



## Agenda

### Planning and Strategy Committee

Notice is hereby given that a Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

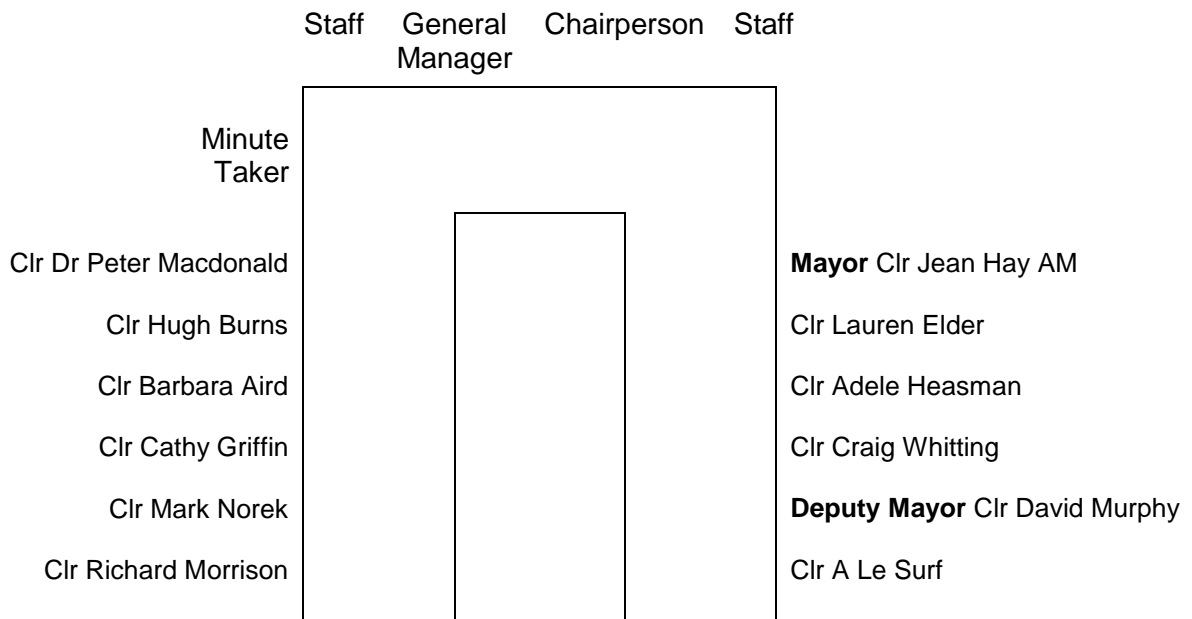
**Monday 2 November 2009**

Commencing at 7:30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

# Seating Arrangements for Meetings



**Chairperson:** Councillor Richard Morrison  
**Deputy Chairperson:** Councillor Alan Le Surf

**TABLE OF CONTENTS**

Item	Page No.
<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>DECLARATIONS OF INTEREST</b>	
<b>CONFIRMATION OF MINUTES</b>	
The Planning and Strategy Committee of Monday, 07 September 2009	
<b>PUBLIC FORUM</b>	
<b>NOTICES OF RESCISSION</b>	
<b>Notice of Rescission Report No. 3</b>	
Manly LEP 1988 (Draft Amendment 79).....	3
<b>PUBLIC ADDRESSES</b>	
<b>REPORTS OF COMMITTEES</b>	
<b>Report Of Committees Report No. 6</b>	
Minutes for Adoption by Council- Special Purpose Committees - without recommendations of a substantial nature.....	5
<b>Report Of Committees Report No. 7</b>	
Minutes for Adoption by Council - Waste Committee - 16 September 2009 .....	6
<b>Report Of Committees Report No. 8</b>	
Minutes for Adoption by Council - Safety Committee - 8 October 2009 .....	8
<b>PLANNING AND STRATEGY DIVISION</b>	
<b>Planning And Strategy Division Report No. 39</b>	
Manly Council submission to the Sydney Harbour National Park draft Plan of Management.....	10
<b>Planning And Strategy Division Report No. 40</b>	
Manly Local Environmental Plan 1988 – draft Amendment 81 .....	13
<b>Planning And Strategy Division Report No. 41</b>	
Manly Development Control Plan for the Business Zone 1989, Amendment 7, and the Manly Development Control Plan for The Corso 2005, Amendment 1.....	17
<b>ENVIRONMENTAL SERVICES DIVISION</b>	
<b>Environmental Services Division Report No. 26</b>	
Development Applications Currently Lodged with Manly Council. ....	20
<b>Environmental Services Division Report No. 27</b>	
List of Current Appeals Relating to Development Applications. ....	27
<b>HUMAN SERVICES AND FACILITIES DIVISION</b>	
<b>Human Services And Facilities Division Report No. 7</b>	
Manly War Memorial .....	28

**Human Services And Facilities Division Report No. 8**

Conflicts of use within Council Reserves ..... 30

**MATTERS OF URGENCY**

(In accordance with Clause 241 of the Local Government (General) Regulations, 2005)

**CLOSED COMMITTEE ITEMS****CONFIDENTIAL COMMITTEE OF THE WHOLE****Civic and Urban Services Division Report No. 10**

Tender T2009/01: Provision of Painting Services for Fences and Bollards

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

**Environmental Services Division Report No. 25**

Tender 2009/15: Cleansing of Council Buildings

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

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

**TO: Planning and Strategy Committee - 2 November 2009**  
**REPORT: Notice of Rescission Report No. 3**  
**SUBJECT: Manly LEP 1988 (Draft Amendment 79)**  
**FILE NO:**

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Councillor Aird, Councillor Burns, and Councillor Murphy will move:

“That the Council’s decision of Ordinary Meeting dated 19 October 2009 being Item Planning And Strategy Division Report No. 38 in respect of Manly Local Environmental Plan 1988 (Draft Amendment 79) be and is hereby rescinded.”

The resolution passed on 19 October 2009 was in the terms of:

135/09      **RESOLVED: (Whitting / Morrison)**

That Council adopts the draft Manly Local Environmental Plan 1988 (Amendment No.79) (Draft LEP No.79) as exhibited and submits the LEP to the Director General of the Department of Planning for the preparation of a report to the Minister under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 (as amended) regarding the making of the draft LEP.

**For the Resolution:** Councillors Hay, Elder, Whitting, LeSurf, Morrison and Macdonald  
**Against the Resolution:** Councillors Heasman, Murphy, Norek, Griffin, Aird and Burns

With the voting being equal, the Mayor Councillor Hay used her casting vote in favour of the Motion, which was declared **CARRIED**.

If the above Notice of Rescission Motion is carried, it is proposed to move the following alternate motion:

THAT

- 1.The draft Manly Local Environmental Plan 1988 (Amendment No. 79) (Draft LEP No. 79) be deferred until further strategic land use and planning studies (including cumulative traffic impact) for the industrial zone which would inform Council of the future permitted land uses and would address any inconsistencies arising in the Assessment of Draft LEP Amendment 79;
- 2.The Council explore with the Department of Planning and applicant available future funding opportunities for land use studies of the Manly industrial zone as part of the preparation of the Manly Comprehensive LEP (Standard Instrument) and this Draft Amendment 79.

## **RECOMMENDATION**

That the Notice of Rescission be submitted for consideration.

