

The council shall not grant consent to a development application to carry out development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its setting.

20 Development in the vicinity of Aboriginal relics

Where the council receives an application to carry out development on land within the vicinity of an Aboriginal relic the council shall not grant consent to the application unless it has notified the Director of National Parks and Wildlife of the proposed development within 14 days of the receipt of the application.

21 Conservation area

- (1) A person shall not, in respect of a conservation area:
 - (a) demolish, extend or change the outside of a building or work within that area, including changes to the outside of a building or work that involve the repair of the painting of unpainted brickwork, plastering or other decoration of the outside of the building or work,
 - (b) damage or despoil a relic or part of a relic within that area,
 - (c) excavate any land for the purpose of exposing or removing a relic within that area,
 - (d) erect a building within that area, or
 - (e) subdivide land within that area,except with the consent of the council.
- (2) The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:

- (a) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the conservation area, and
 - (b) whether a refusal to grant consent would constitute a danger to the users or occupiers of that land or the public.
- (3) The council shall not grant consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter the exterior of an existing building, unless the council has made an assessment of:
- (a) the pitch and form of the roof,
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the conservation area.

22 Heritage Council to be given prior notice of demolition consent

Where a person makes a development application to demolish a building or work that is an item of the environmental heritage or within a conservation area the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage Council of its intention to do so.

23 Advertising of heritage applications

The provisions of sections 79 and 79C (1) of the Act apply to and in respect of:

- (a) the demolition of a building or work within a conservation area,
- (b) the demolition of a building or work that is an item of the environmental heritage, and
- (c) the use of a building or land referred to in clause 25 (1) for a purpose which, but for that clause, would be prohibited under this plan,

in the same way as those provisions apply to and in respect of designated development, except that in applying clause 37 (e) of the *Environmental Planning and Assessment Regulation 1980* a reference to 30 days shall be read as a reference to 14 days.

24 Exemption of minor development

Clauses 22 and 23 do not apply to the alteration or partial demolition of an item of the environmental heritage or a building or work within a conservation area if, in the opinion of the council, the alteration or partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item, building or work in relation to the environmental heritage of the Municipality of Manly.

25 Conservation incentive relating to heritage items

- (1) Nothing in this plan prevents the council from granting consent to:
 - (a) the use for any purpose of a building within a conservation area or of the land on which that building is erected, or
 - (b) the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected,where the council is satisfied that:
 - (c) the use would have little or no adverse effect on the amenity of the area, and
 - (d) conservation of the building depends on the council granting consent in pursuance of this subclause.
- (2) The council, when considering an application for consent to erect a building on land upon which there is a building which is an item of the environmental heritage, may at its discretion exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item of the environmental heritage:
 - (a) for the purposes of determining the floor space ratio, and
 - (b) for the purposes of determining the number of parking spaces to be provided on the site,but only if the council is satisfied that the conservation of the item depends upon the council granting consent in pursuance of this clause.

26 Community use of school facilities and sites

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires consent for the carrying out of development on any land on which development could, but for this clause, be carried out on land without consent.

27 Advertising of certain development applications

- (1) This clause applies to residential flat building development or development proposed to be carried out on land within Zone No 6 and owned by the council or another public authority, other than development involving alterations or additions to any existing development which, in the opinion of the council, are of a minor nature and do not to any significant extent adversely affect the existing or likely future amenity of the

neighbourhood.

- (2) The provisions of sections 79 and 79C (1) of the Act apply to an in respect of development to which this clause applies in the same way as those provisions apply to and in respect of designated development, except that in applying clause 37 (e) of the *Environmental Planning and Assessment Regulation 1980*, a reference to 30 days shall be read as a reference to 14 days.

28 Retailing of bulky goods in Zone No 4

- (1) This clause applies to land within Zone No 4.
- (2) Subject to subclause (3), nothing in this plan shall prevent a person, with the consent of the council, from carrying out on land to which this clause applies development for the purpose of the retail sale of bulky goods from a building or site in or on which those goods are stored, manufactured, displayed or processed.
- (3) The council shall not grant consent to an application for the consent to carry out development referred to in subclause (2) unless it is satisfied:
 - (a) that suitable land is not available for the proposed development in any nearby business centre, and
 - (b) that the proposed development will not detrimentally affect:
 - (i) existing or future industrial development within Zone No 4, or
 - (ii) the range of services offered by existing shops located in any nearby business centre.

29 Development of certain residential land

- (1) This clause applies to the land within a residential zone shown edged blue on the map.
- (2) Notwithstanding clause 10:
 - (a) a person shall not carry out any development on the land to which this clause applies without the consent of the council, and
 - (b) the council shall not grant consent to the carrying out of development on any land to which this clause applies unless the Minister has determined that an adequate supply of water is available to that land.
- (3) The Minister's determination referred to in subclause (2) (b) shall be published in the Gazette.
- (4) The provisions of *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* or *State Environmental Planning Policy No 9—Group Homes*, shall

not apply to the land to which the clause applies until a determination of the Minister that an adequate supply of water is available to that land has been published in the Gazette.

29A (Repealed)

30 Services

The council shall not grant consent to the carrying out of development on any land to which this plan applies unless and until arrangements satisfactory to the Water Board have been made with the Board for the provision of water and sewerage services to the land.

30A (Repealed)

31 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the council, from carrying out development on land referred to in Schedule 5 for a purpose specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that clause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the council in respect of the development.

32 Conservation of a heritage streetscape

- (1) This clause applies to land within Zone No 2, having frontage to Pittwater Road, Manly.
- (2) Notwithstanding clause 10, the ground floor of a building which contained a shop or restaurant on the appointed day may, with the consent of the council, be used for any purpose permissible with or without consent in Zone No 3, but only if the use will not adversely affect the amenity of the locality by reason of:
 - (a) the emission of noise, vibration, smell, fumes, smoke, vapour, soot, ash, dust, waste products, or
 - (b) increased vehicular movements to and from the site or in adjacent streets, so that there are more vehicular movements than would normally be found in streets next to a Business Zone, or
 - (c) any signage or other non-structural change in the appearance of the exterior of the building resulting from that use being inconsistent with preservation or restoration of the exterior of the building in keeping with the heritage streetscape in the vicinity.
- (3) The council must not consent to any alteration or addition to a building, or to any

rebuilding, which will result in a change in the appearance of the exterior of a building unless the council is satisfied that, after the building work has been carried out, the appearance of the exterior of the building will be in keeping with the preservation or restoration of the heritage streetscape in the vicinity.

33 Development on land identified on Acid Sulphate Soils Planning Map

- (1) **Consent usually required** A person must not, without the consent of the council, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (3).

