

Manly Council

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 13 March 2006

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:46 PM on Monday 13 March 2006, 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.

The meeting was adjourned at 7:47pm for consideration of the outstanding Land Use Management Committee Meeting items carried forward from Monday 6 March 2006.

The Planning and Strategy Committee Meeting was reconvened at 8:34pm

PRESENT

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

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Executive Director, Major Projects
Jennie Minifie, Branch Manager, Planning & Strategy
David Stray, Manager Development Control
Rachael Levey, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor Daley, for non-attendance.

MOTION (Macdonald / Heasman)

That the apology received from Councillor Daley, be accepted and leave be granted.

RESOLVED: (Macdonald / Heasman)

That the apology received from Councillor Daley, be accepted and leave be granted.

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

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 13 February 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED: (Pedersen / Macdonald)

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 13 February 2006, 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, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Aird / Macdonald)

That Standing Orders be suspended to allow for consideration of items of Public Interest, being Corporate Planning & Strategy Division Report No. 13, Review of Request to Rezone property No's 38 & 40 Stuart St Little Manly; Corporate Planning & Strategy Division Report No. 15, Balgowlah Shopping Centre Urban Design Controls 1999; and Corporate Planning And Strategy Division Report No. 10, Items for Brief Mention.

RESOLVED: (Aird / Macdonald)

That Standing Orders be suspended to allow for consideration of items of Public Interest, being Corporate Planning & Strategy Division Report No. 13, Review of Request to Rezone property No's 38 & 40 Stuart St Little Manly; Corporate Planning & Strategy Division Report No. 15, Balgowlah Shopping Centre Urban Design Controls 1999; and Corporate Planning And Strategy Division Report No. 10, Items for Brief Mention.

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

Against the Resolution: Nil.

Corporate Planning And Strategy Division Report No. 13

Review of Request to Rezone Properties Nos 38 & 40 Stuart Street Little Manly from (Zone No 6 Open Space) to (Zone No 2 Residential)

SUMMARY

This report addresses a request from Messrs Chapman & Chapman Solicitors to rezone the land at 38 and 40 Stuart Street, Manly from (Zone No 6 Open Space) to (Zone No 2 Residential) on behalf of the property owners. It does not recommend rezoning the land for residential use.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

Applicant: Mr John Chapman

MOTION (Pedersen / Aird)

That Council:

1. Resolve to reject the request to rezone properties Nos 38 and 40 Stuart Street, Little Manly from Zone No 6 Open Space to Zone No 2 Residential.
2. Resolve to acquire the subject lots when funds, and the opportunity become available, to improve public foreshore access and address part of the growing concern over the decreasing public and increase the open space provision.
3. Reclassify the land at 34, 36, 38 and 40 Stuart Street and the other park land open spaces to "Community Land", once properties Nos 38 and 40 acquired.
4. Prepare a plan of management for the future use and management of the land.
5. Inform the owners of the subject properties.
6. Continue to seek funding assistance from the Sydney Regional Development Fund for the acquisition of 38 and 40 Stuart Street, Little Manly.

AMENDMENT (Hay / Macdonald)

That Council defer consideration of the request to rezone properties Nos 38 and 40 Stuart Street, Little Manly from Zone No 6 Open Space to Zone No 2 Residential for the purpose of preparing a discussion paper for community consultation covering matters such as:

- the history of rezoning to open space in the 1960's;
- local expectations regarding rezoning;
- financial arguments;
- benefits/requirements for additional open space;
- possible future uses if returned to open space, including benefits verses risks; and
- preliminary negotiations with Mr Chapman and the Executors of No 38 Stuart Street as to the feasible width of an access corridor to the rear of these properties.

For the Amendment: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Aird, Evans and Norek

Against the Amendment: Councillor Pedersen

The **Amendment** became the **Motion** and put and declared **carried**.

