

Manly Council

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 3 August 2009

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TABLE OF CONTENTS

Item	Page No.
PRESENT	3
APOLOGIES.....	3
LEAVE OF ABSENCE	3
DECLARATIONS OF PECUNIARY INTEREST	3
CONFIRMATION OF MINUTES.....	4
Planning and Strategy Committee - 6/07/2009.....	4
MAYORAL MINUTES.....	4
Mayoral Minute Report No. 7	
Manly Late Night Venues	4
ITEMS FOR BRIEF MENTION	5
Item For Brief Mention Report No. 14	
Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees	5
Item For Brief Mention Report No. 15	
Adoption of Minutes of Manly Traffic Committee 13 July 2009 and Addendum to Traffic Committee Report relating to Item 65/09 - Work Zone - East Esplanade (Item 65/09: 13/07/09)	22
CORPORATE SERVICES DIVISION	24
Corporate Services Division Report No. 17	
Local Government Association of New South Wales - Annual Conference 2009	24
PLANNING AND STRATEGY DIVISION	25
Planning And Strategy Division Report No. 28	
Manly Development Control Plan for the Business Zone 1989 and the Manly Development Control Plan for The Corso 2005 Draft Amendments.....	25
Planning And Strategy Division Report No. 29	
Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 80)	26
Planning And Strategy Division Report No. 30	
Little Penguin Recovery Program 2008/09 & Update on Recent Little Penguin Attacks	27
Planning And Strategy Division Report No. 31	
Manly Ocean Beach as a National Surfing Reserve.....	28
Planning And Strategy Division Report No. 32	
Effluent Re-use Project Update Report - A Feasibility Study for Use of Isolated Gas Mains	29
ENVIRONMENTAL SERVICES DIVISION.....	30
Environmental Services Division Report No. 18	
Development Applications being processed during August, 2009.....	30
Environmental Services Division Report No. 19	
Current Appeals Relating to Development Applications	30

HUMAN SERVICES AND FACILITIES DIVISION	31
Human Services And Facilities Division Report No. 3	
Regulation of Alcohol Free Zone and Alcohol Consumption Prohibited Reserves in Manly Local Government Area.	31
CONFIDENTIAL COMMITTEE OF THE WHOLE	31
Civic and Urban Services Division Report No. 8	
Supply and Lay Pavers for Manly Ocean Beach Promenade Upgrade Stage 4 - Tender No. T2009/06	33
Civic and Urban Services Division Report No. 9	
Civil Works Manly Ocean Beach Promenade Upgrade Stage 4 - Tender No. T2009/07	33
General Managers Division Report No. 16	
Re-determination of Organisation Structure	33
General Managers Division Report No. 17	
Annual Report - Staff Matters	34

TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:37pm on Monday 3 August 2009, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached which are stated hereunder.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM
Councillor A Heasman, Deputy Mayor
Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Le Surf
Councillor Dr P Macdonald
Councillor R Morrison, Chairperson who presided
Councillor D Murphy, Deputy Chairperson
Councillor M Norek
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Anthony Hewton, Divisional Manager Corporate Planning & Strategy
Ross Fleming, Chief Financial Officer, Divisional Manager Corporate Services
Liz Rich, Minute Taker

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Elder	Environmental Services Division Report No.19	Has personal/business relationship with residents at No.40 Stuart Street

CONFIRMATION OF MINUTES**MOTION (Whitting / Norek)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 06 July 2009, 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.

PS121/09 **RESOLVED: (Whitting / Norek)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 06 July 2009, 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.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

At 7.38pm, Councillor Morrison vacated the Chair and the Mayor, Councillor Hay, assumed the Chair for consideration of the following Mayoral Minute.

MAYORAL MINUTES

Mayoral Minute Report No. 7

Manly Late Night Venues**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Recommendation: Superintendent Dave Darcy

MOTION (Hay)

That Council consent to the request of Superintendent Dave Darcy and amend, for the purposes of Council's s79 submission to the Office of Liquor Gaming and Racing, our position on closing times to align with that submitted by the Police for a 2.00am cease of service of alcohol and a 2.30am close for all venues in Manly.

PS122/09 **RESOLVED: (Hay)**

That Council consent to the request of Superintendent Dave Darcy and amend, for the purposes of Council's s79 submission to the Office of Liquor Gaming and Racing, our position on closing times to align with that submitted by the Police for a 2.00am cease of service of alcohol and a 2.30am close for all venues in Manly.

For the Resolution: Councillors Hay, Elder, Heasman, Murphy, LeSurf, Morrison and Norek

Against the Resolution: Councillors Whitting, Griffin, Aird, Burns and Macdonald

At 9.01pm the Mayor, Councillor Hay vacated the Chair and Councillor Morrison resumed the Chair.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 14

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**1. Minutes of Meetings without recommendations of a substantial nature:**

- i) Landscape Management and Urban Design Committee – 17 June 2009
- ii) Sister Cities Committee – 24 June 2009
- iii) Manly Arts Festival Working Group – 1 July 2009

2. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:**i) Human Services Planning & Policy Committee – 23 June 2009****a) Item 4 Minutes of the meeting held on 28 April 2009 and Matters Arising from Department of Housing**

The minutes of the Committee meeting held on 28 April 2009 as reported to the Planning and Strategy meeting of 8 June 2009 were adopted subject to a clarification for Item 7 Report – Affordable Housing and Homelessness on page 3. This was that there was not a “concern” as stated but a need for “commensurate services and partnerships” as result of any future re-development of social housing needed in the area.

The report on matters arising from the Department of Housing was noted. In particular, it was reported that the Department had advised that there was little potential for re-development of social housing in the Manly area. However, that in the event of a re-development being proposed in the Seaforth area in accordance with the requirement of State Environmental Planning Policy (Infrastructure) 2007, Council and the Committee would be informed of a Part 5 Review of Environmental Factors (REF) in accordance with the EP&A Act. The chair requested if there was any opportunity for Council & DOH to take a proactive approach in identifying any opportunities for future re-development or upgrade of current social housing stock in the Manly LGA. Staff advised that at this stage it was unlikely there would be any increase in the DOH housing stock in the Manly LGA. However, although there was limited requirements under a part 5 REF, DOH would undertake consultation with both the Council and the community, including affected neighbours on any future development.

It was reported that the NSW Centre for Affordable Housing had been contacted by Council officers and advised that there were a number of opportunities that might be available via Round 3 of National Rental Affordability Scheme (NRAS), the Housing Affordability Fund (HAF) and National Building and Economic Stimulus funding programs. The Committee considered that a report on this matter should be prepared for the next meeting as part of Business Arising, with comments from the Pioneer Clubhouse on the implications for the Manly area.

Recommendation

The Committee requests that the General Manager provide a report to a future meeting of the HSPP Committee, in accordance with the Committee’s priorities, that considers affordable housing schemes and funding opportunities that might benefit

affordable housing provision in the Manly area.

ii) **Heritage Committee – 1 July 2009**

a) **Item 3.2.3 Terms of Reference of Heritage Committee**

Jim Boyce requested a further brief discussion and refinement on the Terms of Reference adopted last meeting be held. Following discussion the Chair noted that Mr Boyce suggested amendments to the terms of reference will be referred via a brief staff report to the next Committee so all have time to consider what is being proposed.

