



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 8 October 2007

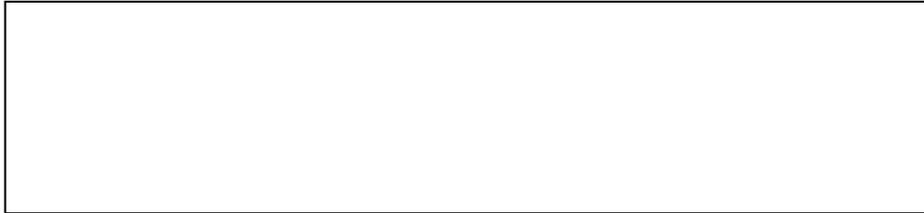
Commencing at 7:30pm for the purpose of considering items included on the Agenda.

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

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

Deputy Mayor
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

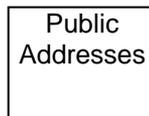
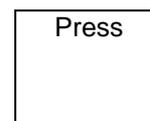
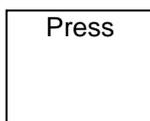
Clr Adele Heasman

Clr Dr Judy Lambert
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

Chairperson: Councillor Barbara Aird
Deputy Chairperson: Deputy Councillor Adele Heasman

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

CLOSED COMMITTEE ITEMS

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

TO: Planning and Strategy Committee - 8 October 2007
REPORT: Item For Brief Mention Report No. 11
SUBJECT: Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees
FILE NO:

1. Reports:

Manly Council's submission regarding the NSW Heritage Act Review Terms of Reference.

Council at its Planning and Strategy Committee Meeting of 13 August 2007 (Report No.32) was advised of the NSW Planning Minister's Press Release regarding the review of the NSW Heritage Act in conjunction with ongoing planning reforms. The press release advised that the review panel is preparing a 'draft discussion paper in the next few months which will be released for public comment'. Since this press release, comment has been invited only on the Terms of Reference of the review.

In summary Council's submission raises the following issues regarding the Heritage Act Review and Terms of Reference:

- Concern has been expressed regarding the limited consultation available and the short timeframe provided, given that this review is said to be a major review of the Heritage Act since 1977.
- Greater funding and support from the NSW Heritage Council is required for councils, considering the bulk of heritage items are in local government areas.
- Concern is raised as to the use of heritage agreements and a copy of Council's submission to the Commonwealth Productivity Commission 'Inquiry into Australia's Historic Heritage', is included with this submission. It disagrees with the use of heritage agreements and states that alternative incentives, such as tax breaks and the like should be considered. It is noted that the Chairs of the State and Territory Heritage Councils of Australia and other heritage organisations strongly disagree with the use of heritage agreements.

A copy of the submission sent to the Department of Planning Heritage Act Review Panel is attached (Attachment 1). It is recommended that the submission regarding the Heritage Act Review and Terms of Reference be received and noted.

2. Minutes of Meetings without recommendations of a substantial nature:

- i) Manly Bicycle Committee – 13 September 2007

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

i) Manly Sports Facilities Committee – 31 August 2007

a) Item 4.2 Update on Manly Roos Club House

Recommendation

That the Development Application for the Manly Roos Clubhouse be completed and submitted for approval in preparation for construction.

Item For Brief Mention Report No. 11 (Cont'd)**ii) Manly Sports Facilities Committee – 31 August 2007****a) Item 9.2 Australian Youth Olympics**Recommendation

Council notes that the Sports Facilities Committee fully supports the Youth Olympics Beach Volleyball event on Manly Beach to be held in January 2008.

iii) Heritage Committee – 5 September 2007**a) Item 10 Heritage Matters relating to North Head**Recommendation

The Heritage Committee recommends that Manly Council make representations to the Minister for Planning regarding the restoration and conservation of the historic buildings at the former Seamen's Isolation Hospital (part of the Quarantine Station), following on the relocation of the AIPM to the School of Artillery, and that the Minister give consideration to the permanent relocation of the AIPM to the School of Artillery buildings.

iv) Manly Sustainability Strategy Management Group – 11 September 2007**a) Item 8.1 Membership on Committee**Recommendation

Following a call for expressions of interest seeking a new community representative for the Committee, the MSSMG recommend that Council appoint Mr David Williams of Manly as a community representative, in recognition of his commendable experience in the sustainability arena.

Moved: Barbara Aird Seconded: Keelah Lam

v) Manly Coastline Management Committee – 18 September 2007**a) Item 5.1 Pine Street Stormwater Outlet Proposal**Recommendation

Council to seek independent review of Pine Street Stormwater proposal design detail, modelling utilised during planning phase and potential impacts of sea level rise and storm intensity.

Moved: Jennifer Grant-Jary Seconded: Clr Lambert

vi) Manly Coastline Management Committee – 18 September 2007**a) Item 5.2 Cabbage Tree Bay Aquatic Reserve**

Item For Brief Mention Report No. 11 (Cont'd)Recommendation

Council to endorse staff to progress to the development of an Operational Agreement between Council, Department of Environment and Climate Change, and NSW Maritime for the management of Aquatic Reserves adjacent to the Manly LGA.

RECOMMENDATION

1. It is recommended that the submission regarding the Heritage Act Review and Terms of Reference be received and noted.
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i)**, be **adopted**.
- 3 i) That the minutes of the **Manly Sports Facilities Committee - 31 August 2007** be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 4.2 Update on Manly Roos Club House**

Recommendation

That the Development Application for the Manly Roos Clubhouse be completed and submitted for approval in preparation for construction.

- 3ii) That the minutes of the **Manly Sports Facilities Committee - 31 August 2007** be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 9.2 Australian Youth Olympics**

Recommendation

Council notes that Sports Facilities Committee fully supports the Youth Olympics Beach Volleyball event on Manly Beach to be held in January 2008.

- 3iii) That the minutes of the **Heritage Committee - 5 September 2007** be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 10 Heritage Matters relating to North Head**

Recommendation

The Heritage Committee recommends that Manly Council make representations to the Minister for Planning regarding the restoration and conservation of the historic buildings at the former Seamen's Isolation Hospital (part of the Quarantine Station), following on the relocation of the AIPM to the School of Artillery, and that the Minister give consideration to the permanent relocation of the AIPM to the School of Artillery buildings.

Item For Brief Mention Report No. 11 (Cont'd)

3iv) That the minutes of the **Manly Sustainability Strategy Management Group - 11 September 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 8.1 Membership on Committee**

Recommendation

Following a call for expressions of interest seeking a new community representative for the Committee, the MSSMG recommend that Council appoint Mr David Williams of Manly as a community representative, in recognition of his commendable experience in the sustainability arena.

Moved: Barbara Aird Seconded: Keelah Lam

3v) That the minutes of the **Manly Coastline Management Committee – 18 September 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.1 Pine Street Stormwater Outlet Proposal**

Recommendation

Council to seek independent review of Pine Street Stormwater proposal design detail, modelling utilised during planning phase and potential impacts of sea level rise and storm intensity.

Moved: Jennifer Grant-Jary Seconded: Clr Lambert

3vi) That the minutes of the **Manly Coastline Management Committee – 18 September 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.2 Cabbage Tree Bay Aquatic Reserve**

Council to endorse staff to progress to the development of an Operational Agreement between Council, Department of Environment and Climate Change, and NSW Maritime for the management of Aquatic Reserves adjacent to the Manly LGA.

