



## Agenda

### Planning and Strategy Committee

Notice is hereby given that a Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

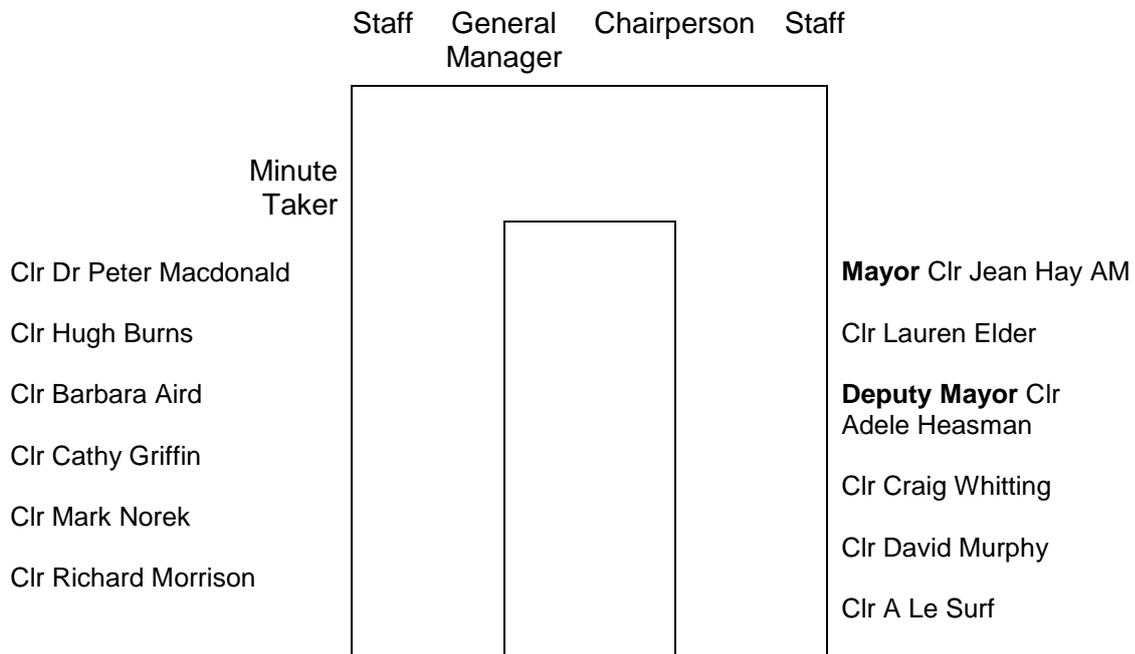
**Monday 1 June 2009**

Commencing at 7:30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

# Seating Arrangements for Meetings



Press

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Public  
Addresses

## Public Gallery

**Chairperson:** Councillor Richard Morrison  
**Deputy Chairperson:** Councillor David Murphy

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**TO:** Planning and Strategy Committee - 1 June 2009  
**REPORT:** General Managers Division Report No. 12  
**SUBJECT:** Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting  
**FILE NO:**

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## SUMMARY

As part of the NSW Government's commitment to a strong and sustainable local government system, and after extensive consultation with a variety of stakeholders, the Government has released the Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Exposure Draft Local Government (General) Amendment (Planning and Reporting) Regulation 2009 for public exhibition.

### The closing dates for submissions are:

Draft Bill and Regulation - **5.00 pm, Friday 12 June 2009**  
Draft Guidelines and Manual - **5.00 pm, Friday 3 July 2009**

The Council's draft submission covering the legislation, guidelines and manual is at Attachment 1 to the report and is recommended for approval and to be sent to the Department of Local Government.

## REPORT

As part of the NSW Government's commitment to a strong and sustainable local government system, and after extensive consultation with a variety of stakeholders, the Government has released the Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Exposure Draft Local Government (General) Amendment (Planning and Reporting) Regulation 2009 for public exhibition.

The specific aims of the Integrated Planning and Reporting Framework are to:

- improve integration of various statutory planning and reporting processes undertaken by councils as required by the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*
- strengthen councils' strategic focus
- streamline reporting processes
- ensure that the *Local Government Act 1993* and the Department's guidelines support a strategic and integrated approach to planning and reporting by local councils
- ensure accountability and responsiveness to local communities.

In addition to draft legislation, other documents that are available for comment are draft Planning and Reporting Guidelines for local government in NSW and a draft Planning and Reporting Manual for local government in NSW. A frequently asked questions fact sheet and the Circular to Councils are also available for information.

