



Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 7 December 2009

All minutes are subject to confirmation at a subsequent meeting.

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7.50pm on Monday 7 December 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

Councillor D Murphy, Deputy Mayor
Councillor B Aird
Councillor H Burns
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf, Deputy Chairperson, who presided
Councillor Dr P Macdonald
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Anthony Hewton, Divisional Manager, Corporate Planning and Strategy
Lynne Jess and Christine Bone, Minute Takers

APOLOGIES

Apologies were tendered on behalf of Councillors Hay, Elder and Morrison, for non-attendance.

MOTION (Murphy / Burns)

That the apologies received from Councillors Hay, Elder and Morrison, for non-attendance, and leave be granted.

PS192/09 RESOLVED: (Murphy / Burns)

That the apologies received from Councillors Hay, Elder and Morrison, for non-attendance, and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Heasman / Burns)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 November 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.

PS192/09 **RESOLVED:** (Heasman / Burns)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 November 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 Heasman, Whitting, Murphy, LeSurf, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 22

Items for Brief Mention: (1) Electoral Commission of NSW - Report on Council's 2008 election; and (2) MV Baragoola proposed de-listing from State Heritage List

1. Electoral Commission of NSW – Report on Council's 2008 election

Council has received a letter (refer to Attachment 1) and a copy of a report on the conduct and administration of Manly Council's 2008 election, produced by the Electoral Commission of NSW. The 96 page report (tabled) provides details of the feedback received from stakeholders, as well as specific election details specific to Manly Council's elections.

2. Removal of the *MV Baragoola* from the State Heritage List

Council has received correspondence from the NSW Department of Planning - Heritage Branch, advising that the NSW Heritage Council, at its meeting of 4 November 2009, resolved to recommend to the Minister for Planning the removal of the *MV Baragoola* from the State Heritage Register.

Council's Heritage Planner prepared a written submission to the NSW Heritage Council supporting the retention of the *MV Baragoola* on the State Heritage Register. The Heritage Council was also advised of Council's resolution to support the State heritage listing of the ferry. A copy of these letters is attached, for your information (refer to Attachment 2).

It is noted that once the Minister has considered the Heritage Council's recommendation and made a decision, Council will be further notified of the outcome.

MOTION (Griffin / Heasman)

1. Electoral Commission of NSW – Report on Council's 2008 election

That Council write to the Electoral Commission of NSW and state that Council would prefer that the Returning Officer not be located in close proximity to any liquor retail outlet or on a State or Regional Road with Clearway.

PS193/09 **RESOLVED:** (Griffin / Heasman)

1. Electoral Commission of NSW – Report on Council's 2008 election

That Council write to the Electoral Commission of NSW and state that Council would prefer that the Returning Officer not be located in close proximity to any liquor retail outlet or on a State or Regional Road with Clearway.

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, Griffin, Aird, Burns and Macdonald
Against the Resolution: Nil.

MOTION (Burns / Heasman)

2. Removal of the *MV Baragoola* from the State Heritage List

- i. That the General Manager write to the Minister of Planning to urge that the State Heritage listing of the MV Baragoola be maintained for a further six month period while its relocation arrangements are finalised by the owners.
- ii. That staff investigate the legal possibilities of listing the boat as an environmental heritage item under Manly Council or another Council's LEP.

PS194/09 **RESOLVED: (Burns / Heasman)**

2. Removal of the *MV Baragoola* from the State Heritage List

- i. That the General Manager write to the Minister of Planning to urge that the State Heritage listing of the MV Baragoola be maintained for a further six month period while its relocation arrangements are finalised by the owners.
- ii. That staff investigate the legal possibilities of listing the boat as an environmental heritage item under Manly Council or another Council's LEP.

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, Griffin, Aird, Burns and Macdonald
Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 9

Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature.

The minutes of the following Special Purpose Committee meetings are tabled at this meeting.

Minutes of Meetings for adoption without recommendations of a substantial nature.