ATTACHMENTS

AT- 1 Submission on Heritage Act Review Terms of Reference 6 Pages

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***** End of Item For Brief Mention Report No. 11 *****

**Item For Brief Mention Report No. 11 - Items for Brief Mention - Minutes for
Adoption by Council - Special Purpose and Joint Committees
Submission on Heritage Act Review Terms of Reference**



**Manly Council's Submission on the
NSW Heritage Act Review Terms of Reference**

General Comment:

1. It is noted that the Media Release announcing the Heritage Act Review and terms of reference notes the 2005 Productivity Commission. In this regard, please find attached a copy (Attachment 1) of the Manly Council submission to the Productivity Commission to assist in the review.
2. Council is concerned that this review will adversely impact on the (including the time and resources spent) current heritage review of Manly, potential new listings and the making of the new standard LEP as required by the Department of Planning. How will this affect the timing of new standard LEPs with major heritage studies and how will it affect the Heritage Office review of our study?
3. There appears to be no independent heritage expert on the panel. It is considered that a person or persons currently practicing in day to day heritage matters should be on the panel who can provide input on both the government (local and state) and private issues involved with heritage, plus be politically independent.
4. Concern is raised at the short timeframe and lack of information available to comment on the proposed review. After 30 years the review should be done exhaustively and with extended consultation, which is difficult to achieve in the five or six weeks that have been allocated.
5. Only the terms of reference can be commented upon. Why is there no opportunity for stakeholders to comment on the findings of the review or further public comment later in the process?
6. Local government agencies seem to have been given little standing in this process. Councils should have been at least consulted, if not given a pivotal role, given that they administer so much of NSW's heritage. At the very least, local government should have been given the opportunity to make submissions outside of just the Terms of reference.
7. The review needs to be deep, broad, widely and publicly consultative and based on the Burra Charter.
8. There appears to be a link with this review and the recent Productivity Commission Report. The analysis and 'review of submissions made to the Productivity Commission Inquiry into Australia's Historic Heritage', February 2007 for The Heritage Chairs and Officials of the States and Territories of Australia, (http://www.heritage.nsw.gov.au/docs/Productivity_Section1.pdf) and the response by the Chairs of the State and Territory Heritage Councils of Australia to the Productivity Commission's Final report, (http://www.heritage.nsw.gov.au/docs/pci_response.pdf) should be considered as part of this review. Particularly the matters regarding resourcing,

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funding, incentives and greater support at the local level for councils and owners of heritage items.

Comments on Terms of Reference:

1. Duplicative and overlapping provisions with other legislation [including at the national level]

- * The review needs to make clear what are the overlapping provisions and legislation to be investigated.
- * It is noted that the heritage Council/Office has given councils delegations to reduce duplication of assessments, particularly development applications for state significant items. The Heritage Act may need amending to reduce overlapping with s.60 applications.
- * Duplication may be necessary at the state level to address any issues with Federal heritage support.

2. Strengthening the integration of heritage provisions with the Environmental Planning and Assessment Act [both at the plan making and development control levels]

- * The review should ensure that no heritage provisions are weakened in any integration. The review should also look at empowering local government to protect its local heritage, such as through legislation for “demolition by neglect” and enabling local Councils to have “minimum standards for maintenance and repair” in LEP’s. Similarly, allow for alienation of land for future development where demolition or other offences occur. Since the most recent amendments to the Act to separate State items and Local items, little support is now given to Local government by the State to support the protection of local items, as it is usually seen as “only a local issue”. If this continues, Local government should be given greater powers protect local items.
- * Strengthening and adding to the heritage incentives should be included.
- * Local heritage provisions need to be included in the Heritage Act, with strengthened and separate controls under the Heritage Act.
- * It should be required that owners are notified of a proposed listing (after appropriate assessment proposes a property be listed).

3. State heritage provisions and practice, including but not limited to:

(a) improvements and enhancements to the system;

- * Provide greater incentives to heritage property owners, such as tax breaks for investing in a heritage listed property and retention of existing building fabric.
- * Provide support and funding for local government to promote heritage and greater awareness of the benefits to heritage listing.
- * Provide greater financial assistance and other benefits to owners of heritage items to offset the perceived financial disadvantages of listing.

ATTACHMENT 1

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- * Review stamp duty impacts on owners of heritage items.

(b) alternatives to the listing process [eg heritage agreements];

- * Please refer to attached Manly Council Productivity Submission regarding comments on 'heritage agreements'. It is considered that without legislation and incentives (ie. the carrot and the stick) that heritage listing by heritage agreements for all items at the local level will be unwieldy and create greater uncertainty. A uniform approach as exists under the current system needs to be maintained and strengthened.
- * Alternatives to heritage agreements need to be investigated, such as tax incentives, and significantly greater funding at the local level, where the majority of listings occur. It should be noted that these listings preserve the cultural heritage of the local area for the benefit of the wider community and warrant a positive attitude from government. The alternatives to heritage agreements are explained in greater detail in the analysis and 'review of submissions made to the Productivity Commission Inquiry into Australia's Historic Heritage', February 2007 for The Heritage Chairs and Officials of the States and Territories of Australia, (http://www.heritage.nsw.gov.au/docs/Productivity_Section1.pdf) and is supported. It is also noted that the majority of submissions did not support the key recommendation of the Commission regarding negotiated heritage agreements and other strategies where canvassed.
- * Look at making the current system work better, rather than just alternatives. Investigate what works and what don't in the current system. There is no evidence provided that heritage agreements work, particularly by the Productivity Commission.

(c) the public benefit of outcomes:

- * Manly Council's Heritage consultants commissioned sub-consultants 'The People for Places and Spaces' (PPS) as part of the current Heritage Review to survey people's views on heritage in the local government area (lga). Stage one of the consultation involved a random survey of 300 people in the Manly LGA. The consultant's findings state that "the findings are clear and unambiguous." "The people of Manly as well as visitors to the area, who responded to the survey, have demonstrated that they attach great meaning to the local built and natural heritage. Respondents were strongly in agreement that Manly's built and natural heritage is worthy of preservation for the future. There is a very strong implication in the data that respondents would like Manly to remain 'as it is' by preserving its present sense of place and village feel." A strong outcome from the surveys is that the community want to retain the current character of Manly, including "retention of original low rise buildings, older homes and flats, public heritage buildings; parks, reserves, gardens and trees." As a result Manly Council has received a clear message that the community does value it's heritage and that there is a public benefit to protecting heritage in the LGA.
- * Investigate ways to increase public awareness and education in the benefits to current and future generations of conserving our (local, state and national) heritage.

ATTACHMENT 1

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- * Research or investigate incentives to offset any financial disadvantages to listing, i.e. Greater funding to all councils for local assistance funds or lotteries and the like.
- * There are benefits to listing heritage properties not only to the community but to owners as well. For example, research in Ku-ring-gai titled "*Does the housing market value heritage? Some empirical evidence from Sydney*". This paper can be viewed at: http://www.econ.mq.edu.au/research/2004/Deodhar_Mar04.pdf.

(d) the test for achieving State heritage status

- * The test excludes places of significance which have a high regional significance, for example, the Manly General Cemetery and items significant to the region's development such as transport related historic items. Currently the only level available is 'state', although the items are significant to a larger community than just the local area.
- * The test or the Heritage Council reasons for achieving state heritage status need to be clearer. Perhaps the criteria should be separated out of the current guidelines and more detail provided.
- * A regional level of significance should be re-introduced to recognise the importance of places significant to a region in the state and managed at a state level.

(e) the role of the property owner or stakeholders and appeal rights

- * Heritage significance should remain the primary focus. Generally, listing in itself does not affect owners until redevelopment or alteration is proposed. In this instance there is a need to look at whether the property still meets the needs of the owners or not within the site constraints. Heritage is a planning issue; similar to other planning issues that can affect property owners, such as privacy, overshadowing, threatened species, bushfires, zonings, environment, slope, and lot size and so on are all potential constraints which can affect a properties development potential. Heritage is not necessarily any more arduous than these other planning issues.

(f) resource and time efficiency

- * Greater level of funding, incentives and staffing at the local level and Heritage Office is required.

4. The functions and constitution of the Heritage Council.

- * The Heritage Council should function independently of government, in relation to identification, assessment and listing of heritage places and consideration of applications. Its responsibility as the protector of the State's cultural heritage should be pre-eminent over other objectives.
- * The Council's advisory panels should continue to provide assistance to developers and heritage professionals to gain the best outcome for heritage places.