General Managers Division Report No. 12 (Cont'd)

The closing dates for submissions are:

Draft Bill and Regulation - **5.00 pm, Friday 12 June 2009**  
 Draft Guidelines and Manual - **5.00 pm, Friday 3 July 2009**

The Department of Local Government is holding information sessions for Mayors, Councillors, General Manager and relevant Council staff in May.

This report sets out the main elements of the Integrated Planning and Reporting framework, and in Attachment 1 presents the Council's draft submission to the consultation and considers the proposals in more detail. This submission covers the Draft Bill, Regulation and Draft Guidelines and Manual.

The DLG document, *Integrated Planning and Reporting Framework – Frequently Asked Questions and their answers*, is at Attachment 2 to this report (circulated separately).

The remaining documents can be found at:

[http://www.dlg.nsw.gov.au/dlg/dlghome/dlg\\_generalindex.asp?sectionid=1&mi=6&ml=9&AreaIndex=IntPlanRept](http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_generalindex.asp?sectionid=1&mi=6&ml=9&AreaIndex=IntPlanRept)

It is expected that the Bill will go before Parliament around September 2009.

The Department of Local Government (DLG) has undertaken extensive consultation on these proposals since it published the Position Paper *A New Direction for Local Government* and the Options Paper *Planning a Sustainable Future – Integrated Planning and Reporting for NSW Councils* in 2006, and the Position Paper on Asset Management in 2007.

Manly Councillors are familiar with the Integrated Planning and Reporting Framework from the Induction Workshops led by Manly Council, SHOROC and the DLG in October 2008; a report considered by the Extraordinary Council meeting of 20 October 2008, and the recent discussions of a strategic framework for each of the Advisory Committees. Appendix C to the Council's Draft Management Plan contains the Guiding Principles for the Management Plan Transition to Integrated Planning and Reporting.

The **draft Bill** requires councils to have:

- A Community Strategic Plan
- Resourcing Strategy
- 4 Year Delivery Program
- Annual Operational Plan
- Annual Report (includes State of the Environment Report)



**General Managers Division Report No. 12 (Cont'd)**

The draft Bill:

- Amends councils' charter to include reference to long-term planning on behalf of the community and planning for assets
- Amends the role of councillor to include a civic leadership role
- Amends the function of the General Manager to assist the council in connection with the development and implementation of Integrated Planning and Reporting
- Provides transitional arrangements for the phasing in of the new system.

The **draft Regulations:**

- Repeal provisions dealing with the management plan
- Detail the particulars to be included in the statement of a council's revenue policy
- Specify matters to be included in a council's annual report.

The **draft guidelines** contain the essential elements of the legislation (at Attachment 3, circulated separately) and the **draft Manual** will assist councils to implement the new framework.

The **Community Strategic Plan** is a ten year plan developed and endorsed by council which identifies the main priorities and aspirations of the community. It must have objectives and strategies for achieving the objectives and a community engagement strategy must be developed. Community engagement is required for each element of the framework – the Community Strategic Plan; the 4 year Delivery Program; the Operational Plan and the Annual Report.

The **Delivery Program** is a 4 year program which details the activities to be undertaken by the council to achieve the objectives of the Community Strategic Plan. It is the Council's response to the Community's Strategic Plan. A progress report to council will be required at least every 6 months.

The **Operational Plan** details council activities for that year to achieve the Delivery Program and provides a statement of the council's revenue policy.

The **Annual Report** is a report to the community required by November 30 each year including:

- Progress implementing Delivery Program
- Report on the requirements in the Regulation
- Audited financial statements

In addition, an end of term report on the achievement of the objectives in the Community Strategic Plan will be required at the last Council meeting before the election.

The requirement to prepare a **State of the Environment (SoE) Report** has been maintained as a component of the Annual Report. This is a new element that was not included in previous proposals. Regional and catchment reporting for the SoE is encouraged. Councils will be able to report in issues of concern to their community and where they may influence their management.

The relationship between the Integrated Planning and Reporting framework and the Council's Local Environmental Plan (LEP) is clarified:

- LEPs are still prepared in accordance with the Environmental Planning and Assessment legislation
- The Community Strategic Plan sets high level objectives that inform land use planning

**General Managers Division Report No. 12 (Cont'd)**

- The LEP is a tool for councils to achieve the objectives of the Community Strategic Plan
- The LEP and any amendments to it must be consistent with the Community Strategic Plan and assessed as part of the Department of Planning's Gateway Process.

The Council's **Resourcing Strategy** consists of a Long term Financial Plan, an Asset Management Plan and a Workforce Plan:

**The Long Term Financial Plan:**

- Minimum of 10 years
- Tests long-term financial goals against financial realities
- It asks the questions

Can we afford what the community wants?

