

# Manly Council

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## Minutes

## Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 12 March 2007**

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*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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**TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:**

The Planning and Strategy Committee, having met at 7:55pm on Monday 12 March 2007, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 535 of 19th September, 2005.

**PRESENT**

His Worship, The Mayor, Councillor Dr P Macdonald  
Deputy Mayor, Councillor B Pedersen  
Councillor B Aird, Chairperson who presided  
Councillor S Cant  
Councillor P Daley  
Councillor J Evans  
Councillor J Hay, AM  
Councillor A Heasman, Deputy Chairperson  
Councillor J Lambert, AM  
Councillor D Murphy

**ALSO PRESENT**

Henry Wong, General Manager  
Anthony Hewton, Divisional Manager, Planning & Strategy  
Jennie Minifie, Branch Manager, Planning & Strategy  
Elayne Becker, Minute Taker

**APOLOGIES**

Apologies were tendered on behalf of Councillor M Norek, and Councillor R Morrison for non-attendance.

**MOTION (Macdonald / Evans)**

That the apologies received from Councillor M Norek and Councillor R Morrison, be accepted and leave be granted.

**PS7/07 RESOLVED: (Macdonald / Evans)**

That the apologies received from Councillor M Norek and Councillor R Morrison, be accepted and leave be granted.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, and Evans

**Against the Resolution:** Nil.

**LEAVE OF ABSENCE**

Nil.

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES****MOTION (Macdonald / Evans)**

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 12 February 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

**PS8/07 RESOLVED: (Macdonald / Evans)**

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 12 February 2007, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, and Evans

**Against the Resolution:** Nil.

**SUSPENSION OF STANDING ORDERS****MOTION (Aird / Macdonald)**

That Council **suspend** Standing Orders for consideration of items of public interest being Corporate Planning and Strategy Division Report No. 9. Items for Brief Mention.

**PS9/07 RESOLVED: (Aird / Macdonald)**

That Council **suspend** Standing Orders for consideration of items of public interest being Corporate Planning and Strategy Division Report No.9. Items for Brief Mention.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, and Evans

**Against the Resolution:** Nil.

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**PUBLIC ADDRESSES**

The following person addressed the meeting in relation to Corporate Planning and Strategy Division Report No. 9. Items for Brief Mention 3(c) Item 4.1 Environmental Levy

In Favour: Mr Richard Hewitt

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Corporate Planning And Strategy Division Report No. 9

**Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees****1. Report on information from Sydney Water on NSW Government decision to proceed with the construction of a desalination plant**

In February 2007, Sydney Water provided Manly Council with an information brief explaining the NSW Government's decision to instruct Sydney Water to construct a desalination plant at Kurnell.

The information brief outlines the route chosen for pipeline construction from the desalination plant to Sydney's water supply. This includes three main aspects:

- from the desalination plant to Kurnell's Silver Beach;
- across Botany Bay to Kyeemagh; and
- from Kyeemagh to the main City water tunnel at Erskineville.

Once constructed, water produced by the desalination plant will be supplied to Sydney's southern suburbs. Construction is not envisaged to impact on the Manly LGA in any manner.

The information brief contained a series of fact sheets and maps, and these are available on demand.

## **2. Minutes of Meeting:**

- (i) Local Companion Animal Management Committee – Minutes of Meeting held on 6 February 2007.
- (ii) Heritage Committee – Minutes of Meeting held on 7 February 2007.
- (iii) Manly Sustainability Strategy Management Group – Minutes of Meeting held on 13 February 2007.
- (iv) Playground Management Committee – Minutes of Meeting held on 15 February 2007.
- (v) Manly Harbour Foreshore Management Committee – Minutes of Meeting on 20 February 2007.
- (vi) Manly Traffic Committee – Minutes of Meeting held on 26 February 2007.
- (vii) Manly Sports Facilities Committee – Minutes of Meeting held on 2 February 2007.
- (viii) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007.
- (ix) Landscape Management & Urban Design Committee – Minutes of Meeting held on 21 February 2007.