## **ATTACHMENTS**

**AT- 1** Notice of Rescission 1 Page

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\*\*\*\*\* End of Notice of Rescission Report No. 3 \*\*\*\*\*

Notice of Rescission Report No. 3 - Manly LEP 1988 (Draft Amendment 79)  
Notice of Rescission



# NOTICE OF RESCISSION

*This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.*

That the Council's decision of: Ordinary Meeting 19th October 2009  
being Item No. 38 in respect of Manly LEP 1988  
(Draft Amendment 79)

be and is hereby rescinded.

Date: 19/10/2009

**MANLY COUNCIL**  
REGISTERED BY RECORDS  
**22 OCT 2009**  
RESPONSIBLE OFFICER \_\_\_\_\_  
DOCUMENT NUMBER \_\_\_\_\_

Councillor:

Signature:

- |                  |                    |
|------------------|--------------------|
| 1. <u>AIRO</u>   | <u>[Signature]</u> |
| 2. <u>BURNS</u>  | <u>[Signature]</u> |
| 3. <u>MURPHY</u> | <u>[Signature]</u> |

If the above Notice of Rescission is carried, it is proposed to move the following alternate motion -

As per recommendation in Council report.

[Signature] \_\_\_\_\_  
Approved by General Manager, Manly Council

\_\_\_\_\_ 19.10.09  
Date

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Report Of Committees Report No. 6  
**SUBJECT:** Minutes for Adoption by Council- Special Purpose Committees - without recommendations of a substantial nature.  
**FILE NO:**

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The minutes of the following Special Purpose Committee meetings are tabled at this meeting.

**Minutes of Meetings for adoption without recommendations of a substantial nature.**

- i) Manly Lagoon Catchment Coordinating Committee – 13 August 2009
- ii) Sustainable Economic Development and Tourism Committee – 1 October 2009
- iii) Manly Traffic Committee – 12 October 2009

**RECOMMENDATION**

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Manly Lagoon Catchment Coordinating Committee – 13 August 2009
- ii) Sustainable Economic Development and Tourism Committee – 1 October 2009
- iii) Manly Traffic Committee – 12 October 2009

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Report Of Committees Report No. 6 \*\*\*\*\*

**TO: Planning and Strategy Committee - 2 November 2009**  
**REPORT: Report Of Committees Report No. 7**  
**SUBJECT: Minutes for Adoption by Council - Waste Committee - 16 September 2009**

**FILE NO:**

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These reports were dealt with at the Waste Committee meeting of 16 September 2009 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Planning and Strategy Meeting for formal adoption by Council.

**1. ITEM 3 Matters Arising**

**Matter 5**

The Committee emphasised that a Strategic Waste Management Plan is to be compiled for reducing waste at New Year's Eve festivities. They advised that a laser show should be strongly considered as an alternative to fireworks as it would have less associated health, pollution and noise impacts.

**Matter 6**

The Committee recommends to the General Manager and Council that 'Great Taste, Less Waste' be retained as a slogan for the Food and Wine Festival.

**Matter 9**

The Committee recommends that a letter be sent to Sydney Water (and possibly DECCW) regarding formal discussions between Manly Council and Sydney Water on organics recycling of restaurant waste at the North Head sewerage treatment plant.

**Matter 11**

The Committee asked that correspondence be made with Oceanworld regarding the litter based pollution in surrounding waterways that result from their events and food outlets. Committee members have already liaised with Oceanworld in this regard.

**RECOMMENDATION**

That:

**1. ITEM 3 Matters Arising**

**Matter 5**

The Committee emphasised that a Strategic Waste Management Plan is to be compiled for reducing waste at New Year's Eve festivities. They advised that a laser show should be strongly considered as an alternative to fireworks as it would have less associated health, pollution and noise impacts.

The Committee recommends that the General Manager and Council follow up on these suggestions.

**Matter 6**

The Committee recommends to the General Manager and Council that 'Great Taste, Less Waste' be retained as a slogan for the Food and Wine Festival.

The General Manager be requested to arrange for the incorporation of this branding in all further Food and Wine Festival promotional material.

**Matter 9**

The Committee recommends that a letter be sent to Sydney Water (and possibly DECCW) regarding formal discussions between Manly Council and Sydney Water on organics



**Report Of Committees Report No. 7 (Cont'd)**

recycling of restaurant waste at the North Head sewerage treatment plant.

The General Manager and Council initiate the suggested correspondence.

**Matter 11**

The Committee asked that correspondence be made with Oceanworld regarding the litter based pollution in surrounding waterways that result from their events and food outlets. Committee members have already liaised with Oceanworld in this regard.

The General Manager consider the above request.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Report Of Committees Report No. 7 \*\*\*\*\*

**TO: Planning and Strategy Committee - 2 November 2009**  
**REPORT: Report Of Committees Report No. 8**  
**SUBJECT: Minutes for Adoption by Council - Safety Committee - 8 October 2009**  
**FILE NO:**

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This report was dealt with at the Safety Committee meeting of 8 October 2009 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting for formal adoption by Council.

#### **1. ITEM 4 Liquor License and Development Application consent conditions**

The Chair of The Corso Precinct spoke to the report attached to the agenda for this meeting.

Members of The Corso Precinct have expressed concern about this issue as they have been seriously affected by late night noise for some considerable time. The report received from The Corso Precinct Chairman, has suggested the following recommendations that:

1. Premises be asked to include a copy of their DA Consent conditions, Entertainment Licence and Liquor Licence with their Management Plan. They should be asked to show in writing how their policies address each condition that relates to neighbourhood amenity and safety. This could be done through the Liquor Accord. The resulting document could then be opened up to community comment.
2. Where premises have not voluntarily performed an audit and submitted same to Council within say 4 weeks, Council should perform the audit ensuring that any breaches of the DA Consent conditions be penalised within the limits of the law.
3. Where inconsistencies or omissions are found, the Office of Liquor Gaming and Racing should be requested to include suitable conditions on the Liquor Licence so that everything is summarised into one document.
4. That Council staff be requested to commence to formulate policy as to what consent conditions are considered fair and reasonable and that Council move to standardize consent conditions between premises. We can't make it retrospective but there is no point in continuing ad hoc policy.
5. That no new leases be issued allowing outside dining until a proper policy regarding hours of operation has been formulated.
6. Commence a review of Council policy regarding the role of Rangers. This review should consider whether the present policy of not employing Rangers, especially at night, to enforce compliance with Council imposed conditions related to Place of Public Entertainment, parking and noise, is resulting in a complete disregard for Council authority.

Council's Night Rangers investigate noise complaints which are reported by the public on Friday and Saturday nights.

Council's Enforcement and Compliance Team investigate any complaints from the community regarding noise, and part of this process is to identify specific conditions in effect on the specific venue.

Some venues do have different times for door closures at night, depending on their location in the CBD and their proximity to residential premises.

There was considerable discussion amongst members about this issue, and acknowledgement that the issue was a difficult one to resolve and to manage appropriately, given the pending Section 79 Disturbance Complaint, and the voluntary agreements suggested by Superintendent Darcy and currently being considered by licensed premises.

