

Planning Proposal

Sydney Water Fairlight Reservoir

Prepared for:
Sydney Water Corporation
February 2014
Project No. 10192



Planning Proposal Sydney Water Fairlight Reservoir Fairlight

Prepared for:

Sydney Water Corporation

By



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1.0 Introduction

This Planning Proposal (PP) has been prepared by GLN Planning (GLN) of behalf of the Sydney Water Corporation (Sydney Water) relating to Lot 1 DP 745080, Lot 1 DP 911745 and Lot 9 DP 1164808 corner Ashley Parade and Fairlight Street, Fairlight (the subject site).

This PP is submitted to Manly Council (Council) to accompany a request to amend Manly Local Environmental Plan 2013 (MLEP 2013) in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This PP includes the following:

- A statement of the objectives or intended outcomes;
- An explanation of the provisions that are to be included in the proposed instrument;
- The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with the relevant Directions under Section 117 of the EP&A Act).

This PP has been prepared having regard to discussions with Council's planning officers over an extended period between 2012 and 2013 and "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans" published by the NSW Department of Planning and Infrastructure (DoPI) dated October 2012 and April 2013 respectively. The PP also references the following documents:

- Determination of Application for Site Compatibility Certificate, NSW Government Department of Planning, dated 11th August 2009;
- Statement of Heritage Impact, Graham Brooks and Associates, dated November 2013;
- Traffic Impact Assessment, Traffix, dated 27th November 2013;
- Noise Impact Assessment, WSP Acoustics, dated 4th December 2013; and
- Ground Floor Plan, Prescott Architects, dated 10th February 2014.

This Report concludes that the PP should be supported and recommended to the DoPI for Gateway Determination.

1.1 Background

The subject site is currently zoned No. 5 Special Uses (Water Supply) under the Manly Local Environmental Plan 1988 (MLEP 1988). The site contains the decommissioned Fairlight Reservoir, which is a listed heritage item under Schedule 4 of the MLEP 1988 and Sydney Water's Section 170 Heritage Conservation Register.

In April 2009, Manly Council was notified of an application for a 'Site Compatibility Certificate' (SCC) in relation to the Fairlight Reservoir site. The application for a SCC for the purpose of Clause 18 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP), was made to the Director-General of the DoPI by consultants WSP Fitzwalter on behalf of Sydney Water to enable future residential development of the site by applying the adjoining Residential Zone No. 2 under the MLEP 1988.

In response to a request from the DoPI, Council prepared a submission outlining that the Director General should not issue the SCC based on the following concerns:

- The heritage significance of the site;
- The visual impact that future residential development (including bulk and scale) is likely to have in the Foreshore Scenic Protection Area as defined by the Manly Local Environmental Plan 1988;
- The likelihood of there being an adverse impact on the environment, including the amenity of adjoining residential land uses; and
- The proposal has no continuing public or community benefit.

Subsequent to the consideration of Council's submission, the SCC was issued by the Director-General on the 11th August 2009 with a condition that any future development of the subject site shall include a full heritage assessment in accordance with the Burra Charter and any Council Heritage Guidelines (**Appendix A**).

In accordance with the Standard Instrument LEP Program and the SCC, Council proposed the re-zoning of the subject site as R1 General Residential Zone in the Draft Manly LEP 2011. The Draft LEP 2011 was exhibited from 30th April 2012 to the 29th June 2012. Submissions were received during the exhibition period regarding the proposed change in land zoning from Zone No. 5 Special Uses (Water Supply) to the R1 General Residential Zone. Due to the concerns raised by the community, it was decided to defer the zoning of the subject site and exclude it from the LEP.

At its quarterly meeting with the DoPI on the 11th June 2013, Council was directed to resolve the "Deferred Matters" in the MLEP 2013. As a result, Council at its Ordinary Meeting on the 11th November 2013 resolved to:

- ii) *Continue its support of local residents to have the site made available for public open space and that it be re-zoned RE1.*

2.0 Site Analysis

The subject site is known as No. 189 Fairlight Street, Fairlight. Key features of the site's location and context (as depicted in **Figures 1 & 2**) include:

- The subject site is located on the southern side of Sydney Road approximately 1.5 kilometres to the west of the Manly tourist precinct and town centre and approximately 1 kilometre to the east of the Balgowlah village centre.
- The subject site is within convenient walking distance (500m) to the strategic bus corridor operating along Sydney Road, which is serviced by 8 bus routes being the E70, E50, 135, 140, 142, 143, 144 and 151. These routes provide access to locations such as Manly, Manly Wharf, North Sydney Railway Station, Sydney CBD, Macquarie University, Balgowlah, Chatswood, St Leonards, Royal North Shore Hospital, Warringah Mall, Mona Vale, North Sydney and Milsons Point (to name only a few).
- The subject site is located within close proximity to active and passive open space areas including, but not limited to, North Harbour Reserve, Wellings Reserve, Manly Oval, Manly Cove Recreational Trail, Balgowlah Golf Club, Manly Golf Club and Manly Corso.