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5. Consideration of local heritage processes and whether they warrant improvement

- * This is very broad and should include specific reference to which local processes are being reviewed.
- * Provide legislation to support Councils in protecting local heritage items and conservation areas.
- * Strengthen the status of local heritage items. That is, although not State significant, they are still significant.
- * Ensure that exempt and complying provisions do not erode the ability to protect heritage significance.
- * Ensure that zonings and legislation does not conflict with heritage conservation.
- * Clarify whether Aboriginal heritage items are to be included in the new LEP heritage schedule template or not. And provide a means of acknowledging the Aboriginal heritage in the local area, without directly identifying the location of such places.
- * Retain the heritage clauses, including the curtilage clause, ie. items in the vicinity. If not an adjoining items significance is potentially jeopardised by unsympathetic development.
- * Provide funding and greater resources to the local level given the large amount of local items in each Council area. Greater support is required at the local level to promote and educate on heritage. The Heritage Office should also be properly funded to support local Council's.
- * The State should improve the public perception of heritage and provide incentives to owning a heritage property otherwise the current conflicts and criticisms will continue.
- * Need to look into promoting sustainability and heritage conservation, plus tourism and heritage in NSW.
- * The review needs to investigate the impact of Basix legislation on the conservation of heritage items particularly at the local level, such as policy on location of solar panels; investing in technology with reduced impacts on heritage properties.
- * The review needs to include investigation into integrating appropriate planning legislation (including zonings) to promote retention of heritage and streetscape of particular character including heritage and ways to promote sustainability in housing stock, rather than wasting resources and energy on new development.
- * Expand the conservation of geodiversity and significant cultural geological landforms in the Heritage Act.

Overall, the review is welcomed if the protection and conservation of heritage in the state of NSW is the priority of this review.

ATTACHMENT 1

Item For Brief Mention Report No. 11 - Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees Submission on Heritage Act Review Terms of Reference

Thank you for the opportunity to provide comment on this Heritage Act review and it would be appreciated if Council could be forwarded a copy of the findings of the review.

TO: Planning and Strategy Committee - 8 October 2007
REPORT: Planning And Strategy Division Report No. 41
SUBJECT: Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)
FILE NO:

SUMMARY

The purpose of this report is to advise Council of submissions received following the public exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77) (Draft LEP No 77) and to make appropriate recommendations in relation to the exhibited draft Plan.

REPORT

Draft LEP Amendment No. 77 proposes to heritage list 3 Oyama Avenue, Manly; 29 Victoria Parade, Manly and 30 Alexander Street, Manly. It is recommended that the listing of 3 Oyama Avenue, Manly not proceed for reasons contained in this report. The exhibited draft also proposes to amend the definition of Gross Floor Area (gfa). However this provision of the draft plan in relation to gfa is now recommended to be deferred from Draft LEP No 77 for reasons contained in this report.

Public Exhibition

Draft LEP No 77 was placed on public exhibition for a period of 29 days from 12th June to 10th July 2007. This draft plan was available for viewing at:

- Manly Council Chambers, Belgrave Street, Manly between 8.30 a.m. and 5.00 p.m.
- Manly Library, 1st floor information desk, Market Lane, Manly during the Library's usual opening hours.
- The Council web site www.manly.nsw.gov.au under Manly Council News.

Twenty eight (28) submissions were received. Twenty seven (27) of these submissions objected to the listing of 3 Oyama Avenue, Manly as an item of environmental heritage. One (1) submission objected to the heritage listing of 29 Victoria Parade, Manly in the draft LEP. No submissions were received for 30 Alexander Street, Manly.

Submissions on the listing of No 3 Oyama Avenue, Manly

Council received twenty seven (27) submissions objecting to the listing of 3 Oyama Ave as a heritage item. The submissions comprised responses ranging from a detailed submission by the owners and their Heritage Consultant to a number of standard form letters. The submissions are detailed in the attached submissions matrix (please refer to Attachment 1) and summarised as follows:

Owners of 3 Oyama Avenue

- The history and background to the listing, detailed in their submission is not considered to warrant listing as a heritage item.
- Since the listing was initially proposed in 2005 it is considered that there is no evidence to warrant listing.
- It is considered 'improper' for Council to proceed to list the property contrary to conclusions arising from the assessments of heritage significance.
- The listing is considered to be inconsistent with advice from the Department of Planning which appear not to support 'spot re-zonings'.

Owners' heritage consultant Mr R Staas, Noel Bell Ridley Smith & Partners Architects Pty Ltd

- Agrees with Council's own heritage consultant Hector Abrahams— that the property is unsuitable for listing based on an assessment of its heritage significance.

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

- No further evidence of significance has been revealed subsequent to Council's assessment which does not warrant listing.
- As above

Other Submissions

- The remaining twenty five (25) submissions all considered that heritage listing is not warranted on the basis of conclusions of both the Applicant's and Council's Heritage Consultants.
- Eight (8) of these submissions also identified that their objection to listing is based on personal knowledge and past and present observations of the property.
- Three (3) of these submissions also referred to the high professional standing of the Heritage Consultants

Comment:

The property is assessed as not meeting the NSW Heritage Office criteria for listing as a locally significant heritage item and is not recommended for inclusion as an item of environmental heritage in the Manly LEP.

Submissions on the listing of 29 Victoria Parade, Manly

One submission was received from heritage consultant Mr R Staas, of Noel Bell Ridley Smith & Partners Architects Pty Limited, on behalf of the owners objecting to the listing of 29 Victoria Pde as a heritage item. The issues and comments in relation to this submission are also detailed in the attached matrix (please refer to Attachment 2) and summarised as follows:

- Redevelopment of the site is supported as a means to conserving the heritage value of the property (more so than being listed).
- The level of significance of the place is considered to be limited to its streetscape character and generally to the front half of the building.
- The site was not previously listed in the Manly Heritage Study 1986.
- Delays would lead to further deterioration of the building and a negative impact on the streetscape.

Comment: While the submission supports redevelopment as a means to conserving the heritage value, heritage listed properties can be conserved without significant redevelopment or major demolition works.

A report by Brian McDonald, HBO+EMTB Heritage Pty Ltd was prepared for Manly Council dated 31 August 2007 to assess the heritage significance of 29 Victoria Parade Manly. This report provided a comprehensive heritage assessment which confirmed the proposed property is found to meet sufficient criteria of the NSW Heritage Office to recommend listing as a local heritage item.

Submissions on the listing of 30 Alexander Street, Manly

No submissions or objections have been received regarding the listing of this property. As part of the notification process, the owner of the property was notified in writing by Council of the proposed resolution to list the property as a heritage item.

Comment:

No.30 Alexander St is a single storey brick federation style dwelling (called New Killarney) built in 1911 and is a very fine example of the Federation style, internally and externally. The dwelling is substantially intact and distinctive in design with its two entrances and floor plan which demonstrate its original dual use as a combined business and residence. The dwelling demonstrates and is associated with the early pioneering, agricultural and suburbanisation periods of Manly's development and is associated with the pioneering McConnell family. In particular, the business man Joseph McConnell provided services associated with the development of public transport to the Manly area.

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

This property is assessed as meeting the NSW Heritage Office criteria for listing as a locally significant heritage item, and is recommended for inclusion as an item of environmental heritage in the Manly LEP.

Definition of Gross Floor Area

Draft LEP No 77 as exhibited has proposed to amend the definition of "gross floor area" (gfa) by removing reference to the Model Provisions gfa definition from the plan and to insert, instead, the gfa definition from the Standard Instrument (Local Environmental Plan) Order 2006 as follows.

"gross floor area" means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

Comment:

The proposed adoption of the Department of Planning's 'template' definition of gfa was originally intended to provide consistency and to resolve conflict in floor space definitions pending the adoption of the standard definition in the new Principal LEP currently being prepared by Council. The new gfa definition is not considered appropriate for incorporation into draft LEP No. 77 at this stage and is recommended to be deferred from this plan for the following reasons:

- The proposed new definition of gfa is taken from the Standard Instrument (Local Environmental Plan) Order 2006 which relates to the making of Council's Principal LEP. This Principal LEP is still being prepared for Council.
- The proposed new definition of gfa will apply to both residential and non-residential uses including business zones. A review of Council's business zones is currently underway to consider issues and implications in relation to the definition in that zone.
- The adoption of the new definition under recent amendments to the Residential DCP 2007 is currently under review and has implications in respect of the maximum permissible bulk and scale (fsr) for that zone.
- The adoption of a new definition of gfa in the LEP prior to a review of their implications for the residential and business zones is considered premature.