How can we go about achieving these outcomes?

**Asset Management**

- Councils must account for and plan for all assets they own and any new asset solutions proposed in the Community Strategic Plan and the Delivery Program
- Councils must prepare an Asset Management Strategy and Plan/s to support the Community Strategic Plan and Delivery Program
- Minimum timeframe 10 years.

**Asset Condition Assessment**

Taking a consistent approach to the identification of asset condition is a key objective of these reforms. The model for condition assessment has not been prescribed, but the DLG is encouraging the use of a five category model.

**Workforce Planning** identifies and plans a council's future workforce needs to implement the Delivery Program with a minimum timeframe 4 years.

The proposals include roles and responsibilities for Mayors, Councillors, General Managers, the community, other Government agencies, and the DLG.

The new **framework** will be introduced in three groups of councils over three years. The Bill will go to Parliament in 2009. Councils will be asked to nominate the group they would like to be in after the legislation is passed by Parliament. Existing legislative provisions continue until commencement of each group.

- Group 1: CSP adopted by 31 March 2010 and DP adopted before 1 July 2010
- Group 2 : CSP adopted by 31 March 2011 and DP adopted before 1 July 2011
- Group 3: CSP adopted by 31 March 2012 and DP adopted before 1 July 2012

In future years after an election a Council will have 9 months to review and roll forward its Community Strategic Plan (so that it will cover 10 years or more); prepare its 4 year Delivery Program and Operational Plan, and consult on all elements so that they are in place for delivery from 1 July the year after the September election.

**General Managers Division Report No. 12 (Cont'd)**

It was originally hoped that it would be possible for Manly Council to opt to be in Group 1. However, it is not possible to achieve this timetable and it will be recommended that Manly Council aims to be in Group 2. A project plan has been developed, and the implementation needs to start immediately including the approval of the community engagement strategy which is the subject of a Councillor Workshop in June 2009.

**RECOMMENDATION**

It is recommended that Council:

- 1)Endorses the submission at Attachment 1 to this report as Council’s response to the DLG’s consultation on Integrated Planning and Reporting and,
- 2)Chooses to be in Group 2: Community Strategic Plan adopted by 31 March 2011 and Delivery Program adopted before 1 July 2011.

**ATTACHMENTS**

<b>AT- 1</b>	Manly Council submission to Integrated Planning and Reporting	10 Pages	
<b>AT- 2</b>	Integrated Planning and Reporting Framework Frequently Asked Questions and their Answers	13 Pages	Circulated Separately
<b>AT- 3</b>	Draft Planning and Reporting Guidelines	21 Pages	Circulated Separately

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\*\*\*\*\* End of General Managers Division Report No. 12 \*\*\*\*\*

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting Manly Council submission to Integrated Planning and Reporting**

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**Draft Submission to the Department of Local Government on the draft Integrated Planning and Reporting Legislation, Guidelines and Manual**

**1. Introduction**

Manly Council welcomes the release of the Integrated Planning and Reporting Framework 'package'.

**2. Submission**

Manly Council congratulates the DLG on its well written and structured package of legislation, guidelines, the manual and Frequently Asked Questions, and the amount of industry consultation that has developed the package and continues. The Council welcomes the specific aims of the proposed legislation, guidelines and Manual on the Integrated Planning and Reporting Framework to:

- improve integration of various statutory planning and reporting processes undertaken by councils as required by the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*
- strengthen councils' strategic focus
- streamline reporting processes
- ensure that the *Local Government Act 1993* and the Department's guidelines support a strategic and integrated approach to planning and reporting by local councils
- ensure accountability and responsiveness to local communities.

Manly Council felt that the implementation of the Integrated Planning and Reporting legislation and guidelines by councils should result in changes in other legislation e.g. the timing for applying for Special Rate Variations in S508 of the Local Government Act. Once a council has a full integrated planning and reporting framework in place, it should be able to apply for a special variation at any time.

The Council wanted to see accountability from the Department of Planning for the funds that have been collected from local government since 2002 (the planFIRST fee, now known as the Planning Reform Fund). This may have been collected for the last 6 years at a rate of around \$15 million p.a., and has been used by some councils, including Manly, for developing strategic plans that now need to be renewed.

Is this funding going to be made available to Councils to implement Integrated Planning and Reporting, given that it specifically refers to the relationship between strategic plans and LEPs?