The Chair also noted, following staff advice, that convenors have been advised by the General Manager that Terms of Reference should be finalised by now and Committees progressing their priority business. Given this, with the Chair's permission the report to be received next meeting would be the last opportunity to discuss Terms of Reference and presentation and discussion on this item will be limited to maximum of 10 minutes.

It was clarified that additional matters for consideration on the agenda should be provided to the Chair a minimum of two (2) weeks prior to the committee meeting.

Recommendation

That the General Manager be requested to ask staff to prepare a brief report on the Heritage Committee's Terms of Reference indicating Community Member Jim Boyce's proposed amendments with a recommendation to the Committee for its consideration at the next meeting.

b) **Item 5 Report 2 – Extraordinary Heritage Committee Meeting 28 May 2009
Follow up**

Staff reported:

- The technical report and recommendations of the review of the potential individual heritage items was reported to confidential Council on 4 May 2009. The list of identified items is confidential and not to be publically circulated or given to third parties.
- A total of 28 items are recommended for listing on the Manly LEP, subject to the consultation with the Heritage Committee and the owners of these properties.
- It is noted that the Committee supported in principle 27 of the proposed 28 items. The 27 items were supported conditionally, subject to owners' agreement to heritage listing. The 27 items were prioritised into two groups, with 12 items added to the first priority group.
- The Committee resolved to proceed by preparing draft letters for the 12 priority items. The draft letters were made available to the Committee for comment prior to approaching individual owners.
- The letter to the property owners advises of Council's review and invites them to discuss the matter with Council's Heritage Planners and to make comment on the proposed listing.
- Once consultation has been completed a report to Council will be prepared

advising of the outcome of the consultation, including the consultation with the Heritage Committee and recommendations on the listing of the items will be made.

Discussion by Committee members took place on the staff report. The following points were noted by staff.

- The importance of ensuring all available information at the Manly Library – Local Studies section, had been sourced on each property proposed for listings now and in the future was noted.
- Suggestion that a brief fact sheet on each property proposed for listing be prepared (not just on Heritage Office criteria as has been done).
- Feedback to the committee be provided on the process of consultation with individual property owners of the proposed items and the feedback in due course.

Recommendation

That the report from staff be received and noted and the General Manager be requested to provide a further report to the Heritage committee on the process and feedback relating to the consultation process of the proposed properties for heritage listing.

c) Item 6 Report 3 – Manly Cemetery Security Measures

Following a brief discussion, consideration on this item was deferred to the next meeting due to lack of time.

The following points however were noted by staff:

Community Representative Simon Westaway spoke of the need for Council to better engage the local community on their use and value of the cemetery.

The Committee noted that there was currently no Ivanhoe Park Precinct, and that greater community involvement would need to be sought for a 'Friends of Manly Cemetery' and so it was noted such an initiative would be unlikely to succeed at present.

More information on grave restorations was requested to be incorporated into the report to be considered next meeting.

Recommendation

The General Manager be requested to ask staff to resubmit this item to the next Committee meeting due to lack of time and the report be updated to include more information on grave site restorations which have taken place.

The General Manager be requested to make staff available to meet with Ian Shields Brown, Simon Westaway and Jim Boyce to update them on past cemetery activities prior to the next meeting.

d) Item 7.2 Council's Response to the NSW National Trust 2004

Community representative Jim Boyce requested a copy of Council's response to the NSW National Trust 2004 'State of the Heritage Report' survey. Council staff will

search for the information in Council's records and inform the Committee when the information is found.

Recommendation

That the General Manager be requested to make staff available to endeavour to retrieve the requested information and forward to Community representative Jim Boyce.

iii) Sports Facilities Committee – 3 July 2009

a) Item 3 Confirmation of Minutes and Matters Arising

Councillor Whitting expressed an interest in being a member of the Committee.

Recommendation

The Committee recommend to the General Manager that Councillor Whitting be appointed to the Committee.

b) Item 4 Report: Sports Facilities Committee Proposed Priorities for 2009-12 Project Priorities from the Strategic Plan for 2009/10 Year

The Committee discussed the priorities on projects to be funded during 2009/10, and the cost of the projects that will be allocated from the sports fields' capital budget and other sources this financial year. During this process it was felt by the committee that the Keirle park street skate ramp should not be considered to be a Sports Facilities consideration because the scope of this committee does not deal with Skate ramps.

Project	Project Costs	Capital Budget Available	Other Funding Source
Keirle Park Street Skate ramp	\$40,000	\$20,000	\$20,000 Sport & Recreation Capital Assistance grant approved
Sports fields topdressing	\$20,000	\$9,000	\$11,000 Will have to come from Maintenance budget
Manly West returfing/ drainage	\$30,000	\$20,000	\$10,000 Sport And Recreation Grant approved
Manly Oval Protective Netting to stop balls going onto Sydney Road	\$15,000	\$15,000	Possible funding from State Government program recently announced.
Bantry Bay Drainage of eastern corner	\$6,000	\$6,000	
TOTAL	\$111,000	\$70,000	+ \$41,000 = \$111,000

Representation from the Chair that the Manly Croquet Club be considered for support with \$2,000 for the renovation of the croquet lawns given their inadequate maintenance budget and cost of works required to upgrade the greens. The Keirle Park ambulance entrances are also seen as a priority for this year because of the restriction to ambulance access.

Recommendation

That the Committee endorses the nominated projects named above excluding the Keirle Park street skate ramp as the priority projects for 2009/10, all of which are funded.

That the Committee refers this item and the Croquet Club item to the General Manager for consideration because of the budget implications.

c) Item 6 General Business Brought to the Attention of the Chair Prior to the Meeting and Approved for Consideration

Manly Oval Lighting

The Committee asked whether the Manly Oval lighting project would be completed by the end of August. The Parks Manager outlined that the original proposed commissioning date was November 2009. However the DA is currently being assessed and the milestone date may change in consideration of that process.

Manly Rugby Representative outlined that the Grant for Manly Oval water re use is looking positive.

Fitness Exercise Equipment at Lagoon Park

Recommendation

That the General Manager be requested to prepare a report, in accordance with the Committee's priorities, on the possible installation of Fitness exercise equipment at Lagoon Park.

iv) Meals on Wheels Committee – 8 July 2009

a) Item 5.2 Seaforth Community Restaurant

Another Community Restaurant was held at the Seaforth Sporting and Community Pavilion on Monday 6 July, with 16 attending, mainly clients from the Seaforth/North Balgowlah areas. It is hoped this luncheon can be held monthly.

The Food Service Coordinator has prepared a report on what upgrades are necessary to support a community restaurant (attached to Coordinator's Report).

Recommendation

The Committee requests Council consider upgrading the kitchen facilities at the Pavilion, as per the Food Services Coordinator's report.

v) Community Environment Committee – 8 July 2009

a) Item 4.2 Update on the Extension of North (Sydney) Harbour Aquatic

Reserve

The Committee welcomed Rafiq Islam, Estuary Management Officer and thanked him for the report circulated, and presenting the information to the Committee in person. It was noted that a Plan of Management for North Harbour is being developed for exhibition later in the year based on the completed North Harbour Coastline Management Study (see attached web link).

www.manly.nsw.gov.au/IgnitionSuite/uploads/docs/north%20harbour%20coastline%20management%20study%20-%20final%20report.pdf

It was noted that Council first expressed an interest in extending the Aquatic Reserve and the Marine Park process in 1998.