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

The Department of Planning had authorised Manly Council to exhibit draft LEP No 77 and to exercise other delegations following the exhibition period to consider submissions arising from the exhibition period.

During the preparation of the draft LEP No 77, and following Council's exhibition of this draft plan, the following conclusions have been reached:

1. That 3 Oyama Avenue, Manly should not be listed as an item of environmental heritage.
2. That 29 Victoria Parade and 30 Alexander Street, Manly should be listed as items of environmental heritage.
3. That provision to amend the definition of gross floor area be excluded from draft LEP No. 77 which requires further consideration.

Accordingly it is proposed that Draft Manly Local Environmental Plan 1988 (Amendment No. 77) be endorsed in the amended form as recommended in this report. The Department shall also be advised of Council's reasons for not proceeding with Draft LEP No 77 in the form that is was exhibited. In relation to the definition of gross floor area this aspect of Draft LEP No 77 will be deferred. Rather than declining not to insert the definition, it is anticipated that, subject to further detailed consideration of any implications, the definition can be inserted into a future LEP.

RECOMMENDATION

It is recommended that The Council:

1. Advise the Department of Planning of the submissions to Draft Manly Local Environmental Plan 1988 (Amendment No. 77) (Draft LEP No 77) in relation to the listing of 3 Oyama Street Manly and that Manly Council consider these submissions are of sufficient merit to require modification of the Plan as exhibited to not proceed with the heritage listing of 3 Oyama Street Manly.
2. Advise the Department of Planning that, following exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77), Manly Council considers the provisions of Draft LEP No 77 in relation to gross floor area are to be deferred for reasons contained in this report.
3. Request the Department of Planning to make Draft Manly Local Environmental Plan 1988 (Amendment No. 77) to list 27 Victoria Avenue, Manly and 30 Alexander Street, Manly as items of environmental heritage.
4. Notify the owners of the above mentioned properties of Council's resolution.

ATTACHMENTS

AT- 1 Submission matrix 3 Oyama Avenue Manly 5 Pages

AT- 2 Submission matrix 29 Victoria Parade Manly 2 Pages

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

ATTACHMENT 1

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)
Submission matrix 3 Oyama Avenue Manly

3 Oyama Avenue Manly

Submission number	Issues Raised	Comments
1	<p>Strongly object to the proposed heritage listing of 3 Oyama. The history and background to the listing is outlined in their letter. The below mentioned letter from their heritage consultant Mr Staas was attached in support of their objection.</p> <p>For Council to proceed to prepare a draft plan contrary to expert advice considered 'improper'.</p>	<p>In 2005 the Council heritage consultant prepared an assessment of significance based on the NSW Heritage Office guidelines for assessing significance for 3 Oyama and recommended to Council as follows: "<i>On the basis of the physical and documentary investigation carried out for the purposes of this report, it is concluded that Casa Mia is of some local significance; however, this significance is insufficient to warrant listing as a heritage item on the Manly Local Environmental Plan.</i>"</p> <p>The property is assessed as not meeting the NSW Heritage Office criteria for listing as a locally significant heritage item and is not recommended for inclusion as an item of environmental heritage in the Manly LEP.</p>
	<p>Suggestions of support from the Manly Warringah and Pittwater Historical Society were misleading when raised in Council's meeting in 2005.</p>	<p>The President of the Historical Society confirmed at that time that no motion supporting the listing has been presented to the Society or the Society's Committee. Furthermore such listing had not been discussed by the Society to her knowledge at the time.</p>
	<p>The listing is considered to be inconsistent with advice from the Department of Planning's advice that the site should not be 'spot-zoned'.</p>	<p>The Department provided Council with delegation to exhibit the draft LEP on 24 April 2007.</p>
2	<p>The Heritage Consultant for the owner of 3 Oyama Avenue is in agreement with the Council's heritage consultant recommendations that the property is not recommended for listing based on</p>	<p>As above.</p>

ATTACHMENT 1

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)

Submission matrix 3 Oyama Avenue Manly

Submission number	Issues Raised	Comments
	an assessment of its heritage significance. He states that his own research also confirms this view. The property is not a good example of housing of the period due to eclectic mix of alterations.	
	No further evidence of significance has been revealed. More recent investigations of the site and records reveal the property is probably an earlier post World War 1 house that was reconstructed for the Edwards family in its present form in 1930.	Noted
	Comment by H Abrahams regards consideration of 'potential for current community esteem' i.e. Heritage Committee is not considered to be representative of community opinion.	There had been no public consultation process at the time of Mr H Abrahams report.
	'spot' rezoning is not good planning practice	As above
3	Both Council's Heritage consultant and the applicant's consultant agree that the property is unsuitable for listing	Both heritage consultants have advised of the unsuitability of the property for listing as a heritage item.
4	<i>"We/I support the objection by the owners of 3 Oyama Avenue Manly in relation to the proposed heritage listing of their property. We/I understand that Council's own heritage consultant Hector Abrahams recommends on the basis of his assessment of the property that the property is unsuitable for listing. This has also</i>	Both heritage consultants have advised of the unsuitability of the property for listing as a heritage item.

ATTACHMENT 1

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)

Submission matrix 3 Oyama Avenue Manly

Submission number	Issues Raised	Comments
	<i>been confirmed by Robert Staas the heritage architect engaged by the owner in his letter of objection to Council In the circumstances the proposed heritage listing of the property is not warranted and the Council should withdraw the property from the draft amendment to the LEP which seeks to list the property from the draft amendment to the LEP which seeks to list the property as a heritage item."</i>	
5	As above	As above
6	As above	As above
7	As above	As above
8	As above	As above
9	As above	As above
10	As above	As above
11	As above	As above
12	As above	As above
13	As above	As above
14	As above	As above
15	As above	As above
16	As above	As above
17	As above. Comments are based on personal and professional observations / knowledge of 3 Oyama Avenue.	As above
18	As above. Comments are based on personal observation / knowledge of 3 Oyama Avenue. While not in support of the proposed listing in this case the resident supports Council's vigilance in	As above

ATTACHMENT 1

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)

Submission matrix 3 Oyama Avenue Manly

Submission number	Issues Raised	Comments
	protecting and enhancing the amenity and history of Manly.	
19	As above. Comments are based on personal observation / knowledge of 3 Oyama Avenue. 'The property has been much altered since its construction in the 1930's.'	As above
20	As above. The submission suggests Council should have identified all heritage properties by now and time should not be wasted on anti-development residents "whims".	As above. It is noted that the 1986 Manly Heritage study consultants at the time advised Council that: "the inventory is by no means an exhaustive list of heritage items. Its compilation is a continuing process and it will be added to by Council as more evidence comes to light and further significant items are recognised." Thus the identification of heritage in Manly is an ongoing process.
21	As above. The high professional standing of the Consultants is also noted.	As above.
22	As above. Comments are based on personal observation / knowledge of 3 Oyama Avenue.	As above.
23	As above. Comments are based on personal observation / knowledge of 3 Oyama Avenue. The high professional standing of the Consultants is also noted.	As above.
24	As above, Comments are based on personal observation / knowledge of 3 Oyama Avenue. The high professional standing of the Consultants is also noted.	As above.

ATTACHMENT 1

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)

Submission matrix 3 Oyama Avenue Manly

Submission number	Issues Raised	Comments
25	As above. Objection to the development proposal was generated by shareholders in a neighbouring property. The objection was not representative of the majority of Cardington's shareholders and never endorsed in a shareholders forum. Comments are based on personal observation / knowledge of 3 Oyama Avenue. The property and surrounds are considered to be improved by development proposed. Spot rezoning is not good planning.	As above. The matter of objections to a development proposal is a matter dealt with in the assessment of the development application.
26	As above. Comments are based on personal observation / knowledge of 3 Oyama Avenue. It appears that it had been much altered.	As above.
27	As above. No evidence to support it and would set a dangerous precedent, and a waste of ratepayers funds defending challenge to such a listing.	As above.