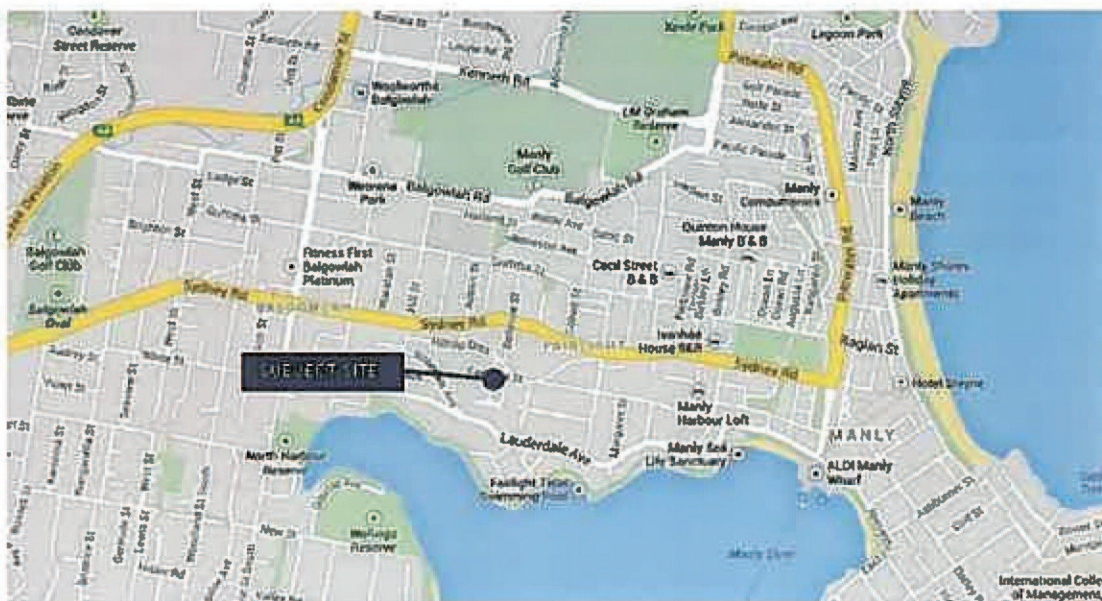


Figure 1: Context and Location of Subject Site (Source: Google Maps, 2013)



Figure 2: Aerial View of Subject Site and Surrounding Development (Source: Six Maps, 2013)

2.1 Site Description

Key features of the subject site include:

- The subject site is legally described as Lot 1 in DP 745080, Lot 1 in DP 911745 and Lot 9 in DP 1164808.
- The subject site is rectangular in shape and has an area of approximately 1,886m². It has two street frontages, which include Ashley Parade (approximately 39 metres) and Fairlight Street (approximately 46 metres). Principal vehicle access to the subject site is provided via a public road (laneway), which extends north from Upper Clifford Avenue.
- The subject site is characterised by relatively flat topography, which slopes slightly from the northern to southern property boundary. At the north-eastern frontages to Fairlight Street and Ashley Parade there is a sandstone rock outcrop, which extends approximately 2-3 metres above street level.
- The former Fairlight Reservoir (circa 1890s) (Figures 3-6) is located on the subject site along with other minor outbuildings.

The Fairlight Reservoir is a rectangular rock cut reservoir. Due to the unevenness of the rock outcrop, the sides have been built up in a gravity section concrete wall to an even height. Standard features of the Reservoir include an access ladder, handrails and inlet and outlet valve chambers. The Reservoir is approximately 4-6 metres above ground level and reportedly extends approximately 8-10 metres below ground. A stone and concrete block wall forming the side of a platform is located on the eastern side of the Reservoir and previously served as the footings of an elevated tank. The dominant component of the Reservoir visible from the street is that of the 1960s metal roof and wall cladding.