Class of land as shown on Acid Sulphate Soils Planning Map	Works
1	any works
2	works below natural ground surface works by which the water table is likely to be lowered
3	works beyond 1 metre below natural ground surface works by which the water table is likely to be lowered beyond 1 metre below natural ground surface
4	works beyond 2 metres below natural ground surface works by which the water table is likely to be lowered beyond 2 metres below natural ground surface
5	works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

- (2) For the purposes of subclause (1), **works** means:
- (a) any disturbance of more than one [1] tonne of soil (such as occurs in carrying out construction and maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies [including canals, dams and detention basins] or foundations, or flood mitigation works), or
 - (b) any other works that are likely to lower the watertable regardless of how much soil they disturb.
- (3) Land shown on the Acid Sulphate Soils Planning Map, or land shown on that Map as being within a particular class, is taken not to be classified, not to be within that particular class, or to be within a different class, if the council makes a determination to that effect having regard to the quality of the land.
- (4) **Exception following preliminary assessment** This clause does not require consent for the

carrying out of those works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the “Acid Sulphate Soils Assessment and Management Guidelines” has been given to the council, and
- (b) the council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulphate soils management plan prepared on accordance with the “Acid Sulphate Soils Assessment and Management Guidelines”.

(5) **Considerations for consent authorities** The council must not grant a consent required by this clause unless it has considered:

- (a) the adequacy of an acid sulphate soils management plan prepared for the proposed development in accordance with the “Acid Sulphate Soils Assessment and Management Guidelines”, and
- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
- (c) any comments received from the Department of Land and Water Conservation within 21 days of the Council having sent that Department a copy of the development application and of the related acid sulphate soils management plan.

(6) **Public Authorities not exempted** This clause requires consent for development to be carried out by councils, county councils or drainage unions despite, clause 35 and items 2 and 11 of schedule 1 to the *Environmental Planning and Assessment Act Model Provisions 1980*, as adopted by this plan.

34 Classification and reclassification of public land as operational

The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).

Schedule 1

(Clauses 7 (1), 10)

Antique shop
Art gallery
Beautician
Butcher
Dressmaker
General store
Hairdresser
Newsagent
Tailor

Schedule 2

(Clause 10)

Bank
Chemists's shop
Delicatessen
Hairdressing salon
Milk bar
Newsagent's shop
Take-away food shop

Schedule 3

(Clause 10)

Abattoirs
Agricultural machinery manufacture
Asbestos cement products manufacture
Boilermaking
Brick, tile, pipe and pottery manufacture
Cement manufacture
Electric machinery manufacture
Extractive industries
Fireclay products manufacture
Glass products manufacture
Grain milling
Hardboard manufacture
Heavy engineering
Machinery manufacture (heavy)
Metal founding
Motor body building
Motor vehicle manufacturing and assembly
Offensive or hazardous industry
Ready-mix cement manufacture
Sawmilling
Steel products manufacture
Stone cutting and crushing
Wire manufacture

Schedule 4 Items of the environmental heritage

(Clause 7)

Architectural and Archaeological Items

(A) Alphabetical Entry by Street

Item	Address
Mandalay Private Hospital	2 Addison Road, Manly Point
House	44 Addison Road, Manly

Two terrace houses	59-61 Addison Road, Manly
House	78 Addison Road, Manly
House	116 Addison Road, Manly
Four Houses	95, 97, 99 and 101 Addison Road, Manly
Group of residential flat buildings	124-130 Addison Road, Manly
Addison Road (from Wood Street to Osborne Road), Manly	
Residential flat building	1 Addison Road, Manly
House	2 Ashburner Street, Manly
Two adjoining residential flat buildings	37 and 41 Ashburner Street, Manly
Manly Golf Club House	Balgowlah Road, Fairlight
Civic buildings	Belgrave Street, Manly
Birkley Road (from Sydney Road to Raglan Street), west side	
Superintendant's house	Davidson Park State Recreation Area, Bantry Bay
House	50 Bower Street, Manly
House	105 Bower Street, Manly
Residential flat building	129 Bower Street, Manly
House	2 Boyle Street, Balgowlah
Seven Houses	33-45 Boyle Street, Balgowlah
Substation	Corner Boyle and Griffiths Streets, Balgowlah
House	14 Camera Street, Manly
Group of two-storey residential flat buildings	1-5 Cameron Avenue, Manly
Group of six semi-detached houses	2-12 Cliff Street, Manly
House	14 Cliff Street, Manly
Residential flat building	7 Commonwealth Parade, Manly
House	155 Condamine Street, Balgowlah
House	169 Condamine Street, Balgowlah
Residential flat building	217 Condamine Street, Balgowlah
House	40 Collingwood Street, Manly
Two cast iron pedestals	Central reservation of The Corso, between The Esplanade and Darley Road, Manly

The Corso, Manly	
Commercial building	36 The Corso, Manly
Group of commercial buildings	41–45 The Corso, Manly
Group of commercial buildings	46–64 The Corso, Manly
Hotel Steyne	75 The Corso, Manly
Group of 4 commercial buildings	102–108 The Corso, Manly
New Brighton Hotel	The Corso, Manly
St Matthew’s Church and Church Hall	Corner of The Corso and Darley Road, Manly
Semi-detached houses	16 and 18 Crescent Street, Manly
House	10 The Crescent, Fairlight
Residential flat building	“Cumberland”, 32 The Crescent, Fairlight
Dalwood Home—principal building	21 Dalwood Avenue, Seaforth
Stone outbuilding to Dalwood home	21 Dalwood Avenue, Seaforth
House	62 Darley Road, Manly
St Matthew’s Anglican Rectory	1 Darley Road, Manly
St Patrick’s College Seminary and associated buildings	Darley Road, Manly
St Patrick’s College Complex	Darley Road, Manly
Cardinal’s Palace	Darley Road, Manly
Manly District Hospital—former principal building	Darley Road, Manly
Group of 7 cottages	26–38 Denison Street, Manly
Manly Rowing and Sailing Club—group of buildings	East Esplanade, Manly
Manly Fun Pier	East Esplanade, Manly
Manly Wharf (facade and street returns only)	The Esplanade, Manly
House	5 East Esplanade, Manly
House	7 East Esplanade, Manly
Two terrace houses	41–42 East Esplanade, Manly
House	16 Edgecliffe Esplanade, Seaforth
House	18 Edgecliffe Esplanade, Seaforth
Residential flat buildings	12 and 14 Ethel Street, Balgowlah
Group of 2 storey residential flat buildings	Eurobin Avenue—northern side (from Pittwater Road to Collingwood Street), Manly