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)
Submission matrix 29 Victoria Parade Manly

29 Victoria Parade, Manly

Submission number	Issues Raised	Comments
1	Heritage experts in past court proceedings over development proposals have “agreed that the level of significance of the place was limited to its streetscape character and to some of the internal fabric in the front half of the building.”	<p>The Council heritage consultant has recently (August 2007) assessed the place as meeting sufficient criteria of the NSW Heritage Office to recommend listing of the place as a local heritage item.</p> <p>The assessment of significance reveals that: <i>“No.29 Victoria Parade ‘Carlton Hotel’ is worthy of retention as a heritage item. It is representative of the early development of Manly in the late nineteenth century as a recreational and holiday destination, continuing into the twentieth century. The Carlton has an association with William Humble Ward, Earl of Dudley, the fourth Governor General of Australia, and with his wife, who were listed in Sands Directory in 1911 and 1912 as patrons of the establishment. The front section of the building has considerable architectural merit and streetscape presence. It retains original form and fabric of the verandahs (presently infilled), brickwork and stone detailing, distinctive joinery details in the central entrance hall, ceilings, fireplace , lead light glass and timber stairs. The whole building is substantially intact although exhibiting an evolution of additions and internal changes. Most of the changes that detract from understanding the buildings significance can be reversed and the removal of joinery detail from the front facade could be remedied by reconstruction.”</i></p>
	” Without economically viable development of this site, no appropriate conservation works are likely to ever be undertaken and this would continue to result in a negative	The objection is supportive of redevelopment of the site as a means to conserving the heritage value of the property. However, heritage listed properties can be conserved without significant redevelopment or major demolition works.

ATTACHMENT 2

Planning And Strategy Division Report No. 41 - Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)

Submission matrix 29 Victoria Parade Manly

Submission number	Issues Raised	Comments
	outcome in relation to the streetscape.”	
	It was not previously identified in the comprehensive heritage study of the central Manly area.	It is noted that the Manly Heritage Study, 1986, advised Council that the inventory was by no means an exhaustive list of items and its compilation is a continuing process and it will be added to by Council as more evidence comes to light and further significant items are recognised. The identification of heritage items is an ongoing process in Manly. In this regard Council has commissioned a heritage review currently underway.
	It is not located in a conservation area and makes only a limited contribution to a mixed streetscape.	The site is in close proximity to a number of heritage items in South Steyne and Victoria Pde and the site has a strong contribution to the group of early twentieth century buildings in the locality. As a group of low rise residential buildings they contribute strongly to the section of streetscape of the locality and have the potential to be a conservation area.
	There is no substantial community concern regarding the building.	Community regard for the building has been raised by the Council Heritage committee.

TO: Planning and Strategy Committee - 8 October 2007
REPORT: Planning And Strategy Division Report No. 42
SUBJECT: Metro Strategy: North East Sub-regional Plan - Update Report
FILE NO:

SUMMARY

The Department of Planning is currently exhibiting the draft Sub-regional Strategy for the North East Sub-region comprising Manly, Warringah and Pittwater Councils. This report provides an update of the exhibited draft Strategy, its implications for Manly and issues for submission to the Department of Planning.

REPORT

Introduction

Sub-regional strategies are being prepared and exhibited for ten (10) sub-regions contained within the Sydney Metropolitan Region by the NSW Department of Planning (the Department) across 2007. These Sub-regional plans provide a second tier of the Metropolitan Strategy. The preparation of these strategies in partnership with local government and State agencies are a significant part of the implementation of the Sydney Metropolitan Plan, 2005 'City of Cities- A Plan for Sydney's Future'. In particular the sub-regional strategies consider how the sub-regions can absorb and implement the housing and employment capacity targets set by the Department under the Sydney Metropolitan Strategy.

Background

The Planning and Strategy Committee at its meetings held on 14th November 2005, 13th March 2006 and 14th August 2006 considered reports on the Sub-regional planning process and implications for Manly.

At its meeting held on 14th August 2006 The Council resolved as follows:

"That Council:

1. *Receive and note the Metro Strategy: North East Sub-regional Plan - Progress Report.*
2. *Continue to strenuously request individually and through SHOROC, at least one public consultation in each of the three LGAs in the North East Sub-region.*
3. *and SHOROC continue to make representations to the Department of Planning to ensure that education, transport and other infrastructure and open space retention are addressed concurrent with housing and employment planning."*

Comment:

The Council's resolution has been made known to the Department of Planning. However, the Department's public participation process is detailed below. In relation to education, transport and other infrastructure and open space retention both Council and SHOROC have generally supported an integrated planning approach in both the Metropolitan Strategy and North East Sub-regional Strategy.

In this regard the key directions of the strategy are six-fold as follows:

- plan for employment growth.
- better access to housing choice and to create livable and sustainable communities.
- strengthen the major centre.

Planning And Strategy Division Report No. 42 (Cont'd)

- better access to and from and within the NE Sub-region.
- plan for Frenchs Forest (new hospital and associated services).
- protection of the environment and lifestyle of the sub-region.

The Planning and Strategy Committee at its meeting held on 13th August 2007 endorsed a recommendation of the Manly Community Environment Committee in relation to the Sub-regional Strategy as follows:

“Recommendation: The committee calls on the Council to be strongly proactive in response to the NSW Government’s sub-regional strategy for the North East sub-region and lobby the State government to:

- i) Provide viable areas for development whilst preserving the natural and built heritage.*
- ii) Be proactive in seeking a strong environmentally sustainable and social justice approach by seeking wide comment from the community and in particular from the committees of Council, ie Environment, Climate Change Working Group, Sustainability, Heritage, Social Plan, etc.”*

Comment: The provision of viable areas for development within the context of the Sub-regional strategy must be supported by commitment at the State level for the implementation of infrastructure. Infrastructure improvement, such as open space provision, water supply pipelines, energy supply lines, stormwater and sewerage programs must also protect natural and cultural heritage and local amenity. Environmental sustainability must be a consideration in all key areas of the draft Sub-regional Strategy.

Exhibition of the draft Sub-regional Strategy for the North East Sub-region

The Sub-regional Strategy for the North East (NE) sub-region includes Manly, Warringah and Pittwater local government areas (LGAs). The Department gave notice that the Strategy is currently on exhibition from 17th July until 18th September 2007 at the Department of Planning, and at Manly, Warringah and Pittwater Councils. The document is also available electronically at metrostrategy.nsw.gov.au.

On 2nd August 2007 an information evening was organised by the Department at Warringah Mall, Brookvale. While the evening was staffed by the Department from between 5:30 pm to 8:30 there were no formal presentations given. Council is advised that some 70 persons visited the display at this time.

Copies were distributed to all councillors and were also made available at Customer Services, the Library and the Manly Environment Centre.

Councillor Workshop

A Councillor workshop was held at the Town Hall on the evening of the 24th September 2007 to discuss the implications of the draft North East Subregional Strategy. The comments received following the workshop have been incorporated into the draft submission which is appended to this report (Attachment 1).

RECOMMENDATION

That Council approve the draft submission in response to the Department of Planning’s North East Subregion - draft Subregional Strategy.

ATTACHMENTS

AT-1	Submission to Department of Planning re Draft North East Subregional Strategy	9 Pages
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***** End of Planning And Strategy Division Report No. 42 *****

Planning And Strategy Division Report No. 42 - Metro Strategy: North East Sub-regional Plan - Update Report
Submission to Department of Planning re Draft North East Subregional Strategy

MANLY COUNCIL – RESPONSE TO THE DRAFT NORTH EAST SUBREGIONAL STRATEGY

INTRODUCTION

Manly comprises a relatively small proportion of the North East Subregion in terms of land (6% of area) and population (17%) but contributes significantly to the region in a rich diversity of natural landscape and cultural heritage assets. No part of Manly is more than 1.6m from a water body and between four to six million visitors/day trippers visit Manly annually to enjoy its natural biodiversity and cultural resources. While Brookvale-Dee Why is the Subregion's major Centre, Manly Town Centre constitutes one of the two Town Centres in the Subregion (the other being Mona Vale) as well as the Balgowlah Village (others being Avalon, Newport and Narrabeen).