Area Manager, NPWS advised that the involvement of National Parks staff in the management of marine areas in Sydney Harbour, including the North Harbour Aquatic Reserve is under discussion at present.

Recommendation

The General Manager is requested to develop a one page fact sheet outlining the proposal for the extension of the North (Sydney) Harbour Aquatic Reserve to assist in gaining wide support for this concept.

b) Item 5 Report: Implementing companion animal Legislation 1998

Ms. Battaglia's presentation outlined the following:

- Companion Animals Legislation 1998 and the responsibilities of local government for enforcement and ensuring compliance for the control of cats and dogs. The legislation will be reviewed in the near future.
- Manly Council provides some information on its website (www.manly.nsw.gov.au/Companion-Animals.html) and holds an annual Dogs Day Out.
- A wide range of information and resources is provided through a variety of other Councils through websites, brochures and programs. The level of information varies from extensive and easily accessible to little or no information. Various examples were tabled.
- There is no central database for the collection of injuries and mortality to wildlife in the Manly LGA. However, some local vets keep statistics based on animals brought to them, e.g. one local vet at Seaforth reported wildlife mortality figures the last twelve months of:
31 ringtail possums (20 killed by cats and 11 by dogs),
15 brushtail possums (11 cats and 4 by dogs)
23 birds

Recommendation

The General Manager is requested to consider Manly Council's education, compliance and enforcement of the Companion Animals Act, and provide a report back to the relevant Committee and/or Council on how this area is managed.

c) Item 6.2 North Head Issues

Area Manager, NPWS reported the following:

- NPWS has been encouraged by the support received from the media, Manly Council, Penguin Wardens, Taronga Zoo and residents in their enquiry into the cause of death of the 7 penguins and to protect the remainder of the colony from further attacks.
- Working with North Head stakeholders to improve signage on walking tracks and roads. The objectives are to make it more user friendly, destination based and consistent with DECC Signage Manual.
- Outlined the significant works on the Manly Scenic Walkway which will be completed by the end of next financial year
- Plan of Management for Sydney Harbour National Park is being revised.
- Stakeholder meetings are being held and issues papers being developed. The public will be notified of the process and opportunities to make submissions through the media and on the DECC website.
- Fox baiting program is in progress at North Head. There is a need to eliminate foxes in areas in close proximity to residential areas. As it is not permitted to use traditional baiting techniques, the support of the Committee and Council is sought to use soft-jaw trapping. The Committee will be updated on the extent of clearing of bushland in the National Park for protection against bushfires of the Police College.
- The Committee encouraged the NPWS to write to the General Manager to formally seek Council's support of soft/jaw trapping of foxes at North Head.

Recommendation

That the General Manager and Council be advised that the Community Environment Committee supports the use of soft/jaw trapping of foxes in areas adjoining residential areas where it is not permitted to use traditional fox baiting.

vi) Community Safety – 9 July 2009

a) **Item 6 Report: Community Safety Committee Priorities for 2009-2012**

The Community Safety Committee priorities for 2009-2012 as outlined in the report on the agenda were discussed by the Committee.

The **Community Safety Committee Priorities for 2009 – 2012** are shown in the table below.

Develop the Manly Crime Prevention Plan	<ul style="list-style-type: none"> • Manly Crime Prevention Plan approved by Council and NSW Attorney General's Department as a Safer Community Compact Key issues include: <ul style="list-style-type: none"> ▪ Alcohol related crime ▪ Late night transport ▪ Community education ▪ Youth 	1	2009
Manly Crime Prevention Plan Implemented	<ul style="list-style-type: none"> • Funding secured for Manly Crime Prevention Plan and Action Plan implemented, monitored and evaluated 	2	2010 - 2012
Develop the Manly Community Safety Plan	<ul style="list-style-type: none"> • Identify crime priorities for the Manly Community Safety Plan • Develop Action Plan • Funding secured for the Manly Community Safety Plan and Action Plan implemented, monitored and evaluated 	3	2010 - 2012

Recommendation

The Community Safety Committee recommends Council adopt the Community Safety Committee Priorities for the Manly Crime Prevention Plan 2009-2012.

The draft Manly Crime Prevention Plan 2009-2012 will be presented to Council for its adoption at a later stage.

vii) Playground Committee – 9 July 2009**a) Item 4 Report: Sangrado Playground**

The Committee discussed that currently the Sangrado Playground consists of a very old climbing unit and swing, with a synthetic grass surface covering, which is lifting due to tree roots. The equipment is in very poor condition and cannot be refurbished because this model is no longer produced.

The Committee discussed the survey consultation from the community and preferences for style of equipment; age group the playground should cater for, and other possible amenities such as Shade, fencing, and bubblers.

The next stage will be preparing a brief for in order to obtain quotations for the equipment and cost of installation works.

Recommendation

The Committee recommends to the General Manager and Council to:

- Rebuild structure in existing footprint of playground, maintaining open space for informal play.
- Install 4 seat swings with 2 toddlers and 2 older child seats.
- Install seating for parents /carers.
- Install water bubbler.
- Install a waste bin.

Include the following equipment:

- Climbing structure with slide for multi age range, with areas for younger and older children.
- Soft fall EPDM.
- Shade structure over swing unit if funding allows.

b) Item 5 Kangaroo Street Child Care Centre

The Committee discussed the Kangaroo Street Day care Centre playground and acknowledged that the playground is in poor condition and a risk to users.

The playground will need to be refurbished this financial year. Funding from the Playground budget has been allocated to refurbish the playground, because of the risk issues involved.

Quotations will be sought from suitable companies and Council's Parks and Reserves Team will carry out the works to Australian standards. The playground will

be closed during the refurbishment process and work on this project is expected to start around July/ August 2009.

The Committee outlined that this being the case only one major project from the 5 year Playground Strategy will be carried out this financial year. As opposed to the Committee's recommendation of 2 from the strategy.

The Committee understands the need for the Kangaroo Street Child care centre playground to be refurbished, and supports the project. However the Committee has raised concerns that funds allocated for community playgrounds for the 5 year Playground Strategy are being used for Council's child care centres playgrounds.

The Committee also has concerns that this action could set a precedent and disadvantage the community playground funding in the future.

Recommendation

The Committee requests the General Manager to investigate how to upgrade the Kangaroo Street playground without affecting the upgrade of Sangrado and the Nanbaree Reserve playgrounds proposed in the 5 year Playground strategy to be funded this financial year.

viii) Sustainable Economic Development and Tourism Committee – 16 July 2009

a) Item 3 Confirmation of the Minutes and Matters Arising

It was resolved at Council's Planning and Strategy Committee meeting held on 6 July 2009 that the minutes of the Sustainable Economic Development Committee held on 21 May 2009 be adopted.

It was noted that Nick Durrant from the Army Museum has missed three meetings without seeking leave of absence.