The decommissioned Fairlight Reservoir has no functionality and the site is surplus to Sydney Water's requirements.

- A number of moderately sized trees are present within the subject site, including Canary Island Palms, Port Jackson Figs (*Ficus rugibinosa*) and Banksias (*Banksia integrifolia* and *Banksia serrata*). These trees are predominantly located along the Ashley Street frontage and to the rear of the reservoir structure.



Figure 3: Existing reservoir structure, looking southwest from Fairlight Street
(Photograph dated 23rd October 2013)



Figure 4: Existing reservoir structure, looking west from northeast corner of structure
(Photograph dated 23rd October 2013)

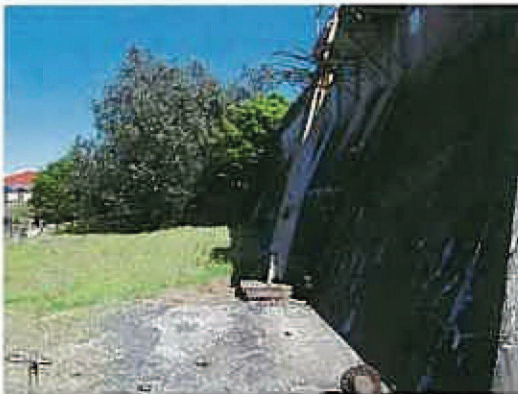


Figure 5: Existing reservoir structure, looking west from southeast corner of structure
(Photograph dated 23rd October 2013)



Figure 6: Eastern side of existing reservoir structure, looking north
(Photograph dated 23rd October 2013)

2.2 Surrounding Development

The immediate surrounds comprise a mix of residential forms, from detached one (1), two (2) and three (3) storey residential dwellings to multi-unit housing and apartment buildings (see **Figures 7-10**). Fairlight Street and Ashley Parade adjoin the subject site to the north and east respectively. A bitumen sealed laneway adjoins the subject site to the south connecting to Upper Clifford Avenue.

A dominant development within the immediate local area is a residential apartment building of ten (10) storeys (**Figure 9**), which is separated from the subject site by Hilltop Crescent and Fairlight Street.



Figure 7: Development to the East of the Subject Site
(Photograph dated 23rd October 2013)



Figure 8: Development to the South of the Subject Site
(Photograph dated 23rd October 2013)



Figure 9: Development to the Northeast of the Subject Site
(Photograph dated 23rd October 2013)



Figure 10: Development to the West of the Subject Site
(Photograph dated 23rd October 2013)

3.0 Current Planning Controls

3.1 Manly Local Environmental Plan 1988 & 2013

The subject property is identified on the MLEP 2013 Land Application Map and Land Zoning Map as a "Deferred Matter". As prescribed at Clause 1.3(1A) of the MLEP 2013, *this Plan does not apply to the land identified as "Deferred Matter" on the Land Application Map*. In this regard, the subject property remains governed by the provisions of the Manly Local Environmental Plan 1988 (MLEP 1988).

It is important to note that the MLEP 2013 Land Reservation Acquisition Map identifies the subject property as Local Open Space (RE1 Public Recreation Zone). However, as confirmed by the DoPI, this mapped reservation is an error as the MLEP 2013 clearly does not apply to the subject property.

Under the MLEP 1988, the subject site is zoned No. 5 Special Uses – Water Supply. The objectives of this existing zone are as follows:

...to identify and set aside land required for essential services to the public or the community which:

- (a) In the case of land shown unhatched on the map, is not owned or used for public or community purposes, or*
- (b) In the case of land shown hatched on the map, will be acquired by a public authority for the particular public or community purpose shown on the map.*

The subject site is depicted as *unhatched* on the Map.

The key planning controls currently applying to the subject site under the MLEP 1988 are detailed within Table 1:

Table 1: Relevant MLEP 1988 Planning Controls

Clause	Matter	Requirement
12	Lands to be Acquired	(1) <i>This clause applies to land within Zone No. 5 or 6.</i> (2) <i>Except as provided by sub-clause (3), a person shall not, on land to which this clause applies:</i> <i>(a) carry out development other than the erection of a building or the carrying out of a permanent work or a permanent excavation required for or incidental to the purposes referred to in item 2 or 3 of the matters relating to the zone applicable to that land in the Table to clause 10, or</i> <i>(b) spoil or waste land so as to render it unfit for those purposes.</i> (3) <i>Where it appears to the council that, in relation to land to which this clause applies, the purposes referred to in sub-clause (2) cannot be carried into effect within a reasonable time after the appointed day, the owner of the land may, with the consent of the council, carry out development on the land.</i> (4) <i>A consent referred to in sub-clause (3) shall not be granted unless the council is satisfied that proper arrangements have been made (whether by the imposition of conditions under section 80 or 80A of the Act or otherwise) with respect to any one</i>