RESOLVED: (Hay / Macdonald)

That Council defer consideration of the request to rezone properties Nos 38 and 40 Stuart Street, Little Manly from Zone No 6 Open Space to Zone No 2 Residential for the purpose of preparing a discussion paper for community consultation covering matters such as:

- the history of rezoning to open space in the 1960's;
- local expectations regarding rezoning;
- financial arguments;
- benefits/requirements for additional open space;
- possible future uses if returned to open space, including benefits verses risks; and
- preliminary negotiations with Mr Chapman and the Executors of No 38 Stuart Street as to the feasible width of an access corridor to the rear of these properties.

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

Against the Resolution: Nil.

Corporate Planning And Strategy Division Report No. 15

Balgowlah Shopping Centre Urban Design Controls 1999

SUMMARY

Don Fox Planning have lodged a submission on behalf of Stockland Developments Pty Ltd (Stockland) and Manly-Warringah Masonic and Community Club (Masonic Club) seeking certain amendments to the Council's Balgowlah Shopping Centre Urban Design Controls 1999.

The submission, in the main, addresses residential zoned land fronting the eastern side of Woodland Street, Balgowlah currently owned by the Club, and seeks higher residential densities and the integration of this land into the Totem site. An extension westwards of the area within the Totem site, subject to a maximum height of RL58.5, is proposed.

Having regard to the background to the Totem site and its importance in the Balgowlah context, the amendments proposed to the Balgowlah Shopping Centre Urban Design Controls (UDC) be referred to the Community Reference Group that was established to provide community input into the "Totem" redevelopment.

PUBLIC ADDRESSES

The following persons addressed the meeting in relation to this item:

Objector: Mr Malcolm Engleden

Applicant: Dr Debra Dearing, speaking on behalf of the Applicant, Stockland.

MOTION (Macdonald / Evans)

That the application for amendments to the Council's Balgowlah Shopping Centre Urban Design Controls 1999 be rejected as there have been no environmental, social, legislative or structural changes in recent years to warrant amending the UDC as they apply to Woodland Street.

RESOLVED: (Macdonald / Evans)

That the application for amendments to the Council's Balgowlah Shopping Centre Urban Design Controls 1999 be rejected as there have been no environmental, social, legislative or structural changes in recent years to warrant amending the UDC as they apply to Woodland Street.

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

Against the Resolution: Nil.

Corporate Planning And Strategy Division Report No. 10

Item For Brief Mention**1. Minutes of Meetings:-**

- (i) Manly LEP & DCP Review Working Party – Minutes of Meeting held on 25th January, 2006
- (ii) Manly Sports Facilities Committee - Minutes of Meeting held on 3rd February, 2006.
- (iii) Landscape Management & Urban Design Committee – Minutes of Meeting held on 8th February, 2006.
- (iv) Manly Bicycle Committee – Minutes of Meeting held on 9th February, 2006.
- (v) Manly Sustainability Strategy Management Committee – Minutes of Meeting held on 14th February, 2006.
- (vi) Manly Council Community Environment Committee - Minutes of Meeting held on 16th February, 2006.
- (vii) Playground Management Committee - Minutes of Meeting held on 16th February, 2006.
- (viii) Manly Scenic Walkway Committee – Meetings of Meeting held on 21 February, 2006
- (ix) Manly Coastline Management Committee - Minutes of Meeting held on 22nd February, 2006.
- (x) Manly Traffic Committee - Minutes of Meeting held on 27th February, 2006.
- (xi) Manly Council Heritage Committee - Minutes of Meeting held on 1st March, 2006.

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

- (a) Landscape Management & Urban Design Committee – Minutes of Meeting held on 8th February, 2006

Item 4.1 – Fairlight Shopping Centre

Recommendation:-

- " That the Fairlight Shops Urban Improvements LMUD Sub-Committee re-convene a meeting with an appropriate RTA representatives with a view to ascertain what is and isn't negotiable with regards to Option 2 proposals. At that meeting Council's Traffic Manager, John Inglese is requested to attend and representatives from both Fairlight and Ivanhoe Precincts including Richard Hewitt invited to attend.