Recommendation

It is recommended to the General Manager and Council that the Army Museum is removed from membership and that the membership of the Committee be reduced accordingly.

b) Item 5 Report: Manly Mainstreet Centre Management

The Mainstreet Centre Manager informed the Committee that the Manly Mainstreet Centre Management Company has been dissolved and the program has been renamed Manly CBD Centre Management which now shares an office with the Manly Chamber of Commerce. This has been done to save costs so that more can be spent on direct services and promotions.

Progress on preparations for the Surf Festival was reported. It will be held from Thursday 5 to Sunday 9 November. The draft program was discussed. Council is contributing through regulatory and operational support, and this with the waiving of fees will represent a substantial sponsorship from Council.

The Centre Manager was congratulated on the development of the Manly Surf Festival.

An update on the Sydney Ferries Manly in Winter Campaign that will run from June

to the end of August was given by the Sydney Ferries representative. Thirteen Manly businesses are participating in the campaign. Reports have been received of considerably increased business, particularly on Sundays.

There have been 18,745 hits on the Time Out Manly online page. Additional advertising was installed on Manly Ferries, First Fleet Vessels, HarbourCats and RiverCats, and Manly Guides are being distributed on Manly Ferries and at Circular Quay and Manly Wharf.

The report on the Manly in Winter Campaign is available at <http://www.manly.nsw.gov.au/Sustainable-Economic-Development-and-Tourism-Committee.html>

Recommendation

That the General Manager is requested to provide an update concerning the traffic counters that are needed to ascertain the number of visitors to Manly to assist with planning services and applying for funding. Initial research suggests that this might cost some \$40,000.

MOTION (Heasman / Burns)

1. That the recommendations of **Minutes of Meetings**, as listed in **item 1**, being **1i, 1ii and 1iii**, be **adopted**.

PS123/09 **RESOLVED: (Heasman / Burns)**

1. That the recommendations of **Minutes of Meetings**, as listed in **item 1**, being **1i, 1ii and 1iii**, be **adopted**.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Macdonald / Griffin)

- 2 i) That the minutes of the **Human Services Planning & Policy Committee – 23 June 2009** be **adopted**, including the following recommendations of a substantial nature:
 - a) **Item 4 Minutes of the Meeting Held on 28 April 2009 and Matters Arising from Department of Housing.**

The Committee requests that the General Manager provide a report to a future meeting of the HSPP Committee, in accordance with the Committee's priorities, that considers affordable housing schemes and funding opportunities that might benefit affordable housing provision in the Manly area.

PS124/09 **RESOLVED: (Macdonald / Griffin)**

- 2 i) That the minutes of the **Human Services Planning & Policy Committee – 23 June 2009** be **adopted**, including the following recommendations of a substantial nature:
 - a) **Item 4 Minutes of the Meeting Held on 28 April 2009 and Matters Arising from Department of Housing.**

The Committee requests that the General Manager provide a report to a future meeting of the HSPP Committee, in accordance with the Committee's priorities, that

considers affordable housing schemes and funding opportunities that might benefit affordable housing provision in the Manly area.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Burns / Heasman)

2 ii) That the minutes of the **Heritage Committee - 1 July 2009** be **noted**, and the following recommendation of a substantial nature be **adopted**:

a) **Item 3.2.3 Terms of Reference of Heritage Committee**

That the General Manager be requested to ask staff to prepare a brief report on the Heritage Committee's Terms of Reference indicating Community Member Jim Boyce's proposed amendments with a recommendation to the Committee for its consideration at the next meeting.

PS125/09 **RESOLVED: (Burns / Heasman)**

2 ii) That the minutes of the **Heritage Committee - 1 July 2009** be **noted**, and the following recommendation of a substantial nature be **adopted**:

a) **Item 3.2.3 Terms of Reference of Heritage Committee**

That the General Manager be requested to ask staff to prepare a brief report on the Heritage Committee's Terms of Reference indicating Community Member Jim Boyce's proposed amendments with a recommendation to the Committee for its consideration at the next meeting.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Burns / Macdonald)

2 ii) That the following recommendation of a substantial nature from the noted minutes of the **Heritage Committee - 1 July 2009**, be **adopted**:

b) **Item 5 Report 2 – Extraordinary Heritage Committee Meeting 28 May 2009 Follow Up**

That the report from staff be received and noted and the General Manager is requested to provide a further report to the Heritage committee on the process and feedback relating to the consultation process of the proposed properties for heritage listing.

PS126/09 **RESOLVED: (Burns / Macdonald)**

2 ii) That the following recommendation of a substantial nature from the noted minutes of the **Heritage Committee - 1 July 2009**, be **adopted**:

b) **Item 5 Report 2 – Extraordinary Heritage Committee Meeting 28 May 2009 Follow Up**

That the report from staff be received and noted and the General Manager is

requested to provide a further report to the Heritage committee on the process and feedback relating to the consultation process of the proposed properties for heritage listing.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Burns / Murphy)

2 ii) That the following recommendation of a substantial nature from the noted minutes of the **Heritage Committee - 1 July 2009**, be adopted:

c) **Item 6 Report 3 – Manly Cemetery Security Measures**

The General Manager be requested to ask staff to resubmit this item to the next Committee meeting due to lack of time and the report be updated to include more information on grave site restorations which have taken place, and who can do restorations and what is the process to get restorations done.

The General Manager be requested to make staff available to meet with Ian Shields Brown, Simon Westaway and Jim Boyce to update them on past cemetery activities prior to the next meeting.

PS127/09 **RESOLVED: (Burns / Murphy)**

2 ii) That the following recommendation of a substantial nature from the noted minutes of the **Heritage Committee - 1 July 2009**, be adopted:

c) **Item 6 Report 3 – Manly Cemetery Security Measures**

The General Manager be requested to ask staff to resubmit this item to the next Committee meeting due to lack of time and the report be updated to include more information on grave site restorations which have taken place, and who can do restorations and what is the process to get restorations done.

The General Manager be requested to make staff available to meet with Ian Shields Brown, Simon Westaway and Jim Boyce to update them on past cemetery activities prior to the next meeting.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird and Burns

Against the Resolution: Nil.

Councillor Macdonald was not in the Chamber when the voting took place.

MOTION (Heasman / LeSurf)

2 ii) That the following recommendation of a substantial nature from the noted minutes of the **Heritage Committee - 1 July 2009**, be adopted:

d) **Item 7.2 Council's Response to the NSW National Trust 2004**

That the General Manager be requested to make staff available to endeavor to retrieve the requested information and forward to Community representative Jim Boyce.

PS128/09 **RESOLVED:** (Heasman / LeSurf)

- 2 ii) That the following recommendation of a substantial nature from the noted minutes of the **Heritage Committee - 1 July 2009**, be adopted:

d) Item 7.2 Council's Response to the NSW National Trust 2004

That the General Manager be requested to make staff available to endeavor to retrieve the requested information and forward to Community representative Jim Boyce.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird and Burns

Against the Resolution: Nil.

Councillor Macdonald was not in the Chamber when the voting took place.

MOTION (Hay / Murphy)

- 2 iii) That the minutes of the **Sports Facilities Committee - 3 July 2009** be adopted, including the following recommendations of a substantial nature:

a) Item 3 Confirmation of Minutes and Matters Arising

The Committee recommend to the General Manager that Councillor Whitting be appointed to the Committee.

b) Item 4 Report: Sports Facilities Committee Proposed Priorities for 2009-12 Project Priorities from the Strategic Plan for 2009/10 Year

That the Committee endorses the nominated projects named above excluding the Keirle Park street skate ramp as the priority projects for 2009/10, all of which are funded.

