



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:

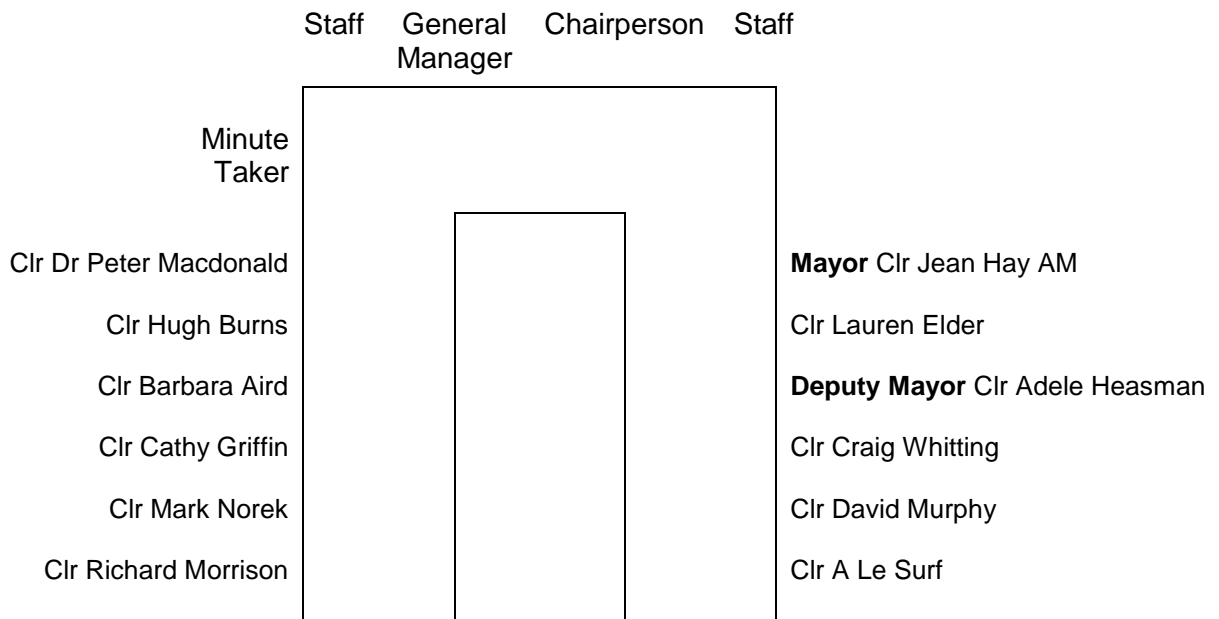
Monday 7 September 2009

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*

Seating Arrangements for Meetings



Press

Public
Addresses

Public Gallery

Chairperson: Councillor Richard Morrison
Deputy Chairperson: Councillor David Murphy

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MATTERS OF URGENCY

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

CLOSED COMMITTEE ITEMS

CONFIDENTIAL COMMITTEE OF THE WHOLE

Corporate Services Division Report No. 21

Tender for Supply of Electricity - Large Sites and Street Lighting

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 - 7 September 2009
REPORT: General Managers Division Report No. 18
SUBJECT: Review of the Code of Conduct
FILE NO:

SUMMARY

This report is prepared in pursuant of section 440(7) of the *Local Government Act 1993* (Act) which requires Councils to review its adopted Code of Conduct (adopted Code) within 12 months of an ordinary election.

REPORT

In pursuant of section 440(1) of the Act, the *Local Government Regulations* prescribe a Model Code of Conduct (Model Code) to which councillors, staff, and delegates of Councils are bound. And each Council is required to adopt a Code of Conduct that is not inconsistent with the Model Code.

Council adopted its current Code in August 2008.

In compliance with statutory provisions, a general review of the 2008 adopted Code of Conduct was conducted and advice was sought from Dr Ian Ellis-Jones, Council’s consultant solicitor. Dr Ellis-Jones recommended a number of minor amendments to the adopted Code as follows:

Clause	Proposed Amendment	Reason	Comment
7.21	Deletion	Consequential to MIAP	Amend
Section Heading at new 7.22	General amendment to threshold quantum	Threshold quantum inconsistent with that specified in the Model Code	Amend
New 7.24	General amendment to threshold quantum	Threshold quantum inconsistent with that specified in the Model Code	Amend
New 7.25	General amendment to threshold quantum	To reflect a change made to New Clause 7.24	Amend
7.28	Delete	A repeated statement	Amend

RECOMMENDATION

That Council, in pursuant to s440(7) of the *Local Government Act 1993*, adopt the August 2009 Draft Code of Conduct as amended (attached and circulated separately).

ATTACHMENTS

AT- 1 Draft Code of Conduct August 2009.pdf 29 Pages Circulated Separately

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***** End of General Managers Division Report No. 18 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Item For Brief Mention Report No. 17
SUBJECT: Update on a new Level 5 Northern Beaches Hospital
FILE NO:

Update on a new Level 5 Northern Beaches Hospital

Councillors will recall that this matter was last reported to Council at the Ordinary Meeting held on 15 June 2009 as Item For Brief Mention Report No. 10, where it was resolved: [75/09]

- 1. That the information on the correspondence between Council and the state government regarding its undertaking to build the long-overdue Level 5 Northern Beaches Hospital, and requesting an urgent meeting with the NSW State Premier, Treasurer and Health Minister, be received and noted.*
- 2. That Council write again to the NSW State Premier and Treasurer, expressing our disappointment at their lack of response, stressing that this is an urgent issue within the local community.*
- 3. That Council write to the local member for Manly enlisting his support in its actions and also a commitment from him that a future Liberal government will commit to a Level 5 Northern Beaches Hospital.*

Staff undertook to again write to The NSW Premier and Treasurer and the local member for Manly. A positive response has been received from the local member for Manly, Mr Mike Baird MP (refer to Attachment 1) who is "...personally committed to ensure that any future State Coalition Government will complete the construction of a Level 5 Northern Beaches Hospital..."

Council will be informed further on this matter when a response has been received from the NSW Premier or Treasurer.

It is recommended that this information be received and noted.

RECOMMENDATION

That the response from Mr Mike Baird MP regarding the new Level 5 Northern Beaches Hospital be received and noted.

ATTACHMENTS

AT- 1 Mike Baird response letter re Northern Beaches proposed Level 5 Hospital 1 Page

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***** End of Item For Brief Mention Report No. 17 *****

ATTACHMENT 1

Item For Brief Mention Report No. 17 - Update on a new Level 5 Northern Beaches Hospital
Mike Baird response letter re Northern Beaches proposed Level 5 Hospital



Mike Baird

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SHADOW TREASURER

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Mr Henry T Wong
General Manager
Manly Council
PO Box 82
MANLY NSW 2095

17 AUG 2009 R2N5 e-99981

Distribution

1) Scanned *Helen Baird*

2) Document No 10th August 2009

Part Scanned

Dear Mr Wong

I refer to your letter dated 23 July 2009 (-130709 HLL:HTW) seeking my commitment that any future Liberal State Government will commit to a Level 5 Northern Beaches Hospital.

Let me assure you that I am personally committed to ensure that any future State Coalition Government will complete the construction of a Level 5 Northern Beaches Hospital to ensure that the broader northern beaches community receive a proper standard of health care.

Further my Coalition colleagues and I will continue to pressure the State Labor Government to see this most important project realised without ongoing delays.

Yours sincerely

Mike Baird
Member for Manly

Printed on 100% recycled paper

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Item For Brief Mention Report No. 18
SUBJECT: Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature
FILE NO:

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 Scenic Walkway Committee – 14 July 2009
- ii) Waste Committee – 15 July 2009
- iii) Sister Cities – 29 July 2009
- iv) Manly Arts Festival Working Group Meeting – 5 August 2009
- v) Sustainable Transport Committee – 5 August 2009
- vi) Manly Traffic Committee – 10 August 2009
- vii) Harbour Foreshores and Coastline Management Committee – 11 August 2009
- viii) Community Environment Committee – 12 August 2009
- ix) Meals on Wheels Committee – 12 August 2009
- x) Community Safety Committee – 13 August 2009
- xi) Sustainable Economic Development and Tourism Committee – 20 August 2009

RECOMMENDATION

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

- i) Manly Scenic Walkway Committee – 14 July 2009
- ii) Waste Committee – 15 July 2009
- iii) Sister Cities – 29 July 2009
- iv) Manly Arts Festival Working Group Meeting – 5 August 2009
- v) Sustainable Transport Committee – 5 August 2009
- vi) Manly Traffic Committee – 10 August 2009
- vii) Harbour Foreshores and Coastline Management Committee – 11 August 2009
- viii) Community Environment Committee – 12 August 2009

Item For Brief Mention Report No. 18 (Cont'd)

- ix) Meals on Wheels Committee – 12 August 2009
- x) Community Safety Committee – 13 August 2009
- xi) Sustainable Economic Development and Tourism Committee – 20 August 2009

ATTACHMENTS

There are no attachments for this report.

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***** End of Item For Brief Mention Report No. 18 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Item For Brief Mention Report No. 19
SUBJECT: Minutes for Adoption by Council - Arts and Culture Committee Meeting - 21 July 2009
FILE NO:

The Minutes of the Arts and Culture Committee meeting held on 21 July 2009 are tabled at this meeting.

The Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:

a) Item 4 (iv) Manly Art Gallery & Museum Refurbishment

Manager Cultural and Information Services produced plans and concept drawings devised by Howard Tanner and Associates in 1990 and in 2008 and schematic drawings devised in 1995 for a Gallery report, to show the various attempts to extend and refurbish the Gallery. While extensions and refurbishments remain as priorities for the Committee, the lack of funds will leave them unrealised. There is therefore a proposal to establish a Gallery Foundation to be an 80th anniversary project in 2010, with the prime function to be to raise capital works funds.

Recommendation

- i) Committee recommends to Council that consideration be given to establishing a Foundation in 2010 to raise funds for capital works, and that Council consider allocating funds in the 2010/11 Council budget to commission a masterplan and model of the proposed extensions, as a possible launch for the proposed Foundation.
- ii) That Mr Peter Raffin (of the Kings School Foundation) be consulted for guidance as to the establishment of the Foundation.

General Manager's Note

The Committee is requested to provide more detailed proposals to Council on the proposed framework for the trust deed and the governance structure for it before Council will be able to consider any commitment.

RECOMMENDATION

That the minutes of the Art & Culture Committee - 21 July 2009 be adopted, including the following recommendations of a substantial nature:

a) Item 4 (iv) Manly Art Gallery & Museum Refurbishment

- i) Committee recommends to Council that consideration be given to establishing a Foundation in 2010 to raise funds for capital works, and that Council consider allocating funds in the 2010/11 Council budget to commission a masterplan and model of the proposed extensions, as a possible launch for the proposed Foundation.
- ii) That Mr Peter Raffin (of the Kings School Foundation) be consulted for guidance as to the establishment of the Foundation.