Manly Reservoir	Corner Fairlight Street and Ashley Parade, Fairlight
Group of 3 houses	21–25 Fairlight Street, Fairlight
Group of 6 houses	12–22 Francis Street, Fairlight
Stone building	Corner French's Forest and Sydney Roads, Seaforth
Two adjoining houses	17 and 19–21 George Street, Manly
Garage building	Corner Gilbert Street and West Promenade, Manly (opposite park)
Group of 4 houses	1, 3, 5 and 11 Griffiths Street, Balgowlah
Stone terrace and adjoining house	15, 17 and 19 Griffiths Street, Balgowlah
House	1 Hill Street, Fairlight
Cemetery	Hill Street, Fairlight
Convent of The Good Samaritan: Stella Maris	Iluka Avenue, Manly
House	17 Jackson Street, Balgowlah
House	19–21 Jackson Street, Balgowlah
Kangaroo Street (houses at Nos 45, 47, 49, 53, 61, 63, 65 and 67), Manly	
House	13 King Avenue, Balgowlah
Margaret Street (from Lauderdale Avenue to Fairlight Street), Fairlight	
Five houses (4 terraced, one free standing)	4–8 Mossgiel Street, Fairlight
Queenscliff Surf Club	North Steyne, Queenscliff
North Steyne Surf Life Saving Club	North Steyne, Manly
House	"Trevitt House", 12 Oyama Avenue, Manly
House	19 Ocean Road, Manly
House	9 Osborne Road, Manly
House	14 Palmerston Place, Seaforth
House	7 Pine Street, Manly
Group of 5 houses	15–23 Pine Street, Manly
Pittwater Road (from Denison Street to Collingwood Street), Manly	
Former tram depot	Corner Pittwater and Balgowlah Roads, Manly
House	15–17 Pittwater Road, Manly

Pair of houses	25 and 27 Pittwater Road, Manly
Group of commercial and residential buildings	35–49 Pittwater Road, Manly
Private Hotel	61 Pittwater Road, Manly
House	63 Pittwater Road, Manly
House	77 Pittwater Road, Manly
Commercial building	210–214 Pittwater Road, Manly
Group of commercial buildings	216–218 Pittwater Road, Manly
House	226 Pittwater Road, Manly
Quinton Road (from Raglan Street to Augusta Road), Manly	
St Andrew’s Presbyterian Church	Raglan Street, Manly
St Andrew’s Hall and Manse	Raglan Street, Manly
Raglan Street (between Ocean Road and Birkley Road, north side), Manly	
House	“Logan Brae”, 32 Reddall Street, Manly
House	“Stone House”, lot 2, Rignold Street, Seaforth
House	14 Ross Street, Seaforth
Public shelters	South Steyne, Manly
Two residential/commercial buildings	7 and 14 South Steyne, Manly
House	15 South Steyne, Manly
House	8 Stuart Street, Manly
House	34 Stuart Street, Manly
Group of houses	85–99 Stuart Street, Manly
Congregational Church	Corner Sydney Road and Whistler Street, Manly
Group of 5 commercial buildings	39–47 Sydney Road, Manly
House	83 Sydney Road, Manly
Two commercial buildings	“Rose Building”, 152–154 Sydney Road, Fairlight
Group of houses	303, 305 and 307 Sydney Road, Balgowlah
Commercial building	463 Sydney Road, Balgowlah
House	6 Thornton Street, Fairlight
House	78 Wanganella Street, Balgowlah
The Drummond Far West Home	22 Wentworth Street, Manly

Bus depot	West Esplanade, Manly
Dressing pavilion and amenities block	West Esplanade, Manly
West Promenade (residential flat buildings at Nos 3–8), Manly	
Uniting Church	4 West Promenade, Manly
St Mary’s Church, Presbytery and School	Corner Whistler and Raglan Streets, Manly
Masonic Hall	51 Whistler Street, Manly
Catholic Church	Corner White and Wanganella Streets, Balgowlah
House	Corner White and Jackson Streets (28 White Street), Balgowlah
House	Corner White and Woodland Streets (37 White Street), Balgowlah
House	1 Whittle Avenue, Seaforth
House	“Merriwa”, 10 Wood Street, Manly
Houses	42 and 46–48 Wood Street, Manly
Residential flat building	49 Wood Street, Manly
House	51 Wood Street, Manly
House	1 Woodland Street, Balgowlah

(B) Alphabetical Entry by Park, Reserve, etc

Item	Address
Middle Harbour Submarine Syphon	Clontarf Reserve, adjacent to Holmes Avenue, Clontarf
Fortifications	Dobroyd Head, Sydney Harbour National Park
Crater Huts	Dobroyd Head, Sydney Harbour National Park
Grotto Point light	Grotto Point, Sydney Harbour National Park
The Ivanhoe Loop	Ivanhoe Park, Manly
Site of gasworks	Little Manly Point (bounded by Carey and Stuart Streets), Manly
North Head Fortifications	North Head, Manly
Stone walls	North Head, Manly
North Head Scenic Drive, Parkhill Reserve	North Head, Manly
The School of Artillery	North Head, Manly
The Australian Police Staff College	North Head, Manly
Quarantine Station	Sydney Harbour National Park, North Head, Manly

Cemetery	Sydney Harbour National Park, North Head, Manly
Group of Institutional Buildings	Commonwealth Military Reserve, North Head, Manly
The Spit, Seaforth	Seaforth
Reserved track for trams	From Whittle Avenue to The Spit Bridge, Seaforth
Former Bridge	The Spit, Seaforth
Vehicular ferry ramp	The Spit Bridge, Seaforth
Tram terminus and wharf for tram punt	The Spit Bridge, Seaforth
Monument	The Spit Bridge, Seaforth

Landscape Items

(A) Alphabetical Entries by Street

Item	Address
Addison Road (from Bruce Avenue to Reddall Street), Manly	
Alan Avenue, Seaforth	
Alexander Street (from Collingwood Street to Balgowlah Road), Manly	
Ashburner Street, Manly	
Balgowlah Road (from Condamine Street to Manly Golf Club House), Balgowlah	
2 Trees (<i>Ficus rubiginosa</i> and <i>Pinus radiata</i>)	Lot B, DP 393053, off Battle Boulevarde, Seaforth
Street trees (<i>Acaucaria heterophylla</i>)	Bower Street (from Cliff Street to College Street), Manly
Street tree Port Jackson Fig (<i>Ficus rubiginosa</i>)	Cliff Street, Manly
Bellevue Street (from Sydney Road to Griffiths Street), Balgowlah	
Collingwood Street (from Iluka Avenue to Eurobin Avenue), Manly	
Condamine Street (from Griffiths Street to Sydney Road), Balgowlah	
The Corso (from Whistler Street to Sydney Road), Manly	
Cardinal's Palace Grounds	Darley Road, Manly
St Patrick's College Grounds	St Patrick's College, Darley Road, Manly
St Patrick's College Stone Walls	Boundary of St Patrick's College, Darley Road, Manly
Monument	East Esplanade, Manly

Edwin Street, Fairlight

2 Street trees (*Livistona australis*)

Francis Street (near corner of Arthur Street), Fairlight

Griffiths Street (from Condamine to Boyle Streets and from Hill to Bellevue Streets), Balgowlah