That the Committee refers this item and the Croquet Club item to the General Manager for consideration because of the budget implications.

c) Item 6 General Business Brought to the Attention of the Chair Prior to the Meeting and Approved for Consideration

That the General Manager be requested to prepare a report, in accordance with the Committee's priorities, on the possible installation of Fitness exercise equipment at Lagoon Park.

PS129/09 **RESOLVED:** (Hay / Murphy)

- 2 iii) That the minutes of the **Sports Facilities Committee - 3 July 2009** be adopted, including the following recommendations of a substantial nature:

a) Item 3 Confirmation of Minutes and Matters Arising

The Committee recommend to the General Manager that Councillor Whitting be appointed to the Committee.

b) Item 4 Report: Sports Facilities Committee Proposed Priorities for 2009-12 Project Priorities from the Strategic Plan for 2009/10 Year

That the Committee endorses the nominated projects named above excluding the Keirle Park street skate ramp as the priority projects for 2009/10, all of which are funded.

That the Committee refers this item and the Croquet Club item to the General Manager for consideration because of the budget implications.

c) Item 6 General Business Brought to the Attention of the Chair Prior to the Meeting and Approved for Consideration

That the General Manager be requested to prepare a report, in accordance with the Committee's priorities, on the possible installation of Fitness exercise equipment at Lagoon Park.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Heasman / Whitting)

2 iv) That the minutes of the **Meals on Wheels Committee - 8 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.2 Seaforth Community Restaurant**

The Committee requests Council consider upgrading the kitchen facilities at the Pavilion, as per the Food Services Coordinator's report.

PS130/09 **RESOLVED: (Heasman / Whitting)**

2 iv) That the minutes of the **Meals on Wheels Committee - 8 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.2 Seaforth Community Restaurant**

The Committee requests Council consider upgrading the kitchen facilities at the Pavilion, as per the Food Services Coordinator's report.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Heasman / Whitting)

2 v) That the minutes of the **Community Environment Committee -8 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.2 Update on the Extension of North (Sydney) Harbour Aquatic Reserve**

The General Manager is requested to develop a one page fact sheet outlining the proposal for the extension of the North (Sydney) Harbour Aquatic Reserve to assist in gaining wide support for this concept.

b) **Item 5 Report: Implementing companion animal legislation 1998**

The General Manager is requested to consider Manly Council's education, compliance and enforcement of the Companion Animals Act, and provide a report

back to the relevant Committee and/or Council on how this area is managed.

c) **Item 6.2 North Head Issues**

That the General Manager and Council be advised that the Community Environment Committee supports the use of soft/jaw trapping of foxes in areas adjoining residential areas where it is not permitted to use traditional fox baiting.

PS131/09 **RESOLVED: (Heasman / Whitting)**

2 v) That the minutes of the **Community Environment Committee -8 July 2009** be adopted, including the following recommendations of a substantial nature:

a) **Item 4.2 Update on the Extension of North (Sydney) Harbour Aquatic Reserve**

The General Manager is requested to develop a one page fact sheet outlining the proposal for the extension of the North (Sydney) Harbour Aquatic Reserve to assist in gaining wide support for this concept.

b) **Item 5 Report: Implementing companion animal legislation 1998**

The General Manager is requested to consider Manly Council's education, compliance and enforcement of the Companion Animals Act, and provide a report back to the relevant Committee and/or Council on how this area is managed.

c) **Item 6.2 North Head Issues**

That the General Manager and Council be advised that the Community Environment Committee supports the use of soft/jaw trapping of foxes in areas adjoining residential areas where it is not permitted to use traditional fox baiting.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Heasman)

2 vi) That the minutes of the **Community Safety Committee - 9 July 2009** be adopted, including the following recommendations of a substantial nature:

a) **Item 6 Report: Community Safety Committee Priorities for 2009-2012**

The Community Safety Committee recommends Council adopt the Community Safety Committee Priorities for the Manly Crime Prevention Plan 2009-2012.

The draft Manly Crime Prevention Plan 2009-2012 will be presented to Council for its adoption at a later stage.

PS132/09 **RESOLVED: (Hay / Heasman)**

2 vi) That the minutes of the **Community Safety Committee - 9 July 2009** be adopted, including the following recommendations of a substantial nature:

a) **Item 6 Report: Community Safety Committee Priorities for 2009-2012**

The Community Safety Committee recommends Council adopt the Community Safety

Committee Priorities for the Manly Crime Prevention Plan 2009-2012.

The draft Manly Crime Prevention Plan 2009-2012 will be presented to Council for its adoption at a later stage.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Macdonald / Norek)

2 vii) That the minutes of the **Playground Committee - 9 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4 Report: Sangrado Playground**

The Committee recommends to the General Manager and Council to:

- Rebuild structure in existing footprint of playground, maintaining open space for informal play.
- Install 4 seat swings with 2 toddlers and 2 older child seats.
- Install seating for parents/carers.
- Install water bubbler.
- Install a waste bin.

Include the following equipment:

- Climbing structure with slide for multi age range, with areas for younger and older children.
- Soft fall EPDM.
- Shade structure over swing unit if funding allows.

b) **Item 5 Kangaroo Street Child Care Centre**

The Committee requests the General Manager to investigate how to upgrade the Kangaroo Street playground without affecting the upgrade of Sangrado and the Nanbaree Reserve playgrounds proposed in the 5 year Playground strategy to be funded this financial year.

PS133/09 **RESOLVED: (Macdonald / Norek)**

2 vii) That the minutes of the **Playground Committee - 9 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4 Report: Sangrado Playground**

The Committee recommends to the General Manager and Council to:

- Rebuild structure in existing footprint of playground, maintaining open space for informal play.
- Install 4 seat swings with 2 toddlers and 2 older child seats.
- Install seating for parents/carers.
- Install water bubbler.
- Install a waste bin.

Include the following equipment:

- Climbing structure with slide for multi age range, with areas for younger and older children.
- Soft fall EPDM.
- Shade structure over swing unit if funding allows.

b) **Item 5 Kangaroo Street Child Care Centre**

The Committee requests the General Manager to investigate how to upgrade the Kangaroo Street playground without affecting the upgrade of Sangrado and the Nanbaree Reserve playgrounds proposed in the 5 year Playground strategy to be funded this financial year.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Whitting)

2 viii) That the minutes of the **Sustainable Economic Development and Tourism Committee - 16 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3 Confirmation of Minutes and Matters Arising**

It is recommended to the General Manager and Council that the Army Museum is removed from membership and that the membership of the Committee be reduced accordingly.

b) **Item 5 Manly Mainstreet Centre Management**

That the General Manager is requested to provide an update concerning the traffic counters that are needed to ascertain the number of visitors to Manly to assist with planning services and applying for funding. Initial research suggests that this might cost some \$40,000.