Item For Brief Mention Report No. 19 (Cont'd)

General Manager's Note

The Committee is requested to provide more detailed proposals to Council on the proposed framework for the trust deed and the governance structure for it before Council will be able to consider any commitment.

ATTACHMENTS

There are no attachments for this report.

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***** End of Item For Brief Mention Report No. 19 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Item For Brief Mention Report No. 20
SUBJECT: Minutes for Adoption by Council - Surf Club Liaison Working Group Meeting - 11 August 2009
FILE NO:

The minutes of Surf Club Liaison Working Group meeting held 11 August 2009 are tabled at this meeting.

The Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:

a) Item 5 MANLY COUNCIL AS SPONSOR ON PATROL PANELS AT SURF CLUBS

Surf Life Savings Clubs will be able to accommodate the Code of Respect for the Environment on patrol panels by increasing current four panels to six. This will enable sponsorship as well as display of the Councils Code of Respect for the Environment.

Surf LS Clubs suggest that signs with the Code of Respect for the Environment be placed by the lifeguards each day near the rescue boards, as their patrol tents are only on the beach at the weekends.

Recommendation

Council be requested to provide Surf Clubs with panel displaying Code of Respect for the Environment.

Council be requested to provide Lifeguards with portable signs displaying Code of Respect for the Environment to be placed by the rescue boards on a daily basis.

b) Item 7 GENERAL BUSINESS

Staff note:

A discussion took place under General Business relating to the future State Surf Life Saving event proposed for 2011/12.

Recommendation

That Council consider the State Surfing Carnival event to be held in Manly in 2011/12. The Surf Life Saving Clubs to consult their Committees and notify the Mayor's Office if they are in agreement to progress with the application for the State event in 2011/12.

ADDENDUM

The Mayor met with the three presidents from Manly, North Steyne and Queenscliff on Sunday, August 23 for further discussions and it was decided to take no further action.

Item For Brief Mention Report No. 20 (Cont'd)**RECOMMENDATION**

That the minutes of the Surf Club Liaison Working Group - 11 August 2009 be adopted, including the following recommendations of a substantial nature:

a) **Item 5 MANLY COUNCIL AS SPONSOR ON PATROL PANELS AT SURF CLUBS**

Council be requested to provide Surf Clubs with panel displaying Code of Respect for the Environment.

Council be requested to provide Lifeguards with portable signs displaying Code of Respect for the Environment to be placed by the rescue boards on a daily basis.

b) **Item 7 GENERAL BUSINESS**

That Council consider the State Surfing Carnival event to be held in Manly in 2011/12. The Surf Life Saving Clubs to consult their Committees and notify the Mayor's Office if they are in agreement to progress with the application for the State event in 2011/12.

ADDENDUM

The Mayor met with the three presidents from Manly, North Steyne and Queenscliff on Sunday, August 23 for further discussions and it was decided to take no further action.

ATTACHMENTS

There are no attachments for this report.

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***** End of Item For Brief Mention Report No. 20 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Corporate Services Division Report No. 22
SUBJECT: Meeting Schedule – October 2009
FILE NO:

SUMMARY

Notification of revised Meeting Schedule for October 2009.

REPORT

Consistent with the Council's practice of combining meetings in the months where they occur in school holiday recess periods, it is proposed that the business of the Planning and Strategy Meeting scheduled for 12 October be deferred and combined with those of the Ordinary Meeting scheduled for 19 October.

RECOMMENDATION

That Council's meeting schedule for October 2009 be amended accordingly.

ATTACHMENTS

There are no attachments for this report.

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***** End of Corporate Services Division Report No. 22 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Planning And Strategy Division Report No. 33
SUBJECT: Public exhibition of the North Harbour Coastline Management Plan
FILE NO:

SUMMARY

Manly Council has produced the North Harbour Coastline Management Plan – Final Draft, following extensive community and stakeholder consultation. The Plan has been developed in line with the NSW State Government's 'Coastline Management Manual', incorporating information extracted from the 'Davis Marina to Manly Point Coastline Hazard Definition Study' (2004) and the 'North Harbour Coastline Management Study' (2009).

The Harbour Foreshores and Coastline Management Committee has, at its meeting on 11 August 2009, endorsed the Final Draft and recommended Council to allow public exhibition.

In this report, salient features of the North Harbour Coastline Management Plan (Final Draft) are presented (refer to Attachment 1). The Final Draft is presented in a separate attachment (refer to Attachment 2, circulated separately).

REPORT

Background

The North Harbour Coastline Management Plan is being developed in line with the NSW State Government's 'Coastline Management Manual', incorporating information extracted from the 'Davis Marina to Manly Point Coastline Hazard Definition Study' (2004) and the 'North Harbour Coastline Management Study' (2009).

The 'North Harbour Coastline Management Study' was previously presented and endorsed by the Council at its Planning and Strategy Committee meeting, held on 2 March 2009.

The Plan addresses the following six key issues facing the study area:

- Aquatic/inter-tidal habitat conservation and management
- Bushland/terrestrial habitat conservation and management
- Upgrading and enhancement of public facilities
- North Harbour Reserve improvement
- Hazards and climate change
- Heritage conservation and management.

The draft Plan contains six chapters describing status of the Plan, management area, strategic framework, management options, implementation plan and monitoring, evaluation and reporting. Feedback has been received from staff and Committee members on the proposed indicative management options.

A total of 48 management options have been proposed. Only 30 of these are new activities. Of these 30, three management options are proposed for immediate implementation, 19 within 2 years, seven within 3-4 years, and only one at later years.

Prioritisation of each management option has been made by members of the Harbour Foreshore and Coastline Management Committee. A total of 17 management options have been rated to have high priority, 30 as medium priority, and only one as low priority.

Planning And Strategy Division Report No. 33 (Cont'd)

Further, based on 19 nationally agreed indicators, 25 indicators have been proposed to monitor Manly's Estuarine, Coastal and Marine Habitat Integrity.

Community Involvement

To ensure wider community involvement into the development of the Plan, an extensive awareness campaign and consultation process was undertaken. Community and stakeholder consultation was achieved through community/stakeholder field days, display panels, Council's webpage, and information in Precinct newsletters.

Community and user groups' survey forms were distributed through various means with a total of 167 survey forms returned. Three community consultation field days were held – North Harbour Reserve (19 February 2006 and 4 March 2007) and Fairlight Pool Reserve (4 March 2007).

Financial Implications

The total cost of implementing (including 1-5 years of operation and maintenance) the newly proposed 30 management options addressing six key management issues is estimated to be \$0.87 million over a period of five years. Implementation responsibility of all proposed management options rests with a number of State Government agencies including Manly Council. Hence, adoption of this EMP does not commit Council to the allocation of immediate funding. Funding from alternative sources outside of Council's budget will be necessary, and is being explored. A list of possible funding sources has been prepared.

However, the adoption of the North Harbour Coastline Management Plan will greatly enhance Council's ability to seek external funding for the implementation of the various management options.

Harbour Foreshores and Coastline Management Committee Recommendation

The Harbour Foreshores and Coastline Management Committee, at its meeting on 11 August 2009 recommended that:

- 1) *The Committee resolved to endorse the Final Draft of the North Harbour Coastline Management Plan, pending incorporation of suggested changes during the meeting.*
- 2) *The Committee recommends to the General Manager and Council that the Final Draft of the North Harbour Coastline Management Plan be placed before the P&S Committee to endorse for public exhibition for a period of eight weeks and an information day during the exhibition period.*

RECOMMENDATION

It is recommended that Council:

1. Place the draft North Harbour Coastline Management Plan on public exhibition for a period of eight weeks;
2. Approve of an information day to be organised during the exhibition period; and
3. Notify the community and members of the Committee, including State Government agencies, and relevant Precincts of the exhibition period, and information day.

Planning And Strategy Division Report No. 33 (Cont'd)

ATTACHMENTS

AT-1	Executive Summary of North Harbour Coastline Management Plan	5 Pages	
AT-2	North Harbour Coastline Management Plan Final Draft	106 Pages	Circulated Separately

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***** End of Planning And Strategy Division Report No. 33 *****

Planning And Strategy Division Report No. 33 - Public exhibition of the North Harbour Coastline Management Plan
Executive Summary of North Harbour Coastline Management Plan

Executive Summary, North Harbour Coastline Management Plan

About the Plan

This Plan is prepared through the process outlined in the NSW Coastline Management Manual. Extensive community consultation was conducted through mechanisms including, display panels, information sharing through Precinct newsletters and Council's webpage, formal questionnaire surveys and community Field Days.

This Plan addresses the northern portion of the North Harbour (part of Port Jackson / Sydney Harbour) and foreshore that lies within the Manly Local Government Area boundary. North Harbour study area extends both seaward and landward from the shoreline between Federation Point and Wellings Reserve. The study area covers approximately 180 hectares and takes in the suburbs of Fairlight, Balgowlah and Balgowlah Heights including Precinct Community Forum areas of Fairlight, North Harbour and Balgowlah Heights. The entire study area is covered within the Sydney Harbour Foreshores and Waterways Area and also within the Sydney Metropolitan Catchment Area.

The Plan has been developed in response to legislative requirements and community issues in accordance with current best practices for the management of estuaries and its catchment. The development of this Coastline Management Plan is identified in Manly Plan 2009-2012 and Sustainability Strategy 2006.

Preparation of this EMP is an action C1.3.1 (*develop and implement comprehensive Coastline Management Plans (CMPs) for all areas of foreshore in Manly*) of the Manly Sustainability Strategy 2006 (MC 2006). It supports strategy 'E2.1: Improve health of waterways, coasts and estuaries' of the draft North East Subregional Strategy (DoP 2007).

The Plan addresses the following six broad based key issues, derived from community consultations:

- Aquatic/intertidal habitat conservation & management,
- Bushland/terrestrial habitat conservation & management,
- Upgrading of Public Facilities,
- North Harbour Reserve Improvement
- Hazards & climate change, and
- Heritage conservation & management

This Coastline Management Plan is a strategic plan with a long-term time frame of 15- 20 years and firmed up implementation program of 5 years. This plan will be reviewed and revised every 5 years and a new implementation program will be adopted in line with priorities of the period.

This Coastline Management Plan has evolved through incorporation of strategic directions from a number of Council's management documents and land use planning instruments. In order to embed coastline management as part of Council's core business, the adopted Plan will link into documents such as: Manly Plan, Manly Sustainability Strategy, Coastline & Estuary Management Plans, Manly Local Environmental Plan, Development Control Plans (DCPs), and Plans of Management.

Strategic Framework & Management Strategy

A series of goals and objectives for the future management of the North Harbour area were developed on the basis of information received through community and stakeholder consultation. For each management issue a goal has been defined, along with a range of management objectives that have been further translated into management options. The Plan follows the four basic principles of Ecologically Sustainable Development (ESD) and also considers the State

Planning And Strategy Division Report No. 33 - Public exhibition of the North Harbour Coastline Management Plan
Executive Summary of North Harbour Coastline Management Plan

Plan, state-wide targets set by the Natural Resources Commission and regional targets set by the Sydney Metropolitan Catchment Management Authority (SMCMA).