That following the outcome of the sub-committee meeting (above) Council's Traffic Manager attend the LMUD Committee Meeting once this item is listed on the agenda."

- (b) Landscape Management & Urban Design Committee – Minutes of Meeting held on 8th February, 2006

Item 6.1 – Pittwater Road Street Tree Masterplan Implementation Progress

Recommendation:-

"That the LMUD Committee support a budget bid submission of \$250, 000 to implement the next 2 phases of the Pittwater road Street Tree Masterplan, including the proposed "Tramway Plaza" corner of Golf/Rolfe Streets.

General Managers Note:

General Manager will support the bid into the budget process for consideration"

- (c) Manly Bicycle Committee – Minutes of Meeting held on 9th February, 2006

Item 7 – The Corso Upgrade

Recommendation:-

- "1 Cycling to be permitted throughout The Corso, at 'walking' speed limit (ie. Courteous riding with bikes giving way to pedestrians).
- 2 Properly marked/signed route from Wharf - Whistler - Market - Sydney Rd. This would complete perimeter 'loop' with the planned Wentworth St bike lanes. This could be facilitated by raised roadway extending into Whistler to corner of Market.
- 3 Bike racks at numerous points (inside and adjacent to The Corso) to allow quick and convenient access to shops etc.
4. Encourage active transport in Manly Town Centre and to improve streetscape by reducing motor vehicle dependency and providing for active transport users."

- (d) Manly Sustainability Strategy management Committee – Minutes of Meeting held on 14th February, 2006

Item 5.1 – Discontinuance of a membership consistent with Terms of Reference

- (e) Manly Sustainability Strategy management Committee – Minutes of Meeting held on 14th February, 2006

Item 6.1 – Resignation of Jane McDonald

Recommendation:-

This committee regrettably accepts the resignation of Jane McDonald due to her work commitments, and propose that Council write a thank you for her important contribution.

- (f) Manly Sustainability Strategy management Committee – Minutes of Meeting held on 14th February, 2006

Item 6.2 – New Membership

Recommendation:-

In view of the loss of two community representatives on this committee, this committee recommends that Council call for nominations, noting “demonstrated interest, or expertise of sustainability, focusing on the triple bottom line of natural environment, social environment and economic environment” as the key criteria for application.

MOTION (Macdonald / Morrison)

1. That the recommendations of Minutes of Meetings, as listed in Item 1 above, being 1(i) to 1(iii) 1(v) to 1(ix) and 1(xi), including all matters of a substantial nature listed in Item 2 above, being 2(a), 2(b) and 2(d) to 2(f), be adopted.
2. That item 1(iv) and 2(c), the Manly Bicycle Committee, Minutes of Meeting held on 9th February, 2006 be adopted with the exception of the following:

Item 7 – The Corso Upgrade

That Committee Recommendation 1 and 3 be noted and referred to the next Mayoral Forum to discuss the East-West Cycleway link.

3. That item 1(x), Manly Traffic Committee Minutes of Meeting held on 27th February, 2006 be adopted with the following amendment:

Item 03/06 Plant St, Seaforth – Request for Road Closure

“2. That Council install “No Left Turn - 6am-10am Mon to Fri” at the intersection of Plant St and Maretimo St (for west bound traffic).”

“3. That Council install “No Right Turn - 3pm-8pm Mon to Fri” at the intersection of Plant St and Ethel St (for east bound traffic).”

RESOLVED: (Macdonald / Morrison)

1. That the recommendations of Minutes of Meetings, as listed in Item 1 above, being 1(i) to 1(iii) 1(v) to 1(ix) and 1(xi), including all matters of a substantial nature listed in Item 2 above, being 2(a), 2(b) and 2(d) to 2(f), be adopted.
2. That item 1(iv) and 2(c), the Manly Bicycle Committee, Minutes of Meeting held on 9th February, 2006 be adopted with the exception of the following:

Item 7 – The Corso Upgrade

That Committee Recommendation 1 and 3 be noted and referred to the next Mayoral Forum to discuss the East-West Cycleway link.