**Report Of Committees Report No. 8 (Cont'd)****RECOMMENDATION**

That the:

**1. ITEM 4 Liquor License and Development Application consent conditions**

The Committee recommends to the General Manager and to Council that a report be prepared by Council to inform the Community Safety Committee of the following issues in relation to commercial late night licensed premises in the Manly CBD:

- i) Provision to the Committee of the DA conditions including the Management Plan for each licensed premise.
- ii) To determine and report on any inconsistency between liquor license conditions and development application consent conditions.
- iii) Implementation of the Management Plan of each of the commercial late night operating licensed premises by the licensees and their staff/agents in accordance with the conditions set by Development consent.
- iv) Standardisation of DA conditions to provide uniformity and report to the Committee and whether this standardisation is practical and possible
- v) Current enforcement practices of the Development conditions of consent by Council and whether it is proactive or reactive.
- vi) Advise the Community Safety Committee of the timeframe in which this report can be presented.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Report Of Committees Report No. 8 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Planning And Strategy Division Report No. 39  
**SUBJECT:** Manly Council submission to the Sydney Harbour National Park draft Plan of Management.  
**FILE NO:**

---

## SUMMARY

The NSW National Parks and Wildlife Service (NPWS) is currently undertaking a new Plan of Management for the Sydney Harbour National Park (SHNP). The community consultation phase is currently underway and a senior Council staff member is represented on the stakeholder Working Group, providing input to the development of the new Plan. It is expected that the draft new Plan of Management will be put on public exhibition early in 2010, so staff are preparing a draft submission and will be seeking input from the relevant Special Purpose Committees and Precincts.

## REPORT

The National Parks Division of Department of Environment & Climate Change has notified that it is preparing a new draft Plan of Management for Sydney Harbour National Park. The present Plan, which was adopted in 1998, is required to be reviewed in accordance with the *National Parks and Wildlife Act 1974*. A fact sheet from the NPWS website is reproduced as Attachment 1 for the information of Councillors (circulated separately).

There are three areas of land designated as National Park within the Manly Local Government area. They are North Head, Dobroyd, and Garigal (part only and not included as part of the Sydney Harbour National Park). Manly Council is a founding member of the North Head Sanctuary Foundation established in 2002 to secure a Sanctuary over all the public land on North Head. The Foundation's objectives for the Sanctuary include the conservation of the natural and cultural heritage, including Aboriginal and post European heritage, geology, flora and fauna, including marine species, to provide a place of learning, research and contemplation.

There has been some progress towards integrated management of all public lands on North Head, firstly through the support of the major landholders, National Parks and Wildlife Service (DECC) and the Sydney Harbour Federation Trust (SHFT), and the preparation of a draft memorandum of understanding. Secondly, ongoing cooperation between National Parks and SHFT and their shared commitment to an integrated management approach is the key to achieving positive environmental and heritage outcomes across the headland. One example of the cooperation is the ongoing monitoring of bandicoots and bird species over a number of years.

There are a number of key issues which should be identified for action in the draft Plan of Management, as follows:

### North Head

Integrated Management of all public lands (across property boundaries) has been agreed by the major landholders but not yet achieved. It should become a priority action of the new draft plan. Protection of marine and terrestrial habitat for threatened species.

Prior to further approvals of new development on North Head, the cumulative impacts of current land uses on the natural environment should be reviewed prior to further approvals or intensification.

Access to North Head requires provision of a public transport/shuttle bus to link with Manly Town Centre/ Wharf and also Manly car parks to reduce dependence on private vehicles and to protect environmental amenity within the National Park and surrounding lands, and residential areas.

**Planning And Strategy Division Report No. 39 (Cont'd)**

As there are several locations, including heritage listed buildings, precincts, and places which attract a high volume of visitors it is considered that the draft plan should identify those areas which will have less visitation where protection of natural values is the pre-eminent objective. The degree of accessibility needs to be related to the sensitivity of the environment. The plan of management can identify appropriate low key tourist activities for these locations, such as walking tracks and interpretation, linking with Manly town centre, the Scenic Walkway, and the Wharf.

As there are walking tracks over much of North Head, it is desirable that the plan of management provides for the appropriate signposting of the major tracks across the different tenures and management agencies. With the increasing popularity of cycling there is a need to identify those areas of the National Park where cyclists may ride and where facilities such as bike storage can be provided to enable riders to dismount and walk.

The Plan of Management should also give consideration to the provision of toilet facilities for use by visitors to the National Park.

Provision for emergency access within the National Park in the event of fire or injury should also be included in the draft plan. This is necessary given the increased number of people now present on the headland within the National Park, as informal Park visitors and guests of the Quarantine Station.

The Plan of Management should include an action to ensure that all of the land that was part of the Quarantine Reserve from 1833 is included on the State Heritage register and the National Heritage list.

**Dobroyd**

In relation to this area, it is felt that overall it is important for conservation and ecological values to continue to be closely monitored and actively managed in relation to surrounding land uses and recreational activities which take place. Key issues to address and manage should include:

- Management of high volumes of walkers on Scenic Walkway to minimize impacts on natural and Aboriginal heritage;
- Ongoing attention to management of stormwater runoff from upper levels; and
- Control of visual impacts on the skyline as viewed from the water.

**Garigal (Bantry Bay)**

The Sydney Harbour National Park Plan of Management should identify this area and highlight the need for Garigal to be managed so as to ensure that the conservation values of this significant area of bushland are protected. These include Aboriginal and natural heritage values, and historic buildings which are all related to Sydney Harbour and its geology and history. There are opportunities to interpret features of Garigal, which provide insight into what parts of Sydney Harbour National Park were like before more intense development occurred.

**Consultation**

Council's Community precinct Forums will be advised formally of the process underway and will be invited to provide Council with comments which will be forwarded on to the National Parks and Wildlife Service.

Council's Community Environment Committee considered a report on this matter at its meeting of 14<sup>th</sup> October 2009. There was insufficient time, given agenda deadlines, to include their comments in relation to this submission at this point in time. However staff will be noting any comments forwarded by this and any other committees with an interest in the Sydney Harbour National Park Plan of Management process. Other committees which will be asked for input in particular include Council's Manly Scenic Walkway Committee and Council's Harbour Foreshore and Coastline Management Committee.

**Planning And Strategy Division Report No. 39 (Cont'd)**

**RECOMMENDATION**

THAT

1. Council receive and note the report;
2. Council receive a further report outlining Council's final draft submission to the NPWS relating to the draft Plan of Management for Sydney Harbour National Park.

**ATTACHMENTS**

**AT- 1** NPWS Fact Sheet\_PoM\_and\_SHNP.docx 3 Pages Circulated Separately

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\*\*\*\*\* End of Planning And Strategy Division Report No. 39 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Planning And Strategy Division Report No. 40  
**SUBJECT:** Manly Local Environmental Plan 1988 – draft Amendment 81  
**FILE NO:**

---

## SUMMARY

This report recommends that Council initiate an amendment to Manly Local Environmental Plan (LEP) 1988 for submission to the Minister for Planning (delegated to the Department's new 'Gateway' panel) in accordance with s. 54 and s. 55 of the *Environmental Planning and Assessment Act, 1979*, (the EP&A Act).

## REPORT

### Introduction

The proposed amendments to Manly LEP 1988 (Amendment 81) include:

- the zoning of a number of unzoned parcels of land adjoining Burnt Bridge Creek to be zoned either open space or industrial to be compatible with adjoining zones (refer to Attachment One, circulated under separate cover);
- the zoning of the closed and unzoned laneway between 18 & 20 Peronne Avenue and 21 & 23 Gordon Street, Clontarf to residential (refer to Attachment Two, circulated under separate cover);
- the listing of seven (7) properties as heritage items (refer to Attachment Three, circulated under separate cover); and
- Third Party Advertising being included as exempt development.