This Plan sets six Goals and 21 Objectives to be addressed through 48 Management Options . Only 30 of these are new activities. Of these 30, three management options are proposed for immediate implementation, 19 within 2 years, seven within 3-4 years and only 1 at later years. Overall, 17 management options have been rated to have high priority, 30 as medium priority and only one as low priority.

Strategic Management Options

Strategic management options cover a wide range of structural and non-structural solutions. These are briefly summarised here addressing each of the six key management issues.

Options addressing Aquatic/Intertidal Habitat Conservation & Management

A total of 10 management options are proposed to address four objectives: expansion of North Harbour Aquatic Reserve, protection of areas of ecological significance, preservation of seagrass and kelp beds and ensuring that water quality is suitable for healthy natural habitat conservation.

Of these, eight management options have been rated as of high priority and relate to extension of the boundary of North Harbour Aquatic Reserve, assisting DECC with preparation and implementation of North Harbour Aquatic Reserve Management Plan, managing Wildlife Protected Area at Federation Point, assessing marine biodiversity, protection of soldier crab colony, supporting conservation of seagrass and kelp beds, investigate feasibility of Stormwater Quality Improvement Devices (SQIDs) and place screens on minor stormwater outfalls. Further two management options have medium priority.

Three management options are already on-going activities. None has been proposed for immediate implementation.

Options addressing Bushland/Terrestrial Habitat Conservation & Management

A total of seven management options are proposed to address three objectives: continuation of Council's bushland management program, reduction of weed cover and encouraging community participation.

Of these, one has been rated as of high priority and relate to Community Bush Care Volunteers program. However, six management options have medium priority. Three of the management options are on-going activities. One option that has been proposed for immediate implementation relates to obtain SEPP 19 status for Heathcliff Reserve.

Options addressing Upgrading & Enhancement of Public Facilities

A total of 11 management options are proposed to address four objectives: improvements to general amenities, safe accessibility to public places, facilitating dog walking and sustainable recreational fishing.

Of these, three management options have been rated as of high priority and relate to continuation of ban on commercial fishing, monitor Dioxin levels in Sydney Harbour waters and facilitate recreational fishing. Seven management options have medium priority.

Six of the management options are on-going activities. One option that has been proposed for immediate implementation relate to facilities for Scuba divers near Fairlight pool.

Options addressing North Harbour Reserve Improvement

A total of six management options are proposed to address four objectives: health safety issues, masterplan for the Reserve, assessing irrigation options and improved disabled access.

Planning And Strategy Division Report No. 33 - Public exhibition of the North Harbour Coastline Management Plan
Executive Summary of North Harbour Coastline Management Plan

Of these, one has been rated as of high priority, four as medium and the remaining one as low priority management options. The only high management option relates to preparation of Landscape Masterplan for North Harbour Reserve.

None of the management options are on-going activities. Two options proposed for immediate implementation relate to investigations to ascertain any health risk in soil and preparation of landscape masterplan for North Harbour Reserve.

Options addressing Hazards & Climate Change

A total of 12 management options are proposed to address four objectives: risk reduction to slope and cliff instability, risk reduction from beach erosion and shoreline recession, impacts of sea level rise adaptation and mitigation measures in relation to climate change impacts.

Two high priority management option relate to continuation of climate change mitigation and adaptation measures and information to community regarding known impacts of climate change. Ten management options are categorised in medium priority.

Four of the management options are on-going activity. None has been proposed for immediate implementation.

It should be mentioned that many of the proposed management options and related actions will eventually be guided by Council's proposed *Climate Change Risk Assessment and Adaptation Action Plan* (being drafted) and the Council's proposed Carbon Neutral Plan (yet to be drafted).

Options addressing Heritage Conservation & Management

A total of two management options are proposed to address two objectives: protection of all sites of Aboriginal heritage significance and sites of natural and cultural heritage.

Both two of the management options are on-going activities of Council and rated as of having high priority.

Funding Requirements

The total cost of implementing (including 1-5 years of operation and maintenance) the 48 management options addressing six key management issues is \$869,000 (**Table**).

Table : Summary of estimated cost

Management Issues	Number of Management Options	Estimated Cost (\$)			
		High priority	Medium Priority	Low priority	Total
Aquatic Habitat	10	160,000	0	0	160,000
Terrestrial Habitat	7	50,000	200,000	0	250,000
Enhancement of Facilities	11	0	209,000	0	209,000
North Harbour Reserve	6	0	120,000	5,000	125,000
Hazards & Climate Change	12	85,000	40,000	0	125,000
Heritage Conservation	2	0	0	0	0
	48	295,000	569,000	5,000	869,000

Some actions require an on-going commitment from existing staff rather than the outlay of expenditure and this is noted as 'Time'. Some recommended actions require significant capital costs, especially where large-scale works are involved such as widening & upgrading of access road, installation of SQIDs, construction of paved footpaths.

Planning And Strategy Division Report No. 33 - Public exhibition of the North Harbour Coastline Management Plan
Executive Summary of North Harbour Coastline Management Plan

As indicated elsewhere, implementation responsibility of all proposed management options rests with a number of agencies including Manly Council. Hence, adoption of this CMP does not commit Council to allocate immediate funding. Funding from different alternative sources will be pursued. These include but are not limited to:

- Council's Environment Levy (subject to a budget bid process);
- Council's General Revenue Budget (subject to a budget bid process);
- State Government's Coastal Management Program (50% subsidy funding subject to a submission process);
- NSW Coastal Catchments Initiative; and
- Other Commonwealth and State Government funded programs such as SSHAP, MIP, Greenspace, CMA Funding etc etc.

Implementation Plan

Agencies involved: Manly Council (MC) is the principal implementation/management agency of the North Harbour Coastline Management Plan. Responsibility for implementing the options is spread across local government (planning, management and works staff), state government agencies and volunteer community groups. The following agencies will likely be involved in implementation of one or more relevant management options either in the main or supporting roles.

- NSW Department of Environment, Climate Change and Water (DECCW);
- NSW Maritime;
- Industry & Investment NSW (I&I NSW);
- Sydney Metropolitan Catchment Management Authority (SMCMA);
- Sydney Coastal Councils Group (SCCG); and
- Aboriginal Heritage Office (AHO);

Implementation Time frame: Of 48 management options proposed in this CMP, 18 options are on-going activities of the Council and/or other agencies. Among newly proposed 30 options, three have been proposed for immediate implementation, 19 within two years, seven within 3-4 years and only one on 5th or later years.

Mainstreamed into the Council's Management Plan: The management options proposed in this Coastline Management Plan will gradually be mainstreamed in to the rolling three year Manly Plan. The Manly Plan is the key planning document driving the operations of Council. Efforts will be made to incorporate priority options in to the next Manly Plan 2010 – 2013 and subsequent Plans.

Collaborative Partnership with other agencies and neighbouring Councils: Manly Council, as being the main implementor of the CMP, plans to conclude collaborative partnership agreements with other relevant agencies and neighbouring Councils either specifically for this CMP or for overall LGA.

Manly Harbour Foreshores & Coastline Management Committee to coordinate: Manly Harbour Foreshores & Coastline Management Committee will co-ordinate implementation of the CMP. The Committee, will be serviced by the Coastal Management Team of Council

Opportunities for community involvement: Many of the management strategies adopted for North Harbour area offer opportunities for community involvement particularly activities such as bush regeneration projects, participatory monitoring programs and environmental education, as well as general monitoring of plan implementation and effectiveness.

Reporting through four mechanisms: Reporting on implementation of the CMP will be achieved through four mechanisms: internal Council reporting process, Annual Reports to the community, Council website and regular Harbour Foreshore Committee meetings.

Planning And Strategy Division Report No. 33 - Public exhibition of the North Harbour Coastline Management Plan
Executive Summary of North Harbour Coastline Management Plan

CMP to be reviewed every 5 years: The Coastline Management Plan will be reviewed every 5 years to accommodate priorities of the period, requirements of new/amended legislations and Council's policies and guidelines. During the process, there will be a mechanism to identify new issues and conflicts concerning the coastline management and ensure their incorporation into a revised plan. A program for the following 5 years will be developed by designating priority to any new actions and reassigning priority to the remaining actions. These programs should be fed back into and form the revised CMP for the next 5 years.

Monitoring, Evaluation & Reporting

Monitoring & evaluation is a key component of any coastline/estuary management plan. At present, Council has no structured & written monitoring plan to assess environmental health of coast & estuary. However, the SHOROC State of the Environment Report, prepared annually in collaboration with other regional Councils, provides numerical data on a comprehensive range of indicators. Long-term water quality monitoring data is, however, available at present from the 'Harbour Watch Program' and 'Beach Watch Program' of the Department of Environment and Climate Change (DECC). The National NRM Monitoring and Evaluation Framework (NM&EF) has identified a total of 19 nationally agreed indicators to measure the effect of the stressors on ecosystem condition (physical/chemical and biological) and habitat extent. Based on this, 25 indicators have been proposed to monitor Manly's Estuarine, Coastal & Marine Habitat Integrity.

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Planning And Strategy Division Report No. 34
SUBJECT: Seagrass-friendly Moorings at Manly Cove
FILE NO:

SUMMARY

The Industry & Investment NSW (formerly NSW Department of Primary Industries) in partnership with Sydney Metropolitan Catchment Management Authority, Manly Council, and NSW Maritime is in the process of undertaking a 3-year trial of seagrass friendly mooring systems at Manly Cove.

Up to 33 Seagrass Friendly Moorings will be installed as part of the trial.

REPORT

Seagrass beds occur within Manly Cove in shallow sub tidal areas along the foreshore, in depths where sunlight is available. These seagrass beds are important aquatic habitat providing food and shelter for a variety of juvenile fish species. They are also important foraging grounds for Manly's endangered population of Little Penguins. Existing block and chain moorings are known to damage seagrass beds. Proposed seagrass friendly moorings have proved to be beneficial for seagrass beds elsewhere in NSW.

This project is already being implemented at Pittwater and Shoal Bay Councils.

The Industry & Investment NSW (formerly NSW Department of Primary Industries) in partnership with Sydney Metropolitan Catchment Management Authority, Manly Council, and NSW Maritime is undertaking a trial of seagrass friendly mooring systems at Manly Cove.

The Australian Government has provided funding through the *Bringing Back the Fish* project. The federally funded project offers free Seagrass Friendly Mooring devices to replace the old block and chain model. All introduced moorings will be maintained for three years free of charge.

Participants in the project will have their current mooring apparatus replaced with a Seagrass Friendly Mooring apparatus free of charge (\$1,850 value). The mooring apparatus will also be serviced free of charge for three (3) years from the installation date (\$600 value).