2 Moreton Bay Fig trees (*Ficus macrophylla*)

Courtyard in Stella Maris Convent, Iluka Avenue, Manly

7 Coral trees (*Erythrina indica*)

Corner Kenneth Road and Balgowlah Road, Manly

2 Monterey Pine Trees (*Pinus radiata*)

2 Linkmead Avenue, Clontarf, lot Y, DP 415123

Lodge Street (from Woodland to Condamine Streets and Condamine to Boyle Streets), Balgowlah

Lombard Street, Balgowlah

Malvern Avenue, Manly

Margaret Street (from Lauderdale Avenue to Fairlight Street), Fairlight

Street trees: 1 Norfolk Island Pine (*Araucaria heterophylla*); 1 Port Jackson Fig (*Ficus rubiginosa*); Marshall Street, Manly and 1 Norfolk Island Hibiscus (*Lagunaria patersonii*)

Pacific Parade, Manly

Pacific Street (from Collingwood Street to Malvern Avenue), Manly

Panorama Parade (from Edgecliffe Esplanade to Ponsonby Parade), Seaforth

Port Jackson Fig Tree (*Ficus rubiginosa*)

Lot 20, Pine Point, off Laura Street, Seaforth

Pine Street (from Collingwood to Smith Streets), Manly

Seaview Street (from New Street to Upper Beach Street), Balgowlah

Smith Street (from Pine Street to Carlton Street, and around the intersection with Alexander Street), Manly

Dalley's Castle remnants

Sydney Road, Manly

Monument—War Memorial

The Corso, Manly

Victoria Parade, Manly

Waratah Street, Balgowlah

West Street (from Lombard to Griffiths Streets), Balgowlah

Wentworth Street, Manly

Governor Phillip Monument Garden

West Esplanade, Manly "Whitehall", corner White Street and Woodland Streets, Balgowlah

Row of palm trees (*Washingtonia robusta*)

137 Woodland Street (SP 9100), Balgowlah

(B) Alphabetical Entry by Park, Reserve, etc

Item

Address

Bantry Bluff

Seaforth/Bantry Bay entrance Middle Harbour (Davidson Park State Recreation Area)

Natural landscape

Dobroyd Headland and Grotto Point, Sydney Harbour National Park

Clontarf Park

Clontarf, Middle Harbour

Norfolk Island Pine Commemorative tree (*Araucaria heterophylla*)

Clontarf Park, Middle Harbour

Esplanade Park

Fairlight Foreshore, North Harbour

Park

East Esplanade, Manly

Park

West Esplanade, Manly

Fisher Bay

Fisher Bay between Spit Bridge, Seaforth, and Sandy Bay Road, Clontarf

Several Canary Island Palm Trees (*Phoenix cananiensis*)

Forty Baskets Beach Reserve, Balgowlah

Park

Gilbert Park, Manly

Park

Ivanhoe Park (bounded by Sydney Road, Belgrave Street and Raglan Street), Manly

Kangaroo Sculpture

Kangaroo Reserve, Manly

Row of Norfolk Island Pine trees (*Araucaria heterophylla*)

Lagoon Park, Manly

Corner Moreton Bay Fig (*Ficus macrophylla*), row of Camphor Laurels (*Cinnamomum camphora*) along Harland Street and a row of Monterey Pines (*Pinus radiata*) along Hill Street

Manly Cemetery, Balgowlah

Stone kerbs

Manly Municipal area

Ocean foreshores

Boundary of Municipality adjacent to the ocean

Harbour foreshores

Boundary of Municipality adjacent to the Harbour

Beach Reserve

North and South Steyne, Manly (Merrett Park and The Steyne)

Moreton Bay Fig Tree (*Ficus Macrophylla*)

North Harbour Reserve, Balgowlah

Waterfall	North Harbour, Balgowlah
National Park	North Head, Sydney Harbour National Park, Manly
Obelisk	North Head, Sydney Harbour National Park, Manly
Quarantine Station stone cairn	Quarantine Station, Sydney Harbour National Park, North Head, Manly
Quarantine Station stone walls	Quarantine Station, Sydney Harbour National Park, North Head, Manly
Quarantine Station	Sydney Harbour National Park, North Head, Manly
Park Hill Reserve gateway	Entrance to North Head at end of Darley Road leading to Sydney Harbour National Park, North Head, Manly
Remnant natural bushland and baths	Powder Hulk Bay in vicinity of Sangrado Street, Seaforth
Unnamed reserve	Off Stuart Street (adjacent to Spring Cove), Manly
Reserve park	Tower Reserve, Manly
Reserve	Wellings Reserve, North Harbour
Two Moreton Bay Fig trees (<i>Ficus macrophylla</i>)	Unnamed reserve off Bower Street (Fairy Bower), Manly
Park	Unnamed triangular park in front of Council Chambers, Manly.

CONSERVATION AREA

The Corso Conservation Area

Schedule 5 Development for additional purposes

(Clause 31)

Land being lots A and B, DP 347250, and part lot B, DP 162462, known as Nos 168–170 Woodland Street and part 172A Woodland Street, Balgowlah, as shown edged heavy black on the map marked “*Manly Local Environmental Plan 1988 (Amendment No 2)*”—club, provided that vehicular access and pedestrian access (except for postal deliveries) to the club is excluded from Woodland Street.

Land being Lot 10, DP 702452 and SP 21669, at No 3 Thornton Street, Fairlight, as shown edged heavy black on the map marked “*Manly Local Environmental Plan 1988 (Amendment No 3)*”—commercial premises.

Land being 22 to 26 Wentworth Street, and 15 and 16 South Steyne, Manly, as shown edged heavy black on the map marked “*Manly Local Environmental Plan 1988 (Amendment No 11)*”—medical centres.

Land being 93–95 North Steyne, Manly, as shown edged heavy black on the map marked “*Manly Local Environmental Plan 1988 (Amendment No 16)*”—hire and sale of goods associated with recreational activities on the Manly ocean beach and beach front reserve in shops on the ground floor of the

building situated on the land.

Schedule 6 Classification and reclassification of public land as operational land

(Clause 34)

Suwarrow Street, Fairlight—Lot 30 Sec 4 DP 939916

Schedule 7 Maps

(Clause 7 (3))

Map 2	Items of the Environment Heritage—Map 1 Landscape
Map 3	Items of the Environment Heritage—Map 2 Architecture and Historical Archaeology
Map 4	<i>Manly Local Environmental Plan (Amendment No 34—Exempt and Complying Development)—Environmentally Sensitive Areas Map 4</i>
Map 5	<i>Manly Local Environmental Plan (Amendment No 34—Exempt and Complying Development)—Acid Sulphate Soils Planning Map 5</i>

Schedule 8 Exempt development

(Clause 10A (1))

General Standards for all types of development

Development identified in this Schedule is only exempt development if:

In relation to amenity

- a. it does not cause interference with the amenity of the neighbourhood because of emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
- b. it does not require a tree (as defined in the *Manly Tree Preservation Order*) to be removed, and
- c. it does not create any actual or potential hazard to health and safety or any pollution or potential for pollution, and

