

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Tuesday 14 June 2005

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www.manly.nsw.gov.au*



TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:35 pm on Tuesday 14 June 2005, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 139 of 6th September, 2004.

PRESENT

Deputy Mayor Councillor R Morrison (arrived 7.38 pm)
Councillor B Aird, Chairperson who presided
Councillor J Evans
Councillor J Hay, AM (arrived 7.36 pm)
Councillor A Heasman, Deputy Chairperson
Councillor J Lambert
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Jim Hunter, Director Corporate Planning & Strategy
Ross Fleming, Chief Financial Officer
Anthony Hewton, Divisional Manager Human Services and Facilities
Lisa Henderson, Minutes Secretariat

**APOLOGIES
(File A8/2)**

Apologies were tendered on behalf of Councillor S Cant, Councillor P Daley and Mayor, Councillor Dr P Macdonald, for non-attendance.

RESOLVED: (Hay/Heasman)

That the apology(ies) received from Councillor S Cant, Councillor P Daley and Mayor, Councillor Dr P Macdonald, for non-attendance, be accepted and leave be granted.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Morrison, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST (File A8/4)

Name:	Item Number:	Nature of Interest:
Councillor Murphy	CPS No 28	Item in the Traffic Committee Minutes relates to his street of residence.
Councillor Heasman	CPS No 29	Resident of Boyle Street, Balgowlah
Councillor Norek	HSF No 6	Client of the speaker who addressed Council on the Fitness Trainer item.

CONFIRMATION OF MINUTES (FILE C17/23)

RESOLVED: (Pedersen/Lambert)

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 9 May 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Morrison, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

PUBLIC ADDRESSES

ITEM	SUBJECT/PUBLIC SPEAKERS
CPS No. 29	Boyle Street, Balgowlah - Streetscape Design Provisions Richard Waddington, Resident of Boyle Street, Balgowlah
HSF No. 6	Fitness Trainers Agreement - Manly Local Government Area Allan Baille, Personal Training Manager

SUSPENSION OF STANDING ORDERS (Hay/Heasman)

That **Standing Orders** be **suspended** to allow for consideration of Items of public interest ie. CPS No. 29 Boyle Street, Balgowlah - Streetscape Design Provisions and HSF No. 6 Fitness Trainers Agreement - Manly Local Government Area.

RESOLVED (Hay/Heasman)

That **Standing Orders** be **suspended** to allow for consideration of Items of public interest ie. CPS No. 29 Boyle Street, Balgowlah - Streetscape Design Provisions and HSF No. 6 Fitness Trainers Agreement - Manly Local Government Area.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Morrison, Pedersen, Aird, Evans and Norek.
Against the Resolution: Nil.

Corporate Planning and Strategy Division Report No. 29

Boyle Street, Balgowlah - Streetscape Design Provisions

SUMMARY

In order to protect the existing character of this section of Boyle Street and prevent development incompatible with the prevailing small-scale heritage character, Council has resolved that a report be prepared on strategies for conserving Boyle Street streetscape (LUM meeting 4 July 2004). Planning staff recommend that Boyle Street should have specific design controls in place and that these controls could be just as effective as a heritage streetscape listing at conserving the special character of the street.

MOTION (Lambert/Evans)

1. That Council endorse the preparation of provisions for inclusion in the D.C.P for the Residential Zone for conserving the heritage characteristics of Boyle Street, Balgowlah, in consultation with the local community as a priority
2. That consistent with Council's normal procedures, the amended DCP and its development be put to nearby residents and the Precinct Community Forum for input under the LEP.
3. Information brochures relating to sympathetic alterations be developed or updated for a range of relevant home styles including Californian Bungalows, Federation, Art Deco/P&O and Mediteranean/Spanish Mission styles.
4. Council undertake a review of streetscapes throughout the LGA to identify those with a strong architectural or streetscape character and a sense of place worthy of similar design guidelines for inclusion in the Residential DCP.

AMENDMENT (Hay/Norek)

That this item be deferred until all households in Boyle Street be surveyed to gauge community views on the proposed Residential DCP.

For the Amendment: Councillors Hay, Murphy, Morrison, Pedersen and Norek.
Against the Amendment: Councillors Lambert, Aird and Evans.

The **Amendment** became the **Motion** and was put and declared Carried.

RESOLVED: (Hay/Norek)

That this item be deferred until all households in Boyle Street be surveyed to gauge community views on the proposed Residential DCP.

For the Resolution: Councillors Hay, Murphy, Morrison, Pedersen and Norek.
Against the Resolution: Councillors Lambert, Aird and Evans.