The Industry & Investment NSW has contracted On Water Marine Services to replace the current mooring apparatus, with a Seagrass Friendly Mooring apparatus, and provide the associated servicing. The Seagrass Friendly Mooring system will provide a secure mooring for vessels in all weather conditions, has been certified by civil and mechanical engineers, and acts to protect the seabed from the impacts of mooring chain drag.

A maximum of 33 Seagrass Friendly Moorings will be installed as part of this trial.

The recovery of seagrass and other marine life around the replaced mooring areas will be monitored as part of the project. The University of Newcastle in association with local EcoDivers, through a contract with the On Water Marine Services, will monitor the impact of introduced moorings on seagrass beds.

To promote the project, the Industry & Investment NSW organised an information session and installation demonstration of the Seagrass Friendly Mooring on 25th of July 2009, immediately adjacent the western side of the Manly Wharf. A number of boat owners attended the information session.

Planning And Strategy Division Report No. 34 (Cont'd)**Harbour Foreshores & Coastline Management Committee Recommendation**

The Harbour Foreshores & Coastline Management Committee, at its meeting on 11 August, 2009 recommended that:

- 1. The Harbour Foreshore & Coastline Management Committee resolved to express appreciation to NSW DPI and partners for initiating Seagrass Friendly Moorings Project at Manly Cove.*
- 2. The Harbour Foreshore & Coastline Management Committee recommends to the General Manager and Council that this report is placed before the P&S Committee for endorsement.*

RECOMMENDATION

It is recommended that Council receives the report and endorses the project.

ATTACHMENTS

There are no attachments for this report.

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***** End of Planning And Strategy Division Report No. 34 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Planning And Strategy Division Report No. 35
SUBJECT: Manly Local Environmental Plan 1988 Draft Amendment re Third Party Advertising
FILE NO:

SUMMARY

This report recommends exempting third party advertising signage from development consent in accordance with Council's resolution in this matter on 15 June 2009 and where such signage conforms to the Manly DCP definition of "commercial sign". The mechanism for such an exemption would be to amend the Manly LEP 1988 by adding this development type to the schedule of Exempt Development (schedule 8, MLEP). Potential impacts in relation to this proposal are considered in the drafting of the recommended LEP amendment and Council is also advised of the next steps in the process. The requirements for preparing a planning proposal to the Department of Planning are detailed. It is recommended that Council initiate an amendment to Manly Local Environmental Plan 1988 to permit third part advertising structures as exempt development.

REPORT

Introduction

At its Ordinary Meeting of 15 June 2009, the Council resolved:

"That in order that there be clarity and consistency in terms of the status of third party advertising signage, pursuant to the provisions of Manly Local Environmental Plan 1988 and Manly Development Control Plan for Advertising Signs 1993, third party advertising signage be deemed exempt development where such signage conforms to the definition of "commercial sign" of Manly Development Control Plan for Advertising Signs 1993."

The purpose of this report is to respond to the above resolution by detailing an amendment to Manly Local Environmental Plan 1988 to make third party advertising signage exempt development (i.e. no DA approval required) where such signage conforms to the definition of "commercial sign" in Part E of Manly Development Control Plan for Advertising Signs 1993. The definition of "commercial sign" is detailed below under 'Existing Plans and Policies'.

The Manly DCP definition of 'commercial sign' broadly includes signs that identify or describe the place or premises, particulars of any occupation, directional signs as well as signs that advertise certain goods provided at the place or premises.

Third party advertising signage may be generally described as signs used to advertise a certain good or service as distinct from signs that identify buildings and occupations and generally assist people to find their way around Manly. Third party advertising signs, as permitted under the DCP definition are only loosely related to the places or premises where they are proposed. For example, a third party sign may advertise a certain drink, ice cream or cigarettes etc. if any of these goods are sold on the premises. The size of such a sign under the DCP definition would also need to fit within a rectangular figure 1.2m in length and 0.6m in height.

Existing Plans and Policies

Manly Local Environmental Plan 1988 ('The LEP')

Third party advertising signage is not a development type that is listed as exempt development under clause 10A and Schedule 8 under the LEP. The only exemptions in the LEP concern certain

Planning And Strategy Division Report No. 35 (Cont'd)

identification signs. Advertising structures are generally permissible with development consent in Manly Business and Industrial zones; and prohibited in the Residential, Open Space and Special Use zones.

Also, the relevant objectives concerning advertising structures in the LEP Business Zone is:

"1. To communicate to people in Manly the facilities, amenities, goods and services which exist within the Business Zone."

Manly Development Control Plan for Advertising Signs 1993 ('The DCP')

Under Part E the DCP, 'commercial sign' are subject to the following definitional terms:

'an advertisement whether illuminated or not which:

- (i) has an outline that would fit within a rectangular figure 1.2m in length and 0.6m in height; and*
- (ii) in respect of any place or premises to which it is affixed contains only:*
 - (a) a reference to the identification or description of the place or premises;*
 - (b) a reference to the identification or description of any person residing or carrying on an occupation at the place or premises;*
 - (c) particulars of any occupation carried on at the place or premises;*
 - (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there at;*
 - (e) particulars or notifications required or permitted to be displayed by or under any Act or any Act of the Parliament of the Commonwealth;*
 - (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises;*
 - (g) a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting;*
 - (h) particulars of any activities held or to be held at the place or premises; or*
 - (i) a reference to an affiliation with a trade, professional or other association relevant to the business conducted on the place or premises;*

The Objectives of the DCP refer to the need to ensure advertising is 'in harmony with the buildings to which they are attached' and as such appear to limit third party signage. In this regard general objective b) is as follows:

"To ensure that advertising is in harmony with the buildings to which they are attached, and to their surroundings."

Section 2.10 of the DCP specifically deals with the advertising content of signs and states:

"Only under exceptional conditions will third party advertising be permitted i.e. advertising content must relate to the building or premises or goods sold on the premises to which it is attached. No cigarette or alcohol advertising will be permitted, unless it relates to goods sold on the premises and does not dominate the advertising area of the subject sign."

Comment: Third party advertising is not specifically defined in the DCP but as discussed above, is considered to be a type of advertisement under the DCP definition of 'commercial sign'. All such commercial signs must under the DCP definition relate to goods sold on the premises.

State Environmental Planning Policy (Exempt and Complying Development) 2007 (the Codes SEPP)

The Codes SEPP specifies certain advertisements as exempt development. At this stage the Codes SEPP only lists changes to the content of identification signs as a type of exempt development. However the Department of Planning indicate that further amendments to the Codes

Planning And Strategy Division Report No. 35 (Cont'd)

SEPP will exempt a wider range of advertising structures. It is also noted that the Codes SEPP override any similar LEP provisions.

In relation to the draft codes on exhibition earlier this year the Department identified advertising structures as complying development where not on a heritage item, not illuminated or not encroaching over the footpath less than 2.6m above ground level. Notwithstanding these exhibited draft documents, it is not certain at this stage whether third party advertisements will be a type of exempt developments under future versions of the Codes SEPP. Should Council proceed with the exempt development type as resolved, then similar provisions are recommended in the drafting of the proposed amendment as recommended.

Draft LEP Amendment

The purpose of the proposed amendment is to permit third party advertising signage as exempt development subject to compliance with the definition of commercial signs in the DCP i.e. complying with minimum dimensions and advertising a product sold on the premises. Also, it is proposed that the exemption be limited to non-illuminated signs in centres; with just one sign per premises and not on a heritage item. The drafted LEP amendment (including a minor clarifying amendment in the DCP) is described as follows:

1. Insert into Schedule 8 "Exempt Development" in the Manly LEP 1988, a new development type with additional standards as follows:

"Development Type: 'Signs – Third Party Advertising'

Additional Standards:

- *Only one sign per premises;*
- *In business and industrial zones only;*
- *Comply with the definition of 'commercial sign' in the Advertising DCP. In particular:*
 - *Advertising content must relate to a good, commodity or service dealt with or provided at the place or premises;*
 - *outline that would fit within a rectangular figure 1.2m in length and 0.6m in height;*
 - *must not be illuminated;*
 - *not encroach on a footpath or street (as defined by the Roads Act, 1993)"*

2. Reword DCP paragraph 2.10 - 'Advertising Content', to clarify conditions for third party advertising to read:

"The advertising content of all third party advertising must

- *relate to the building or premises or goods sold on the premises to which it is attached*
- *not dominate the advertising area of the subject sign."*

Assessment

Exempt development is development of minimal environmental impact that may be carried out without any approval under the planning system.

Third Party Advertisement Signs are of a commercial nature or for promotional purposes that do not generally serve to assist people in identifying premises or places or providing directional assistance. As well, the signs are only loosely related to the buildings or uses they are located. As such, third party signs can detract from other signs which assist and serve to identify buildings or uses. The potential also exists for advertising signage to detrimentally affect amenity and townscape qualities, and adding to the visual clutter of a locality.

Planning And Strategy Division Report No. 35 (Cont'd)*Preparation of a Planning Proposal*

The next stage in preparing the amending LEP is the preparation of a Planning Proposal is to explain the effect of and justification for the plan under s.55(1) of the EP&A Act. The Minister of Planning (or delegate) will then determine whether the planning proposal is to proceed through what is described as the 'Gateway' process. The Gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.

Council's justification for the recommended LEP amendment under s.55(2)(c) of the EP&A Act include the following considerations where relevant.

Need for the planning proposal:

- 1. Is the planning proposal a result of any strategic study or report?*
- 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*
- 3. Is there a net community benefit?*

Environmental, social and economic impact:

- 1. How has the planning proposal adequately addressed any social and economic effects?*
- 2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Relationship to strategic planning framework:

- 1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*
- 2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*
- 3. Is the planning proposal consistent with applicable state environmental planning policies?*
- 4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

With particular regard to considerations of potential impacts above, the drafting of the LEP amendment for third party advertising as a type of exempt development is drafted such that these signs are controlled to minimise any impact as detailed above and summarised as follows:

- Only one sign per premises in business or industrial zones and not on a heritage item;
- Advertising content must relate to a good, commodity or service dealt with or provided at the place or premises;
- The size of the sign must fit within a rectangular figure 1.2m in length and 0.6m in height;
- The sign must not be illuminated or encroach on a footpath or street.

Conclusion

Council has resolved to exempt third party signs from the requirement for development consent. The next step in progressing this resolution is to prepare an LEP amendment which is now drafted and recommended for submission to the Department of Planning as a Planning Proposal. Council is further advised that it may otherwise consider deferring such considerations until the NSW Codes SEPP introduces state-wide provisions for advertising structures. In this case the state-wide Codes SEPP provisions will supersede any existing or future LEP exemptions for Advertising Structures including third party Advertisements. Furthermore, Council may also otherwise determine that Third Party Advertising Structures are not an appropriate development type to be exempt development to ensure that potential environmental impacts may be assessed as either a

Planning And Strategy Division Report No. 35 (Cont'd)

complying development or with consent in a development application. In relation to such potential environmental impacts (including concerns about the potential proliferation of signage in Manly Centres) the draft LEP amendment recommended in this report seeks to control such signage in a manner that minimises potential impacts.