### Background

Council previously resolved to minimize the number of amendments to the Manly LEP pending the finalization of a new comprehensive LEP in accordance with the standard LEP template. There have been many ongoing changes to the planning system which are relevant to the new LEP for Manly LGA, and a reprioritization of 67 councils (excluding Manly) as being of the highest priority to have a new LEP made. However, there is a need to progress a small number of amendments to the present LEP ahead of the new comprehensive Manly LEP.

A number of amendments to Manly LEP 1988 are now proposed in relation to the zoning of specific parcels of land, the listing of new heritage items, and third party advertising. These will be progressed under the new planning procedures.

### *Explanation and Justification for LEP Amendments*

- Various land parcels adjoining Warringah LGA in the vicinity of Burnt Bridge Creek, Condamine Street and Kenneth Road, Balgowlah

The purpose of this amendment is to zone these lands into the relevant zoning and land use provisions of the Manly Local Environmental Plan 1988 (Manly LEP 1988) and repeal the application of Warringah LEP 1985 (which currently applies to the land pending a zoning under the Manly LEP 1988).

The land includes a number of parcels along the Burnt Bridge Creek Deviation that are owned by the RTA, Manly Council and private owners in the vicinity of Condamine and Kenneth Streets.

**Planning And Strategy Division Report No. 40 (Cont'd)**

- The RTA parcels proposed to be zoned 6(a) Open Space are Lot 19 DP 836340; Lot 20 DP 836340; Lot 8 DP 788716; Lot 21 DP 836340; Lot 47 DP 836340 and Lot 22 DP 836340.
- The Warringah Council parcels, proposed to be zoned 6(a) Open Space, are Pt 7 DP 776891 and Pt 1 DP 1127989.

The above lands are located south of the Burnt Bridge Creek deviation and adjoin land zoned open space under the Manly LEP 1988. The proposed open space zoning is compatible with the adjoining zoning, the nature of the land as bushland reserve, and is consistent with its historic zoning under the Warringah LEP.

The RTA land was subject to unresolved issues with the RTA which objected to an earlier proposal by Council to rezone their land in Kitchener Street. It has recently been the subject of further consultations and review under the Manly Comprehensive (Standard Instrument) LEP. As a result of these further discussions with the RTA previous objections to the proposed zoning no longer exist. It is therefore proposed to zone these parcels as an amendment to the Manly LEP 1988, ahead of the Manly Comprehensive (Standard Instrument) LEP which is currently being prepared. Also the recent exhibition of the Warringah Comprehensive (Standard Instrument) LEP (which was prioritised by the Department earlier this year) provides further impetus to rationalise the zoning of this land.

The privately owned lands fronting Kenneth Road comprising Lot 1 DP 849654; Lot 1 DP 63250; Lot 22 DP 975160 and Lot 21 DP 541511 are proposed to be zoned Industrial 4(a). This land is located to the north of existing industrial land under the Manly LEP 1988 and the proposed zoning is compatible with the adjoining zoning and consistent with its historic zoning under the Warringah LEP. The proposal is also in accordance with the North East Subregion Draft Regional Strategy (June 2007) regarding the retention of land for industrial purposes. The owners of the land will be consulted after the Department's consideration of the proposal under the Gateway determination process.

- Listing of Heritage Items

The 2007/2008 Heritage Review identified a number of potential individual heritage items. The properties identified were reviewed and a number were considered worthy of heritage protection. These properties were reported to the Heritage Committee which supported consultation with the property owners. The Committee identified twelve (12) potential items for stage one and the individual owners of this group were invited to discuss the proposed listing with Council's Heritage Planners prior to any further action regarding the listing of their property. Council received a positive response from seven (7) owners agreeing to the listing of their property as a heritage item. The Council's Heritage Committee resolved on 2 September 2009, to recommend that Council proceed with the listing of seven (7) properties where owners have confirmed support in writing to the heritage listing.

The seven proposed new heritage items are:

- *Edinboro*, 297 Sydney Road, Balgowlah
- The Kiosk, Shelly Beach
- 3 Arthur Street, Fairlight
- Electricity Substation 15151, Condamine Street, Balgowlah (ES 15151)
- Electricity Substation 16124, Ashburner Street, Manly (ES 16124)
- Electricity Substation ES 16453, Krui Street, Fairlight (ES 16453), and;
- Pumping Station SP 0036, Golf Parade, Manly

Details of significance, curtilage and recommended management guidelines are included in Attachment Three to this report (circulated separately).



**Planning And Strategy Division Report No. 40 (Cont'd)**

- 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf

This land is bound by residential zoned land both to the northern and southern sides under the Manly LEP 1988. There are no other zones in the vicinity. As Council is in the process of disposing of this land to the owners of the adjoining residential land, it is appropriate that residential 2(a) zoning and land use provisions apply to this land.

- Third Party Advertising signage

It is also proposed to insert a new provision to permit Third Party Advertising signage as exempt development. Council's has already resolved to proceed with an LEP amendment in relation to this matter at its meeting on 7 September 2009.

**STATUTORY EVALUATION**

Recent reforms to planning legislation regarding the preparation of LEPs (Part 5 of the EPA Act 1979) were introduced on 1 July 2009. Council's decision to prepare a draft local environmental plan under section 54 of the *Environmental Planning and Assessment Act, 1979* now requires Council to prepare a planning proposal to the 'gateway'. The planning proposal will be reviewed at an early stage by the Department of Planning. This will provide an upfront determination by the Department on the proposal; the level of community consultation required; input from public authorities, and appropriate timeframes.

The submission of a planning proposal to the gateway must include:

- A statement of the objectives and intended outcome of the proposal.
- An explanation of the provisions of the proposal.
- A justification for the objectives and outcomes, including how this is to be implemented.
- Maps providing the appropriate detail of the areas.
- Details of the community consultation.

Having regard to Department of Planning 'Guide to preparing Local Environmental Plans (July 2009), the proposed LEP amendments are considered to be compatible with the NSW government's plans and strategies including the Metropolitan Strategy and North East Subregion draft Subregional Strategy. Appropriate consideration has been given to the State Plan. In particular the proposed amendments satisfy State and corporate objectives in terms of service delivery and ongoing maintenance of Council's plans.

**CONCLUSION**

Council has from time to time undertaken similar amendments to the Manly LEP 1988 incorporating a range of amendments largely dealing with 'housekeeping' matters that may proceed ahead of the drafting of the comprehensive Manly LEP (under the standard instrument template).

The current proposed amendment addresses existing anomalies by zoning a small number of parcels of land in the vicinity of Burnt Bridge Creek and Condamine Street, Balgowlah to 6(a) Open Space and 4(a) Industrial following recent consultations that resolved earlier RTA objections to the zoning of the land. It also zones land between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf to 2(a) Residential following the Council's approved sale of this land to the owners of adjoining residential properties.

In addition, the amendment includes the proposed listing of seven (7) new heritage items following Council's major heritage review in 2007/2008. This represents the first group of buildings that have been identified as having heritage significance sufficient to justify high priority for listing and also have the confirmed support of the individual owners.

**Planning And Strategy Division Report No. 40 (Cont'd)**

It is also proposed to include Third Party Advertising signage as exempt development in Manly LEP 1988 in accordance with Council's previous resolution of 7 September 2009.

The recommended amendments are consistent with Council's practice to limit the number of minor miscellaneous LEP amendments by grouping issues to be addressed in one amending LEP. Once Council resolves to initiate the proposed LEP amendments a planning proposal will be submitted to the Department's LEP Gateway panel for review and determination.