Clause	Matter	Requirement
		or more of the following: (a) the removal or alteration of a building, work or excavation, (b) the reinstatement of the land, (c) the removal of any waste material or refuse from the land. (5) A consent referred to in sub-clause (3) shall not be granted in relation to an allotment of land within Zone No 5 and lettered "proposed road widening" on the map, except with the approval of the statutory authority responsible for the acquisition of that land.
17	Visual and Aesthetic Protection of Certain Land	Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.
18	Items of Environmental Heritage	(1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage: (a) demolish, renovate or extend any such building or work, (b) damage or despoil any such relic or any part of any such relic, (c) excavate any land for the purpose of exposing or removing any such relic, (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place, or (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place, except with the consent of the council. (2) The council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of: (a) the significance of the item as an item of the environmental heritage of the Municipality of Manly, (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site, (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.

4.0 Planning Proposal

4.1 Objectives or Intended Outcomes

The objective of this PP is to update the zoned planning intention of Lot 1 DP 745080, Lot 1 DP 911745 and Lot 9 DP 1164808 corner Ashley Parade and Fairlight Street, Fairlight, from its obsolete special uses (water supply) purpose to a residential use that is compatible with surrounding residential development in the vicinity.

A conceptual Ground Floor Plan has been prepared by Prescott Architects to illustrate the intended potential residential outcome for the subject site (**Appendix B**). The Plan provides for a park totalling 505m² to be transferred to Council. This will form the basis of separate discussions with Council. The proposed R1 General Residential zone permits a park.

4.2 Explanation of Provisions

This Planning Proposal is seeking amendments to the MLEP 2013 to permit future residential development that is compatible with existing residential developments in the immediate area. This will be achieved by:

- 1) Amending the Land Application Map Sheet LAP_001 by deleting "Deferred Matter" from land within the subject site.
- 2) Amending the Land Zoning Map Sheet LZN_003 by deleting "Deferred Matter" from land within the subject site and applying the R1 General Residential Zone.
- 3) Amending the Lot Size Map Sheet LSZ_003 by applying the (C) 250m² minimum lot size.
- 4) Amending the Height of Buildings Map Sheet HOB_003 by applying the (I) 8.5m maximum building height.
- 5) Amending the Floor Space Ratio Map Sheet FSR_003 by applying the (F) 0.60:1 maximum floor space ratio.
- 6) Amending the Land Reservation Acquisition Map Sheet LRA_003 by deleting the Local Open Space (RE1) provision from land within the subject site.

4.3 Justification

4.3.1 Need for the Planning Proposal

4.3.1.1 Is the planning proposal a result of any strategic study or report?

No. This PP is a result of an Application by the Sydney Water Corporation to zone the subject site R1 General Residential Zone. The Proponent has commissioned a number of technical reports that support the residential outcome foreshadowed for the subject site. These reports include:

- Statement of Heritage Impact, Graham Brooks and Associates, dated November 2013;
- Traffic Impact Assessment, Traffix, dated 27th November 2013; and

- Noise Impact Assessment, WSP Acoustics, dated 4th December 2013.

Further to the above, the PP is consistent with the SCC issued by the Director-General of the DoPI in August 2009, which established that the subject site was suitable for residential development.

4.3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. This PP is an appropriate mechanism to formalise the zoning and built form controls for the subject land, which are required to facilitate residential development of the subject site. The following points are noted in support of this view:

- The proposal presents as an orderly means of facilitating the use of a site that has been redundant for many years;
- The location is appropriate for residential use;
- Infrastructure is available to support residential use;
- Residential use is compatible with surrounding land uses;
- The likely residential density of the site would be compatible with nearby residential development;
- There are no significant environmental constraints limiting residential use; and
- Residential use will supply housing for which there is strong and growing demand.

4.3.2 Relationship to Strategic Planning Framework

4.3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy)?