RECOMMENDATION

THAT Council initiate an amendment to Manly Local Environmental Plan 1988, and an accompanying amendment to the DCP for Advertising to permit third part advertising structures as exempt development, pursuant to sections 54-55 and 74C(1)(a) of the *Environmental Planning & Assessment Act, 1979*.

ATTACHMENTS

There are no attachments for this report.

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***** End of Planning And Strategy Division Report No. 35 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Planning And Strategy Division Report No. 36
SUBJECT: State Environmental Planning Policy (Affordable Rental Housing) 2009 -
Secondary Dwellings provisions
FILE NO:

SUMMARY

The NSW Government's new - State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing) is designed to increase the amount and diversity of affordable housing in all areas of NSW. It contains specific development standards and provisions to encourage affordable housing in the form of infill development, secondary dwellings (e.g granny flats), boarding houses, group homes and residential flat buildings in specified centres.

The policy aims to better encourage home owners, social housing providers and developers to invest and create new affordable rental housing to meet the needs of a growing population and existing residents.

The new policy aims to:

- Encourage partnerships between private and not-for-profit housing providers;
- Assist in the provision of housing closer to major employment areas, consistent with the State Plan;
- Mitigate against the loss of any existing affordable housing;
- Position NSW to be a beneficiary of major Australian Government housing funding programs;
- Support innovative affordable housing styles, including granny flats and new style boarding houses; and
- Deliver good urban design outcomes.

REPORT

Introduction

Affordable housing is defined in SEPP as "*housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument*".

In the policy, "*a household is taken to be a very low income household, low income household or moderate income household if the household:*

- (a) *has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
 - (b) *is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*
- (2) *In this Policy, residential development is taken to be for the purposes of affordable housing if the development is on land owned by the Land and Housing Corporation."*

The intention of this paper is to summarise the scope of the major changes that are most relevant to Manly, in particular the specific provisions of the SEPP Affordable Housing for secondary dwellings.

Planning And Strategy Division Report No. 36 (Cont'd)**Secondary Dwellings**

Of particular interest in the new SEPP Affordable Housing are the provisions that make attached or detached secondary dwellings permissible in all residential zones in NSW.

Development for the purposes of a secondary dwelling is defined in the SEPP (clause 19) to include the following:

- (a) *the erection of, or alterations or additions to, a secondary dwelling,*
- (b) *alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

The SEPP references the definition in the standard instrument of a secondary dwelling as being:

“ a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.”*

The SEPP Affordable Housing contains various requirements for consent for secondary dwellings, as well, there are detailed development control provisions for the consideration of the development of secondary dwellings as complying development that relate to the SEPP (Exempt and Complying Development Codes) 2008 (“Codes SEPP”) provisions for land.

The effect of SEPP Affordable Housing is that Council cannot refuse consent for secondary dwellings (attached or detached) on the grounds of site area (must be more than 450 sqm for detached secondary dwellings) or if no additional parking is provided on site (in accordance with clause 22 of the SEPP). As well, a consent authority cannot consent to a development application that would result in a subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under the SEPP Affordable Housing.

Secondary dwellings may be permissible in Manly providing that the following requirements as defined in the SEPP (Affordable Housing) are satisfied:

- There is only one principal house and one secondary dwelling on a lot;
- The combined total floor area of the house and the secondary dwelling complies with the floor space area controls in the Manly LEP 1988;
- The maximum floor area of the secondary dwelling is no greater than:
 - 60 square metres; OR
 - The maximum floor area prescribed by the council in the local environmental plan
- The lot is not subdivided;
- The secondary dwelling meets planning controls such as building height and setbacks, floor space ratios, and open space in the local environmental plan and/or the complying development provisions in the Affordable Rental Housing SEPP.
- The secondary dwelling meets the requirements of the Building Code of Australia.

The new SEPP provisions will over-ride any local provisions to the extent of any inconsistency between the SEPP and any environmental planning instrument (such as a Local Environmental Plan) via clause 8 of the SEPP. At present, the Manly Local Environmental Plan 1988 does not contain any provisions for secondary dwellings. As well, the SEPP will prevail over the controls contained in Manly’s Residential Development Control Plan (DCP) for family flats as the DCP is not regarded as an EPI in terms of the definitions contained in the *Environmental Planning and Assessment Act 1979*.

Planning And Strategy Division Report No. 36 (Cont'd)

Under the Manly DCP for the Residential Zone 2007, a family flat is permitted with development consent. These are defined as:

“means a second dwelling built within the envelope of the original dwelling or attached at ground level to the original dwelling, where the development meets the provisions and objectives of a single dwelling-house (except density provisions), but:
a) *is not more than 75m² in gross floor area; and,*
b) *shall not be separately titled.”*

It is understood that these DCP controls arose as a result of the Manly Council's Residential Development Strategy of 1997 and the exemption from the SEPP 53 for Metropolitan Residential Multiple Housing.

Issues Arising

The issues arising from the introduction of the SEPP Affordable Housing have yet to be tested in Manly, and are complex in planning development standards, requirements and regulatory implications. There are many opportunities for secondary dwellings to now be built in Manly as a result of the SEPP as either complying development or development with consent. This will have positive benefits for the provision of lower cost housing in an increasing unaffordable area of Sydney.

As well, each development application for affordable housing will need to be assessed on its own merits in relation to the SEPP requirements and the context of each development.

It is also noted that the SEPP Affordable Housing will prevail to the extent that there is an inconsistency with a local planning provision requirement (via clause 8 of the SEPP). The implication of this for Manly is that detached secondary dwellings (or family flats) may be permitted within an existing lot size of greater than 450sqm, as well as more attached secondary dwellings. As well, there is also predicted to be an expanded role for the private certification of secondary dwellings in accordance with the SEPP provisions and as such this will be outside Council's compliance regime and reduces the role for Council as the consent authority.

The SEPP will also provide an opportunity for social housing providers and the Department of Housing to work together to comply with the SEPP Affordable Housing to deliver more affordable housing to people in need in this area.

As well, the changes also link recent changes to complying development under the Codes SEPP, and development that requires private certifier consent.

RECOMMENDATION

It is recommended that Council receive and note the above report and the introduction of the SEPP Affordable Housing, and the implications in relation to secondary dwellings.

ATTACHMENTS

There are no attachments for this report.

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***** End of Planning And Strategy Division Report No. 36 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Planning And Strategy Division Report No. 37
SUBJECT: NSW Planning Reforms - Update Report
FILE NO:

SUMMARY

This report aims to inform Council regarding NSW Planning Reforms, including an overview of Exempt and Complying Development including recent amendments to the Codes SEPP; amendments to LEP plan making processes under Part 3 of the EPA Act; draft guidelines for Development Assessment and amendments to Part 4 of the EPA Act; and Department of Planning advice on the LEP reprioritisations.

REPORT

Background

Over the last decade, all Australian governments have reviewed legislation as part of regulatory reform with the view to promoting business efficiency by implementing competition policy. To this end the degree of recent legislative change in NSW and the swift introduction of State Environmental Planning Policies (SEPPs) and other circulars and planning directives have been substantial.

The NSW Government set out an agenda for significant planning reform in 2007 when the Planning Minister, Frank Sartor held a forum on planning reform, *New Ideas in Planning*; released a discussion paper - *Improving the NSW Planning System* and finalised an exposure Bill to amend the *Environmental Planning and Assessment Act* which was enacted in 2008.

In the past year a number of reports to Council have dealt with many aspects of NSW Planning reform and in summary include reports on:

- NSW Planning Reform- Release of draft Development Codes (P&S 10 June 2008)
- SEPP (Repeal of Concurrence and Referral Provisions) 2008 (P&S 18 August 2008)
- Manly LEP2011 - Preparation of new draft Plan (P&S 3 November 2008)
- SEPP (Exempt and Complying Development) 2009 P&S (2 February 2009)
- Submission on State Development Inquiry into NSW Planning System (2 March 2009)
- Manly LEP2011 - Preparation of new draft Plan (P&S 6 April 2009)
- SEPP (Infrastructure) 2008 Amendments (P&S 4 May 2009)
- NSW Heritage Act Amendment Bill 2009 (P&S 1 June 2009)

NSW Planning Reforms update

With particular relevance to the Manly context the following aspects of recent planning reform are reported for further information.

- Exempt and complying development
- Development assessment processes
- Land Use Plan-Making Processes
- Reprioritizing the Standard Local Environmental Plan (LEP) Program.

Exempt and complying development

Exempt development is development of minimal environmental impact that may be carried out without any approval under the planning system.

Planning And Strategy Division Report No. 37 (Cont'd)

Complying development is development that can be fast-tracked through a 10 day assessment process where specified predetermined development standards have to be met.

One of the key targets of the planning reforms announced in November 2007 was to increase exempt development and the uptake of approvals issued as complying development across NSW from 11% in 2006/07 to 50% by 2011/12 (Discussion Paper *Improving the NSW Planning System* November 2007). This target aligns with the NSW Government's commitment to reduce regulatory red tape outlined in Priority P3 of the NSW State Plan.

SEPP (Exempt and Complying Development) *i.e. the 'Codes SEPP'* commenced on 27 February and introduced both the NSW Housing Code and the General Exempt Development Codes. From 7 September 2009, amendments to the Codes SEPP introduced two new codes and amendments to existing codes which generally increase the take-up of exempt and complying development as follows:

New Commercial and Industrial Development Code

This Code allows for certain changes of uses, minor external and internal building alterations to take place as complying development. This Code does not apply to heritage listed properties although shop front and awning alterations and mechanical ventilation are excluded from heritage conservation areas.

New Minor Alterations and Additions Code

This Code allows for internal alterations to an existing dwelling house (including ancillary development) to take place as complying development. The code does not allow for alterations and additions to heritage listed properties and the construction or conversion of basement spaces which still require development consent.

Amendment to the Housing Code

The original Code required that the alterations and additions to dwellings can only be carried out as complying development if the existing dwelling fully complies with the code. The proposed amendments now significantly relax this requirement by allowing alterations and additions where the existing dwelling need only comply with the site coverage and maximum floor area requirements.

Other amendments to this Code include an increase in the maximum floor area for outbuildings (cabanas, cubby house, garden shed) from 60sqm to 100 sqm. Roof top terraces are now excluded as complying development.

Comment: It is anticipated that the lesser requirement for existing development to comply with alterations and additions will increase the take up of complying development in Manly given the high proportion of DA's for residential alternations and additions. The exclusion of roof terraces as complying development is supported particularly in light of the many merit consideration and issues/ impacts that arise in the DA assessment of such structures. The increase in the allowable size of outbuildings to 100sqm is likely to pose problems for Manly in the future.