PS134/09 **RESOLVED:** (Hay / Whitting)

2 viii) That the minutes of the **Sustainable Economic Development and Tourism Committee - 16 July 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3 Confirmation of Minutes and Matters Arising**

It is recommended to the General Manager and Council that the Army Museum is removed from membership and that the membership of the Committee be reduced accordingly.

b) **Item 5 Manly Mainstreet Centre Management**

That the General Manager is requested to provide an update concerning the traffic counters that are needed to ascertain the number of visitors to Manly to assist with planning services and applying for funding. Initial research suggests that this might cost some \$40,000.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

Item For Brief Mention Report No. 15

Adoption of Minutes of Manly Traffic Committee 13 July 2009 and Addendum to Traffic Committee Report relating to Item 65/09 - Work Zone - East Esplanade (Item 65/09: 13/07/09)

1. Reports:

This Item for Brief Mention seeks Council's adoption of the minutes of the **Manly Traffic Committee** held on **13th July 2009** (previously circulated to Councillors) and the authorisation of a Work Zone, with limited hours of operation, outside 46-48 East Esplanade, being an addendum to **Item 65/09** of the Report of the Traffic Committee of 13 July 2009.

A request for authorisation of a Work Zone at 46-48 East Esplanade was reported to the Traffic Committee meeting of Monday 13 July 2009 as a late item.

Committee members noted that the applicant had lodged an application with the RTA seeking approval for a Road Occupancy Licence and that the applicant had not received any approval from the RTA at the time of the Traffic Committee meeting.

The RTA representative raised concerns re the closeness of the work zone location to the major traffic signal intersection of Belgrave Street and East Esplanade and objected to any approval until RTA's position is determined.

The Traffic Committee resolved to defer the matter pending further information.

Subsequent to the meeting, approval for a Road Occupancy Licence was granted by RTA's Transport Management Centre, with limitations on the hours of operation in order to ensure adequate road and intersection capacity in peak periods at the intersection of Belgrave Street with East and West Esplanades. RTA has jurisdiction over this area, even though it is a Council road, because the proposed site is within 50m of a signalised intersection. The Road Occupancy Licence is attached (refer to Attachment 1).

The RTA's approval for the Work Zone was documented in an Addendum to the Minutes of the 13 July Traffic Committee meeting. This Addendum was endorsed out of session by Traffic Committee members by email, but was not available in time for inclusion in the Minutes as reported to Council.

Council's Traffic Manager has reviewed the conditions approved by RTA, specifying the hours of operation of the Work Zone, the use of certified traffic controllers, measures to ensure free flow of traffic and associated truck routes. The conditions specified in the RTA approval are acceptable. In addition, other conditions need to be applied as specified in the recommendation below.

MOTION (Macdonald / Burns)

That Council:

Adopt the minutes of the **Manly Traffic Committee** held on **13th July 2009**, including the following recommendation of a substantial nature being **Item 65/09** relating to consent to the creation of a Work Zone at 46-48 East Esplanade, Manly, subject to the following conditions:

1. That Council request the applicant to complete Council's Work Zone Application Form and pay Council fees as per Council's fees and charges.
2. That applicant shall comply all conditions stipulated on Council's Work Zone Application.
3. That applicant shall provide Council a Traffic Control Plan and Pedestrian Management Plan (prepared by RTA accredited person) for assessment and approval.

4. All proposed traffic control is to be undertaken by an RTA accredited traffic controllers (provide traffic controller positions on TCP and their licence numbers).
5. That safe pedestrian access is to be maintained at all times along the footpath.
6. That all affected properties and businesses in East Esplanade be notified of the proposed lane closure.
7. That a copy of notification to be submitted to Council for record.
8. That notification of all Emergency Authorities is undertaken.
9. That approval from the Police is obtained prior to any work commencing (copy of approval to be submitted to Council for record).
10. That approval from the Roads & Traffic Authority is obtained prior to any work commencing.
11. That a copy of RTA approval is submitted to Council for their record.
12. That direct notification is given to the State Transit Authority (advising that busses will be interrupted).
13. That Council be submitted with a Work Schedule for the construction works (including times and dates).
14. Carting of materials should be undertaken using traffic controllers for the following route only:
Along East Esplanade, onto Belgrave St then exiting along Sydney Rd or Pittwater Rd. NO OTHER ROADS ARE TO BE USED AT ANY TIME.
16. That Council requests cleaning of area to be undertaken at the end of every working day and at no time shall there be any debris on the footpath.
17. Lane occupation to be restricted to 10.00AM to 2.30PM Monday to Friday and 7AM to 1PM Saturday.

PS135/09 **RESOLVED:** (Macdonald / Burns)

That Council:

Adopt the minutes of the **Manly Traffic Committee** held on **13th July 2009**, including the following recommendation of a substantial nature being **Item 65/09** relating to consent to the creation of a Work Zone at 46-48 East Esplanade, Manly, subject to the following conditions:

1. That Council request the applicant to complete Council's Work Zone Application Form and pay Council fees as per Council's fees and charges.
2. That applicant shall comply all conditions stipulated on Council's Work Zone Application.
3. That applicant shall provide Council a Traffic Control Plan and Pedestrian Management Plan (prepared by RTA accredited person) for assessment and approval.
4. All proposed traffic control is to be undertaken by an RTA accredited traffic controllers (provide traffic controller positions on TCP and their licence numbers).
5. That safe pedestrian access is to be maintained at all times along the footpath.
6. That all affected properties and businesses in East Esplanade be notified of the proposed lane closure.
7. That a copy of notification to be submitted to Council for record.
8. That notification of all Emergency Authorities is undertaken.
9. That approval from the Police is obtained prior to any work commencing (copy of approval to be submitted to Council for record).
10. That approval from the Roads & Traffic Authority is obtained prior to any work commencing.
11. That a copy of RTA approval is submitted to Council for their record.
12. That direct notification is given to the State Transit Authority (advising that busses will be interrupted).
13. That Council be submitted with a Work Schedule for the construction works (including times and dates).
14. Carting of materials should be undertaken using traffic controllers for the following route only:
Along East Esplanade, onto Belgrave St then exiting along Sydney Rd or Pittwater Rd. NO OTHER ROADS ARE TO BE USED AT ANY TIME.
16. That Council requests cleaning of area to be undertaken at the end of every working day

- and at no time shall there be any debris on the footpath.
17. Lane occupation to be restricted to 10.00AM to 2.30PM Monday to Friday and 7AM to 1PM Saturday.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 17

Local Government Association of New South Wales - Annual Conference 2009

SUMMARY

At the Ordinary Meeting held on 13 July 2009 Councillors were invited to submit Motions on matters of interest to be included on the Agenda for the 2009 LGSA Conference. Motions have to be received by the Local Government Association by 10 August 2009.

MOTION (Heasman / Burns)

That Motion 1, *Shop Awnings*, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

PS136/09 **RESOLVED:** (Heasman / Burns)

That Motion 1, *Shop Awnings*, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Macdonald)

That Motion 2, *Call for Mandatory Fuel Consumption Standards for new passenger vehicles made or imported into Australia*, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

AMENDMENT (Norek / Morrison)

That only two Motions, 1 and 3, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

For the Amendment: Councillors Murphy, Morrison and Norek

Against the Amendment: Councillors Hay, Elder, Heasman, Whitting, LeSurf, Griffin, Aird, Burns and Macdonald

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

PS137/09 **RESOLVED:** (Aird / Macdonald)

That Motion 2, *Call for Mandatory Fuel Consumption Standards for new passenger vehicles made or imported into Australia*, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

MOTION (Macdonald / Hay)

That Motion 3, *Proposed Amendment to current Waste Policy*, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

PS138/09 RESOLVED: (Macdonald / Hay)

That Motion 3, *Proposed Amendment to current Waste Policy*, as submitted be forwarded to the Local Government Association for inclusion in the Agenda for the LGSA Conference being held in Tamworth.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 28

Manly Development Control Plan for the Business Zone 1989 and the Manly Development Control Plan for The Corso 2005 Draft Amendments**SUMMARY**

This report proposes two (2) Development Control Plan (DCP) amendments be prepared and exhibited in relation to the Manly Business Zone.