## **3. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:-**

- (a) Manly Sports Facilities Committee – Minutes of Meeting held on 2 February 2007.

### **Item 5.3.1 Plan of Management LM Graham**

#### **Recommendation**

That the Sports Facilities Committee fully supports LM Graham Reserve Plan of Management being developed to maximise the use of the land for sports use, and that any Plan of Management (POM) should include the future use of the Manly Swim Centre.

- (b) Manly Sports Facilities Committee – Minutes of Meeting held on 2 February 2007.

### **Item 6.1 Manly Warringah Pittwater Sporting Union SHOROC Agreement**

#### **Recommendation**

That Manly West and LM Graham Reserve be considered for funding from the SHOROC funds.

- (c) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007.

**Item 4.1 Environmental Levy**

**Recommendation**

This Environment Committee wishes to see a third funding priority added for allocation of environment levy funds, ie climate change.

- (d) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007.

**Item 6 Manly Environment Centre Shopfront**

**Recommendation**

That Council confirms its commitment to a substantial ground floor shopfront for the MEC (equivalent to the current space) for the indefinite future.

- (e) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007.

**Item 7 Third Level Library Building Facility**

**Recommendation**

That the DA for the third floor extension on the Library building to follow the same process as any other DA, in that it be advertised and community comment invited.

- (f) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007.

**Item 12.3 North Head Sanctuary**

**Recommendation**

Council should write to all the stakeholders expressing concern about the draft Australian Wildlife Conservancy Plan which recommends a predator-proof fence. This proposal would isolate *part of* the former School of Artillery which is contrary to the main aims of the Sydney Harbour Federation Trust Management Plan, i.e. “to integrate the former School of Artillery with adjoining lands as part of a unified headland and to protect, maintain and enhance where appropriate the prominence of the relatively intact and rare ecosystems....”

- (g) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007.

**Item 13 Dogs off Leash – Wharf/Oceanworld**

The penguins nesting under Manly Wharf and near Oceanworld need to be protected from dogs off the leash. The Committee requests Council extend the dogs on leash area, to the *western* side of Manly Wharf and for the relevant signs to be more prominent.

Divisional Manager’s note: The Local Companion Animal Management Committee (LCAMC) concurs with this recommendation, as per Item 6 of the minutes of the LCAMC meeting held on 6 February 2007.

- (h) Landscape Management & Urban Design Committee – Minutes of Meeting held on 21 February 2007.

**Item 4.2 The Corso Stage 2****Recommendation**

That the committee resolved to support in principle the following design parameters.

1. Roadway to be bitumen to enable heavy vehicle loading, with large attractive granite kerb. The difference in materials to help satisfy safety concerns and to give a strong visual clue that this is not a shared zone and that pedestrians cannot assume priority over motor vehicles.
  2. Median is to remain planted and retain much of the present character by retention of most of the present plant material and trees, but allowing for additional cabbage tree palms and possible visual pedestrian links across The Corso to emphasise spaciousness and de cluttering as in Stage 1.
  3. Whistler Street crossing to function much as now with retention of the Bacino outside eating, but with widened crossing heading to the Town Hall forecourt. The Corso paving treatment in that area to provide visual link and pedestrian pathway between north side of The Corso (footpath) and the Town Hall Plaza and the Wharf (Gateway Plaza) beyond.
  4. The paving detail in front of Town Hall is to be kept simple with the pavement coursing being generally consistent throughout so as to address and acknowledge the Town and its dominating presence within the square.
  5. Pole lighting is preferred in Stage 2 rather than catenary lighting on the basis that many of the poles will be hidden in the trees (in the centre island median alignment), and the space is very different from the fully pedestrian Corso Stage 1. Also the number and size of trees in Stage 2 makes the catenary system more complicated with less overall benefit.
- (i) Landscape Management & Urban Design Committee – Minutes of Meeting held on 21 February 2007.