The Council are generally supportive of the aims and objectives of the draft North East Subregional Strategy ("the Subregional Strategy"), however the council wish to highlight several issues in this report. The targets for housing and employment contained in the subregional strategy are realistic and achievable, although there are concerns in relation to how the targets will be delivered and where development will be located. Moreover concern is raised with regard to the lack of appropriate infrastructure to accommodate future growth. In addition, the council is reasonably comfortable that the targets can be achieved under councils existing planning policy framework.

The Council believe that in order to deliver the strategy's targets it will be necessary to produce a 'Manly focused' document which directly feeds into the subregional strategy, to aid delivery and implementation.

THE ECONOMY AND EMPLOYMENT

Council agree that the creation of new jobs is a positive aspiration, and whilst the Council is generally agreeable with the target of 1000 new jobs up to 2031, the council will seek to achieve higher targets for employment/job creation to encourage a higher proportion of containment and reduce home/work travel.

The draft NE Subregional Strategy recognises that the subregion is a major destination for local, national and international visitors' (p6). This element is particularly unique for Manly due to its combination of natural resources, town centre, heritage and sustainable harbour transport connections. Such recognition requires integration of key directions in relation to environmental protection, transport, infrastructure and the economy.

The business centres in Manly need to be strengthened to ensure that the future development of Dee Why and Brookvale will not undermine the economic viability of the local retail activities in Manly. At present there are issues in relation to the future of the Balgowlah Industrial Area, non-industrial uses are seeking to locate to the area and existing industrial uses are moving out of the area. Consequently these competing pressures are eroding the role and function of the industrial zone. The Council's employment strategy is currently reviewing all zones and will need to examine options for flexible employment options in the area (which may expand permissible uses in the zone), but this would need to be based on an assessment of need.

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The Council will need to consider options for maintaining employment whilst also providing for the needs of the service industry. When complete the employment strategy will be able to provide future options and strategies for the Balgowlah Industrial Area.

The draft NE Sub-regional Strategy recognises that Manly Town Centre is a significant 'entertainment and nightlife cluster'. Council's DCP for Late Night Venues was adopted in December 2005 and seeks to regulate activities and design of late night venues in Manly. In particular, the Strategy must recognise that the 'enhancement' of nightlife in Manly includes promoting Manly as a safe and secure place for all the community late at night; minimise disturbances and regulate late night venues to achieve these aims. It is important to ensure that late night entertainment uses do not have an adverse impact on surrounding residential amenity, particularly in the light of sustainable development patterns encouraging development around transport hubs, which are likely to be located in close proximity to night time entertainment venues. Furthermore the importance of the Town Centre as mixed precinct, (comprising business, tourist and residential uses) must also be recognised.

In addition, the strategy needs to ensure that local shopping centres provide for the needs of the local community, whilst also maintaining diversity to provide a range of goods and services. There is also the opportunity to reinforce service and community interests in these locations.

HOUSING

As explained earlier the council accepts the housing target for 1000 new dwellings over the 25 year period. However the strategy must recognise local circumstances in relation to the provision of housing and accommodation.

More than ever before, Manly is becoming an exclusive place to live. Due to the soaring housing costs, there is an emerging trend for investment in real estate in Manly, as opposed to purchasing homes to live in, particularly for young couples. Many young families choose to move out of the area to raise their children. This artificially exacerbates the global ageing trend of the population.

The more people renting, rather than being owner occupiers, means more transient population in Manly. This process is accelerated, particularly, through online holiday letting and illegal subletting of units, associated with the travellers and International students. This creates competition with both the local long-term residents, who rent, and for key workers, much needed in the area.

There is also a need for family flats in Manly. At present it is hard to be 100% compliant with council policy whilst also meeting Building Code of Australia standards. Council would be welcoming of methods in the strategy to increase family flats and seniors living accommodation.

The strategy needs to address the lack of affordable housing for low income earners, key workers and ageing population is exacerbated due to the ongoing closure or redevelopment of boarding houses and nursing homes into luxury apartments. These processes need to be monitored more closely and new benchmarks included in assessing SEPP 10 related DAs. Further backpacker accommodation is also gradually being lost to other types of housing.

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The strategy has a role in guiding the assessment of DAs, particularly in relation to overdevelopment and lack of diversity for employment, retail, commercial and entertainment options for the local residents. More consideration should be given to encouraging housing mix and requirements for Social Impact Assessment for major developments, particularly, for licensed venues.

TRANSPORT

The first released data for transport from the 2006 Census indicates that the number of motor vehicles owned in Manly has dropped since the 2001 Census from 15,530 to 15,370 in 2006. The data for travel to work is still due.

An NRMA road study just released information ranked the Pittwater corridor from the Northern Beaches to the city the slowest major road in Sydney. The average speed during peak hour was 28 km/hr. The privatisation of Manly Ferry is high on the agenda of the State Government and the future of the Spit widening project is unclear.

The draft NE Sub-regional Strategy recognises that the subregion has a population that predominantly both work and live within the subregion. However it also recognises that for Manly in particular, this level of self contained employment is less, with the Ferry and Jet Cat connections to and from the Sydney City which are used by tourists and commuters. Improved harbour public transport services are crucial and sustainable transport imperatives to cater for the current and future residents and visitors and discourage private vehicle usage.

The strategy contains few incentives for transport related projects, and the strategy needs to be more focussed on intra-regional transport, there needs to be more emphasis on east-west and north-south corridors and more funding for bus and ferries. Another option may be to replace the current T3 transit lane with a prioritised bus lane. Other key public transport linkages requiring further expansion are those to Chatswood, Macquarie Park and North Ryde.

Integration of public transport within the sub-region is not fully realised in the draft strategy. The identification of a strategic bus corridor from Manly Wharf interchange to Brookvale/Dee Why and beyond is absent. The Strategy also fails to fully appreciate that Manly's Ferry and Jet cats not only serve Manly commuters and visitors to and from the Sydney CBD but also connects with other transport networks within the region at the Circular Quay interchange, particularly with the Sydney Rail network and other Bus networks, including express services to the Airport. A greater emphasis is sought in relation to the significance and greater opportunities of our harbour transport access for a more sustainable and integrated transport system.

Whilst it is acknowledged that these transport linkages to the city are critical for a sustainable Manly, the need for transport infrastructure remains an important issue within the LGA and for nearby employment zones to meet population growth, new housing and employment targets. Internal circulation across the region is critical to encourage future Manly population to work locally within the region. Of particular note is the lack of adequate connection including key bus corridors or at the very least a system of bus lanes between Warringah Road and Spit Road/Manly Wharf.

The Subregional Strategy also does not sufficiently promote more sustainable 'non-motorised' forms of transport, such as walking trails, footpaths and cycles ways. In addition the council feels that there is potential to consider a separate

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cycle/pedestrian way linking Manly with the city to promote active transport and help reduce traffic flows/congestion.

ENVIRONMENTAL, HERITAGE AND RESOURCES

Natural and Cultural Heritage

A key challenge of the draft Strategy is to allow for increased densities while protecting significant natural and cultural heritage. Manly’s diverse natural and cultural environment demands a balanced approach to growth that not only conserves places, streetscapes and areas that local communities value but also broader values that contribute to the unique character and qualities of the area.

In accordance with the stated actions of the draft NE Subregional Strategy, the Council is currently reviewing its heritage listing as part of preparing Manly’s Principal LEP in the form of the Sustainable Heritage Review. Council’s current Heritage Study is 20 years old and now with the preparation of the Principal LEP it is a timely review.

Council’s current preparation of its Principal LEP is reviewing Manly’s planning strategies in accordance with the Department of Planning’s new LEP template with the assistance of the NSW Heritage Office. The strategy offers further guidance on the level and type of assessment and consultation that is required but is not detailed in this regard. It is noted that a review of the Heritage Act will in part consider local heritage assessment processes and procedures in its terms of reference but this review has not commenced at this stage.

Table 12 of the draft NE Sub-regional Strategy identifies Heritage Items and Conservation Areas in the NE Sub region as follows:

Local Government Area	Aboriginal sites	Local heritage items in LEP	State heritage items	Conservation areas
MANLY	154	242	5	3
WARRINGAH	463	148	13	1
PITTWATER	395	108	6	5

Table 12 states that there are 242 local heritage items in the Manly LEP, however a figure of 272 items in the LEP (including landscape items) are listed; and only 2 conservation areas in the LEP. However, these figures are likely to change with the current heritage review.