Manly DCP for the Business Zone 1989 (Business DCP) is proposed to be amended to clarify the extent to which the Residential DCP applies to residential development in the business zone.

Manly DCP for The Corso 2005 (The Corso DCP) is also proposed to be amended following legal advice arising from a recent matter in the Land and Environment Court. In this regard it is proposed to incorporate The Corso Masterplan into The Corso DCP to ensure the Masterplan is given appropriate weight in development assessment.

It is recommended that, in relation to both DCP amendments, Council resolve to prepare and publicly exhibit these DCP amendments.

MOTION (Heasman / Burns)

That Council:

1. Prepare both Amendment 7 to the Manly Business DCP and Amendment 1 of The Corso DCP in accordance with Sec. 74C(1)(a) of the EP& A Act 1979;
2. Exhibit the amendments to both the Manly Business DCP and The Corso DCP in accordance with clause 18 of the EP&A Regulation 2000; and
3. A further report be presented to Council in respect of the two DCP amendments being exhibited.

PS139/09 **RESOLVED:** (Heasman / Burns)

That Council:

1. Prepare both Amendment 7 to the Manly Business DCP and Amendment 1 of The Corso DCP in accordance with Sec. 74C(1)(a) of the EP& A Act 1979;
2. Exhibit the amendments to both the Manly Business DCP and The Corso DCP in accordance with clause 18 of the EP&A Regulation 2000; and
3. A further report be presented to Council in respect of the two DCP amendments being exhibited.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

Planning And Strategy Division Report No. 29

Submissions to the exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 80)

SUMMARY

The purpose of this report is to advise Council of any submissions received following the public exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 80) (Draft LEP No. 80) and to make recommendations regarding the making of the exhibited draft Plan.

MOTION (Murphy / Burns)

That:

1. The Council exercise its delegations to request the Minister of Planning to make Manly Local Environmental Plan 1988 (Amendment No. 80), with the following amendments, pursuant to section 69 of the *Environmental Planning and Assessment Act, 1979*:

Draft LEP Amendment No. 80 proposes to:

- a) insert a new definition of 'Restricted Premises';
- b) delete an existing heritage item at 16 Edgecliffe Esplanade, Seaforth where heritage significance is not retained;
- c) insert a new heritage item at 2A Beatty Street, Balgowlah Heights where heritage significance has been identified **as the eastern facing stone façade (harbour facing)**;
- d) delete provisions for advertising of certain applications (including heritage applications) where advertising is generally required to take place in the same way as for designated development;
- e) update the zoning map to reflect Council's previous acquisition of 36 Stuart Street Manly i.e. from Open Space- 'hatched' (to be acquired) to Open Space 'un-hatched' (existing acquired); and
- f) to rezone a parcel of closed road (lot 100 DP1125884 Castle Circuit, Seaforth) from an un-zoned parcel to Zone No 2 – Residential.

2. The owners of the relevant properties be notified of Council's resolution.

PS140/09 **RESOLVED:** (Murphy / Burns)

That:

1. The Council exercise its delegations to request the Minister of Planning to make Manly Local Environmental Plan 1988 (Amendment No. 80), with the following amendments, pursuant to section 69 of the *Environmental Planning and Assessment Act, 1979*:

Draft LEP Amendment No. 80 proposes to:

- a) insert a new definition of 'Restricted Premises';
- b) delete an existing heritage item at 16 Edgecliffe Esplanade, Seaforth where heritage significance is not retained;
- c) insert a new heritage item at 2A Beatty Street, Balgowlah Heights where heritage significance has been identified **as the eastern facing stone façade (harbour facing)**;
- d) delete provisions for advertising of certain applications (including heritage applications) where advertising is generally required to take place in the same way as for designated development;
- e) update the zoning map to reflect Council's previous acquisition of 36 Stuart Street Manly i.e. from Open Space- 'hatched' (to be acquired) to Open Space 'un-hatched' (existing acquired); and
- f) to rezone a parcel of closed road (lot 100 DP1125884 Castle Circuit, Seaforth) from an un-zoned parcel to Zone No 2 – Residential.

2. The owners of the relevant properties be notified of Council's resolution.

For the Resolution: Councillors Hay, Elder, Heasman, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

Against the Resolution: Nil.

Councillors Aird and Whitting were not in the Chamber when the voting took place.

Planning And Strategy Division Report No. 30

Little Penguin Recovery Program 2008/09 & Update on Recent Little Penguin Attacks

SUMMARY

Council continued to participate, along with other stakeholders, in the Little Penguin Recovery Program during the 2008/09 Little Penguin breeding season.

Projects and activities undertaken as part of this program have included; Recovery Team meetings, ongoing monitoring for the 08/09 breeding season, ranger patrols of key Little Penguin breeding areas, management of the Manly Wharf and Manly Pavilion / Federation Point breeding sites, training of Penguin Warden Volunteers, community education undertaken by the Wardens at breeding sites, review and conditioning of development applications within the Little Penguin habitat area, installation of nest boxes and micro-chipping of penguins to name a few.

This report focuses on the monitoring results from the 2008/09 Little Penguin breeding season. In summary the 2008/09 monitoring report concludes that 2008/09 was a successful season particularly when compared to the natural variation of previous seasons.

Furthermore this report provides an update on Council's involvement in the integrated response, lead by the Department of Environment and Climate Change, to recent predator attacks on Little Penguins from the endangered population.

MOTION (Griffin / Heasman)

That the report be received and noted, with thanks to the Council staff including those from the MEC, Natural Resources and Compliance (Rangers), and the Penguin Wardens.

PS141/09 **RESOLVED: (Griffin / Heasman)**

That the report be received and noted, with thanks to the Council staff including those from the MEC, Natural Resources and Compliance (Rangers), and the Penguin Wardens.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

Against the Resolution: Nil.

Councillor Aird was not in the Chamber when the voting took place.

Planning And Strategy Division Report No. 31

Manly Ocean Beach as a National Surfing Reserve

SUMMARY

Council, at its meeting held on 3 November 2008, has resolved to endorse staff to pursue the nomination of Manly Ocean Beach as a National Surfing Reserve.

Council has again, at its meeting held on 6 July 2009, noted that the General Manager has agreed to Council preparing a submission to the Department of Lands for reserve status.

In this report, status and processes for formal submission are presented (refer to Attachment 1). It is a must that a local community committee steers the nomination process.

As formalisation of Manly's already iconic status is important, it is recommended that Council commits itself to providing technical and financial support for the cause through the establishment of a local Manly National Surf Reserve Committee.