Yes. This PP is consistent with the applicable regional and subregional strategies as detailed below.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036, released in 2010, sets the framework for Sydney's future with respect to population forecasts, housing and employment needs, sustainability, affordability, liveability and equity. The primary objective of the Metropolitan Plan for Sydney is to ensure that there is an adequate supply of land to enable the delivery of housing to accommodate the forecast population growth. The Strategy seeks to encourage the provision of housing near jobs, transport and services, to improve housing affordability, upgrade the quality of new development and encourage urban renewal.

This PP is considered to be consistent with the primary objectives of the Metropolitan Plan for Sydney 2036 as it will increase the range of residential options available within the Manly LGA and provide for a range of housing types close to existing infrastructure and services. The subject land is well located to utilise existing public transport, including the Sydney Buses Routes E50 and E70, which provide frequent bus services during the morning and evening peak hour periods. These buses provide a vital connection to the Sydney CBD and to the North

Sydney Railway Station. Bus services also operate to Manly where ferry services are available to the Sydney CBD.

This PP will also encourage urban renewal of the subject site for which the Fairlight Reservoir has remained redundant and un-used by the Sydney Water Corporation for many years.

Draft Sydney Metropolitan Strategy 2013

The Draft Metropolitan Plan for Sydney was released in March 2013 for public comment. Once finalised, the Draft Strategy will replace the Metropolitan Plan for Sydney 2036.

This PP is consistent with the broad objectives of the Draft Strategy as it will increase the supply of housing within close proximity to infrastructure and services, and integrate housing with transport options to encourage public transport patronage and improve Sydney's ecological sustainability.

Draft North East Subregional Strategy 2007

The Draft North East Subregional Strategy was prepared in December 2007 by the NSW Government and outlines how the key actions contained within the Metropolitan Strategy 2005 were to be implemented at the subregional level.

The Subregional Strategy has set a target for the North East Subregion to provide an additional 17,300 new dwellings by 2031. Of this target, 2,400 new dwellings are identified for the Manly Local Government Area (LGA). Further to this, a Key Action of the Subregional Strategy is to focus residential development around centres, town centres, villages and neighbourhood centres with suitable access to public transport and local services.

This PP is considered to be consistent with the Draft Strategy as it will provide for additional residential development opportunities within close proximity to the Manly Town Centre, Balgowlah Village Centre and an existing strategic transport corridor.

4.3.2.2 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Manly Community Strategic Plan Beyond 2021

The Manly Community Strategic Plan Beyond 2021 was adopted in June 2012 and articulates the community's and Council's shared, vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a Strategic Plan that creates a picture of where Manly would like to be in the future.

This PP is considered to be consistent with the Manly Community Strategic Plan Beyond 2021. In particular, the relevant goals of the community outcome – *A Sustainable, Protected and Well Managed Natural and Built Manly*, including:

- *"Create liveable neighbourhoods and more affordable housing choices by better managing population growth"*

As noted earlier, this PP is seeking to increase the supply of residential development opportunities in an area within close proximity to infrastructure and services and to existing strategic transport corridors.

4.3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The State Environmental Planning Policies (SEPPs) that are relevant to this PP have been detailed and reviewed below. For a complete checklist of SEPPs refer to **Appendix C**.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP introduces planning controls for the remediation of contaminated land. The Policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.

Sydney Water's records indicate that the subject land contains very minor contamination. In this regard, the subject land will be remediated to an acceptable standard.

State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 controls development in the coastal zone and aims to ensure that development in the NSW coastal zone is appropriate and suitably located, that there is a consistent and strategic approach to coastal planning and management, and that there is a clear development assessment framework for the coastal zone.

This PP is considered to be consistent with this SEPP as it does not contradict or hinder the application of the coastal planning provisions contained within the SEPP and does not promote development that will impede or diminish access to coastal foreshores, result in effluent discharge that will negatively affect water quality, or involve the discharge of untreated storm water into the sea, a beach, an estuary, or coastal lake or creek.

4.3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Section 117 Directions that are relevant to this PP have been detailed and reviewed below. For a complete checklist of Section 117 Directions, refer to **Appendix D**.

2.2 Coastal Protection

This Direction applies when a planning authority prepares a PP that applies to land in the Coastal Zone. The objective is to implement the principles of the NSW Coastal Policy.

This PP is consistent with this Direction as it will not contradict or hinder the application of the coastal planning provisions contained within the NSW Coastal Policy.

2.3 Heritage Conservation

The purpose of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction requires that a PP must contain provisions that facilitate the conservation of environmental heritage.