- i) Meals on Wheels Committee – 14 October 2009
- ii) Manly Arts Festival Working Group – 14 October 2009
- iii) Access Committee – 20 October 2009
- iv) Sustainable Transport Committee – 28 October 2009
- v) Sister Cities Committee – 28 October 2009
- vi) Sports Facilities Committee – 6 November 2009
- vii) Manly Traffic Committee – 9 November 2009
- viii) Community Environment Committee – 11 November 2009
- ix) Meals on Wheels Committee – 11 November 2009
- x) Community Safety Committee – 12 November 2009
- xi) Playground Committee – 12 November 2009

MOTION (Heasman / Murphy)

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Meals on Wheels Committee – 14 October 2009
- ii) Manly Arts Festival Working Group – 14 October 2009
- iii) Access Committee – 20 October 2009
- iv) Sustainable Transport Committee – 28 October 2009
- v) Sister Cities Committee – 28 October 2009
- vi) Sports Facilities Committee – 6 November 2009
- vii) Manly Traffic Committee – 9 November 2009
- viii) Community Environment Committee – 11 November 2009
- ix) Meals on Wheels Committee – 11 November 2009
- x) Community Safety Committee – 12 November 2009
- xi) Playground Committee – 12 November 2009

PS195/09 **RESOLVED: (Heasman / Murphy)**

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Meals on Wheels Committee – 14 October 2009
- ii) Manly Arts Festival Working Group – 14 October 2009
- iii) Access Committee – 20 October 2009
- iv) Sustainable Transport Committee – 28 October 2009
- v) Sister Cities Committee – 28 October 2009
- vi) Sports Facilities Committee – 6 November 2009
- vii) Manly Traffic Committee – 9 November 2009
- viii) Community Environment Committee – 11 November 2009
- ix) Meals on Wheels Committee – 11 November 2009
- x) Community Safety Committee – 12 November 2009
- xi) Playground Committee – 12 November 2009

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

Against the Resolution: Nil.

Report Of Committees Report No. 10

Minutes for adoption by Council - Harbour Foreshores and Coastline Management Committee - 20 October 2009

These reports were dealt with at the Harbour Foreshores and Coastline Management Committee meeting of 20 October 2009 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Planning and Strategy Committee meeting for formal adoption by Council.

1. ITEM 3 Matters Arising – Options to address usability of Clontarf Swimming Enclosure.

Some members of the Committee raised Precinct's concerns about continued siltation and its usability during summer. They argued for immediate dredging of the pool pending implementation of option 3 (extending the enclosure to deeper water) after required funding is secured. The Committee was informed regarding absence of funding opportunities for extension of the pool.

After long discussion, the Committee suggested to carry out sand relocation from the pool as a temporary measure.

2. ITEM 6 Manly Cove Coastline Management Study (Final Draft)

It was explained during the meeting that the Manly Cove Coastline Management Study was intended to present 'baseline condition' of Manly Cove study area in relation to institutional & policy environment, land use and land tenure, significance and values of the area, coastal processes, coastline hazards, climate change and adaptations, ecological and socio-economic environment. This study also identified indicative management options to address relevant key issues.

The study will be the basis for drafting the Manly Cove Coastline Management Plan by June 2010.

Members requested more time to review the 350-page final draft. It was agreed that further three weeks time should be provided. However, they agreed to endorse the report pending incorporation of further comments.

MOTION (Whitting / Macdonald)

1. ITEM 3 Matters Arising – Options to address usability of Clontarf Swimming Enclosure.

That Council resolve:

- i) To act on dredging Clontarf Swimming enclosure and proceed with the matter on the Review of Environmental Factors (**REF**).
- ii) To take into account the communities preference for dredging.
- iii) For a report on funding to the next Ordinary meeting.

PS196/09 RESOLVED: (Whitting / Macdonald)

That Council resolve:

- i) To act on dredging Clontarf Swimming enclosure and proceed with the matter on the Review of Environmental Factors (**REF**).
- ii) To take into account the communities preference for dredging.
- iii) For a report on funding to the next Ordinary meeting.

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

Against the Resolution: Nil.

MOTION (Burns / Heasman)

2. ITEM 6 Manly Cove Coastline Management Study (Final Draft)

That Council endorse the Final Draft of the Manly Cove Coastline Management Study, pending incorporation of feedback received from members of the Harbour Foreshore and Coastline Management Committee.

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PS197/09 **RESOLVED:** (Burns / Heasman)

2. ITEM 6 Manly Cove Coastline Management Study (Final Draft)

That Council endorse the Final Draft of the Manly Cove Coastline Management Study, pending incorporation of feedback received from members of the Harbour Foreshore and Coastline Management Committee.