In relation to statutory standards

- d. it complies with all deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- e. it complies with any relevant standards set for the development by this plan and by any of the following relevant Manly Development Control Plans;—Residential Zone 2001 adopted 24/9/01; Business Zone (Amendment 2) adopted 10/5/99; Industrial Zone adopted 5/2/91; Access adopted 12/8/96; Advertising Signs adopted 5/10/93; Energy Efficient Buildings adopted 22/6/98; Backpackers Accommodation adopted 7/9/98; Notification adopted 28/06/99; and/or specific Plan of Management applying to the land, and

- f. it complies with all relevant SAA (Australian Standards), and
- g. it does not contravene any conditions of development consent applying to the land and is for an activity permissible in the zone, and
- h. it is not work to which clause 33 (Development on Land identified on Acid Sulphate Soils Planning Map) applies, and

In relation to stormwater and sewer

- i. it does not obstruct drainage on the site on which it is carried out, and
- j. it is carried out at least one metre from any public sewer main or easement and complies with the “building over sewer” requirements of Sydney Water Corporation applying to the land, and

In relation to access

- k. it does not restrict any vehicular or pedestrian access to or from the site, and
- l. it is carried out at least one metre from any easement, and

In relation to safety

- m. all equipment is installed according to the manufacturer’s specifications and by qualified tradespeople where relevant, and
- n. the work meets all relevant WorkCover requirements, and

In relation to conservation

- o. it is carried out behind the building line, where it is in a heritage streetscape and/or conservation area, and
- p. the site is not within or on National Parks and Wildlife land, and
- q. the site is not an Aboriginal place under the [National Parks and Wildlife Act 1974](#), and
- r. the site is not reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, or geological formations, or for other environmental protection purposes, and
- s. the site is not an aquatic reserve declared under the [Fisheries Management Act 1994](#).

Additional standards for specific types of development

1	2	3
NO	THE ERECTION OR CARRYING OUT OF ANY OF THE FOLLOWING	STANDARDS
1	Access ramps for the physically disadvantaged	<p>generally</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maximum height 1m above ground level; <input type="checkbox"/> Maximum grade 1:14;

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Air conditioning in dwellings
Clothes lines
Security installations
Pollution control devices
Water tanks & water heaters | <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Not forward of Building Line & screened from street;<input type="checkbox"/> All below eaves;<input type="checkbox"/> Noise/sound = less than 5 dB(a) at level 10; <p>tanks</p> <ul style="list-style-type: none"><input type="checkbox"/> Tanks are a maximum 3000 litres with piped overflow to stormwater;<input type="checkbox"/> Tanks to be 'stand alone' structures; |
| 3 | Aerials/antennae
Flagpoles
Satellite dishes | <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> All to be behind building line except flagpoles;<input type="checkbox"/> Maximum of 1 of each per dwelling;<input type="checkbox"/> Non-illuminated;<input type="checkbox"/> All (except satellite dishes) maximum 2 metres above roof ridge;<input type="checkbox"/> satellite dishes on roofs maximum 1m above roof ridge<input type="checkbox"/> All parts within property boundary; <p>communications</p> <ul style="list-style-type: none"><input type="checkbox"/> Low impact telecommunication facilities, as identified in the schedule to the Telecommunications Determination 1997, only;<input type="checkbox"/> Dishes 1000 mm or less in diameter in all zones;<input type="checkbox"/> Dishes at ground level must be less than 1.8m above natural ground level or less than height of adjoining fence, whatever is the greater;<input type="checkbox"/> Dishes on roofs must not be exposed to the street frontage; <p>flagpoles</p> <ul style="list-style-type: none"><input type="checkbox"/> To be no greater than 6m above natural ground level; |
| 4 | Awnings/canopies/blinds | <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Within residential zones only;<input type="checkbox"/> Within property boundary; |

- | | | |
|---|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | BBQs
Cabanas
Green houses
Aviaries
Cubbies (or cubby houses)
Garden sheds | <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Maximum of 1 of each per site;<input type="checkbox"/> Combined maximum area to be no greater than 15m²;<input type="checkbox"/> Maintains open space as required by Section 3.2 of the Residential DCP;<input type="checkbox"/> Not forward of Building Line;<input type="checkbox"/> Maximum height = 2.7m above natural ground level;<input type="checkbox"/> Non-reflective;<input type="checkbox"/> Maintains 900 mm side and rear boundary setbacks; <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Within an approved dwelling;<input type="checkbox"/> Does not contain facilities in guest rooms for preparation of meals; <p>operation</p> <ul style="list-style-type: none"><input type="checkbox"/> Limit of two guests; |
| 6 | Bed & Breakfast Accommodation | <ul style="list-style-type: none"><input type="checkbox"/> Offers (at least) breakfast for guests;<input type="checkbox"/> Temporary/overnight for short-term travellers;<input type="checkbox"/> Not for permanent or long-term accommodation except for operators of the facility;<input type="checkbox"/> Compliance certificate issued by Sydney Water Corporation, if required, for any increase in water usage or waste water disposal |

7	<p>Change of use of a building:</p> <p>A different use of a building resulting from a change of its use:</p> <ul style="list-style-type: none"> • from one type of shop to another type of shop, or • from one type of office to another type of office, or • from one type of commercial premises to another type of commercial premises, or • from one type of factory or warehouse to another type of factory or warehouse 	<p>generally</p> <ul style="list-style-type: none"> <input type="checkbox"/> Original use was a lawful use; <input type="checkbox"/> Does not include any use/activity outside (ie the curtilage) the premises; <input type="checkbox"/> Does not change the approved hours of operation; <input type="checkbox"/> Conditions of any original consent relating to landscaping, parking, waste disposal and loading/unloading, still apply to any new use; <input type="checkbox"/> No increase in or change in type of trade wastes discharged from the premises <p>shops</p> <ul style="list-style-type: none"> <input type="checkbox"/> Does not apply to food shops; <input type="checkbox"/> Does not apply to shops advertising or displaying products in contravention of section 578E of the Crimes Act 1900; <p>maximum floor areas</p> <ul style="list-style-type: none"> <input type="checkbox"/> In the case of factories and warehouses each must be less than 500m² in gross floor area and have off-street service access and loading; <input type="checkbox"/> In the case of offices, shops and commercial premises, each must be less than 200m² of gross floor area;
8	Decks/patios	<p>generally</p> <ul style="list-style-type: none"> <input type="checkbox"/> No greater than 15m² total combined area; <input type="checkbox"/> Maximum depth = 2.5m; <input type="checkbox"/> Surface level no greater than 500 mm above natural ground level; <input type="checkbox"/> Not penetrating setbacks prescribed in the Manly Residential DCP; <input type="checkbox"/> Does not have a roof structure;
9	Demolition	<p>generally</p> <ul style="list-style-type: none"> <input type="checkbox"/> Only if ordered by the Council or if involves demolition of a structure the erection of which would be exempt development;

