

Manly Council

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 8 October 2007

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:50pm on Monday 8 October 2007, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

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

PRESENT

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

ALSO PRESENT

Stephen Clements, Executive Manager Environmental Services
Anthony Hewton, Divisional Manager, Corporate Planning & Strategy
Jennie Minifie, Branch Manager, Planning & Strategy
Liz Rich, Minute Taker

APOLOGIES

Nil

Note: However, an apology was submitted by Councillor Morrison on Monday afternoon, but was not forwarded for ratification at the meeting.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 10 September 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting, with the following amendments:

1. PS72/07 Items for Brief Mention Report No.9 – 3 iii) Manly Community Environment Committee

That the wording in c) Item 5 (iii) be changed from received to commenced, so it reads as follows:

“Ensuring that staff collaborate with this committee to urgently review priorities for the levy to ensure that this can occur. Projects which have been running for over ten years and maintenance projects need to be reviewed, whilst recognizing the importance of maintaining the benefits of works already **commenced**.”

2. PS78/07 Corporate Services Division Report No.29 – Annual Report to the Community 2006/2007

That 2006/2007 be deleted, so it reads as follows:

“That:

1. The Annual Report to the Community and the website include membership, number of meetings and attendance of Council’s Principal and Special Committees by Councillors (as per separately circulated Attachment).”

PS83/07 RESOLVED: (Lambert / Macdonald)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 10 September 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting, with the following amendments:

1. PS72/07 Items for Brief Mention Report No.9 – 3 iii) Manly Community Environment Committee

That the wording in c) Item 5 (iii) be changed from received to commenced, so it reads as follows:

“Ensuring that staff collaborate with this committee to urgently review priorities for the levy to ensure that this can occur. Projects which have been running for over ten years and maintenance projects need to be reviewed, whilst recognizing the importance of maintaining the benefits of works already **commenced**.”

2. PS78/07 Corporate Services Division Report No.29 – Annual Report to the Community 2006/2007

That 2006/2007 be deleted, so it reads as follows:

“That:

1. The Annual Report to the Community and the website include membership, number of meetings and attendance of Council’s Principal and Special Committees by Councillors (as per separately circulated Attachment).”

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Aird / Hay)

That Standing Orders be suspended to consider items of public interest, being Planning and Strategy Division Reprt No.41, Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77).

PS84/07 **RESOLVED:** (Aird / Hay)

That Standing Orders be suspended to consider items of public interest, being Planning and Strategy Division Reprt No.41, Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77).

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 41

Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 77)

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.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Mr Geoff Farland

MOTION (Macdonald / Hay)

That 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 29 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.

AMENDMENT (Murphy / Daley)

That 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 29 Victoria Avenue, Manly as an item of environmental heritage, with 30 Alexander Street being deferred to allow further consultation with the owner and staff.
4. Notify the owners of the above mentioned properties of Council's resolution.

For the Amendment: Councillors Daley and Murphy

Against the Amendment: Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Norek, Pedersen and Macdonald

The Amendment was declared **LOST**, and the Motion was put.

PS85/07 RESOLVED: (Macdonald / Hay)

That 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 29 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.

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

Against the Resolution: Councillor Murphy

RESUMPTION OF STANDING ORDERS (Aird / Hay)

That Standing Orders be resumed.

PS86/07 **RESOLVED:** (Aird / Hay)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 11

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**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.

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.

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.

vi) **Manly Coastline Management Committee – 18 September 2007**

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

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.

MOTION (Macdonald / Hay)

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.

- 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.

- 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.

- 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.

PS87/07 **RESOLVED: (Macdonald / Hay)**

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**

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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.

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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.

- 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.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 42

Metro Strategy: North East Sub-regional Plan - Update Report**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.

MOTION (Lambert / Heasman)

That Council approve the draft submission in response to the Department of Planning's North East Subregion - draft Subregional Strategy, incorporating Councillor Lambert's amendments, accepted at the meeting.

PS88/07 **RESOLVED: (Lambert / Heasman)**

That Council approve the draft submission in response to the Department of Planning's North East Subregion - draft Subregional Strategy, incorporating Councillor Lambert's amendments, accepted at the meeting.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 43

\$1.6 Million Grant Funded Effluent Re-Use Project - Progress Report**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.

MOTION (Macdonald / Lambert)

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

PS89/07 RESOLVED: (Macdonald / Lambert)

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

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 8.36pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 12th November 2007.

CHAIRPERSON

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