Providing a consistent approach to heritage conservation is a major theme and objective of the State’s Sub-region strategy for cultural heritage. In this regard the current heritage office guidelines for assessing heritage significance is a standard tool across the State for identifying heritage items and conservation areas and used by Manly Council.

On page 77 of the North East SubRegion Draft Subregional Strategy under Section E, Environment, Heritage and Resources it is noted that the heritage items in the Manly LGA are incorrectly identified according to the map legend. The heritage items appear on this map as highlighted in a blue color representing ‘local’ heritage items when in fact they are all state listed items and should be highlighted in grey color with a blue circle according to the map legend. The highest heritage listing for the heritage items should be identified.

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Aboriginal Cultural Heritage

In relation to the protection of Aboriginal cultural heritage, the draft NE Sub-regional Strategy requires a review and assessment of these values when preparing Principal LEPs. In this regard the draft Strategy states that Councils should incorporate measures in their plans and policies that will protect identified aboriginal cultural heritage values and provide for ongoing participation of aboriginal communities in the decision making process.

Manly, along with the other North East councils, has an established working relationship with the Aboriginal Heritage Office which should be referred to in the Strategy as addressing the aims of the Strategy in terms of the protection of aboriginal heritage. In particular tourist and visitor pressure on Aboriginal sites needs to be considered in the Manly context where sites are generally more accessible and closer to built up areas.

It is generally accepted that the mapping of sites on public documents is not appropriate and in this regard schedules of heritage items in relation to aboriginal sites are not recommended to be contained within Manly's LEP. Information that is available for internal use in consultation with Aboriginal groups will however assist staff in day to day management and protection of Aboriginal heritage

Biodiversity and Bushland

Loss of biodiversity; the increased fragmentation of urban bushland; and the distribution of weeds and feral animals are three of the main environmental issues that will affect the sub-region and local area over the next 20 years.

These impacts will be triggered by the increasing population that is expected to occur in the sub region where there is minimal area for urban expansion. This will result in further development and encroachment into areas that currently contain bushland remnants. This development will inevitably result in further fragmentation of bushland areas and the existing vegetation corridors creating a decline in biodiversity. There is already evidence that threatened species and endangered ecological communities are being impacted upon as a result of urban expansion in the Sydney region.

With the expansion of urban areas into natural areas, this will also see the dispersal of weed and feral animal species into the remaining natural areas. This impact will further degrade the bushland remnants and impact on native fauna.

The draft Strategy does not identify the need for action to protect remaining bushland on public or private lands, nor does it propose that the State be responsible for the acquisition of land to provide for the protection of bushland and the strengthening of vegetated corridors and wildlife habitat across the entire Sydney region as well as the North East Sub-region. It is considered that the threat of climate change warrants additional resource from State government to achieve sustainability objectives for the Sub-region.

Moreover, the draft strategy appears to be lacking in relation to bushland and national parks, for example North Head National Park. Whilst the strategy seeks to maximise usage of open space, this aim must be carefully balanced against the need to protect heritage and conservation values, particularly in the light of the Ministers' review of SEPP19 'Bushland in Urban Areas'.

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The strategy needs to reinforce objectives in relation to protecting the Hospital site and the School of Artillery, ensuring that there is a presumption against future residential development.

Coastal Erosion and Storm Surge

Manly's coastal and estuarine foreshores are subject to intense tropical and non-tropical storms at irregular intervals. The drop in atmospheric pressure and wind and waves that accompany these storms can cause the ocean to rise above its normal level. If this occurs concurrently with high astronomical tides, there is potential for coastal erosion and/or coastal inundation (storm surge) into low lying coastal areas. Coastal inundation may also be exacerbated through increased intensity in rainfall at the time of the storm leading to localised flooding of Manly Lagoon and of under capacity stormwater systems. Such increases in storm surge, in conjunction with future sea-level rise, would increase the risk of coastal inundation, erosion, and damage to infrastructure and property.

Manly Ocean Beach has been subject to damaging coastal storms in the past (on an average every 11 years or so) and can be expected to experience such storms in the future. The impact of such storms, from a coastal erosion perspective relates directly to the "storm demand" or sand availability on any particular beach. Studies have shown that there is generally not enough sand on Manly Beach to meet the "storm demand" of a 100 Average Recurrence Interval (ARI) storm. As such the seawall is considered vulnerable to collapse under such circumstances.

Within a 20 year timeframe sea level rise may not be a major factor for coastal erosion. The increasing intensity and occurrence of storms will however, exacerbate the issues identified above will, over time, represent a major risk factor.

Increasing population pressure and the resultant need to increase environmental understanding of government and community

The population predictions identified within the Sub-Regional Strategy will place increasing pressures on the environment through increases to water and energy consumption, waste management and the impacts of use and visitation, particularly to coastal environments. These pressures will also be felt through the increasing impacts of climate change. To alleviate these pressures every level of government must make a commitment to sustainability. Manly Council through its Environment Levy over the last 10 years has worked to enhance the knowledge of community groups and individuals in respect of sustainable living.

Water and Sewerage Infrastructure

The draft NE Sub-regional Strategy raises the following water issues:

- Sustainable development and aquatic environmental issues.
- Impact of development or re-development and consumption of natural resources.
- Understanding the uses of waterways and riparian zones.
- Protecting waterways by better urban design.

The 2006 State Infrastructure Strategy is embedded into the draft NE Sub-regional Strategy and assists in informing the Sub-regional strategies with regards to planned infrastructure. The strategy does not refer in any detail to sewerage infrastructure. In this regard growth must be addressed in conjunction with the infrastructure capacity. Current stormwater and sewerage services infrastructure in Manly is at, or exceeding, capacity and will require substantial commitments to planned and

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committed maintenance programs in the next 25 years. The ability of Manly's sewerage infrastructure to support employment, economic and population growths relies strongly on future infrastructure improvement programs.

In relation to overflows into Manly and Curl Curl Lagoons, the existing sub-main for the Northern Beaches catchment currently has inadequate capacity for wet weather flows. This is the major cause of wet weather sewage overflows impacting on Manly and Curl Curl Lagoons and Queenscliff and North Curl Beaches. Reducing these overflows to the target 20 events in 10 years would require work on a much larger scale than the proposed local options.

In this regard Sydney Water is currently planning to undertake a large scale Wet Weather Overflows Abatement Program (WWOAP) involving storage pipes 3km long x 3m diameter to hold 30 million litres of wet weather overflow. Sydney Water does not consider recycling this volume is commercially viable.

The amount allocated to the Northern Beaches sewer catchment (Manly to Narrabeen) is approx. \$60 to \$80 million. The total Sydney Water planning budget is approx. \$240 million to carry out wet weather overflow abatement work in all the catchments which includes Northern Beaches, Mosman, Lane Cove, North Richmond, Quakers Hill, Rouse Hill, Warriewood, Bombo and West Hornsby. The Manly-Warringah catchment has been prioritised for these works. The project is based on the assumption that 135,000 persons currently live in the defined WWOAP catchment, increasing to 150,000 by 2031.

The most recent Sydney Water modelling report estimated that in the most vulnerable part of Manly Lagoon (between the Queenscliff and Pittwater Road Bridges) there would be 300 overflows in 10 years, five times greater than the DECC target of 60 overflows (from the 3 sewage pumping stations). Sydney Water claim that this was "fixed" in 2003 but this is not borne out by their most recent Environmental Compliance Report. The results indicate that the lagoon meets the selected criteria for protection from eutrophication in less than 25% of samples, the worst possible rating. The monitoring site adjoins Queenscliff Beach and indicates not only a risk to the health of the lagoon but to the public health.

Sydney Water's wet weather overflow abatement program is not considered to significantly benefit currently vulnerable areas of Manly lagoon as there is no physical connection between that system and the smaller sewer systems around the lagoon. Furthermore, the most recent Sydney Water maps indicate that this local system is significantly under capacity. Addressing this issue is fundamental to the achievement of strategic targets for employment and dwellings in a sustainable way.