Councillor Heasman had declared an interest in this item and did not take part in the debate or voting.

Human Services and Facilities Unit Report No. 6

Fitness Trainers Agreement - Manly Local Government Area

SUMMARY

This report outlines arrangements to regulate the conduct of fitness training classes on Council controlled land within the Manly Local Government area.

MOTION: (Evans/Pedersen)

1. That there be a deferral of the fitness trainer's agreement for two months to allow consultation with the Precinct Committees, public exhibition and that the item be brought back to Council for final consideration.
2. That "not for profit" organisations be exempt from paying a licence fee.
3. That there be a sliding scale fee applicable which is to be determined by the size of the groups and to include an administrative component as follows:
 - \$300 per quarter - (6-10 persons)
 - \$150 per quarter - (3-5 persons)
 - \$75 per quarter - (2 or less)
4. That group sizes be restricted to a maximum of ten (10).
5. That LM Graham Reserve and the western end of Lagoon Park (only) to be included in the list of approved areas.

AMENDMENT (Hay/Murphy)

That Council ban "boot camp" style activities within the Manly Council area.

For the Amendment: Councillors Hay, Murphy and Morrison.

Against the Amendment: Councillors Heasman, Lambert, Pedersen, Aird and Evans.

The **Amendment** was declared **Lost**.

RESOLVED: (Evans/Pedersen)

1. That there be a deferral of the fitness trainer's agreement for two months to allow consultation with the Precinct Committees, public exhibition and that the item be brought back to Council for final consideration.
2. That "not for profit" organisations be exempt from paying a licence fee.
3. That there be a sliding scale fee applicable which is to be determined by the size of the groups and to include an administrative component as follows:
 - \$300 per quarter - (6-10 persons)
 - \$150 per quarter - (3-5 persons)
 - \$75 per quarter - (2 or less)
4. That group sizes be restricted to a maximum of ten (10).
5. That LM Graham Reserve and the western end of Lagoon Park (only) to be included in the list of approved areas.

The **Motion** was put and declared **Carried**.

- For the Resolution:** Councillors Heasman, Lambert, Murphy, Morrison, Pedersen, Aird and Evans.
- Against the Resolution:** Councillors Hay.

Councillor Norek declared an interest in this item and did not take part in the voting.

Corporate Planning and Strategy Division Report No. 28

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

1. Minutes Of Meetings:

- (i) Sydney Water and Manly Council Partnership - Minutes of a Meeting held on 7th April, 2005.
- (ii) Manly Social Plan Implementation Committee - Minutes of a Meeting held on 19th April, 2005.
- (iii) Manly Harbour Foreshore Management Committee - Minutes of a Meeting held on 19th April, 2005.
- (iv) Manly Community Environment Committee - Minutes of a Meeting held on 21st April, 2005.
- (v) Seaforth TAFE Site Community Reference Group - Minutes of a Meeting held on 27th April, 2005.
- (vi) Northern Sydney Aboriginal Social Plan Funding Group - Minutes of a Meeting held on 4th May, 2005.
- (vii) Manly Council Heritage Committee - Minutes of a Meeting held on 4th May, 2005.
- (viii) Landscape Management and Urban Design Committee - Minutes of a Meeting held on 4th May, 2005.
- (ix) Scientific Advisory Panel - Minutes of a Meeting held on 5th May, 2005.
- (x) Manly Aboriginal and Torres Strait Islander Committee - Minutes of a Meeting held on 9th May, 2005.
- (xi) Manly Sustainability Strategy Management Group - Minutes of a Meeting held on 10th May, 2005.
- (xii) Social Plan Implementation Committee - Minutes of a Meeting held on 17th May, 2005.
- (xiii) Warringah, Manly, Mosman and Pittwater Council Joint Services Committee - Minutes of a Meeting held on 19th May, 2005.
- (xiv) Manly Community Environment Committee - Minutes of a Meeting held on 19th May, 2005
- (xv) Short-Term and Tourist Accommodation Working Party - Minutes of a Meeting held on 24th May, 2005.
- (xvi) Manly Scenic Walkway Committee - Minutes of a Meeting held on 24th May, 2005.
- (xvii) Manly Traffic Committee - Minutes of a Meeting held on 30th May, 2005.

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

- (a) Manly Community Environment Committee - Minutes of a Meeting held on 21st April, 2005.