3. That item 1(x), Manly Traffic Committee Minutes of Meeting held on 27th February, 2006 be adopted with the following amendment:

Item 03/06 Plant St, Seaforth – Request for Road Closure

“2. That Council install “No Left Turn - 6am-10am Mon to Fri” at the intersection of Plant St and Maretimo St (for west bound traffic).”

“3. That Council install “No Right Turn - 3pm-8pm Mon to Fri” at the intersection of Plant St and Ethel St (for east bound traffic).”

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Murphy, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

Councillor Cant declared an interest in 2(d) in Items for Brief Mention as the item was in relation to a close relative. Councillor Cant abstained from voting for this Item.

RESUMPTION OF STANDING ORDERS (Aird / Macdonald)

That Standing Orders be resumed.

RESOLVED: (Aird / Macdonald)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 5

The Corso Upgrade Project - Progress Report Number 2**SUMMARY**

Progress report on The Corso Upgrade project from the Executive Director of Major Projects.

MOTION (Macdonald / Evans)

That Council receive and note the report and that Council endorse the engagement of Taylor Cullity Lethlean in accordance with normal industry schedule of fees to specify and document the project for construction by Council commencing in June, 2006.

RESOLVED: (Macdonald / Evans)

That Council receive and note the report and that Council endorse the engagement of Taylor Cullity Lethlean in accordance with normal industry schedule of fees to specify and document the project for construction by Council commencing in June, 2006.

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

Against the Resolution: Nil.

CORPORATE PLANNING AND STRATEGY DIVISION

Corporate Planning And Strategy Division Report No. 11

Submission to the Productivity Commission on the Draft Report Conservation of Australia's Historic Heritage Places**SUMMARY**

This report presents a summary of the submission of Manly Council planning staff to the Productivity Commission on the draft report *Conservation of Australia's Historic Heritage Places* and outlines concerns and objections to many of the findings and recommendations contained in the draft report.

MOTION (Macdonald / Heasman)

1. That this information be received and noted;
2. That Council fully endorse the staff submission, particularly in relation to comments that the Productivity Commission's Draft Report would generally have an enormously detrimental impact upon local heritage conservation and dismantle more than 30 years of heritage conservation work;
3. That Council formally commend staff for the report submission; and
4. That Council send a copy of the report to the National Trust and the Federal Minister for Heritage, Senator Ian Campbell.

RESOLVED: (Macdonald / Heasman)

1. That this information be received and noted;
2. That Council fully endorse the staff submission, particularly in relation to comments that the Productivity Commission's Draft Report would generally have an enormously detrimental impact upon local heritage conservation and dismantle more than 30 years of heritage conservation work;
3. That Council formally commend staff for the report submission; and
4. That Council send a copy of the report to the National Trust and the Federal Minister for Heritage, Senator Ian Campbell.

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

Against the Resolution: Nil.

Corporate Planning And Strategy Division Report No. 12

**Draft Manly Development Control Plan for the Residential Zone 2006 - Small Allotments
SUMMARY**

This report has been prepared to advise Council that an amended Clause regarding small allotments which were proposed in a Notice of Motion at the Council's Ordinary Meeting of 21 November 2005 has been incorporated into the Draft Development Control Plan (DCP) for the Residential Zone.

MOTION (Murphy / Macdonald)

That Council approve of this amendment to clause 3.3.2(b) for inclusion in the draft revised Development Control Plan for the Residential Zone 2006.

RESOLVED: (Murphy / Macdonald)

That Council approve of this amendment to clause 3.3.2(b) for inclusion in the draft revised Development Control Plan for the Residential Zone 2006.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird and Norek

Against the Resolution: Nil.

Mayor Macdonald and Councillor Evans were not in the Chamber when the Motion was put.