NSW Heritage Office Guidance

The draft NE Sub-regional Strategy states that cultural heritage contributes to the unique character and quality of the sub-region and that it must be appropriately managed to reinforce local distinctiveness. It is agreed that the strategy's process of conserving cultural heritage in the sub-region, with the updating of heritage studies and revisions to Local Environmental Plans will prioritise heritage conservation early in the strategic planning process and improve clarity, certainty and consistency in the development assessment process. However many of the programs and assistance programs referred to are already in existence and do not progress the achievement of the Strategy objectives.

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Manly is an ideal locality for promoting its rich heritage resources to tourists. Strategies to assist Council to further develop tourism and heritage interpretation will greatly assist in the conservation of heritage places in Manly. Unfortunately, the Strategy lacks details of specific programs and funding. NSW Government funding has been minimal for many years.

PARKS, PUBLIC PLACES AND CULTURE

Tourism and Recreation

The tourism industry contributes considerably to the local economy along with the regional day trippers. The SHOROC employment strategy will have regard to the significance for Manly LGA of it's major role as a focus for regional, national and international tourism (attracting approximately 6 million visitors each year) which is inextricably linked to it's unique natural environment and rich and varied cultural heritage attributes. These include The Corso, the Ocean Beach, three National Parks, Quarantine Station, North Head, and the Manly Town Centre. In this regard the significance of Manly's harbour transport connections for the tourist and the day visitors must be recognised and strengthened.

The strategy needs to consider funding and opportunities for promoting sustainable tourism, whilst also recognising the need to mitigate against adverse impact on conservation and the environmental.

Cultural heritage tourism

Cultural heritage tourism has been identified as a key emerging market in the tourism sector, and an area with the potential for development and expansion. The provision of Training Resources to Council for managing development in historic areas would assist in achieving high quality outcomes that connect new development with local character. This training could be funded and delivered subject to increased resources by the Heritage Office, in partnership with the Royal Australian Institute of Architects.

Conclusion

The draft North East Subregional Strategy contains housing and employment targets that are generally appropriate to Manly over the 25 year timeframe. The draft Strategy's key directions and objectives, including the recognition of the sensitive natural environment, are welcomed in Manly.

The SHOROC Employment Study will enable a more detailed response to the employment issues raised in the draft Strategy. Further, North East Councils will each prepare their own housing strategies as required to meet the Department's dwelling targets to 2031. In relation to these ongoing reviews detailed local housing strategies Manly Council continues preparation of the new Principal LEP. The completion of Council's Heritage review will also provide up to date heritage listings for inclusion in the new LEP, as required by the Strategy.

However, the implementation of comprehensive infrastructure plans are essential to give commitment to key direction statements that are generic, difficult to measure, and do not have a clear timeline in many cases. In particular there is potential conflict between more dwellings and protection of the Sub-region's environment, in the face of predicted climate change.

The Council's concerns will be conveyed in its submission to the Department on the Subregional Strategy. In particular the Department will be advised of the need for a more detailed implementation plan for both the state and local actions specified in the

ATTACHMENT 1

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draft NE Subregional Strategy which would clarify responsibility of the relevant agencies, and assist in programming and managing of sustainable growth across the region.

TO: Planning and Strategy Committee - 8 October 2007
REPORT: Planning And Strategy Division Report No. 43
SUBJECT: \$1.6 Million Grant Funded Effluent Re-Use Project - Progress Report
FILE NO:

SUMMARY

Council considered an item at its Planning and Strategy meeting of 16th July, 2007 and approved the signing of a Memorandum of Understanding (MOU) between Council and Sydney Water to progress the \$1.6m grant funded effluent reuse project.

This report provides an update on the status of this project.

REPORT

Background

In April 2006, Council supported the submission of a joint grant application to partner with Sydney Water to construct the necessary infrastructure to re-use 500,000 litres per day of 'surplus' high quality effluent produced from a small water recycling plant operating at North Head for the irrigation of sports ovals and Manly Golf Course in the long-term.

At Council's Planning and Strategy meeting of 16th July, 2007, Council resolved to authorise the signing of a Memorandum of Understanding (MOU) between Council and Sydney Water to establish a relationship with Sydney Water for construction of the pipeline.

Project Update

A stakeholder meeting was held at Council on 23rd August 2007 to facilitate the progress of the project. Manly Council, Sydney Water, NSW Department of Environment and Climate Change (DECC) and the new funding body the NSW Department of Water and Energy (DWE) were in attendance. (Note: after the NSW State Government election in 2007 the Department of Energy, Utilities and Sustainability (DEUS) - the original funding body - was split into two new departments being those mentioned above).

The following points were discussed (or actions taken) at the stakeholder meeting:

- The Sydney Water representative signed the Memorandum of Understanding with Council to progress the project.
- Sydney Water has indicated that following further discussions with their key contractors on the best option / method to install the pipeline the option of directional drilling was considered unviable due to presence of "volcanic dikes" in the local Manly area. The preferred method would involve vertical boring from above the North Side Storage Tunnel return pipe, with shallow roadside trenching of a pipeline to the connection point on Balgowlah Road. It is on this basis that costings and a preferred route of the pipeline will be prepared for Council's consideration.
- Sydney Water agreed to commence a Land Suitability Assessment in early September 2007 at Sydney Water's expense. This key scientific study will indicate the capacity of the Manly "environment" at the designated end-uses to accept recycled effluent in the long-term, and will inform the project's sustainability. It was agreed no works will proceed until the results of the land suitability assessment are tabled and indicate the project is environmentally sustainable in the longer term. This is standard practise with recycled water projects of this scale.

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- Sydney Water will organize a “Value Management Assessment Study” currently scheduled to take place in November 2007, where Sydney Water engineers and Council staff will exchange technical and detailed information. This will involve a one day briefing session where Sydney Water engineers and independent experts will outline to Council staff their intended process and design for delivering the pipeline. This is to ensure transparency and so Council’s staff and / or their nominees can test their methodology and raise any issues of concern.
- Sydney Water indicated that it would deliver a fixed cost price for delivering the pipeline infrastructure / connections to Council in December 2007. Sydney Water has already indicated that the final figure for the pipeline will be in excess of the 1.6 Million dollars originally projected and funded to Council but cannot provide a final definite costing until after the above mentioned Value Management Study. Council staff have signaled to DWE that Council would lodge an application for further funds if the final costing exceeds \$1.6 Million and DWE indicated we could apply for additional funds.
- Sydney Water proposed entering into a 30 year Recycled Water Usage Agreement with the Council (with a separate agreement for the Manly Golf Club). The cost of the water will depend on the final cost of delivering the project above the final funded amount obtained by Council.

Other points / Staff comments:

The price of recycled water

With regard to the price of recycled water (\$ / KL) to be charged by Sydney Water to Manly Council and Manly Golf Club under the North Head Effluent Re-use Project, at the Sydney Water / Manly Council Partnership Committee meeting of 27th September 2007, Manly’s Mayor Cllr Dr Macdonald questioned NSW Department of Water and Energy (DWE) representative Garth Dickinson about whether Sydney Water, DWE, or IPART would be responsible for setting the price of water charged. Mr Dickinson updated the Committee that this issue is being determined at present by DWE, and a determination has not yet been made. Mr Dickinson updated that a decision may be made to involve the Independent Pricing and Regulatory Tribunal of NSW (IPART) in the regulation of recycled water pricing, similar to IPART’s current role in water and wastewater pricing. DWE stated a decision would be forthcoming.

Final viability of the project

The final viability of the project will be determined once:

- The land suitability assessment is finalised and Council is satisfied the project is environmentally sustainable.
- Council is satisfied following the “Value Management Assessment Study” that the technical and engineering merits of delivery of the project by Sydney Water are sound including sign off on a project implementation schedule and timetable.
- The final costs of the project are established and a funding model approved by Council to proceed including all the relevant sources of income and that the final cost of the water per litre is sufficiently discounted to make the project viable.

It is intended to report to Council on all of these key matters in the future.

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RECOMMENDATION

1. That Council receive and note the report.
2. That Council continue to receive regular updates from Council staff as the project progresses.

ATTACHMENTS

There are no attachments for this report.

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***** End of Planning And Strategy Division Report No. 43 *****