Item 3 - Environmental Levy Bids

Recommendation:

"That this Committee:

1. rejects the proposed allocation of 5% (\$50,000 for 2005/6) of the environmental levy fund to the MEC building fund, in view of alternative proposed funding sources (for the MEC building fund), the established criteria for the spending of the environmental levy, and
2. accordingly, has recommended the re-allocation of that \$50,000 into various other nominated projects proposed for funding under the levy. (Reallocation table attached).
3. Little Manly Cove Coastline Management Plan reallocation of funds recommendation of staff endorsed.
4. The Committee recommends to Council the "full page" Manly Daily advertisement option to replace the Environment Levy Community Newsletter as a more appropriate communication tool."

- (b) Manly Community Environment Committee - Minutes of a Meeting held on 21st April, 2005.

Item 4 - Sydney Water Review of Environmental Factors (REF) for North Head Construction

Recommendation:

"Notwithstanding that on 20th August 2003, Manly Council and our Local Member, were given an undertaking by Minister Sartor "that there was no plan within the next two years to implement and upgrade as previously envisaged (i.e., increasing the rate of sewage sludge capture)", the REF indicates that construction for a significant upgrade to increase the sewage sludge capture is planned to commence in August 2005.

Council should write to the Premier and the Minister urgently expressing Council's opposition to the proposed upgrade and its timing in the light of:

- The lack of an E.I.S.
- It is premature as the appropriate review by IPART on Water and Waste Water is due on the 6th September.
- Lack of proper consideration of certain important elements such as the bush fire risk assessment, effect on threatened species and community safety."

- (c) Manly Council Heritage Committee - Minutes of a Meeting held on 4th May, 2005.

Item 4.4 - Sir Roden Cutler Statue

Recommendation:

"The Heritage Committee welcomes the proposed statue to Sir Roden Cutler, and recommends that the siting of the statue at the corner of Darley Road be carefully considered; that it should not obscure existing heritage, such as the school's foundation stone; and that an appropriate DA be lodged with Council before the statue is erected."

- (d) Manly Council Heritage Committee - Minutes of a Meeting held on 4th May, 2005.

Item 9 - Cemetery Conservation Management Plan

Recommendation:

- "1. That Council make an urgent budget allocation for application of the priorities identified by the Cemetery Conservation Management plan, the production of which had been unavoidably delayed through the illness of the consultant employed.
2. That Council seeks listing of the Manly cemetery in the State Heritage Register.

- (e) Landscape Management and Urban Design Committee - Minutes of a Meeting held on 4th May, 2005.

Item 4.3 - The Corso Masterplan Review - Brief Development

Recommendation:

"The LMUD Committee endorsed the Masterplan Working Party recommendation to engage three consultants to develop plan proposals, in line with the Brief, with one in reserve, via the following process:

- LMUD members are invited to put forward any suggestions for consultant selection to the Working Party;
- The LMUD Working Party to select three consultants, with one in reserve, and
- That the LMUD Working Party recommendations on the selection of the consultants be put forward to General Manager and Council for endorsement."

- (f) Scientific Advisory Panel - Minutes of a Meeting held on 5th May, 2005.

Item 3 - Review of SAP Activities

Recommendation:

- "1. That SAP be advised of their required involvement on the Manly Golf Club underground carpark proposal.
2. That SAP be informed of any developments regarding the proposed new hospital site proposal.
3. That Council seeks SAP's advice when relevant assessment documentation on Warringah Council's Netball Court proposal becomes available.
4. That the development application for 1 Addison Rd, Manly be referred to SAP members."

- (g) Scientific Advisory Panel - Minutes of a Meeting held on 5th May, 2005.

Item 4 - Geotechnical Issues and Development Applications

Recommendation:

- "1. That Manly Council organise a heritage survey of our coastline which can then be referred to the Heritage Committee.
2. That Manly Council should encourage other Councils to do the same."

- (h) Social Plan Implementation Committee - Minutes of a Meeting held on 17th May, 2005.

Item 9 - Funding for 'Transitional Employment' - Pioneer Club

Recommendation:

"In principle support was given to the allocation of funding from the 2004/05 Social Plan to the provision of space and facilities, in addition to relevant in-house training to create a position in Manly Council."

- (i) Manly Community Environment Committee - Minutes of a Meeting held on 19th May, 2005

Item 3 - MEC Premises and Role of MEC

Recommendation:

- "• There must be full public consultation in regard to any future plans or arrangements for the MEC.
- That the MEC must not leave Belgrave Street until there are definite and detailed financial arrangements and plans in place for an alternative location.
- That we totally reject the proposed level 2 option for re-location of the MEC as an interim option
- This Committee believes any plans for the permanent location of the MEC should include a ground level shop-front facility as part of the MEC.
- The Committee believes that the council should not decide the permanent location of the MEC until there has been full community consultation, appraisal and agreement on the roles and objectives of the MEC.
- The Committee is strongly of the view that the MEC should retain those aspects that make the MEC unique, particularly a strong advocacy role."