The Fairlight Reservoir is a listed heritage item under Schedule 5 of the MLEP 2013. According to the MLEP 2013, the curtilage of the heritage item is identified as being limited to Lot 1 DP 745080 only.

This PP is considered to be consistent with this Direction as the site will remain as a locally listed item in Schedule 5 of the MLEP 2013. Consequently, future development of the site for residential purposes will require the approval of Manly Council and will be subject to the

heritage provisions of the MLEP 2013 and the guidelines of the accompanying Manly DCP 2013, and will be assessed accordingly.

As further detailed below, Graham Brooks and Associates were commissioned as part of the preparation of this PP to prepare a report examining the heritage implications of the proposed re-zoning. Overall, the Statement of Heritage Impact dated November 2013, concluded that the potential adverse heritage impact of a future residential development could be adequately mitigated through the preparation of a proposal that was consistent with the recommended conservation policies.

3.1 Residential Zones

The purpose of this Direction is to encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment.

This PP is consistent with this Direction as it will increase residential development opportunities consistent with existing residential developments in the immediate area. Existing services and infrastructure will be utilised for future development.

3.3 Home Occupations

The purpose of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

Home occupations are a permissible use in residential zones.

3.4 Integrating Land Use and Transport

The purpose of this Direction is to ensure that housing and jobs are easily accessible through a variety of means including, walking, cycling, and public transport, reliance on private vehicle use is minimised and that development supports the viable operation of public transport.

This PP is consistent with this Direction as will provide residential development opportunities within an area with good accessibility by public transport, cycling and walking.

5.1 Implementation of Regional Strategies

This Direction requires a PP to be consistent with a regional strategy released by the Minister for Planning.

As detailed at **Section 4.3.2.1**, this PP is consistent with the vision, land use strategy, policies, outcomes and actions defined by the Regional and Subregional Strategies.

6.1 Approval and Referral Requirements

This Direction aims to minimise the inclusion of provisions that require the concurrence, consultation or referral of development to a Minister or public authority.

This PP does not propose to include additional uses beyond what is permitted within the relevant land use table. It is therefore, consistent with this Direction.

6.2 Reserving Land for Public Purposes

The purpose of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where such land is no longer required for acquisition.

The subject property is identified on the MLEP 2013 Land Reservation Acquisition Map as Local Open Space (RE1 Public Recreation Zone). However, as detailed above at **Section 3.1**, the provisions of the MLEP 2013 do not apply as the subject property is identified as a "Deferred Matter" on the Land Application Map. Therefore, this PP proposes to remove the reservation as it is clearly an error.

Additionally, removal of the reservation is considered to be further substantiated as it is consistent with the recent advice (verbal) provided by Council Staff as well as with the Schedule of Works programme of the adopted Section 94 Contributions Plan (2004). At a meeting of Council Staff and representatives of Sydney Water held on the 27th November 2013, it was noted that Council had no intention of purchasing part or all of the subject property for public recreation purposes. This advice reflects the programme for land acquisition under the Section 94 Contributions Plan, which references "Little Manly" as the only area of open space proposed to be acquired. If Council had been intent on acquiring the subject property for public recreation purposes, the site should not have been identified as a "Deferred Matter" under the MLEP 2013. Rather, it could have been appropriately zoned RE1 Public Recreation.

Whilst Council's Section 94 Contributions Plan does not make provision for the acquisition or embellishment of a new public recreation area within the subject site, this PP would not prevent Sydney Water from entering into a Voluntary Planning Agreement with Manly Council for the dedication of part of the site for a new public recreation area. Nonetheless, it is important for any land dedication to form part of an overall development design response for the subject site, particularly given the constraints associated with the retention/adaptive re-use of the heritage listed Fairlight Reservoir.

As detailed at **Section 4.1**, a conceptual Ground Floor Plan has been prepared to illustrate the intended potential residential outcome for the subject site, which includes provision for a park to be subject to separate discussions with Council officers. A park would be permitted in the proposed R1 Zone. This PP does not include the reservation and consequently a mandatory requirement for Council to acquire the land.

Based on the above, this PP is considered to be consistent with this Direction.

6.3 Site Specific Provisions

This Direction relates to the use of site specific planning controls.

This PP does not seek to include additional uses beyond what is permitted within the land use table. It is noted that the R1 General Residential Zone will permit the type of development that is envisaged for the site in the future. The PP is therefore consistent with this Direction.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The purpose of this Direction is to ensure that PPs comply with the strategic objectives and actions of the Metropolitan Plan for Sydney 2036. Inconsistencies are possible if they are of a minor nature, or if the intent of the Metropolitan Plan for Sydney 2036 is achieved.