Amendment to the General Exempt Development Code

A number of additional types of development may now be carried out without obtaining development consent under this Code subject to compliance with certain standards as follows:

- Animal shelters
- Automatic teller machines
- Bollards
- Change of use of premises
- Evaporative cooling units (roof mounted)
- Garbage bin storage enclosures
- Hard stand spaces

Planning And Strategy Division Report No. 37 (Cont'd)

- Hot water systems
- Replacement of existing lawful Identification signs

Comment: The proposed additions are not considered to have any significant implications for Manly. It is noted that listing of roof mounted evaporative cooling units are confined to certain climactic zones which excludes Manly LGA. Garbage bin enclosures are required to be 1m behind the building line of dwelling houses and setback 450mm to side boundary except if in a heritage conservation area where they must be in the rear yard to be exempt development.

A number of other recent SEPPs increase provision for exempt and complying development as follows:

- SEPP (Infrastructure) 2007: This SEPP aims to “facilitate the delivery of infrastructure by streamlining a complex array of local, regional and state planning instruments”. The SEPP identifies 25 types of infrastructure and works related to infrastructure that are either exempt development, or permissible with or without consent. Further development provisions have since been added to assist schools undertaking improvements and it is also noted that the provisions permit portable classrooms at educational establishments without consent. The SEPP also provides exemptions for some general development types including skylights and rainwater tanks.
- SEPP (Affordable Rental Housing): As separately reported to Council this SEPP introduces a range of development types as comply development to advance the provision of affordable housing.
- SEPP (Temporary Structures and Places of Public Entertainment) 2007.
- Other SEPPs not applicable to Manly (Sydney Regional Growth Centres SEPP and Western Sydney Parklands SEPP).

Development Assessment Processes

Broad reforms in relation to development assessment in the last decade include integrated development assessment, the introduction of private certification, improved strategic planning, the introduction of part 3A of the EP&A Act. Most recently, the Government released a discussion paper of Development Assessment Guidelines to accompany amendments to Part 4 of the EP&A Act. It is understood that the key objectives for this reform of the development application process is a quicker, cheaper and simpler process to deliver sustainable development; greater certainty and fairness. Council has provided the Department of Planning with feedback on the draft guidelines raising a number of comments including the following:

- Manly Council supports a collaborative approach by the Department of Planning in achieving its objectives and particularly in partnership with councils.
- Council supports the key initiatives of the draft Development Assessment Guidelines to improve the quality of development applications lodged, with early consultations and discussion with relevant parties.
- Council submits that the regulations and guidelines must be sufficiently flexible in their implementation by councils to ensure a ‘best-fit’ for local communities so that the lodgement requirements, referrals and timeframes are best tailored to local development types thereby ensuring cheaper and simpler processes. Council’s submission also raised issues in relation to the resources of individual and smaller councils to implement the new systems and processes.
- The proposed prescriptions on timeframes including removal of ‘stop the clock’ provisions are considered too rigid and likely to lead to poorer development outcomes and increased refusals. The emphasis seems to be on the quantitative side i.e. how quickly can a DA be done.
- While detailed requirements for lodgment are supported, Council will require additional resources to have a dedicated person to audit the applications against the detailed lodgment requirement within the 7 day ‘review and accept’ period. The need for resourcing at that stage is particularly important with the removal of the “stop the clock” provision.

Planning And Strategy Division Report No. 37 (Cont'd)

- Resourcing issues arise where DA fees are fully returned for rejected DAs- notwithstanding that Council allocates considerable resources in the DA acceptance stage. In this regard Council suggests that the DA fee structures should allow for a percentage of the fee to be retained by Council in these circumstances to address this cost. It is also considered that there is a need to increase the DA fees in recognition of the increase in administration arising from these changes.

Land Use Plan-Making (LEP) Processes

Reforms aim to reduce processing times by 50% for changes to local environmental plans (i.e. rezoning). These aims are reflected in recent amendments to the EPA Act including the following:

- Making early, upfront decisions on whether the change is suitable and meets set criteria;
- Tailor the plan-making process to suit complexity to slash times for minor changes;
- Establishing mandatory timeframes for various steps in the plan-making process;
- Allocate clear responsibility for key steps of the plan making process;
- Referring stalled rezoning proposals to a Regional Panel or the new PAC.

The upfront steps of the LEP process have changed. Council now prepares a justification report for a 'planning proposal' which is submitted to the DoP for a 'gateway' review before it goes on exhibition. Some LEPs can be fast tracked by deleting some of the steps as determined at the gateway stage. Council prepares a 'planning proposal' to justify the LEP and explain the intended effects. The Planning proposal will include a statement of objectives; explanation of provisions; justification and process for implementing objectives; preliminary maps and proposed community consultation. Documentation doesn't have to include draft LEP instrument.

Council is to forward the planning proposal to the Minister or delegate (LEP Review Panel) to determine how the matter should proceed at this 'gateway' stage and will determine consultation processes delegations and set out the timing of the various stages. The Minister may refer a "delayed" LEP to the PAC or JRPP or for "any other reason". This may be to speed up stalled LEPs but may take an LEP out of Council's hands.

Reprioritizing the Standard Local Environmental Plan (LEP) Program.

The Department of Planning advised councils that only four (4) new LEPs prepared using the standard instrument template have been gazetted since the Standard Instrument order was originally gazetted in March 2006, more than three years ago.

Since initiating the preparation of a new LEP for every LGA, the Department has also carried out many other significant changes to the planning system. These include the SEPP Infrastructure (2007) and its subsequent expansion to include additional development types such as schools and social housing. Also, the introduction of part 3A approvals for Major Projects, and the Amendment of the Environmental Planning & Assessment Act, 1979, and also the Heritage Act. In addition the NSW Housing Code was introduced. This was followed by the introduction of the Joint Regional Planning Panels in July 2009.

Four new initiatives have been introduced in the last few months. None of these was accompanied with an adequate consultative process or adequate time to adjust Council's administrative systems. Many of these changes have been of such significance as to require diversion of resources to provide input and to address the implications of the various changes, and also facilitate the implementation of the changes, all at short notice.

It is also considered that the State has provided inadequate funding to support the modification of the planning system. Much needed studies and drafting of new provisions to address climate change, sea level rise and ecologically sustainable development are a matter of high priority for councils but are progressing only very slowly. The emphasis of all the recent changes has been to speed up the development approval process without due regard to environmental and social impacts.

Planning And Strategy Division Report No. 37 (Cont'd)

Also, the speed of the changes has increased along with the range and extent of the policy changes and requirements for new administrative procedures. This is of great concern to the Council as the Department has been very slow to inform the councils of the impending changes. Recently, notice of the gazettal of a new State Environmental Planning Policy for Affordable Rental Housing was notified several days after it was gazetted.

Implications for Manly LGA

Manly Council has completed a first phase draft conversion of the Manly LEP 1988 to the standard template format. There are a number of anomalies in respect of the conversion which have been identified by council officers.

These include:

- The environmental planning instruments currently being progressed for Warringah and Mosman LGAs will establish strong precedents for Manly and Pittwater LGAs. Both councils are at the pre-exhibition phase. It is likely that the DOP will require similar provisions for Manly and Pittwater in the interests of consistency and simplification of planning controls across the sub-region. The Council needs to have regard to the draft plans when they are exhibited and comment on the proposed zonings and other provisions where they impact on the Manly LGA.
- There are Policy implications arising from the zoning of all unmade roads to the adjoining zone (usually residential), without consideration of the value of the land for open space and recreation, and the natural environmental significance, including habitat and corridor values, as well as the likely visual impact on the slopes of Sydney and Middle Harbours.
- The Standard Instrument template removes the Special Uses zones for the majority of lands currently zoned special uses in Manly LGA.

Conclusion

A recurring issue for all councils though out the delivery of the NSW planning reform agenda has been the lack of consultation and the unreasonable demands made on councils to properly implement and address implications of the reforms without sufficient time and resources. Council's statutory obligation to issue accurate and up-to-date Planning Certificates is an example of where the implementation of amendments to the Codes SEPP have placed significant resourcing pressure on Council's GIS staff.

A number of other events are anticipated in terms of the Planning Reforms including the completion of sub-regional Strategies this year and a 5 year review of the Metropolitan Strategy in 2010. A Transport Blueprint and an Open Space Strategy are also in preparation by the State Government.

RECOMMENDATION

It is recommended that Council:

1. receive and note the update on NSW Planning Reforms, and;
2. recommend that SHOROC prepare a submission to the Minister for Planning and Director-General of Planning seeking improved consultation, communication and additional resourcing to assist in the implementation of the NSW planning reforms.

ATTACHMENTS

There are no attachments for this report.

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***** End of Planning And Strategy Division Report No. 37 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Environmental Services Division Report No. 20
SUBJECT: Development Applications being assessed during August, 2009
FILE NO:

SUMMARY

Development Applications currently being Assessed.

REPORT

103/09	71 Bower Street	Demolition of existing and new 3 storey dwelling
106/09	49 Seaforth Crescent	Partial demolition of existing and new 7 level dwelling, garage, roof top parking, pool, terrace, pergola and landscaping
108/09	38 Birkley Road	Alts to approved garage and first floor addition
111/09	44-46 Seaforth Crescent	Alterations & Additions including lift
118/09	5 Cliff Street	Alterations & Additions
124/09	11 Valley Road	Alterations & Additions
129/09	87 Stuart Street	Alts & adds to existing building
134/09	19 Acacia Road	Alterations & Additions
136/09	22 Bonner Avenue	Remove Lot 242 on DP 230886
137/09	242 Pittwater Road	Alterations & Additions
139/09	563 Sydney Road	Shop front and ATM
141/09	94 Seaforth Crescent	Alts & adds to existing building
145/09	34 Rickard Street	Partial Demo and new dwellings
146/09	4 David Place	Demolition and 2 new dwellings
147/09	4 Sydney Road	Change of Use to internet outlet and convenience store
149/09	25 La Perouse Street	Partial demolition and new 2 storey dwelling
150/09	3 Baltic Street	Demolition & new 2 storey dwelling
155/09	16 Margaret Street	Alterations & Additions
156/09	15 Mulgowrie Crescent	Partial demolition and Alterations and Additions
159/09	32 Alto Avenue	Alterations & Additions
161/09	105 Pittwater Road	Alterations & Additions
166/09	112B Woodland Street	Alts & adds to existing building
169/09	5 Violet Street	Alts & adds to existing building
170/09	1/111 North Steyne	Dem of existing & construction
171/09	30 Abernethy Street	Alts & adds to existing building
173/09	90 Addison Road	Alts & adds to existing building
175/07	48 Peronne Avenue	82A Review
178/09	39 Ernest Street	Alts & adds to existing building
180/09	Wharves and Jetties	Extension to outdoor seating

Environmental Services Division Report No. 20 (Cont'd)