- (j) Manly Scenic Walkway Committee - Minutes of a Meeting held on 24th May, 2005.

Item 3.1 - Community Forum to Discuss Bike Riding on the Scenic Walkway

Recommendation:

"Support the continued ban on cycling on the walkway and that no parallel path be constructed."

MOTION (Lambert/Heasman)

1. That the recommendations of Minutes of Meetings, as listed in Item 1 above, being 1(i) to 1(xvii), be adopted.
2. That in relation to all matters of a substantial nature listed in Item 2 above, being 2(b), 2(c), 2(e), 2(f) 2(g) 2(h) and 2(j), be adopted as per the recommendation of the Committees.
3. That Item 2(a), 2(d) and 2(i) be noted.
4. That any recommendations in respect of the Role and Function of The Manly Environment Centre and its future operations, funding and location be noted (only) at this stage and that these recommendations together with the recommendation of the Manly Environment Centre Working Party be the subject of a comprehensive report to Council at the Ordinary Meeting on 20th June, 2005.

RESOLUTION: (Lambert/Heasman)

1. That the recommendations of Minutes of Meetings, as listed in Item 1 above, being 1(i) to 1(xvii), be adopted.
2. That in relation to all matters of a substantial nature listed in Item 2 above, being 2(b), 2(c), 2(e), 2(f) 2(g) 2(h) and 2(j), be adopted as per the recommendation of the Committees.
3. That Item 2(a), 2(d) and 2(i) be noted.
4. That any recommendations in respect of the Role and Function of The Manly Environment Centre and its future operations, funding and location be noted (only) at this stage and that these recommendations together with the recommendation of the Manly Environment Centre Working Party be the subject of a comprehensive report to Council at the Ordinary Meeting on 20th June, 2005.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

Note: Councillor Murphy declared an interest in item 1 (xvii) Manly Traffic Committee - Minutes of a Meeting held on 30th May, 2005.

Councillor Morrison was not in the chamber and did not take part on the debate or voting on this item.

MATTER OF URGENCY

Note: Councillor Pedersen requested that he be allowed to introduce a **Matter of Urgency** in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice. Following an outline of the matter the Chair put the matter to the vote.

RESOLVED: (Pedersen/Hay)

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

The Chairperson ruled that the item **was of great urgency** and that the matter proceeded to debate.

MOTION (Pedersen/Hay)

That Council write to Sydney Water and the Premier

1. That Council believes that any final decision regarding the expansion of the North Head Sewerage Treatment Plant be deferred at least until the IPART Report is publicly released.
2. That Council express its serious concerns that the \$91 million dollar expansion of the North Head Sewerage Treatment Plant will further entrench outdated systems and technology for effluent treatment at a time when water reuse and water shortages is a critical issue for Sydney.

RESOLVED: (Pedersen/Hay)

That Council write to Sydney Water and the Premier

1. That Council believes that any final decision regarding the expansion of the North Head Sewerage Treatment Plant be deferred at least until the IPART Report is publicly released.
2. That Council express its serious concerns that the \$91 million dollar expansion of the North Head Sewerage Treatment Plant will further entrench outdated systems and technology for effluent treatment at a time when water reuse and water shortages is a critical issue for Sydney.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

Councillor Morrison was not in the chamber and did not take part on the debate or voting on this item.

CORPORATE PLANNING AND STRATEGY DIVISION REPORTS

Corporate Planning and Strategy Division Report No. 27

SHOROC Tender for Road Construction Materials and Services

SUMMARY

Joint tenders for “Road Construction Materials and Services” were called by Mosman Council on behalf of the SHOROC member Councils. Tenders were evaluated by a panel comprising the technical staff of the member Councils. Purpose of this report is to recommend the suitable Tenderers for acceptance.