- | | | |
|----|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | Fences (not for swimming pools) | <p>forward of Building Line</p> <ul style="list-style-type: none"><input type="checkbox"/> No greater than 1000 mm high; <p>side</p> <ul style="list-style-type: none"><input type="checkbox"/> No greater than 1.8m high<input type="checkbox"/> Not forward of building line; <p>masonry/brick</p> <ul style="list-style-type: none"><input type="checkbox"/> No greater than 1000 mm high in all cases; |
| 11 | Home occupation | <p>Nil</p> |
| 12 | Letter boxes | <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Maximum height 1.2m above natural ground level;<input type="checkbox"/> Maximum of one for each dwelling;<input type="checkbox"/> Numbering on each visible from the street. <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Non-structural;<input type="checkbox"/> Relates to previously completed building;<input type="checkbox"/> Does not apply to food shops;<input type="checkbox"/> Does not apply to buildings identified as a heritage item nor within an identified conservation street or area; |
| 13 | Minor internal alterations and exterior maintenance and renovation | <p>windows</p> <ul style="list-style-type: none"><input type="checkbox"/> No greater than 10% increase in glazed area of the subject façade;<input type="checkbox"/> To conform with any original development consent;<input type="checkbox"/> Replacement only, does not apply to new windows. <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> No greater than 3.0m above natural ground level; |
| 14 | Pergolas | <ul style="list-style-type: none"><input type="checkbox"/> No greater than 2.5m in depth;<input type="checkbox"/> No greater than 15m² in area;<input type="checkbox"/> No solid walls or roof; |

- 15 Public meeting(s)
generally
Within a Class 9 (b) building within the meaning of the *Building Code of Australia* which includes community and school halls and the like;
- 16 Re-cladding roofs and walls
generally
 With similar materials;
 No structural alterations;
 Non-reflective.
- 17 Retaining walls
generally
 No greater than 600 mm high;
- 18 Scaffolding
generally
 Does not encroach on any public thoroughfare;
 Removed immediately after work is concluded;
- 19 Solar water heaters
generally
 No storage tanks facing street frontage;
- 20 Skylights
generally
 Greater than 900 mm from boundary or from wall of attached dwelling;
 Maximum 1.2m² in total area;
 No structural alterations;
 Adequate waterproofing of any new openings;
 Maximum height above roof surface = 300 mm;

- 21 Signs—business identification
- generally**
- Must not cover vents nor windows;
 - One only per premises;
 - Message must relate to use or ownership of the land or premises;
 - No less than 2.6m above footpath level & no less than 600 mm from kerb if in a road reservation;
- business and industrial zones**
- No greater than 1.5m² area if under awning;
 - No greater than 2.5m² area for projecting signs, flush wall signs & top hamper signs;
- residential zones**
- No greater than 0.75m² in area;
 - Only for a ground floor use for which consent has been granted;
- 22 Signs—real estate
- generally**
- Only one per premises;
 - Within property boundaries;
 - Not illuminated;
- business and industrial zones**
- No greater than 3.5m² in area;
- residential zones**
- No greater than 2.5m² in area;
- 23 Signs—change in advertising message displayed
- generally**
- On an existing hoarding or bulletin board only;
 - No change to physical form.
- classification**
- Can be a building of a different classification under the *Building Code of Australia*;
- 24 Temporary change of use of a building for public entertainment
- generally**
- Only for a previously approved use;
 - The building is not higher than 25m at its highest point;
 - For a continuous period no greater than 72 hours;

25	Temporary use of certain land in buildings within Class 9 (b), within the meaning of the <i>Building Code of Australia</i>	<p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> Applies to public land vested in the Crown, a Minister or Statutory body, or land in Zone 5;<input type="checkbox"/> 21 day time limit on use;<input type="checkbox"/> Requires permission of owner or trustee of the land;<input type="checkbox"/> Does not involve erection of a permanent structure; <p>generally</p> <ul style="list-style-type: none"><input type="checkbox"/> In public areas and/or on public land;<input type="checkbox"/> By or on behalf of the Council and/or the Roads and Traffic Authority;<input type="checkbox"/> Complies with NPWS Standards where appropriate;<input type="checkbox"/> Does not apply to buildings except toilet blocks;<input type="checkbox"/> Complies with relevant Plan of Management adopted for the subject land; <p>bridges</p> <ul style="list-style-type: none"><input type="checkbox"/> Maximum 5m span
26	Bridges, steps, ramps etc Sporting Structures Landscaping Public Furniture Play Equipment Toilet blocks Street Signs Bus Shelters Stormwater/drainage Environmental Protection Works	

Schedule 9 Complying development

(Clause 10A (2))

General standards for all types of development

Development identified in this Schedule is complying development only if:

In relation to amenity

- a. it does not create an actual or potential hazard to health or safety or any pollution or potential for pollution, and
- b. it is not on contaminated land subject to assessment under [State Environmental Planning Policy No 55—Remediation of Land](#), and

In relation to statutory standards

- c. it is not an existing use as defined by S 106 of the Act, and
- d. it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- e. it complies with all relevant SAA (Australian Standards), and

- f. it complies with the relevant quantitative development standards set for the development by this plan and by any of the following relevant Manly Development Control Plans:—Residential Zone 2001 adopted 24/9/01; Business Zone Amendment 2 adopted 10/5/99; Industrial Zone adopted 5/2/91; Access adopted 12/8/96; Advertising Signs adopted 5/10/93; Energy Efficient Buildings adopted 22/6/98; Backpackers Accommodation adopted 7/9/98; Notification adopted 28/06/99, and
- g. it does not contravene any conditions of development consent applying to the land, and

In relation to stormwater and sewer

- h. a certificate of compliance has been obtained for the development (if required) from Sydney Water Corporation, and
- i. it does not obstruct drainage on the site on which it is carried out, and
- j. it complies with the “building over sewer” requirements of Sydney Water Corporation applying to the land, and

In relation to access

- k. it does not restrict any vehicular or pedestrian access to or from the site, and

In relation to safety

- l. all equipment is installed according to the manufacturer’s specifications and by qualified tradespersons where relevant, and
- m. the work meets all relevant WorkCover requirements, and

In relation to conservation

- n. it is not within a conservation area, and
- o. it is consistent with any management plan approved under *State Environmental Planning Policy No 44—Koala Habitat*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995*, that apply to the land, and
- p. it is not within or on any National Parks and Wildlife land, and
- q. it is not an Aboriginal place under the *National Parks and Wildlife Act 1974*, and
- r. it is not on land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, or geological formations, or for other environmental protection purposes, and
- s. it is not an aquatic reserve declared under the *Fisheries Management Act 1994*, and
- t. it is not work to which Clause 33—(Development on land identified on Acid Sulphate Soils Planning Map) applies.