181/09	25 Smith Street	Ext of existing garage & add of first floor
182/09	51 Golf Parade	Alts & adds to existing building
183/09	124 Addison Road	Alts to first floor unit
184/08	63 Kangaroo Street	Demolition and New Garage
188/09	79 Wood Street	Alts & adds to existing building
189/09	6 Oyama Avenue	Pergola over front fence
190/09	45 Pittwater Road	Alts & adds to existing building
191/09	9 Ross Street	Alts & adds to existing building
193/09	1B Monash Crescent	Alts & adds to existing building
194/09	91 Curban Street	Alts & adds to existing building
195/09	1 Baranbali Avenue	Alts & adds to existing building
196/09	17 Marine Parade	Alts & adds to existing building
198/09	21 Fairlight Crescent	Alts & adds to existing building
199/09	11 Oyama Avenue	Land Subdivision
200/09	24 Ponsonby Parade	Demolition of existing & construction of new
201/09	41 Jamieson Street	Alts & adds to existing building
202/09	45 Eurobin Avenue	Alts & adds to existing building
204/09	73 Wood Street	Alts & adds to existing building
206/07	26-28 Adelaide Street	Section 96 Modification
207/09	21 Palmerston Place	Alts & adds to existing building
208/09	3 Redman Street	Alts & adds to existing building
209/06	73 Fairlight Street	Section 96 Modification
209/09	19 West Street	Alts & adds to existing building
210/09	25-27 South Steyne	Shop fitout including removal of internal walls
211/09	197-215 Condamine Street	Shop fitout establishment of use as a commercial premises (TAB)
213/09	1 Judith Street	Alts & adds to existing building
214/09	7 Reserve Street	Swimming pool & landscaping
215/09	57 Beatrice Street	Dem of existing & const of new 2 storey
216/07	88 Bower Street	Amended Plans - Alterations & Additions
216/09	2 Abernethy Street	Partial dem & const of new 3 storey dwelling
217/09	157 Woodland Street	Alts & adds to existing building
218/09	32 The Corso	Shop refurbishment for Westpac
219/09	Wharves & Jetties	New Kiosk area
220/09	48 Baringa Avenue	Demolition of existing & construction of new
222/09	206 Condamine Street	Advertising Structure
227/09	470 Sydney Road	Alts & adds to existing building
231/07	27 Vista Avenue	Section 96
233/09	91 Addison Road	Swimming pool & landscaping
236/09	34 Ponsonby Parade	Installation of new tennis court lighting
237/09	35 Pittwater Road	Shop fitout and change of use
239/08	2 Grandview Grove	Section 96
24/09	7 Marine Parade	Alts and Adds to mixed use building
247/09	Wharves & Jetties	Shop fitout - Humphries

Environmental Services Division Report No. 20 (Cont'd)

25/09	West Esplanade	Alts and Adds to Bathers Pavilion Level 1
26/09	West Esplanade	Alts and Adds to Bathers Pavilion Level 2
271/06	85 West Street	Section 96 Modification
29/09	183 Pittwater Road	Alterations & Additions
31/09	3 Lewis street	Alterations & Additions
330/06	76 Bower Street	Amended plans
358/08	30 Kitchener Street	Demolition and new 2 storey dwelling
384/08	110 Bower Street	Section 96
396/06	23 Kitchener Street	Section 96 Modification
398/07	13 Barrabooka Street	Alterations & Additions
398/08	55 Pittwater Road	Section 96
4/09	131 Seaforth Crescent	Alterations & Additions to Jetty
401/07	24 Malvern Avenue	Section 96
409/07	11 Oyama	Alterations & Additions
417/07	7A Seaforth Crescent	Section 96 Modification
426/07	70-72 Macmillan Street	Section 96
427/07	2A West Street	Land Subdivision into 2 allotments and new driveway access
435/08	9 Bligh Crescent	Section 96
445/07	24 Collingwood Street	Section 96
459/08	77A Ellery Parade	Section 96
47/08	72 Kempbridge Avenue	Section 96 Modification
47/09	10 Amiens Road	Demolition of existing retaining walls & 2 new block retaining walls
477/08	29 Alma Street	Section 96
48/09	2/43-45 North Steyne	Change of Use - licensed restaurant
482/04	106 Darley Road	Section 96 Modification
491/07	33 Alexander Street	Section 96 Modification
498/07	6 Beatty Street	Section 96 Modification
510/06	5 Marine Parade	Amended Plans
523/07	18 Cutlet Road	Section 96
53/09	South Steyne	Alts and Adds to Manly Life Saving Club
6/09	73 West Street	Alterations & Additions
61/06	46 Radio Avenue	Section 96
61/09	30 Abernethy Street	Alterations & Additions
69/09	421 Sydney Road	Dem of existing and new 2 storey dwelling
72/09	37 White Street	Alterations & Additions
75/09	10 Beatty Street	Demolition & new 4 storey dwelling, pool, terrace, deck and landscaping
81/09	33 Gordon Street	Demolition of RFB and New 2 storey dwelling, garage, deck and landscaping
85/07	41E Castle Court	Section 96

Environmental Services Division Report No. 20 (Cont'd)

85/09	43 Gurney Crescent	Alterations & Additions
88/09	16 Mulgowrie Crescent	Alterations & Additions
89/09	25 Maretimo Street	New 2 Storey dwelling and garage
95/09	29 Marshall Street	Demolition and construction of retaining wall
96/09	35 Pittwater Road	Change of Use - Café

The following applications are with Lodgement and Quality Assurance for advertising, notification and referral to relevant parties.

Outstanding DAs - LQA Tracking as at 31/08/2009

309/2008 9 Ross Street, SEAFORTH 2092
Section 96 to modify approved Alterations and additions to existing single storey dwelling comprising addition of a first storey ground floor extension and double carport.

114/2009 4 Belgrave Street, MANLY 2095
Change of hours to 9.00am to 10.00pm Monday to Sunday, signage and sun shade curtain.

60/2008 Bareena Drive, BALGOWLAH HEIGHTS 2093
Section 82A review to refused Installation of tennis court lights on Courts 4 & 5 and use of courts until 10.30 pm every day.

203/2009 40 Dudley Street, BALGOWLAH 2093
Alterations and additions to the existing dwelling including carport, front fence, storeroom, living room and deck.

435/2008 9 Bligh Crescent, SEAFORTH 2092
Section 96 to modify approved new concrete terrace to existing dwelling and concrete steps to the waterfront.

349/2006 71 Castle Circuit, SEAFORTH 2092
Section 96 to modify approved Alterations and additions to existing dwelling and landscape works

223/2009 21 Montauban Avenue, SEAFORTH 2092
Fence fronting Montauban Avenue and side fence with gate fronting Fromelles Avenue

225/2009 41 Edgecliffe Esplanade, SEAFORTH 2092
Demolition of existing, construction of a two (2) storey dwelling with double garage, swimming pool, decks and landscaping.

226/2009 11-27 Wentworth Street, MANLY 2095
Alterations and additions to an existing mixed use development building including extending the pergola on level 9, and enclosing decks on levels 8 and 9 - Unit 831.

Environmental Services Division Report No. 20 (Cont'd)

169/2006 68 Beatrice Street, BALGOWLAH HEIGHTS
2093

Section 96 to modify approved alterations and additions to existing dwelling including new carport and verandah.

228/2009 18 Acacia Road, SEAFORTH 2092

Construction of a two (2) storey dwelling with double garage, swimming pool, front fence and landscaping.

367/2007 17 Castle Circuit, SEAFORTH 2092

Section 96 to modify approved Construction of a new two (2) storey dwelling and landscaping.

232/2009 22 Griffiths Street, FAIRLIGHT 2094

Alterations and additions to an existing dwelling including new extended covered deck at rear.

229/2009 Wharves and Jetties, MANLY 2095

1.8 metres high security fencing and gates to be erected on the jetty and deck of the Manly Yacht Club.

230/2009 56 Condamine Street, BALGOWLAH
2093

Alterations and additions to an existing semi-detached dwelling Including first floor addition and deck.

234/2009 48 Collingwood Street, MANLY 2095

Alterations and additions to existing Residential Flat Building Including new vergola – Unit 10.

160/2009 27 Belgrave Street, MANLY 2095

Section 96 to modify approved Shop fitout and change of use to restaurant.

235/2009 8 King Avenue, BALGOWLAH
2093

Alterations and additions to existing dwelling including first floor addition, double garage, decks, front fence and landscaping.

652/1999 7 West Street, BALGOWLAH 2093

Section 96 to modify approved New dwelling and swimming pool.

408/2008 47 Seaforth Crescent, SEAFORTH
2092

Section 82A Review of refused demolition of existing dwelling, swimming pool and garage and construction of a five (5) level dwelling house with double garage, new swimming pool and inclinor

48/2009 43-45 North Steyne, MANLY 2095

Section 96 to modify approved Change of use to a restaurant and signage

363/2007 6 Denison Street, MANLY 2095

Section 96 to modify approved demolition of the existing and construction of two (2) six (6) storey residential flat buildings containing twenty seven (27) units with basement parking.

Environmental Services Division Report No. 20 (Cont'd)

- 238/2009 6 Denison Street, MANLY 2095
Twenty-six (26) lot Strata Subdivision of an approved Residential Flat Building and roof services.
- 239/2009 145 Clontarf Street, SEAFORTH
2092
Swimming pool, decks and landscaping
- 240/2009 27 Radio Avenue, BALGOWLAH HEIGHTS
2093
Alterations and additions to an existing dwelling including first addition, rear extension, double garage, vergola and landscaping.
- 241/2009 90 Birkley Road, MANLY 2095
Alterations and additions to an existing dwelling including first floor addition.
- 242/2009 13 Victoria Parade, MANLY 2095
Change of use of shop 4 to incorporate the expansion of the adjoining restaurant and associated shop fitout – Beaches Pizzeria.
- 243/2009 102 Balgowlah Road, BALGOWLAH 2093
Front fence
- 244/2009 2 Avona Crescent, SEAFORTH 2092
Alterations and additions to an existing dwelling including first floor addition, rear extension, double garage, decks, swimming pool and landscaping.
- 245/2009 77A Ellery Parade, SEAFORTH 2092
Demolition of existing and construction of a two (2) storey dwelling with double garage.
- 508/2005 2 Castle Rock Crescent, CLONTARF
2093
Section 96 to modify approved Demolition of existing dwelling and erection of new two (2) storey dwelling with swimming pool, and detached double garage.
- 420/2008 55 Fromelles Avenue, SEAFORTH
2092
Section 96 to modify approved Demolition of existing structures and construction of a two (2) storey dwelling with double garage, swimming pool and landscaping.
- 246/2009 165 Condamine Street, BALGOWLAH
2093
Alterations and additions to an existing dwelling including first floor addition and new entry.
- 248/2009 43-45 East Esplanade, MANLY 2095
Two (2) illuminated advertising structures.
- 249/2009 46 Addison Road, MANLY 2095
Alterations and Additions to an existing Residential Flat Building including side decks and entry stairs.