**RECOMMENDATION**

It is recommended that:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 81, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
  - a. the zoning of several parcels of land adjoining the Burnt Bridge Creek to open space or industrial zoning;
  - b. the zoning of land consisting of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to residential;
  - c. the listing of seven (7) properties are recommended for listing as heritage items; and
  - d. Third Party Advertising as exempt development.

**ATTACHMENTS**

<b>AT-1</b>	Locality Maps for Burnt Creek, Condamine Street and Kenneth Rd unzoned land	3 Pages	Circulated Separately
<b>AT-2</b>	Locality Map for Peronne Ave and Gordon Street unzoned Land	1 Page	Circulated Separately
<b>AT-3</b>	Proposed New Heritage Items in Manly LGA	14 Pages	Circulated Separately

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\*\*\*\*\* End of Planning And Strategy Division Report No. 40 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Planning And Strategy Division Report No. 41  
**SUBJECT:** Manly Development Control Plan for the Business Zone 1989, Amendment 7, and the Manly Development Control Plan for The Corso 2005, Amendment 1.  
**FILE NO:**

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## SUMMARY

Two draft amendments to Development Control Plans (DCP) have been exhibited in accordance with earlier resolutions of Council. They are:

- Manly DCP for the Business Zone 1989 (Business DCP), which is proposed to be amended to clarify the extent to which the Residential DCP applies to residential development in the business zone.
- Manly DCP for The Corso 2005 (The Corso DCP), which is also proposed to be amended following legal advice arising from a recent matter in the Land and Environment Court. In this regard it is proposed to incorporate The Corso Masterplan into The Corso DCP to ensure the Masterplan is given appropriate weight in development assessment.

No submissions were received in relation to the exhibition of these amendments. It is recommended that Council resolve to approve both of the DCP amendments.

## REPORT

### Introduction

At its meeting of 3 August 2009 Council resolved to prepare Amendment 7 to the Manly Business DCP and Amendment 1 of The Corso DCP in accordance with Sec. 74C(1)(a) of the *Environmental Planning & Assessment Act, 1979* (EP& A Act 1979), and, exhibit the amendments to the Manly Business DCP and The Corso DCP in accordance with clause 18 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation 2000), and a further report be presented to Council following the exhibition.

### Background

#### *Business DCP Amendment 7 (relationship to the Residential DCP)*

It is important that the provisions of the LEP and DCPs remain consistent as they are updated and consolidated under the modified planning system in NSW. The amendment is considered necessary to clarify references within the Residential DCP relating to the assessment of residential development in the Business Zone. The Business DCP currently includes extracts from the Residential DCP at Attachment 2 relating to objectives and performance criteria for building height and setback. A statement is also to be included in the Business DCP requiring applicants and Council to have more general and broader regard to the objectives and controls of the Residential Zone DCP for all residential development within the Business Zone.

It is proposed to include at Preliminary, Part C - Relationship to other DCPs and Policies, (p.2) and after clause 3 the following:

#### ***Part A- Relationship to other DCPs and Policies, clause 4***

*“Council and applicants must have regard to the objectives and relevant controls of Council’s DCP for the Residential Zone for all forms of residential development within the Business Zone.”*

**Planning And Strategy Division Report No. 41 (Cont'd)**

This proposed amendment also involves the deletion of Attachment 2 (an extract from the Residential DCP) which is being replaced by the above statement.

**Manly Development Control Plan for The Corso (The Corso DCP)**

It is proposed that The Corso DCP be amended to incorporate The Corso Landscape Masterplan dealing with the location of specific activities (including outdoor eating). This amendment will provide this Masterplan with appropriate weight as a DCP planning policy consideration in relation to certain development proposals, and is recommended in accordance with legal advice arising in recent development approvals.

In detail it is proposed to insert a new clause under part 5 - Special provisions and insert Map 1 - Landscape Masterplan as follows:

***“Clause 5.19: The location of specific activities (including outdoor eating) in accordance with The Corso Landscape Masterplan.*”**

*The Landscape Masterplan at Map 1 of this DCP identifies the location for specific activities such as outdoor eating areas, stage and a playground as well as lighting and tree locations. The details features of the Masterplan provide an important physical representation of the policies and objectives for The Corso. The location of specific activities proposed or associated with a Development proposal must comply with the Masterplan”*

**Council's Exhibition**

The DCP amendments were both exhibited for public comment from 31 August 2009 to 28 September 2009, and were available for viewing at Manly Council Chambers, Manly Library and on the Council web site for 28 days. Under clause 18(1) of EP&A Regulation 2000, public notice was given in the local newspaper of the places, dates and times for inspection of the draft plans. In accordance with the Regulations, the exhibition included a copy of the draft plans and a copy of the Manly Local Environmental Plan (Manly LEP 1988).

No submissions have been received in relation to either of the DCP amendments exhibited. Consultations with the Development Assessments Branch have also taken place and no objection was raised to the proposed amendments which will ensure consistency between the LEP and DCP provisions.

The exhibited material for the amended Manly Business DCP and The Corso DCP, as amended, is circulated under separate cover.

**Conclusion**

No submissions were received in relation to either DCP and it is recommended that the amendments be adopted as exhibited to ensure consistency between the LEP and DCP provisions. These amendments will become effective from the date of a notice to be put in the local newspaper.

**RECOMMENDATION**

That

1. Council approve and give public notice of the adoption of Amendment 7 to the Manly Business DCP and Amendment 1 of The Corso DCP as publicly exhibited, in accordance with clause 21 of the EP& A Regulation 1980.

Planning And Strategy Division Report No. 41 (Cont'd)

**ATTACHMENTS**

AT- 1 Exhibited material 12 Pages Circulated Separately

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\*\*\*\*\* End of Planning And Strategy Division Report No. 41 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Environmental Services Division Report No. 26  
**SUBJECT:** Development Applications Currently Lodged with Manly Council.  
**FILE NO:**

## SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY LODGED WITH MANLY COUNCIL.

## REPORT

The following applications are being assessed by Town Planners.

### This information was updated 27 October, 2009

272	2002	66 Peacock Street	Section 96 Modification
482	2004	106 Darley Road	Section 96 Modification
145	2005	4/11-27 Wentworth Street	Remove Brick wall and replace with windows to match existing
61	2006	46 Radio Avenue	82A Review
271	2006	85 West Street	Section 96 Modification
396	2006	23 Kitchener Street	Section 96 Modification
462	2006	151 Darley Road	Section 96 Modification
526	2006	14 Lombard Street	Section 96 Modification
85	2007	41E Castle Court	Section 96 Modification
330	2007	36 Ernest Street	Section 96 Modification
363	2007	2A Denison Street	Section 96 Modification
409	2007	11 Oyama	Alterations & Additions
417	2007	7A Seaforth Crescent	Section 96 Modification
427	2007	2A West Street	Land Subdivision into 2 allotments and new driveway access
445	2007	24 Collingwood Street	Section 96 Modification
174	2008	8 Coral Street	Section 96 Modification
184	2008	63 Kangaroo Street	Demolition and New Garage
239	2008	2 Grandview Grove	Section 96 Modification
358	2008	30 Kitchener Street	Demolition and new 2 storey dwelling
408	2008	47 Seaforth Crescent	82A Review
446	2008	29 Adelaide Street	Part demolition and Alterations and Additions
477	2008	29 Alma Street	Section 96 Modification
24	2009	7 Marine Parade	Alterations & Additions to mixed use building
61	2009	30 Abernethy Street	Alterations & Additions
75	2009	10 Beatty Street	Demolition & new 4 storey dwelling, pool, terrace, deck and landscaping
81	2009	33 Gordon Street	Demolition of RFB and New 2 storey dwelling, garage, deck and landscaping