**Item 5.1 Dungowan Lane Urban Improvement****Recommendation**

The LMUD committee recommends “in principle” support for the proposed improvements to Dungowan Lane by Architectural Projects with all costs to be borne by Mirvac and adjoining landowners. Further that:

- Supporting comments from adjacent landowners be sought, and
- A DA be prepared by the proponents of the plan, including a traffic plan, for public exhibition.

**MOTION (Macdonald)**

1. That the report on information from Sydney Water on NSW Government decision to proceed with the construction of a desalination plant be accepted.

Due to lack of seconder the **MOTION** lapsed.

**AMENDMENT (Heasman / Hay)**

1. That the General Manager write to the Premier reaffirming previously expressed opposition to the proposed desalination plant.

The **AMENDMENT** became the **MOTION** and was put

**PS10/07 RESOLVED: (Heasman / Hay)**

1. That the General Manager write to the Premier reaffirming previously expressed opposition to the proposed desalination plant.

**For the Resolution:** Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, and Evans

**Against the Resolution:** Councillor Macdonald

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**MOTION (Pedersen / Lambert)**

That:

3. With reference to No.3. (c) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007, Item 4.1 Environmental Levy that Council include a recommendation for a Climate Change Icon Project for the forthcoming draft environmental levy budget.

**PS11/07 RESOLVED: (Pedersen / Lambert)**

That:

3. With reference to No.3. (c) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007, Item 4.1 Environmental Levy that Council include a recommendation for a Climate Change Icon Project for the forthcoming draft environmental levy budget.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

**Against the Resolution:** Nil.

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**MOTION (Heasman / Lambert)**

That:

3. (d) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007. Council confirms its commitment to a substantial ground floor shopfront for the Manly Environment Centre (equivalent to the current space) certainly for the full term of this Council and the foreseeable future.

**PS12/07 RESOLVED: (Heasman / Lambert)**

That:

3. (d) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007. Council confirms its commitment to a substantial ground floor shopfront for the Manly Environment Centre (equivalent to the current space) certainly for the full term of this Council and the foreseeable future.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans



**Against the Resolution:** Nil.

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**MOTION (Macdonald / Lambert)**

That:

3. (e) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007. The DA for the third floor extension on the Library building to follow the same process as any other DA, in that it be advertised and community comment invited.

**PS13/07 RESOLVED: (Macdonald / Lambert)**

That:

3. (e) Manly Community Environment Committee – Minutes of Meeting held on 15 February 2007. The DA for the third floor extension on the Library building to follow the same process as any other DA, in that it be advertised and community comment invited.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

**Against the Resolution:** Nil.

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**MOTION (Macdonald / Evans)**

That:

3. (h) Landscape Management & Urban Design Committee – Minutes of Meeting held on 21 February 2007. With reference to Item 4.2 The Corso Stage 2 Council support in principle the recommendations from the Landscape Management & Urban Design Committee and seek a further briefing and report on the detailed design of Stage 2.

**PS14/07 RESOLVED: (Macdonald / Evans)**

That:

3. (h) Landscape Management & Urban Design Committee – Minutes of Meeting held on 21 February 2007. With reference to Item 4.2 The Corso Stage 2 Council support in principle the recommendations from the Landscape Management & Urban Design Committee and seek a further briefing and report on the detailed design of Stage 2.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

**Against the Resolution:** Nil.

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**MOTION (Pedersen / Evans)**

1. That the recommendations of Minutes of Meetings, as listed in Item 2 above, being 2(i) to 2(ix) be adopted.
2. That in relation to all matters of a substantial nature listed in Item 3 above, being 3(a), 3(b), 3(f), 3(g), and to 3(i), be adopted as per the recommendation of the Committees and Council.