MOTION (Hay / Murphy)

That Council:

1. Endorses the community initiative to gain the status of National Surf Reserve for Manly;
2. Supports the initiative already undertaken by Mike Baird MP to establish a local Manly National Surf Reserve Committee to lead a community driven nomination process;
3. Requests the General Manager to nominate the most appropriate member of staff to participate on the Manly National Surf Reserve Committee on behalf of Manly Council.

PS142/09 **RESOLVED:** (Hay / Murphy)

That Council:

1. Endorses the community initiative to gain the status of National Surf Reserve for Manly;
2. Supports the initiative already undertaken by Mike Baird MP to establish a local Manly National Surf Reserve Committee to lead a community driven nomination process;
3. Requests the General Manager to nominate the most appropriate member of staff to participate on the Manly National Surf Reserve Committee on behalf of Manly Council.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

Planning And Strategy Division Report No. 32

**Effluent Re-use Project Update Report - A Feasibility Study for Use of Isolated Gas Mains
SUMMARY**

In 2006 Council successfully attracted a \$1.6 million Water Savings Fund to establish the Effluent Re-use Project, that is, to supply 0.5ML/day of recycled effluent from North Head Sewage Treatment Plant to Manly Golf Course and Council's Keirle Park and LM Graham Reserve.

The Effluent Re-use Project has encountered severe project delays arising from operational difficulties encountered by Sydney Water in commissioning the disused water pipeline for service for the project. As a result, Council's Water Cycle Management Team and the funding body, the NSW Department of Environment and Climate Change (DECC), have investigated other alternatives for transporting the effluent.

This report seeks to inform the Council of the most feasible alternative for the transportation of the effluent considered to date and the outcome of a meeting with the preferred supplier, Jemena.

MOTION (Griffin / Burns)

1. That Council writes to Jemena requesting the following conditions to their project and its submission of a revised proposal to Council:
 - i. It is a private business's own commercial arrangement to fund a feasibility study. No public monies should be allocated to fund Jemena's feasibility study.
 - ii. Jemena is required to demonstrate that Sydney Water can supply 0.5ML surplus of treated effluent daily at no charge.
 - iii. Jemena is required to state that Council has no liability or obligation to indemnify this project whatsoever at any time during the Detailed Feasibility Study and the future recycled water project.
2. Council investigate other opportunities for stormwater harvesting and storage for use on The Flat, Keirle Park and LM Graham Reserve and ovals.
3. That a report be provided on the business model proposed by Jemena including estimated costings and volumes.

PS143/09 RESOLVED: (Griffin / Burns)

1. That Council writes to Jemena requesting the following conditions to their project and its submission of a revised proposal to Council:
 - i. It is a private business's own commercial arrangement to fund a feasibility study. No public monies should be allocated to fund Jemena's feasibility study.
 - ii. Jemena is required to demonstrate that Sydney Water can supply 0.5ML surplus of treated effluent daily at no charge.
 - iii. Jemena is required to state that Council has no liability or obligation to indemnify this project whatsoever at any time during the Detailed Feasibility Study and the future recycled water project.
2. Council investigate other opportunities for stormwater harvesting and storage for use on The Flat, Keirle Park and LM Graham Reserve and ovals.
3. That a report be provided on the business model proposed by Jemena including estimated costings and volumes.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 18

Development Applications being processed during August, 2009.

SUMMARY

Development Applications currently being processed.

MOTION (Macdonald / Heasman)

That the information on Development Applications being processed during August 2009 be noted.

PS144/09 RESOLVED: (Macdonald / Heasman)

That the information on Development Applications being processed during August 2009 be noted.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

Councillor Elder declared a Conflict of Interest in one of the Appeals being discussed under this item and left the Chamber at 11.02pm.

Environmental Services Division Report No. 19

Current Appeals Relating to Development Applications

SUMMARY

Current appeals relating to Development Applications.

MOTION (Macdonald / Murphy)

That the information on Current Appeals relating to Development Applications be noted.

PS145/09 **RESOLVED: (Macdonald / Murphy)**

That the information on Current Appeals relating to Development Applications be noted.

For the Resolution: Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

Councillor Elder returned to the Chamber at 11.03pm.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 3

Regulation of Alcohol Free Zone and Alcohol Consumption Prohibited Reserves in Manly Local Government Area.

SUMMARY

This report provides a status summary on Alcohol Free Initiatives in Manly.

MOTION (Macdonald / Burns)

That Council receive and note the action taken on Alcohol Free Initiatives in Manly .

PS146/09 **RESOLVED: (Macdonald / Burns)**

That Council receive and note the action taken on Alcohol Free Initiatives in Manly .

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 8

Supply and Lay Pavers for Manly Ocean Beach Promenade Upgrade Stage 4 - Tender No. T2009/06

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

Civic and Urban Services Division Report No. 9

Civil Works Manly Ocean Beach Promenade Upgrade Stage 4 - Tender No. T2009/07

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

General Managers Division Report No. 16

Re-determination of Organisation Structure

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (f) of the Local Government Act, 1993, on the grounds that the report contains matters affecting the security of the council, councillors, council staff or council property.

General Managers Division Report No. 17

Annual Report - Staff Matters

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

CLOSED SESSION

MOTION (Hay / Heasman)

That the meeting move into Closed Session to consider the above items.

The Chairperson, Councillor Morrison asked if any members of the public gallery objected to the matters being heard in Closed Session.

It is noted that no representations were received from the public gallery.

PS147/09 **RESOLVED: (Hay / Heasman)**

That the meeting move into Closed Session to consider the above items.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the General Manager advised the meeting of the decisions

made in Closed Session.

Civic and Urban Services Division Report No. 8

Supply and Lay Pavers for Manly Ocean Beach Promenade Upgrade Stage 4 - Tender No. T2009/06

MOTION (Macdonald / Hay)

That Council accepts the tender with the highest score submitted by "Sam The Paving Man".

PS148/09 **RESOLVED: (Macdonald / Hay)**

That Council accepts the tender with the highest score submitted by "Sam The Paving Man".

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

Civic and Urban Services Division Report No. 9

Civil Works Manly Ocean Beach Promenade Upgrade Stage 4 - Tender No. T2009/07

MOTION (Macdonald / Whitting)

That Council accepts the highest score Lump Sum tender submitted by the Kingston Civil Construction Pty Ltd.

PS149/09 **RESOLVED: (Macdonald / Whitting)**

That Council accepts the highest score Lump Sum tender submitted by the Kingston Civil Construction Pty Ltd.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

General Managers Division Report No. 16

Re-determination of Organisation Structure

MOTION (Heasman / LeSurf)

That Council endorse the staffing structure contained in the report on an Organisational Review.

PS150/09 **RESOLVED: (Heasman / LeSurf)**

That Council endorse the staffing structure contained in the report on an Organisational Review.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

General Managers Division Report No. 17

Annual Report - Staff Matters

MOTION (Murphy / LeSurf)

That the information contained in the report made under s339 of the *Local Government Act, 1993* be received and noted.

PS151/09 **RESOLVED: (Murphy / LeSurf)**

That the information contained in the report made under s339 of the *Local Government Act, 1993* be received and noted.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

CLOSE

The meeting closed at 11.35pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 7 September 2009.

CHAIRPERSON

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