Corporate Planning And Strategy Division Report No. 14

**Heritage Listing of Woodburn 128-130 Bower Street, Manly
SUMMARY**

This report addresses the Fairy Bower Precinct request of November 2005 that 128 Bower Street, Manly ("Woodburn") be listed and protected as an Item of the Environmental Heritage in Schedule Four of the *Manly Local Environment Plan 1988* (LEP) and recommends that the appropriate means of assessing the significance of the property is a part of the comprehensive heritage review.

MOTION (Norek / Heasman)

That Council refer the assessment of the property at 128 - 130 Bower Street, Manly to the comprehensive heritage review proposed for 2006-2008.

RESOLVED: (Norek / Heasman)

That Council refer the assessment of the property at 128 - 130 Bower Street, Manly to the comprehensive heritage review proposed for 2006-2008.

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

Against the Resolution: Councillor Murphy

At 11:07pm, the Chairperson Councillor Aird vacated the Chair and the Deputy Chairperson, Councillor Heasman assumed the Chair.

Corporate Planning And Strategy Division Report No. 16

Metropolitan Strategy - North East Sub-Regional Strategy

SUMMARY

Council continues working with SHOROC and the Department of Planning to develop the North East Sub-regional Plan. This report provides a framework for the Sub-Regional Plan and its relationship to the Sydney Metropolitan Strategy. It also updates Council on the progress of the Sub-Regional Plan.

MOTION (Macdonald / Heasman)

1. That Council receives and notes this report.
2. That Council continue to urge State agencies to consider not only Employment and Transport but also other key issues of regional significance such as open space and biodiversity.

RESOLVED: (Macdonald / Heasman)

1. That Council receives and notes this report.
2. That Council continue to urge State agencies to consider not only Employment and Transport but also other key issues of regional significance such as open space and biodiversity.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Evans and Norek

Against the Resolution: Nil.

Councillor Aird was not in the Chamber when the Motion was put.

Corporate Planning And Strategy Division Report No. 17

NSW Planning Reforms - Changes to the Local Environmental Plan Making Process

SUMMARY

The Department of Planning (the Department) has recently made two changes affecting the process of the preparation of Local Environmental Plans. The changes are part of the move to streamline the local environmental plan (LEP) making process. In summary the Department has:-

- Established a panel review process. A senior level panel has been established by the Department to review draft local environmental plans, and under this new process Council's LEP delegations were revoked on 22 February 2006 when the new process commenced;
- Amended the transitional provisions for Ministerial Directions issued under section 117 of the Environmental Planning and Assessment Act (EP&A Act) to extend the phasing out of the former set of section 117 directions until 31 December 2006 associated with the introduction of the new set of directions issued on 30 September 2005.

This report identifies the changes and how they affect Manly.

MOTION (Macdonald / Hay)

That the report be received and noted.

RESOLVED: (Macdonald / Hay)

That the report be received and noted.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Evans and Norek

Against the Resolution: Nil.

Councillor Aird was not in the Chamber when the Motion was put.

At 11:12pm, the Deputy Chairperson Councillor Heasman vacated the Chair and the Chairperson, Councillor Aird re-entered the Chamber and resumed the Chair.

Corporate Planning And Strategy Division Report No. 18

"Surfing The Future" Report of The Manly Futures Forum**SUMMARY**

The Futures Forum took place on September 17th and September 24th 2005 and was open to members of the Manly community to attend. It involved presentations from expert speakers about economic, social and environmental issues that will affect Manly in the future and a panel discussion with participants and facilitated workshops. These issues have now been put together in a report, entitled 'Surfing the Future', which provides the Council and the community with a record of the Forum outcomes, including the key concerns, challenges and opportunities and suggested actions for the Council's consideration. It is recommended that Council endorse the report for implementation through its Management Plan.

MOTION (Macdonald / Lambert)

That Council endorses the report for implementation through Council's Management Plan.

RESOLVED: (Macdonald / Lambert)

That Council endorses the report for implementation through Council's Management Plan.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 11:17pm.

The above minutes were confirmed at an **Planning and Strategy Committee** of Manly Council held on 10 April 2006.

CHAIRPERSON

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