**PS15/07 RESOLVED: (Pedersen / Evans)**

1. That the recommendations of Minutes of Meetings, as listed in Item 2 above, being 2(i) to 2(ix) be adopted.
2. That in relation to all matters of a substantial nature listed in Item 3 above, being 3(a), 3(b), 3(f), 3(g), and to 3(i), be adopted as per the recommendation of the Committees and Council.

**For the Resolution:** Councillors Aird, Cant, Daley, Evans, Hay, Heasman, Lambert, Murphy, Pedersen and Macdonald

**Against the Resolution:** Nil.

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**RESUMPTION OF STANDING ORDERS****MOTION (Aird / Macdonald)**

That Standing Orders be **resumed**.

**PS16/07 RESOLVED: (Aird / Macdonald)**

That Standing Orders be **resumed**.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

**Against the Resolution:** Nil.

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**CORPORATE PLANNING AND STRATEGY DIVISION**

Corporate Planning And Strategy Division Report No. 6

**Manly Environment Centre - Update on Activities and Projects for 2007****SUMMARY**

This report provides Council with an update on the key activities planned for the Manly Environment Centre (MEC) for the forthcoming calendar year.

These activities will allow the MEC to continue to evolve and deliver on its core offerings of information exchange, advocacy and research, as outlined in the MEC Statement of Intent, as found in the adopted *Manly Sustainability Strategy 2006*.

**MOTION (Pedersen / Macdonald)**

That:

- a) Council receive and note the Manly Environment Centre (MEC) Report – Update on Activities and Projects for 2007.
- b) Congratulations be extended to Judy Reizes for receiving the Centenary Medal for services to Conservation and the Environment.

**PS17/07 RESOLVED: (Pedersen / Macdonald)**

- a) Council receive and note the Manly Environment Centre (MEC) Report – Update on Activities and Projects for 2007.
- b) Congratulations be extended to Judy Reizes for receiving the Centenary Medal for services to Conservation and the Environment.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

**Against the Resolution:** Nil.

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Corporate Planning And Strategy Division Report No. 7

**LM Graham Reserve Plan of Management: Community Steering Committee for Development SUMMARY**

New plans of management relating to specific reserves are progressively being prepared for parcels of community land in the Manly LGA. A progress report on the preparation of each Plan underway is provided.

Council staff have commenced the preparation of the LM Graham Reserve Plan of Management and seek Council approval to establish a Community Steering Committee to guide the Plan's development. This report also calls for nomination from Councillors for representation on this Committee.

**MOTION (Hay / Lambert)**

That:

1. Council agree to the formation of a Steering Committee to guide the development of the LM Graham Reserve Plan of Management.
2. Councillors Hay and Heasman be nominated as representatives on the LM Graham Reserve Plan of Management Community Steering Committee.
3. A representative from Manly Lagoon Committee with relevant scientific expertise be invited to nominate for representation on the LM Graham Reserve Plan of Management Community Steering Committee.

**PS18/07 RESOLVED: (Hay / Lambert)**

That:

1. Council agree to the formation of a Steering Committee to guide the development of the LM Graham Reserve Plan of Management.
2. Councillors Hay and Heasman be nominated as representatives on the LM Graham Reserve Plan of Management Community Steering Committee.
3. A representative with relevant scientific expertise from the Manly Lagoon Committee be invited to nominate for representation on the LM Graham Reserve Plan of Management Community Steering Committee.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

**Against the Resolution:** Nil.

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Councillor Daley retired from the Chamber at 8.47pm

Corporate Planning And Strategy Division Report No. 8

**Manly Residential Development Control Plan for the Residential Zone 2006 - Draft Plan for Adoption**

**SUMMARY**

This matter was considered by the Council at its meeting of 11 December 2006, when it resolved:

*“That approval of the Draft Development Control Plan (DCP) for the Residential Zone 2006 be **deferred** to a further meeting with relevant parties, including council staff, and Gabrielle Morrish to further discuss what was expected by all Councillors from the document.”*

Gabrielle Morrish, The Council’s Urban Design Specialist, addressed a specially convened, for the benefit of all Councillors, DCP Working Group Meeting on 7 March 2007.