MOTION (Hay/Heasman)

That Council accepts the Schedule of Rate Tenders for various services as follows:

SERVICE	TENDERER
1. Stabilisation of road pavements.	Stabilised Pavements of Australia
2. Bitumen Sprayed Seal.	Sami Pty Ltd
3. Asphaltic Concrete.	Boral Asphalt

- | | | |
|----|------------------------------------------|------------------------------|
| 4. | Cold Milling of Asphalt and Base Course. | Works Infrastructure Pty Ltd |
| 5. | Crack sealing. | Sami Pty Ltd |
| 6. | Pavement Rejuvenation. | Sami Pty Ltd |

RESOLVED: (Hay/Heasman)

That Council accepts the Schedule of Rate Tenders for various services as follows:

SERVICE	TENDERER
1. Stabilisation of road pavements.	Stabilised Pavements of Australia
2. Bitumen Sprayed Seal.	Sami Pty Ltd
3. Asphaltic Concrete.	Boral Asphalt
4. Cold Milling of Asphalt and Base Course.	Works Infrastructure Pty Ltd
5. Crack sealing.	Sami Pty Ltd
6. Pavement Rejuvenation.	Sami Pty Ltd

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Morrison, Norek, Pedersen, Aird and Evans.

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 28

Tender for the Provision of Waste Transfer, Processing and Disposal Services for NSROC Member Councils and Participating SHOROC Councils

SUMMARY

In early 2004 Manly Council joined the other NSROC Councils in developing a request for tender for the disposal of all putrescible waste, with the view that collective action may offer an opportunity for cost reductions. However, the tender was framed in such a manner as to enable each participating Council to withdraw from the process should tender outcomes not be perceived to that Council's advantage.

The Joint Tender for the Supply of Waste Transfer Processing and Disposal Services to the NSROC and SHOROC participating Councils was advertised in the Sydney Morning Herald in April and May 2004 and the Daily Telegraph and Weekend Australian in May 2004. A total of thirteen (13) packages of the Tender documentation were purchased. Two Pre-Tender Meetings were held on 10 May 2004 and the second on 6 September 2004 with Tenders finally closing on 29 October 2004.

On 28 October 2004 Mosman Municipal Council and Warringah Council advised, in writing, that they were formally withdrawing from the tender process. At this time, Manly Council was active in the tendering process with an officer participating as a member of the Evaluation Team. Pittwater Council had not participated in the document preparation and following inquiries made by the Probity Adviser to the tendering process, he was advised by Ms Robina Warburton that Pittwater Council was not involved in the NSROC/SHOROC Tender.

Simultaneously, Manly Council was also engaged with negotiations with the SHOROC Councils and Waste Service NSW in relation to exclusive ongoing access to the landfill facilities at Belrose. The successful conclusion of that process now renders Council's continued involvement in the broader (NSROC) tender process redundant.

MOTION (Hay/Heasman)

1. That Council resolves not to accept the Tenders arising from the NSROC process.
2. That Council resolves to cancel the proposal for the contract in accordance with Clause 19(3a) of the Local Government (Tendering) Regulation 1999.

RESOLVED: (Hay/Heasman)

1. That Council resolves not to accept the Tenders arising from the NSROC process.
2. That Council resolves to cancel the proposal for the contract in accordance with Clause 19(3a) of the Local Government (Tendering) Regulation 1999.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Morrison, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES UNIT REPORTS

Human Services and Facilities Unit Report No. 5

Arts and Craft Market - Sydney Road/Market Lane Award of Operators Licence ()

SUMMARY

The current management operator's licence of the Manly Arts and Craft Market expired on 6 March, 2005. An expression of interest process has been conducted to secure an operator of the Market for the future. This report recommends the preferred licensee for Council's endorsement.

MOTION (Hay/Heasman)

1. That Council supports the continuation of the Manly Arts and Craft Market, in Sydney Road and Market Lane, by a licensed management operator, subject to agreed conditions and guidelines.
2. That the licence be for a period of two (2) years as from 01 July 2005 with an option for a further one (1) year.
3. That the Market management operators licence be awarded to Blue Sky Events Pty Ltd. in accordance with the terms submitted.

4. That a further condition be included that no plastic bags be allowed.

RESOLVED: (Hay/Heasman)

1. That Council supports the continuation of the Manly Arts and Craft Market, in Sydney Road and Market Lane, by a licensed management operator, subject to agreed conditions and guidelines.
2. That the licence be for a period of two (2) years as from 01 July 2005 with an option for a further one (1) year.
3. That the Market management operators licence be awarded to Blue Sky Events Pty Ltd. in accordance with the terms submitted.
4. That a further condition be included that no plastic bags be allowed.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Morrison, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

CLOSE

The meeting closed at 9.45 pm.

The above minutes were confirmed at the **Planning and Strategy Committee** of Manly Council held on 18th July, 2005.

CHAIRPERSON

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