## Environmental Services Division Report No. 26 (Cont'd)

88	2009	16 Mulgowrie Crescent	Alterations & Additions
95	2009	29 Marshall Street	Demolition and construction of retaining wall
103	2009	71 Bower Street	Demolition of existing and new 3 storey dwelling
108	2009	38 Birkley Road	Alterations to approved garage and first floor addition
127	2009	37 Boyle Street	Section 96 Modification
129	2009	87 Stuart Street	Alterations & Additions
137	2009	242 Pittwater Road	Alterations & Additions
138	2009	170 Pittwater Road	Alterations and Additions including partial demolition
145	2009	34 Rickard Street	Partial Demo and new dwellings
149	2009	25 La Perouse Street	Partial demolition and new 2 storey dwelling
150	2009	3 Baltic Street	Demolition & new 2 storey dwelling
155	2009	16 Margaret Street	Alterations & Additions
156	2009	15 Mulgowrie Crescent	Partial demolition and Alterations and Additions
161	2009	105 Pittwater Road	Alterations & Additions
170	2009	1/111 North Steyne	Dem of existing & construction
171	2009	30 Abernethy Street	Alterations & Additions
177	2009	4 Belgrave Street	Section 96 Modification
180	2009	Manly Wharf	'Hugos' extended outdoor seating
181	2009	25 Smith Street	Ext of existing garage & add of first floor
188	2009	79 Wood Street	Alterations & Additions
190	2009	45 Pittwater Road	Alterations & Additions
199	2009	11 Oyama Avenue	Land Subdivision
200	2009	24 Ponsonby Parade	Demolition of existing & construction of new dwelling
201	2009	41 Jamieson Street	Alterations & Additions
203	2009	40 Dudley Street	Alterations & Additions & Carport
207	2009	21 Palmerston Place	Alterations & Additions
208	2009	3 Redman Street	Alterations & Additions
209	2009	19 West Street	Alterations & Additions
215	2009	57 Beatrice Street	Demolition of existing & construction of new 2 storey
225	2009	41 Edgecliff Esplanade	Additional Information
226	2009	11-27 Wentworth Street	Alterations and Addition to mixed use development
227	2009	470 Sydney Road	Alts & adds to existing building
228	2009	18 Acacia Road	2 Storey Dwelling and pool and garage
229	2009	Manly Yacht Club	1.8 metre Security Fencing & Gates
233	2009	91 Addison Road	Swimming pool & landscaping
235	2009	8 King Street	Alterations & Additions
240	2009	27 Radio Avenue	Alterations & Additions

Environmental Services Division Report No. 26 (Cont'd)

242	2009	13 Victoria Parade	Change of Use in accompany adjoining
244	2009	2 Avona Crescent	Alterations & Additions
245	2009	77A Ellery Parade	Demolition of existing and new 2 Storey dwelling
246	2009	165 Condamine Street	Alterations & Additions
248	2009	43-45 East Esplanade	2 Illuminated Signs
249	2009	46 Addison Road	Alterations & Additions to RFB
250	2009	22 The Crescent	Alterations & Additions to RFB
252	2009	36 Pacific Parade	Driveway Crossing
254	2009	200 Pittwater Road	Change of Use - Cafe Bar
255	2009	5 Ainslee Place	Amended Plans
256	2009	29 Gurney crescent	Alterations & Additions
257	2009	43 Macmillan Street	Demolition of existing and new 2 Storey Dwelling
258	2009	258 Sydney Road	Alterations & Additions
260	2009	26 Crescent	Alterations & Additions
261	2009	122 Woodland Street	Carport and fence
262	2009	8 James Street	Alterations & Additions to RFB
263	2009	12 Kareema Street	Alterations and 1st Floor Additions
264	2009	24B Bungaloe Avenue	Alterations and 1st Floor Additions
265	2009	38 Francis Street	Alterations & Additions
266	2009	19 Moore Street	Alterations & Additions
268	2009	53 Fromelles Avenue	Alterations & Additions
269	2009	21 Allenby Street	Partial demolition and Alterations and Additions
270	2009	323 Sydney Road	Alterations & Additions
271	2009	37 Baringa Avenue	2 Storey Dwelling ,garage and landscaping
272	2009	41 Darley Road	Alterations & Additions
274	2009	107 Wanganella Street	Alterations & Additions
275	2009	7 Abernethy Street	Alterations & Additions
276	2009	4 Smith Street	Alterations & Additions
277	2009	7 Smith Street	Change of use to a Boarding House
278	2009	31 Augusta Road	Alterations & Additions
279	2009	4 Salisbury Square	Partial demolition and Alterations and Additions
280	2009	30 Quinton Road	Torrens Title Subdivision and Alterations & Additions
281	2009	2 Wakehurst Parkway	New Dwelling, garage and driveway
282	2009	4 Gordon Street	Alterations & Additions
283	2009	197-215 Condamine Street	Seafood Shop, Cafe and Signage
285	2009	9 Thornton Street	Alterations & Additions
288	2009	3 Cliff Street	Alterations & Additions
290	2009	7 Vista Avenue	Alterations & Additions
292	2009	65 Lauderdale Avenue	Alterations & Additions
298	2009	2 Craig Avenue	Alterations & Additions



Environmental Services Division Report No. 26 (Cont'd)

307	2009	197-215 Condamine Street	Convert Shop 61 in Bldg D to toilets to service restaurants
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The following applications are with Council's Lodgement and Quality Assurance for notification, advertising or referral to relevant parties.

- 114/2009      4 Belgrave Street, MANLY 2095  
Change of hours to 9.00am to 10.00pm Monday to Sunday, signage and sun shade curtain
- 169/2006      68 Beatrice Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved Alterations and additions to existing dwelling including new carport and veranda
- 253/2009      19 George Street, MANLY 2095  
Front fence and gate
- 120/2009      1 Alma Street, CLONTARF 2093  
Section 96 to modify approved Alterations and additions to an existing two (2) storey dwelling including extensions to first floor and ground floor, deck and front fence
- 287/2009      11 Fairlight Crescent, FAIRLIGHT 2094  
Alterations and additions to the existing Residential Flat Building including a new lift, spa, swimming pool, sauna and extension of car bay
- 293/2009      18 Daintrey Street, FAIRLIGHT 2094  
Alterations and additions to the existing dwelling including first floor addition and driveway widening
- 296/2009      137A Woodland Street, BALGOWLAH 2093  
Demolish outbuildings, alterations, additions to existing dwelling including rear deck, internal stairs, roof alterations, rendering and landscaping
- 421/2007      38-40 Balgowlah Road, FAIRLIGHT 2094  
Section 96 to modify approved Reconfigure the eighteen (18) hole golf course including repositioning of holes and fairways new drainage works new water storage and treatment ponds
- 455/2008      99 Clontarf Street, SEAFORTH 2092  
Section 96 to modify approved Alterations and additions to existing dwelling including first floor additions and deck
- 297/2009      69 Peacock Street, SEAFORTH 2092  
Alterations and additions to the existing dwelling including rear deck
- 493/2007      Stuart Street, MANLY 2095  
Section 96 to modify approved Alterations and additions to an existing kiosk – Change hours of operation of existing kiosk