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

Against the Resolution: Nil.

Report Of Committees Report No. 11

Minutes for Adoption by Council - Heritage Committee - 4 November 2009

These reports were dealt with at the Heritage Committee meeting of 4 November 2009 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Planning and Strategy Committee Meeting for formal adoption by Council.

1. ITEM 7 REPORT 4: Street Clock in The Corso – Considerations and Options

Discussion and opinions of the Committee members were not unanimously in support of a clock in The Corso. Members opinions included: no to a clock due to increasing visual pollution/clutter; The Corso is very busy; enough activity; watches and mobiles used; not necessary, but if such a proposal goes ahead prefer option one location (Darley Rd intersection); and one neutral opinion.

2. ITEM 9 REPORT 6: Heritage Committee Meeting Dates for 2010

The Committee agreed to the first bi-monthly Heritage Committee meeting being held in the first week of February 2010, with a total of 6 bi-monthly meetings for the year.

MOTION (Macdonald / Heasman)

1. ITEM 7 REPORT 4: Street Clock in The Corso – Considerations and Options

That:

The Committee recommendation be received and noted.

PS198/09 **RESOLVED:** (Macdonald / Heasman)

1. ITEM 7 REPORT 4: Street Clock in The Corso – Considerations and Options

That:

The Committee recommendation be received and noted.

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

Against the Resolution: Nil.

MOTION (Murphy / Heasman)**2. ITEM 9 REPORT 6: Heritage Committee Meeting Dates for 2010**

That:

The Committees recommendation be received and noted.

PS199/09 RESOLVED: (Murphy / Heasman)**2. ITEM 9 REPORT 6: Heritage Committee Meeting Dates for 2010**

That:

The Committees recommendation be received and noted.

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

Against the Resolution: Nil.

Report Of Committees Report No. 12

Minutes for adoption by Council - Landscape Management and Urban Design Committee - 21 October 2009

This report was dealt with at the Landscape Management and Urban Design Committee meeting of 21 October 2009 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting for formal adoption by Council.

1. ITEM 6 The Corso Clock

The Divisional Manager, Corporate Planning and Strategy presented contextual and historical frameworks relating to the idea of a clock in The Corso. He identified past locations of clocks in and around The Corso, and explained that The Corso was listed locally as a heritage item.

Following discussion for and against the proposal it was noted by the Chair that the Committee was not in agreement to support the installation of a clock on The Corso.

MOTION (Macdonald / Heasman)**1. ITEM 6 The Corso Clock**

That:

The LUMD Committee's recommendation be received and noted.

PS200/09 RESOLVED: (Macdonald / Heasman)

1. ITEM 6 The Corso Clock

That:

The LUMD Committee's recommendation be received and noted.

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

Against the Resolution: Nil.

Report Of Committees Report No. 13

Minutes for adoption by Council - Community Environment Committee - 14 October 2009

This report was dealt with at the Community Environment Committee meeting of 14 October 2009 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy meeting for formal adoption by Council.

1. ITEM 8.1 Project Penguin Park Bench Proposal Report

A report was presented to and discussed by the Committee regarding a park bench which was decorated by Harbord Public School to highlight the predators and threats to little penguins as part of this project. The school would like Council's assistance for the bench to be placed in a public location.

MOTION (Griffin / Aird)**1. ITEM 8.1 Project Penguin Park Bench Proposal Report**

That:

- i) The Committee receive and note the report;
- ii) The Committee recommends the best location of the Bench would be in the vicinity of new signage at Manly Wharf. The final exact location to be finally determined by Council's design and technical team with consultation with Council's Landscape and Urban Design Committee (LMUD) Committee as well.

PS201/09 **RESOLVED:** (Griffin / Aird)

1. ITEM 8.1 Project Penguin Park Bench Proposal Report

That:

- i) The Committee receive and note the report;
- ii) The Committee recommends the best location of the Bench would be in the vicinity of new signage at Manly Wharf. The final exact location to be finally determined by Council's design and technical team with consultation with Council's Landscape and Urban Design Committee (LMUD) Committee as well.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 44

NSW Coastal Erosion Reform Package, Sea Level Rise Policy Statement and three draft supporting guideline documents

SUMMARY

The NSW Government has released the Coastal Erosion Reform Package and Policy Statement on Sea Level Rise. The Reform Package includes amendments to legislation, new guidelines, and additional support for councils to re-energise their coastal management planning processes. The Sea Level Rise Policy Statement, an element of the Reform package, identifies sea level rise projections of up to 40 cm to 2050, and 90 cm to 2100, for the NSW coastline.