This PP is consistent with this Direction as further detailed in this Report (**Section 4.3.2.1**).

4.3.3 Environmental, Social and Economic Impact

4.3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The site contains minimal vegetation and no remnant bushland. The site is located within the context of a highly urbanised area and has been used for many uses for urban utility purposes.

The potential impact on threatened species or ecological communities did not preclude the proposed re-zoning of the site for residential purposes under the Draft Manly LEP.

4.3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Other potential environmental effects resulting from the proposal are outlined below.

Heritage

The Fairlight Reservoir is a listed heritage item (No. 50) under Schedule 5 of the MLEP 2013 and is also included in the Sydney Water's Section 170 Heritage Conservation Register, which provides the following Statement of Significance for the site:

Manly Reservoir (WS 64) is a fine example of a 19th Century below-ground reservoir, although originally unroofed (not covered). It is one of the 3 main structures of the Manly Water Supply Scheme, which was independent of the Sydney Water Supply, the other structures being Manly Dam and Bantry Bay Reservoir (WS 8).

Graham Brooks and Associates were commissioned by the Proponent to prepare a report examining the heritage implications of the proposed re-zoning. The Statement of Heritage Impact dated November 2013 (**Appendix E**), provides an historical summary of the Fairlight Reservoir, an assessment of cultural significance and an assessment of heritage impact in accordance with the guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 1999*, known as *The Burra Charter*, and the New South Wales Heritage Office publication, *NSW Heritage Manual*. The Report also provided a number of conservation policies to guide the formulation of future development proposals and concluded that:

- *Under this proposal the site will remain a locally listed heritage item in Schedule 5 of the Manly LEP 2013.*
- *Future development of the site for residential purposes will require approval from Manly Council and will be subject to the heritage provisions of the Manly LEP 2013 and the guidelines of the Manly DCP 2013, and will be assessed accordingly.*
- *It is considered that the potential adverse heritage impacts of future development can be adequately mitigated in the preparation of a proposal in accordance with the conservation policies in this report.*
- *As such, the Planning Proposal is considered acceptable from a heritage perspective and is recommended for approval.*

Traffic

As part of the preparation of this PP, Traffix – Traffic and Transport Planners were commissioned by the Proponent to prepare a report examining the traffic implications

associated with the residential re-zoning of the subject site. The Traffic Report (**Appendix F**), dated the 27th November 2013, assessed the implications of the proposed re-zoning with specific regard to public transport, access, servicing and internal layout, traffic generation effects and parking provision. The Report concluded:

...The Planning Proposal is considered to be supportable on traffic planning grounds. The impacts associated with the proposal are considered negligible and are expected to have no material impact on the operation of the surrounding road network. The study has demonstrated that potential residential development would be compliant with Council's parking controls, with more detailed access and parking design to be the subject of further assessment at subsequent development application stages.

Noise

As detailed earlier in this Report, the subject site comprises a redundant water reservoir and is bounded by residential properties to the south and east, Fairlight Street to the north and Ashley Parade to the west. As it is proposed to re-zone the subject site for residential purposes, WSP Acoustics were commissioned by the Proponent to provide a Noise Impact Assessment to accompany the PP.

The Assessment (**Appendix G**), dated the 4th December 2013, addressed noise ingress to the development and noise egress from the development, including noise generated by increased traffic and mechanical equipment and plant located on the subject site. The Assessment demonstrated that full compliance was achieved with the criteria outlined in the *NSW Industrial Noise Policy 2000*, *NSW Road Noise Policy 2011* and *Australian Standard 2107:2000 – Acoustic Recommended Design Sound Levels and Reverberation Times*. As such, it was concluded that:

...the proposed re-zoning of the site will have no adverse noise impacts on either the surrounding properties or the residents of any proposed future development on the site.

4.3.3.3 Has the planning proposal adequately addressed any social and economic effects?

It is anticipated that the proposed re-zoning will provide for a variety of residential development opportunities that will cater for a range of housing needs within the Manly LGA. The proposal will provide for the appropriate release of residential land that will take advantage of existing services and infrastructure, whilst maintaining the amenity of existing residents.