**Environmental Services Division Report No. 26 (Cont'd)**

- 383/2008 15 Seaview Street, BALGOWLAH 2093  
NEW DA required - Not Section 96 Modification - Section 96 to modify approved Alterations and additions to existing dwelling including extensions and new deck
- 35/2004 8 The Corso, MANLY 2095  
Section 96 to modify approved Demolition of existing buildings and construction of a Coles Supermarket, Retail Shops and Residential Apartments
- 299/2009 Kangaroo Street, MANLY 2095  
Alterations and additions to the existing Child Care Centre
- 300/2009 1C Vista Avenue, BALGOWLAH HEIGHTS 2093  
Alterations and additions to the existing dwelling including extensions to second floor, deck extension and new side deck
- 301/2009 9 James St, MANLY 2095  
Alterations and additions to the existing dwelling including first floor addition, rear extension and new carport with terrace above
- 391/2008 13 Manly Road, SEAFORTH 2092  
Section 96 to modify approved Demolition of existing garage and construction of a swimming pool and landscaping
- 302/2009 103 Pittwater Road, MANLY 2095  
Alterations and additions to the existing dwelling including rear extension, new garage, swimming pool and landscaping
- 303/2009 50 Rosedale Avenue, FAIRLIGHT 2094  
Alterations and additions to the existing semi-detached dwelling
- 305/2009 30 Addison Road, MANLY 2095  
Demolition of existing and construction of a two (2) storey dwelling, double garage and rear deck
- 306/2009 197-215 Condamine Street, BALGOWLAH 2093  
Establishment of use as a Restaurant with associated fit out and illuminated signage Shop 68 and new toilets in Shop 61 within The Village - Balgowlah
- 308/2009 17 Belgrave Street, MANLY 2095  
Change of use to a Massage Premises (Commercial Premises), associated fit out and signage
- 311/2009 28 Alexander Street, MANLY 2095  
Demolition of existing structures and Torrens Title Subdivision into two (2) lots
- 309/2009 121 Condamine Street, BALGOWLAH 2093  
Alterations and additions to the existing building including rear extension, deck and landscaping

**Environmental Services Division Report No. 26 (Cont'd)**

- 310/2009 33 Pacific Street, MANLY 2095  
Alterations and additions to the existing semi-detached dwelling including rear extension, awning, double garage with a loft and landscaping
- 312/2009 79 Boyle Street, BALGOWLAH 2093  
Double carport to the existing parking bays located within the front setback
- 313/2009 15 Sydney Road, MANLY 2095  
Change of use of the first floor as a Yoga Studio (Recreational Facility) and associated fit out
- 314/2009 30-32 Pittwater Road, MANLY 2095  
Change of use to a Dry Cleaner (Commercial Premises)
- 315/2009 39 Fisher Street, BALGOWLAH HEIGHTS 2093  
Alterations and additions to existing dwelling including new balcony
- 544/2005 73 Kangaroo Street, MANLY 2095  
Section 96 to modify Alterations and additions to existing dwelling - NEW DA REQUIRED
- 316/2009 173 Pittwater Road, MANLY 2095  
Alterations and additions to an existing semi-detached dwelling including rear terrace
- 317/2009 32 Wanganella Street, BALGOWLAH 2093  
Alterations and additions to an existing dwelling including replacing deck
- 318/2009 2 Elevation Avenue, BALGOWLAH HEIGHTS 2093  
Alterations and additions to an existing dwelling including extension to first floor
- 319/2009 59 The Corso, MANLY 2095  
Alterations to existing signage – ANZ Bank
- 320/2009 2 Harwood Place, SEAFORTH 2092  
Alterations and additions to an existing dwelling including front extension and roof over deck
- 322/2009 15 Seaview Street, BALGOWLAH 2093  
Alterations and additions to an existing dwelling including pergola over existing deck, new deck, relocate entry and garage door
- 323/2009 48 Grandview Grove, SEAFORTH 2092  
Demolition of existing structures and construction of a two (2) storey dwelling with basement double garage, decks, cabana, swimming pool and landscaping
- 324/2009 13 Alma Street, CLONTARF 2093  
Swimming pool located in the front of the existing dwelling and landscaping

**Environmental Services Division Report No. 26 (Cont'd)**

- 325/2009 7 Castle Circuit, SEAFORTH 2092  
Construction of a two (2) storey dwelling with double garage, decks and landscaping
- 327/2009 5 Ellery Parade, SEAFORTH 2092  
Alterations and additions to existing three (3) storey dwelling including extensions, double garage, new roof, decks, front fence, swimming pool and landscaping
- 328/2009 39 Osborne Road, MANLY 2095  
Demolition and construction of a two (2) storey dwelling with double garage, roof terrace, decks, swimming pool and landscaping
- 329/2009 38-42 The Corso, MANLY 2095  
Shop fit out and change of use to a Liquor Shop and signage - Liquorland Store
- 330/2009 6 Pickworth Avenue, BALGOWLAH 2093  
Swimming pool and landscaping
- 331/2009 Wharves and Jetties, MANLY 2095  
Shop fit out of Kiosk 1 – Gloria Jean's Coffees

**RECOMMENDATION**

THAT the information be noted.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 26 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Environmental Services Division Report No. 27  
**SUBJECT:** List of Current Appeals Relating to Development Applications.  
**FILE NO:**

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**SUMMARY**

LIST OF CURRENT APPEALS RELATING TO DEVELOPMENT APPLICATIONS.

**REPORT**

DA#	Year	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
387	2003	11098/04 S56A	71	The Corso	02/06/08	HWL	S56A appeal 24/11/09
66	2007	11277/08 & 10192/09 Class 1	11-27	Wentworth Street	16/12/08	HWL	Awaiting Judgment
51	2008	10429/08 S56A Appeal	114	Frenchs Forest Road	30/04/08	Pikes	Awaiting judgment

**RECOMMENDATION**

THAT the information be noted.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 27 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 2 November 2009  
**REPORT:** Human Services And Facilities Division Report No. 7  
**SUBJECT:** Manly War Memorial  
**FILE NO:**

---

## SUMMARY

Manly Council received a letter from the Chairman of the "Ella Westwood" Manly Cenotaph Memorial Maintenance Trust Committee requesting that Council accepts responsibility and control of the Manly Cenotaph Memorial.

The current funds held in Manly Warringah Credit Union for the memorial restoration, care and management are to be received by Manly Council from the Chairman of the maintenance trust.

Council has recently been advised by local historians and Council's Local Studies Librarian that the structure generally known and referred to as the Cenotaph, is a war memorial and will be correctly referred to as Manly War Memorial, the preferred title to describe the memorial.

## REPORT

The Manly War Memorial was unveiled amid great ceremony by the then Governor General, Sir Ronald Munro Ferguson on 14 October 1916. It was built to represent a direct physical link with the generation of Australians who lived through the Great War of 1914 to 1918.

The memorial is one of the earliest Anzac Memorials built in Sydney and the treasured centrepiece of Manly's main thoroughfare, The Corso.

Since 1916, the original monument has been expanded to include the names of servicemen who gave their lives in other conflicts ranging from the Boer War through to the Vietnam War. It presently features 463 names of servicemen from the Manly area.

The memorial trust is named in honour of Ella Westwood, who was custodian of the memorial for more than 50 years from 1938, and whose own son, Flying Officer Allen Mawer, a Spitfire pilot who died over Darwin in 1943, is memorialised on the monument.