To support the Policy Statement, the NSW Government has released the following three documents for public consultation by 11 December 2009.

- *Draft NSW Coastal Planning Guideline – Adapting to Sea Level Rise*
- *Draft Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessments*
- *Draft Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments*

In this report, summary and linkages to two Policy documents and three draft Guideline documents are presented. As submission on draft documents is due by 11 December 2009, Council staff will make a preliminary submission by the date. A formal submission will be made, however, after presentation and discussion at the next P&S meeting.

MOTION (Griffin / Aird)

That Council

1. Receives the report including released documents: two policy documents and three draft Guideline documents.
2. Seeks an extension of time through making a preliminary submission by due date.
3. Makes a formal submission to the NSW Departments of Planning and Department of Environment, Climate Change and Water after presentation and discussion at the next Planning and Strategy meeting.
4. Write to the Prime Minister, Minister Garrett, and Minister Wong supporting the recommendation 38 of the *Federal Government's Inquiry into Climate Change and the Environmental Impacts on Coastal Communities* which states "The Committee recommends that the Australian Government request that the Centre for Excellence for Local Government ensure a particular focus on capacity building for coastal local councils. Capacity building should focus on addressing issues relating to:
 - Population growth pressure.
 - Planning and design of new infrastructure.
 - Integrated coastal zone management.
 - Climate change impacts and adaption."

PS202/09 **RESOLVED:** (Griffin / Aird)

That Council

1. Receives the report including released documents: two policy documents and three draft Guideline documents.
2. Seeks an extension of time through making a preliminary submission by due date.
3. Makes a formal submission to the NSW Departments of Planning and Department of Environment, Climate Change and Water after presentation and discussion at the next Planning and Strategy meeting.
4. Write to the Prime Minister, Minister Garrett, and Minister Wong supporting the recommendation 38 of the *Federal Government's Inquiry into Climate Change and the Environmental Impacts on Coastal Communities* which states "The Committee recommends that the Australian Government request that the Centre for Excellence for Local Government ensure a particular focus on capacity building for coastal local councils. Capacity building should focus on addressing issues relating to:
 - Population growth pressure.
 - Planning and design of new infrastructure.
 - Integrated coastal zone management.
 - Climate change impacts and adaption."

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 29

Development Applications Currently Being Processed During December, 2009

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING DECEMBER, 2009.

MOTION (Murphy / Macdonald)

THAT the information on the Development Applications currently being processed during December, 2009 be noted.

PS203/09 **RESOLVED: (Murphy / Macdonald)**

THAT the information on the Development Applications currently being processed during December, 2009 be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 30

Current Appeals Relating to Development Applications.

SUMMARY

CURRENT APPEALS RELATING TO DEVELOPMENT APPLICATIONS DURING DECEMBER 2009.

MOTION (Murphy / Macdonald)

THAT the information on the Current Appeals relating to the Development applications during December 2009 be noted.

PS204/09 **RESOLVED: (Murphy / Macdonald)**

THAT the information on the Current Appeals relating to the Development applications during December 2009 be noted.

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

Against the Resolution: Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 13

Tender T2009/19 Assessment - Manly Council Library Building Air Conditioning Plant Replacement

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.

CLOSED SESSION

MOTION (Heasman / LeSurf)

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

The Chairperson, Councillor Le Surf 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.

PS205/09 **RESOLVED: (Heasman / LeSurf)**

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

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, 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. 13

Tender T2009/19 Assessment - Manly Council Library Building Air Conditioning Plant Replacement

PS206/09 **RESOLVED:** (Macdonald / Heasman)

- i) That, subject to contract, the tender of Frost Air Conditioning for the sum of \$145,460.00 excluding GST, for the replacement of air conditioning plant at Manly Library, be accepted.
- ii) That Council undertake a strategic review of the building, including air conditioning with all outside air, to improve energy efficiency and reduce CO₂ emissions.

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, Griffin, Aird, Burns and Macdonald
Against the Resolution: Nil.

CLOSE

The meeting closed at 9.20pm

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 1 February 2010.

CHAIRPERSON

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