Additional standards for specific types of development

1 2 3 4

Item	The erection or carrying out of any of the following	Categories of standards	Standards
1	Alterations: External alterations, or additions, to existing structure	Height	<ul style="list-style-type: none"> <input type="checkbox"/> On a site with a slope of no greater than 1:20 as shown on a recent survey plan; <input type="checkbox"/> Maximum of 3m above natural ground level to eaves; <input type="checkbox"/> Maximum finished floor level RL500 mm above natural ground level; <input type="checkbox"/> Not forward of front Building Line;
		Setbacks	<ul style="list-style-type: none"> <input type="checkbox"/> In the case of development in a residential zone, the development maintains minimum setbacks required by Section 3.5 of the Residential DCP; <input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received;
		Floor Area	<ul style="list-style-type: none"> <input type="checkbox"/> Maintains maximum floor space ratios required by any relevant DCPs;
		Aesthetics	<ul style="list-style-type: none"> <input type="checkbox"/> Same building materials, colours and textures as the existing building;
		Generally	<ul style="list-style-type: none"> <input type="checkbox"/> Retains open space required by Section 3.2 of the Residential DCP; <input type="checkbox"/> Does not relate to residential development in non-residential zones; <input type="checkbox"/> Not within the Foreshore Scenic Protection Area <input type="checkbox"/> Work must relate to primary use of the site; <input type="checkbox"/> Does not result in rooms within the roof space;
2	Residential alterations; internal		Nil <ul style="list-style-type: none"> <input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received;
3	Cabanas/green houses/ cubbies/sheds or cubby houses	Generally	<ul style="list-style-type: none"> <input type="checkbox"/> One of each per site; <input type="checkbox"/> Non-reflective finished surfaces;

4	Dwelling; Single detached	<p>Area</p> <p>Height</p> <p>Setbacks</p> <p>Location</p>	<p><input type="checkbox"/> Area taken must be no greater than 30m² in total;</p> <p><input type="checkbox"/> Retains open space required by Section 3.2 of the Residential DCP;</p> <p><input type="checkbox"/> Maximum of 3m above natural ground level;</p> <p><input type="checkbox"/> Minimum 900 mm from all side and rear boundaries;</p> <p><input type="checkbox"/> Not forward of building line;</p> <p><input type="checkbox"/> One per legally created allotment;</p> <p><input type="checkbox"/> On a site with a slope of no greater than 1:20 as shown on a recent survey plan;</p>
5	Fences; Free standing side and rear masonry or brick walls	<p>Height Standards</p> <p>Height</p> <p>Generally</p>	<p><input type="checkbox"/> Maximum 3.0m above natural ground level to eaves;</p> <p><input type="checkbox"/> Subject to compliance with ALL quantitative requirements of the Residential DCP;</p> <p><input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received;</p> <p><input type="checkbox"/> Not within the Foreshore Scenic Protection Area;</p> <p><input type="checkbox"/> No rooms within the roof space;</p> <p><input type="checkbox"/> Maximum 1.8m above natural ground level;</p> <p><input type="checkbox"/> Not incremental nor immediately above retaining walls;</p> <p><input type="checkbox"/> Not forward of building line;</p> <p><input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received;</p>

6	Garages & Carports and Driveways	Area	<ul style="list-style-type: none"> <input type="checkbox"/> Maximum 36m² for garages and carports; <input type="checkbox"/> Conforms with Section 3.12 of the Residential DCP; <input type="checkbox"/> Retains open space required by Section 3.2 of the Residential DCP; <input type="checkbox"/> Maximum height of 3m to underside of eaves; <input type="checkbox"/> Maximum RL 250mm finished floor level above natural ground level; <input type="checkbox"/> Maximum 25 degree roof pitch;
		Height	<ul style="list-style-type: none"> <input type="checkbox"/> Driveways cannot be elevated nor suspended; <input type="checkbox"/> No subterranean building except foundations; <input type="checkbox"/> Not forward of building line; <input type="checkbox"/> Not within the Foreshore Scenic Protection Area.
		Setbacks Generally	<ul style="list-style-type: none"> <input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received;
7	Industrial— Change of use from one industrial use to another or internal alterations to premises used for industrial use	Floor Area	<ul style="list-style-type: none"> <input type="checkbox"/> No additional floor space is created; <input type="checkbox"/> Works to be within the existing approved envelope of the building;
		Fire Safety	<ul style="list-style-type: none"> <input type="checkbox"/> No decrease in distances required for fire exit routes or changes to existing fire safety provisions; <input type="checkbox"/> A new fire safety certificate is required from the PCA;
		Access	<ul style="list-style-type: none"> <input type="checkbox"/> Any new entrance faces the public street or public pedestrian way; <input type="checkbox"/> No increase in car parking provisions created as a result of alterations or change of use;
		Operation	<ul style="list-style-type: none"> <input type="checkbox"/> The proposal does NOT involve any decontamination work.

8	<p>Offices/Shops— Change of use from one type of shop to another or internal alterations to premises used as a shop</p>	<p>Floor Area</p> <p>Access</p> <p>Fire Safety</p> <p>Operation</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Not more than 2000m² of gross floor area is changed; <input type="checkbox"/> No additional floor space is created; <input type="checkbox"/> Works to be within the existing approved envelope of the building; <input type="checkbox"/> No increase in any retail floor space; <input type="checkbox"/> No increase in car parking provisions created as a result of internal alterations or change of use; <input type="checkbox"/> Any new entrances must face a public street or public pedestrian way; <input type="checkbox"/> No decrease in distances required for fire exit routes; <input type="checkbox"/> No change in approved hours of operation; <input type="checkbox"/> The proposed use does not involve use of premises as a: <ul style="list-style-type: none"> Methadone clinic, or Adult book shop, or Brothel, or Amusement Centre, or Funeral parlour.
9	Pergolas with roofs	Standards	<ul style="list-style-type: none"> <input type="checkbox"/> No greater than 3.0m above natural ground level; <input type="checkbox"/> No greater than 2.5m in depth; <input type="checkbox"/> No greater than 15m² in area. <input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received;
10	Retaining Walls	Height	<ul style="list-style-type: none"> <input type="checkbox"/> Signed agreement by adjoining owner in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received; <input type="checkbox"/> Maximum 1.8m;
11	Skylights	Area	<ul style="list-style-type: none"> <input type="checkbox"/> Total of all to be no greater than 5m²;