Mrs Westwood cleaned the memorial daily and donated \$5000 towards the cost of re-lettering in 1989, in time for the 70th anniversary of The Armistice.

On Thursday 20 August 2009 a representative of the "Ella Westwood" Manly Cenotaph Memorial Maintenance Trust Committee met with the Mayor and General Manager.

A letter dated 26 August 2009 was received by Council from Pamela Ward (Chairman/Secretary/Treasurer of the "Ella Westwood" Manly Cenotaph Memorial Maintenance Committee) confirming discussion at a meeting with Mayor Hay and General Manager Henry Wong. The letter stated that the original trust set up by Ella Westwood no longer existed "*as such*", and that "*it would be in the best interest for all, and the never ending work still to be done connected with the Manly Cenotaph, if Manly Council would resume total control as it originally had 20 years ago*".

The current custodian Allan Ward, his wife Pamela and other volunteers are to be congratulated on their tireless work and contribution to the management, care and control of the Manly War Memorial since 1989 and Council's appreciation expressed to them publicly.

**Human Services And Facilities Division Report No. 7 (Cont'd)**

**RECOMMENDATION**

1. That Manly Council takes responsibility and control of the Manly War Memorial so that it may be maintained and preserved in respect of the Australian servicemen who gave their lives fighting for our country.
2. That Council establish an annual budget in the 2010/11 budgetary process for the maintenance of the Manly War Memorial.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Human Services And Facilities Division Report No. 7 \*\*\*\*\*

**TO: Planning and Strategy Committee - 2 November 2009**  
**REPORT: Human Services And Facilities Division Report No. 8**  
**SUBJECT: Conflicts of use within Council Reserves**  
**FILE NO:**

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## SUMMARY

Following a Notice of Motion presented to Council on 11<sup>th</sup> May 2009 by Councillor Aird, resolution no. 59/09, Council resolved to address the ongoing concerns of residents by providing a report which outlines how Council can improve the management of areas of high usage open space to ensure the right balance is achieved for residents and visitors. The report is to address the following issues:

1. Conflicts between adjoining residential areas and activities within the reserves, e.g. late night activities, alcohol, rubbish, security.
2. Car parking.....on site and spill over to adjoining residential areas.
3. Landscapes.....tree and vegetation protection, signage.

The report addresses the current management of reserves and the actions taken by several Divisions of Council.

## REPORT

The responsibility for the matters listed for a further report to Council by resolution 59/09 are managed across several divisions of Council to ensure hiring of reserves, maintenance, cleaning, regulation, signage, security and enforcement of the conditions of use in open space public areas.

1. **Conflicts** between adjoining residential areas and activities within the reserves, e.g. late night activities, alcohol, rubbish, security

To reduce the late night problems related to the consumption of alcohol, the installation of consistent and clear signage for the enforcement of Alcohol Consumption Prohibited reserves and Alcohol Free Zones has substantially progressed. The installation of appropriate signage measures will be supplemented by a community education strategy to target students of the language schools, backpackers, and community users of the reserves and facilities. Enforcement in the public space requires the appropriate signage to be installed each location.

Signage in Shelly Beach was applied to the bbq's to advise of the reserve conditions including Alcohol Consumption Prohibited, No Smoking, and litter and recycling messages. These signs were removed/damaged within a week of placement, and additional signs which have remained in location, were provided by Council a second time.

To manage late night behaviours in specific reserves, additional actions have been implemented. The functioning of lighting at Shelly Beach ceases at 11.00pm. The bbq's have been attended to and timers installed on the power supply to ensure that the bbq ceases to operate from 8.00pm each evening. These actions have been taken aiming to reduce amenity and therefore gatherings/noise in the reserve adjacent to residential properties.

Each reserve hiring agreement has an approved fee and bond, which is assessed by Council for groups of 30 people or more, who book a reserve. The hiring agreement clearly indicates the conditions of approval for the use of the reserve. These conditions are aimed at ensuring the behaviours of patrons can be managed, and if any damage to the property occurs as a result of the hiring activity, Council can be compensated.



**Human Services And Facilities Division Report No. 8 (Cont'd)**

Council's security service Citiguard, continue to patrols in accordance with the contracted times, locations, and frequency, making visits to the respective reserves and to ensure the toilets are secured by cleaners on their rounds.

An effective cleaning program is in place for Council reserves, however the cleaning of reserves immediately after a busy public holiday or weekend and prior to the early morning cleaning regime will demonstrate the substantial amount of litter left by patrons who have not heeded the respective messages to care responsibly for the reserve.

Bins are emptied regularly in the popular picnic areas with a summer regime increasing the number of available bins in popular locations and their collection frequency.

**2. Car parking.....e.g. on site and spill over to adjoining residential areas.**

Vehicle spill over to residential streets is inevitable on busy spring and summer weekends in Manly, and the parking officers manage the situations as possible on busy weekends and public holidays.

Options available for parking are:

- a) Special event parking permit - This is not suitable for short term events e.g. large gatherings/picnics.
- b) Commercial event organisers are not permitted to park onto Council's reserves.
- c) Paid parking is utilised by the participants and visitors in parking stations and metered spaces.
- d) Council Parking Officers and Rangers will periodically enforce parking restrictions and other regulations within and alongside Council reserves during evening hours and issue infringement notices to offending vehicles.
- e) Part of the reserve can be conditioned with a bond, (soil aeration fees) and allocated for parking. The damage is rectified by the Council at the expense (bond) of the Event Organiser with prior approval from Council's Traffic section from a Traffic Management Plan.
- f) Parking in Lagoon Reserve is permitted for the Surf Clubs during Annual Surf Life Saving Festivals at no cost to the clubs; determined by Council resolution to waive the fees. The grass is remedied as may be required, by Councils Parks & Reserves as part of the maintenance regime.

**3. Landscape.....e.g. tree and vegetation protection**

The majority of vandalism to trees and vegetation is generally limited to the high usage areas creating habitual maintenance and replacement of vegetation; this will require further resourcing of those areas to further protect trees and vegetation, along with education and enforcement. Signage assists Council in its tree protection program.

A review of Council's signage in reserves is currently being undertaken with Parks and Reserves through Council's Risk Manager and Statewide insurer, resulting in implementation of suitable risk and community parks signage, as well as removal of all unnecessary signage.

The management of Council's reserves is regularly under review with regular feedback from Precinct Community Forums to ensure the changing needs of the community are being addressed. Any additional intensity of regulation of reserve areas may require increased resources being made available for reserves management by Council.

**Human Services And Facilities Division Report No. 8 (Cont'd)****Summary**

Manly Beaches and reserves will continue to be enjoyable and valued recreational choices for residents and visitors alike. Managers of the various sections of Council responsible for the management and the regulation of reserves have reported that additional solutions could be found.

These solutions are part of the operational responsibilities of the sections, and are governed by the resources available, including a continual improvement signage and regulation.

A review of current security measures, an audit of lighting throughout the reserves, and the ongoing installation of consistent signage for entry and use of the reserves, as well as community education campaigns through the Precinct newsletters, newsletters and media articles, will continue to be progressed within the resources allocated, to continually improve the amenity of our reserves and open spaces.

**RECOMMENDATION**

It is recommended that the community education campaign is progressed to develop awareness among the community and visitors of the Council's reserve conditions, as well as raising awareness of Alcohol Consumption Prohibited Zones and expected behaviours whilst in the reserve.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Human Services And Facilities Division Report No. 8 \*\*\*\*\*