Increasing housing and residents in the area will also have a positive impact on the local economy by fostering the use of local facilities and improving the viability of local centres. Job creation will occur during the future development phase of the proposal. Future residential development will be subjected to Contributions under the Manly 2004 Section 94 Contributions Plan that will contribute to the provision and embellishment of open space, infrastructure and the maintenance of services in the LGA. The subject site is not part of a planned acquisition for open space purposes under the existing Contributions Plan or any other planning document.

A declining population within the suburb of Fairlight supports the proposition that there is not a need to increase the supply of local open space and community facilities. The ABS Census data shows a decline from 5,645 persons in 2006 to 5,489 persons in 2011 within Fairlight. The redevelopment of the site for residential purposes will assist in arresting the declining population.

As detailed at **Section 4.3.2.4** (above), the existing Manly Contributions Plan notes that the Schedule of Works for open space/recreational facilities, to a large extent, comprises a

programme of *embellishing* existing parks rather than focussing on the *quantity* of open space/recreational facilities. This programme is duly focussed for the reasons *that the ongoing accumulation of funds from Section 94 has been low, owing to the low level of development.* With reference to the existing Contributions Plan, 'Little Manly' is the only area of open space listed for acquisition. This is consistent with the slow growth population projections for the Manly LGA.

Finally, there are no negative social or economic impacts that are identified as part of the proposed re-zoning. It is considered that the proposal will provide for an appropriate outcome on-site and within the surrounding area.

4.3.4 State and Commonwealth Interests

There are not considered to be any State or Commonwealth interests in this PP other than ensuring general consistency with the State Policies and facilitating the disposal and reuse of a site now surplus to public infrastructure needs.

4.3.4.1 Is there adequate public infrastructure for the planning proposal?

Yes. There is considered to be adequate public infrastructure as detailed below:

- Being within an existing urban area, key utilities such as water, electricity, sewer, stormwater, and telephone are available to the subject site.
- The subject site is located approximately 1.5 kilometres to the west of the Manly Town Centre and popular tourist precinct and approximately 1 kilometre to the east of the Balgowlah Village Centre.
- The subject site is well located to utilise existing public transport, including the Sydney Buses Routes E50 and E70, which provide frequent bus services during the morning and evening peak hour periods. These buses provide a vital connection to the Sydney CBD and to the North Sydney Railway Station. Bus services also operate to Manly where ferry services are available to the Sydney CBD.
- Major employment areas exist within convenient distance to the north of the subject site at the Brookvale-Dee Why Major Centre.

4.3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation has been carried out with either State or Commonwealth public authorities in relation to the Planning Proposal. Nonetheless, following the Gateway Determination, relevant agencies will be consulted where required.

Any proposed variations to the PP would be addressed following the consultation period.

4.4 Community Consultation

It is expected that direction as to the nature and extent of the public exhibition will be given by the Minister as part of the LEP Gateway Determination. No formal community consultation has been undertaken in relation to this PP to date.

5.0 Summary and Recommendations

The submitted PP seeks an amendment to the Manly LEP 2013 to re-zone land owned by the Sydney Water Corporation, being Lot 1 DP 745080, Lot 1 DP 911745 and Lot 9 DP 1164808 corner Ashley Parade and Fairlight Street, Fairlight, from Special Uses – Water Supply to R1 General Residential. The PP also seeks to adopt appropriate planning controls that will assist in facilitating a future residential development, in keeping with existing residential development in the immediate area.

This will be achieved by amending the MLEP 2013 as follows:

- 1) Deleting "Deferred Matter" from land within the subject site and applying the R1 General Residential Zone.
- 2) Applying a 250m² minimum lot size.
- 3) Applying an 8.5m maximum building height.
- 4) Applying a maximum floor space ratio of 0.60:1.
- 5) Deleting the Local Open Space provision from land within the subject site.

The PP is in accordance with the objectives of the Metropolitan Plan for Sydney 2036, the North East Sub-Regional Strategy 2007, applicable SEPPs and Section 117 Directions as well as local strategic directions adopted by Manly Council. There are not considered to be any environmental, social or economic impacts arising as a result of the PP with benefits including:

- The re-zoning presents an opportunity to release appropriate land for residential development that is no longer required for its former public infrastructure purpose.
- The provision for residential development opportunities within an area with good accessibility by public transport, cycling and walking.
- Existing services and infrastructure will be utilised for future residential development.
- A residential use would be compatible with surrounding residential development;

It is therefore requested that the Council resolve to forward this PP to DoPI for LEP Gateway Determination in accordance with the EP&A Act.