12	Subdivision for the purpose of minor adjustments corrections to boundaries	<p>Height</p> <p>Purposes</p>	<p><input type="checkbox"/> Maximum height above roof surface = 300mm;</p> <p>For one of the following purposes:</p> <p>(a) Adjustment of private boundaries where existing lawful access is not changed;</p> <p>(b) Rectification of an encroachment upon an allotment;</p> <p>(c) Creation of a public reserve by dedication and not by acquisition;</p> <p>(d) Excising land to be used for a public purpose from an existing allotment by dedication and not by acquisition;</p>
		Generally	<p><input type="checkbox"/> Maintains FSR, setbacks and open space required by the relevant sections of the Residential DCP;</p> <p><input type="checkbox"/> Maintains minimum lot size or greater for all parties;</p> <p><input type="checkbox"/> Does not create a new allotment;</p>
13	Temporary & Portable Buildings	<p>Height</p> <p>Area</p> <p>Setbacks</p> <p>Time Limit</p> <p>Use</p> <p>Generally</p>	<p><input type="checkbox"/> Maximum height of 3m;</p> <p><input type="checkbox"/> Area taken up must be no greater than 30m²;</p> <p><input type="checkbox"/> Must conform to setbacks provided in the relevant DCP;</p> <p><input type="checkbox"/> All behind the building line;</p> <p><input type="checkbox"/> Must be declared in the application for a complying development certificate to be temporary only (that is, to be required for a period no exceeding one year);</p> <p><input type="checkbox"/> Must not be used for residential purposes;</p> <p><input type="checkbox"/> Must not be used for storage or handling of inflammable materials;</p> <p><input type="checkbox"/> Signed agreement by adjoining owners in accordance with Clause 3.2 of the Notification DCP adopted 28/06/99 has been received.</p>

Schedule 10 Conditions of complying development certificates

(Clause 10A (4))

General conditions applying to all complying development Compliance

- 1 Notification of all affected persons is required, in accordance with council's Notification DCP adopted 28/6/99, on the date of receipt of the Complying Development Certificate application.

Before Commencement

- 2 Form 7 of the regulation (notice of commencement of work and appointment of Principal Certifying Officer, ie the PCA) must be submitted to Council 2 days prior of any work commencing.
- 3 Notify Council 2 days prior to that work commencing.

Additional conditions applying to specific types of complying development

Category	Condition No	Condition	Type of complying development to which the condition applies (being a type identified by the following number in the Table to Schedule 9)
Access	4	Where a construction of a vehicular footpath Crossing is required, the design and construction shall be in accordance with Council's Policy. The crossing must be completed prior to issue of the Occupation Certificate.	1, 4, 6, 7, 8
	5	The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.	1, 4, 6, 7, 8
	6	Any driveway within the property cannot exceed 5% slope at any point.	1, 4, 6, 7, 8
Building Construction	7	Any retaining walls must be constructed in accordance with a structural engineer's details. Certification of compliance with the structural detail during construction must be submitted to the Principal Certifying Authority.	1, 4, 6, 13

8	<p>All construction shall be strictly in accordance with the Reduced Levels (RLs) as shown on the certified plans. Certificates of compliance prepared by a registered surveyor, showing compliance with ground and finished ridge levels, must be submitted to the Principal Certifying Authority.</p>	1, 4, 6
9	<p>A Certificate of Adequacy signed by a practising Structural Engineer must be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed additions.</p>	1, 2, 4, 7
10	<p>The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material, properly graded and drained and waterproofed. Certification is to be provided to the Principal Certifying Authority from a licensed applicator prior to the fixing of any wall or floor tiles</p>	1, 2, 4, 7, 8, 13
11	<p>All materials and finishes of the proposed additions are to match, as closely as possible the material and finish of the existing building.</p>	1
12	<p>A suitable sub-surface drainage system must be provided adjacent to all excavated areas and such drains must be connected to an approved disposal system.</p>	1, 4, 6, 10
13	<p>Prior to excavation applicants must contact Sydney One Call Service to ascertain which utility services are underground in the proposed excavation.</p>	1, 4, 6, 10
14	<p>An adequate security fence, must be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence must be maintained in a state of good repair and condition until completion of the building project.</p>	1, 4, 6, 13

Building Materials	15	<p>All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes must be concealed within the building.</p> <p>Plumbing other than stormwater downpipes must not be attached to the external surfaces of the building.</p>	1, 2, 4, 7
Car Parking	16	<p>An approved water interceptor must be provided across the driveway at the street boundary and all stormwater must be conveyed by underground pipe to Council's street gutter.</p>	4, 6
Drainage and Stormwater	17	<p>Roofwater and surface stormwater from paved areas must be conveyed by pipeline to Council's street gutter.</p>	1, 4, 6, 13
	18	<p>The width of inter-allotment drainage easements is no less than:</p> <p>(a) 1.0m for pipes up to 150mm, or</p> <p>(b) 2.5m for pipes larger than 150mm</p>	1, 4, 6
	19	<p>The easements must be free of encroachments and contain only a single pipeline.</p> <p>Where a concrete floor of any habitable room is laid directly on the ground, the floor must be adequately damp-proofed to prevent moisture entering the building.</p>	1, 2, 4, 7, 8
Fencing	20	<p>The details of the materials, size, height and design of all fences, including front, side and rear fences must be submitted to the Principal Certifying Authority prior to that stage of work being commenced.</p>	4, 5, 6
Trees	21	<p>A barrier or temporary fence must be erected around the existing street trees in front of the subject property to protect them from damage during construction.</p>	1, 4, 6

	22	No existing street trees may be removed without Council approval. Where such approval is granted, the trees must be replaced at full cost by the applicant with super advanced trees of a species nominated by Council's relevant officer.	1, 3, 4, 9, 13
Road Reserve	23	Where the driveway construction necessitates the removal of street planting, a replacement tree of the same species must be planted elsewhere on the lot frontage. Details must be provided with the application for a Construction Certificate	4, 6
Lighting	24	Any ancillary light fittings fitted to the exterior of the building must be shielded or mounted in a position to minimise glare to adjoining properties.	1, 3, 4, 6, 7, 8, 9, 13
Miscellaneous	25	Prior to the commencement of works on the land including demolition and site preparation, silt control fences must be provided. A Sediment/Erosion Control detail must be submitted to the Principal Certifying Authority.	1, 4, 6, 10
	26	All materials on site or being delivered to the site must be contained wholly within the site.	1, 2, 3, 4, 6, 7, 8, 13
	27	All site waters during excavation and construction must be contained on site to avoid pollutants entering into the Harbour or Council's stormwater drainage system.	1, 4, 6
	28	All demolition and excess construction materials are to be recycled wherever practicable.	1, 4
Noise/Nuisance	29	Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays.	1, 4, 6
	30	No sandwich boards or the like are to be placed on Council's footpath.	8

Termite Control	31	<p>A durable termite protection notice must be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".</p>	4
Traffic/Parking	32	<p>Written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb and gutter, footway, naturestrip, or other property under Council's control.</p>	1, 4, 6, 13
	33	<p>All construction vehicles associated with the development must obtain a permit on a daily basis, for any access onto The Corso and Sydney Road Plazas.</p>	1, 8
	34	<p>Delivery vehicles associated with the completed development are only permitted to drive, stand or park on The Corso and Sydney Road Plazas between the hours of 5am-11am Mondays to Fridays. Such access cannot be obtained on weekends or Public Holidays.</p>	8