Ms Morrish explained to the meeting that she considered the revised DCP has achieved the Council’s desired outcome as it is more comprehensible with its provisions being in a logical order rather than scattered throughout the document. The new structure and its improved clarity represents a significant improvement.

Ms Morrish recommended that density controls be revised in conjunction with the new LEP currently under preparation. Under the NSW planning reforms, priority must be given to consolidating all current DCPs and transferring specific controls such as density, floor space and height to the LEP. This will require detailed research into the existing built form across the Manly LGA.

She also recommends consideration be given to separating control for single dwellings in the DCP from those applying to multi-dwelling development. This again will ideally occur at the DCP consolidation stage.

**MOTION (Macdonald / Evans)**

That:

1. Council receive and note the report;
2. Council adopt the Draft Manly Development Control Plan for the Residential Zone 2006, pursuant to Clause 74C(2)(b) and Clause 74C(3) of the *Environmental Planning and Assessment Act, 1979*, subject to:
  - a) The “open space” definition being amended to exclude roof top terraces from open space calculations;
  - b) A reference being included to exclude the provision of additional car parking in the case of alterations and additions to heritage items if the provision of same impacts on the item;
  - c) A clause being included in the General Design Requirement Section which discourages “pop tops”;

- d) A clause being added to the Landscape Section to the effect that swimming pools may not contribute to more than 30% of the total landscaped area and the provision of water tanks when a new pool is proposed;
  - e) The correction of typographical and grammatical errors; and
  - f) The inclusion of the following definition:  
“Alts and adds: A development application to alter and add to a building will be taken to be that relating to a new building where more than half of the existing external fabric of the building is demolished. The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan and the area of the lowest habitable floor.”
  - g) Density controls to No. 426 Sydney Road Balgowlah be changed to one dwelling per 300m<sup>2</sup>.
3. The Plan be known as Manly Development Control Plan for the Residential Zone 2007; and
  4. The Plan becomes operational as of 2 April 2007.

PS19/07 **RESOLVED: (Macdonald / Evans)**

That:

1. Council receive and note the report;
2. Council adopt the Draft Manly Development Control Plan for the Residential Zone 2006, pursuant to Clause 74C(2)(b) and Clause 74C(3) of the *Environmental Planning and Assessment Act, 1979*, subject to:
  - a) The “open space” definition being amended to exclude roof top terraces from open space calculations;
  - b) A reference being included to exclude the provision of additional car parking in the case of alterations and additions to heritage items if the provision of same impacts on the item;
  - c) A clause being included in the General Design Requirement Section which discourages “pop tops”;
  - d) A clause being added to the Landscape Section to the effect that swimming pools may not contribute to more than 30% of the total landscaped area and the provision of water tanks when a new pool is proposed;
  - e) The correction of typographical and grammatical errors; and
  - f) The inclusion of the following definition:  
“Alts and adds: A development application to alter and add to a building will be taken to be that relating to a new building where more than half of the existing external fabric of the building is demolished. The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan and the area of the lowest habitable floor.”
  - g) Density controls to No. 426 Sydney Road Balgowlah be changed to one dwelling per 300m<sup>2</sup>.

3. The Plan be known as Manly Development Control Plan for the Residential Zone 2007; and
4. The Plan becomes operational as of 2 April 2007.

**For the Resolution:** Councillors Macdonald, Hay, Heasman, Lambert, Cant, Pedersen, Aird, and Evans

**Against the Resolution:** Councillor Murphy

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**CLOSE**

The meeting closed at 9.18pm

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 16 April 2007.

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**CHAIRPERSON**

\*\*\*\*\* **END OF MINUTES** \*\*\*\*\*