Environmental Services Division Report No. 20 (Cont'd)

250/2009 Alterations and additions to existing Residential Flat Building including new rear deck.	22 The Crescent, MANLY 2095
251/2009 Swimming pool and landscaping.	68A Ponsonby Parade, SEAFORTH 2092
252/2009 Driveway crossover.	36 Pacific Parade, MANLY 2095
253/2009 Front fence and gate.	19 George Street, MANLY 2095
254/2009 Change of use to Cafe/ Bar – Shop 1 – Boho Cafe Bar.	200 Pittwater Road, MANLY 2095
255/2009 Construction of a two (2) storey dwelling house with double garage and Landscaping.	5 Ainslee Place, SEAFORTH 2092
256/2009 Alterations & Additions to Dwelling	29 Gurney Crescent, SEAFORTH 2092
257/2009	43 Macmillan Street, SEAFORTH 2092

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. 20 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Environmental Services Division Report No. 21
SUBJECT: Current Appeals Relating to Development Applications
FILE NO:

SUMMARY

Current Appeals relating to Development Applications.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
387/03	11098/04 S56A	71	The Corso	02/06/08	HWL.	Appeal upheld 10/06/09 S56A appeal lodged.
261/08	10997/08 Class 1	38	Stuart Street	02/10/08	Pikes	Awaiting judgment
66/07	11277/08 & 10192/09 Class 1	11-27	Wentworth Street	16/12/08	HWL	Hearing 27/10/09
101/06	11304/08 S56A Appeal	197-215	Condamine Street	19/12/09	Pikes	S56A appeal lodged
51/08	10429/08 S56A Appeal	114	Frenchs Forest Road	30/04/08	Pikes	Appeal hearing 15/09/09

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. 21 *****

TO: Planning and Strategy Committee - 7 September 2009
REPORT: Human Services And Facilities Division Report No. 4
SUBJECT: Cancer Council NSW Community Garden Proposal
FILE NO:

SUMMARY

The Cancer Council NSW submitted a proposal to Council in June 2009, for the establishment of a community garden on Council's vacant property at 100 Griffiths Street Balgowlah.

The Cancer Council NSW aims to bring people together through a community project that raises awareness of the importance of a healthy lifestyle and of eating the correct foods.

In principle, the establishment of a community garden on this site is supported and the land has previously been used for nursery/gardening purposes over a considerable period by Council operations and by a non-profit organisation. This proposal has received initial and proposed conditional support from close neighbours, for the granting of a license to the Cancer Council NSW through an initial consultation process.

A wider consultation process is planned with the local community in September 2009.

REPORT

History

Council previously worked with a proposal from a Community group during 2008 to establish a community garden, following a feasibility review over a number of sites in Manly. In 2008, Council advertised the proposal to establish a community garden with the community group, at 100 Griffiths Street Balgowlah, in public notices and to local residents through a letter box drop.

Following the advertisement of the proposal, in June 2008 Council received one written submission from an adjoining property owner, supporting the establishment of a community garden "*in principle*" and raised with Council, matters of hours of operation, noise generated from site, parking, security, lighting, and access.

Subsequently, the community group withdrew their application for this site as they required greater uses of the Council's land than would be permitted in the residential area and thanked Council for the initial interest.

Current Proposal

In June 2009, the Cancer Council NSW contacted Manly Council advising of their interest in establishment of a community garden in Manly.

Property owned by Manly Council, zoned Open Space 6A and located at 100 Griffiths Street Balgowlah, was previously operated as a Council nursery and was discussed as a possible site with the representatives of Cancer Council NSW.

Land Use Controls Council's LEP

Comment from Planning and Strategy:

Under the Manly LEP land use table for the open space zone, development for the purposes of 'landscaping' or 'gardening' may be carried out without consent. A proposed community garden

Human Services And Facilities Division Report No. 4 (Cont'd)

would fall under the definition of gardening, so long as there are no structures erected and that it is a community use consistent with the zone objectives.

Noting that a small toilet facility is required on this site, toilet blocks are listed as exempt development under Schedule 8 of the LEP. It is also understood that a similar facility previously existed during past Council operations.

The use of this land for a community garden, would not otherwise appear to fall under the definition of 'agriculture' (in the land use table as a use requiring consent) because this term appears to focus more on commercial uses of a more extensive/intensive nature.

In June, a site meeting was held with representatives of Cancer Council NSW to view the land location at Council's property at 100 Griffiths Street, Balgowlah.

In July, Council received a project submission entitled "**Manly Growing Communities**" from the Cancer Council NSW.

"**Manly Growing Communities**" cited the following goals in their submission:

1. **Short Term:** to increase community awareness around the health benefits of eating vegetables by working with them to create a community 'edible' garden.
2. **Medium Term:** to foster community engagement and create a sense of place, neighbourhood identity and cohesion. To provide a space where local residents can learn about gardening, sustainable living and a healthy lifestyle.
3. **Long Term:** to hold an 'edible' plant stall at **Manly Farmers Market** (Short Street Plaza) to generate income to fund the garden for the long term & to use the garden as a tool to educate, inform & involve the community in working on local cancer initiatives.

The project involves creating a community garden which demonstrates, promotes, educates and advocates for environmental and economical sustainability in a healthy, diverse and supportive community. With this project, Cancer Council hopes to create a cancer-smart community that is committed to reducing their own personal and community cancer risk.

The engagement process will include –

Pre Garden work:

- Meeting with individual neighbours before the project begins
- Running a community information session
- Recruiting volunteer network
- Identifying community concerns
- Addressing community concerns
- Tours of other community gardens
- Identifying key stakeholder
- Development of a business plan.

Garden preparation:

- Ongoing communication with neighbours and nearby residents
- Involving community network in the design and function
- Community promotional strategy.

Operations:

- Ongoing communication with neighbours and nearby residents
- Identifying opportunities to further involve the local community
- Maintenance of garden and relationships with the community.

Human Services And Facilities Division Report No. 4 (Cont'd)

Outcomes

The Cancer Council NSW hopes to achieve the following outcomes from this project:

Community Benefits	Cancer Council Benefits
Communal gardening plots with vegetables, herbs & a fruit orchard	Improved health behaviour among garden community members
Community education through sharing knowledge, workshops & tours	Increase in cancer prevention messages to the community
A safe, supportive, social & inclusive place to gather	Greater understanding of local cancer related needs
Use of recycled materials and regeneration of waste through composting	A link to the community for cancer services and information
A financially sustainable project	Generating income from sale of produce for ongoing financial support to garden
Improved health benefits from light exercise, better nutrition and mental health	Wider community involvement and message in community
Skill development & volunteering opportunities	Groups of skills available and development for community purposes. Addresses the need for green spaces, aesthetics and lowers crime in urban neighbourhoods.

Process - The Community Garden will be a community managed project under the auspice of Cancer Council NSW.

A network of volunteers will be established and this group will be involved in establishing the garden, promoting the garden to the community and the day to day running of the garden.

Once a working group has been formed, the garden committee will need to prioritise the following in order to develop the project:

1. Development of plan of management and administration – covering management structure, funding, record keeping and maintenance systems.
2. Development of community partnerships – for financial and/or in kind sponsorship.
3. Garden design – considering communal spaces as well as private plots and aesthetics. Sustainability, biodiversity, learning and accessibility should all be considered when designing the space.
4. Workshop and Training Calendar – can be a considerable source of income as well as educating gardeners on different techniques and skills.
5. Identify strategies to promote positive health messages
6. Identify strategies to incorporate cancer health messages into the project.
7. Media and Marketing –to attract members and sponsors.
8. Membership – recruitment and induction process for members/volunteers.
9. Communication will be maintained through a newsletter to interested parties and members of the garden.

Proposed Operations of the Community Garden

The details of the proposed operations of a community garden at 100 Griffith Street are outlined below, following initial discussions with three adjoining neighbours. The matters discussed with the neighbours in Council’s initial consultation are reflected within the operational proposals shown in Table 1.

Human Services And Facilities Division Report No. 4 (Cont'd)

Table 1 outlines licence details, financial costs and further resourcing needs for the project.

Term of license proposed by Council	2 years with a 2 year option
License fees	\$520 per annum + payment utilities (sewerage, water and electricity) and maintenance of infrastructure on site
Garbage collection	Cost to Cancer Council
Signage	A4 size recommended at cost to Cancer Council
Management structure	Cancer Council NSW to auspice a Management Committee, with Council having one representative on Committee
Days and hours of operation	Monday to Friday 9.00am to 4.00pm Saturday 10.00am to 4.00pm Sunday for watering only Public Holidays – no operation, watering only with drips and timers to be utilised.
Number of people	Project to commence with a small number, and promoting increased involvement from community members will be assessed.
Security of the area	Main entrance/driveway gate to be locked outside of operational hours. An entry gate may be built into the existing fence for access.
Parking and Transport	On street parking. This is often taken up by staff from Balgowlah Village. STA accessible at Condamine St. & Hop Skip & Jump route every day past site.
Trucks and vehicles	Ingress and egress for deliveries would be necessary and permitted by Council.
Signage	A4 size signs may be erected with Cancer Council NSW and Manly Council information and logos.
Items required at cost to Council	Sewerage connection with a small private toilet facility (<i>under the LEP Schedule of exemptions, a toilet block is listed as "exempt"</i>) A tub, bench and tap for washing Storage shed on site, to remain for housing of plant and equipment.

Conclusion

The Growing Communities project is an additional way for Manly Council to contribute to the health of the community by licensing the operations a community garden on this site, promoting nutrition and a healthy lifestyle message, and being represented on the management structure of the committee.

Cancer Council NSW Northern Sydney has invited Manly Council to support the Growing Communities project by:

- Assisting with the promotion of the garden to staff and the wider community
- Support in preparing the site for community use by having removed the grass covering the site
- Providing connection to the existing sewerage line with a toilet facility on the site
- Utilising the site to run sustainability workshops
- Representative of Council to participate with the working group.

Council was recently contacted by several people in the local area who are very keen to join with the initiative of the Cancer Council and Council.

Human Services And Facilities Division Report No. 4 (Cont'd)**RECOMMENDATION**

That

1. Council approve a license to the Cancer Council NSW for the Council's land at 100 Griffiths Street Balgowlah, known as Lot D, DP 310565, for use as a Community Garden for a term of 2 years with a 2 year option.
2. The license approved to the Cancer Council of NSW is non-transferable and remains under the management of the Cancer Council NSW for the term of the license.
3. The legal documents to permit this use are prepared for execution and Council provide support for the establishment of the community garden, as requested by the Cancer Council NSW.
4. A license fee of \$520.00 per annum + GST and payment of all outgoings be granted to Cancer Council NSW for the subject term.
5. The Cancer Council NSW with Manly Council invites local people to a meeting in September 2009 via a letter box drop to residents in the surrounding streets.

ATTACHMENTS

There are no attachments for this report.

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***** End of Human Services And Facilities Division Report No. 4 *****