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting**  
**Manly Council submission to Integrated Planning and Reporting**

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Smaller councils may be better at integration and working overall on the delivery of outcomes than larger councils, and larger councils may be more experienced at longer term financial planning and asset management, so they should help each other through existing City/Country Sister City relationships, and the DLG could include this proposal on their capacity building website to help councils with implementation. Manly Council has a sister city relationship with Gunnedah Council in North West NSW.

DLG should take a proactive role along the lines of the Victorian model and undertake state wide research and develop indicators that councils could use in developing their plans. It is recommended that DLG provides KPIs for the CSP which can be applied across the state and so that state agencies can be compelled to provide data to help council planning.

For ease of consideration of this submission by DLG, the submission covers the separate elements of the 'package'. Inevitably this causes some repetition of issues.

**A. Draft Local Government Amendment (Planning and Reporting) Bill 2009 and Explanatory Note**

**How are councils made accountable for their actions?**

See the following comments about the strengthening of the Community Engagement Strategy. It is proposed that this Chapter should include that the Community Engagement Strategy should reflect social justice principles and that council should also ensure that the **representative** views of the community are gleaned to guide the development of the Community Strategic Plan.

Manly Council has developed Community Leadership Principles in preparing for the transition to Integrated Planning and Reporting, and in Appendix C to the Draft Management Plan currently on exhibition describes the **Guiding Principles for the Management Plan Transition to Integrated Planning and Reporting**:

*'In developing the Community Strategic Plan (CSP) Council will develop and implement a Community Engagement Strategy (and submit it to the Department of Local Government) for engagement with the local community and identify relevant stakeholder groups and methods of engagement. The CSP and Community Engagement Strategy will be underpinned by Social Justice Principles, and Manly Council embraces these principles:*

- **Equity** – Fairness in the distribution of resources, particularly for those in need.
- **Access** – Securing fairer access for people to economic resources, services and rights essential to improving their quality of life.
- **Participation** – Achieving maximum opportunity for all people to participate in decisions which affect their lives.
- **Rights** – Establishing and promoting equality of rights.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting**  
**Manly Council submission to Integrated Planning and Reporting**

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*In developing plans under the new system, Council will consult with the community to develop the underpinning sustainability principles. The principles chosen should aim to build a culture of sustainability within the community, so that it becomes a part of everyday decision-making, actions and management.*

*These principles should adequately address the Quadruple Bottom Line of social, environmental, economic, and community leadership considerations.*

*In starting the transition to the new system of Integrated Planning and Reporting, the Council has developed **Community Leadership Principles** as the values driving our community engagement processes and the development of our future plans. These are as follows:*

- **Equity** or fairness
- **Access** to resources and benefits
- **Participation** in decision making
- **Rights** to a voice as a citizen
- Open and **accountable** government
- Be an effective **advocate** of the community
- **Govern for all** members of the community
- Be the **custodians and trustees** of community resources
- Applying the **precautionary** and **anticipatory** approach to decision making
- Decision making that gives balanced consideration to social, environmental and financial factors within the context of good governance.

*The outcomes from the engagement process include:*

- A **well informed** community (business and residents) that knows what it can expect of the Council in terms of consultation over different issues
- Seen to be an **open and accountable** Council
- Council successfully **advocates** for resources from other organisations to meet the needs of the community
- An **engagement** process that is genuine, and widely representative
- A Council that acts on the **representative views** of the community
- A Council that leads discussion and debate, makes decisions that are in the **best interests of the whole community**

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting**  
**Manly Council submission to Integrated Planning and Reporting**

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- **A transparent Council whose** processes and decisions are open to public scrutiny
- An **Accountable** Council that works with the community as a whole
- Council services that are **integrated** with a minimum of bureaucracy and maximum co-ordination
- A Council that will form **partnerships** with other groups and organisations where it will assist our community to do so.
- A community that **recognises the expertise of Council staff** and their commitment to the welfare of the community.

*The development of these principles has led to the proposal to implement a community engagement framework consisting of a mosaic of techniques with a geographically and demographically representative Community Panel as the peak engagement tool, including a separate Young People Panel. This is because the proposed Community Panels can come closer to fulfilling these Community Leadership principles than other tools for consultation and involvement of the community in decision making processes, and are cost effective.*

*Research elsewhere has shown that participants in panels progressively gain a greater understanding of the planning and decision making processes, as well as the issues, over time, and this tends to result in a change in community attitudes, including the development of strong public confidence in decision making. This advantage is not provided in any other method, and one of the main stated reasons for a lack of trust in public sector decision-making is that the politicians are subject to the influence of special interest groups’.*

### **Community Engagement Strategy**

It is important that councils engage the whole local community in their strategic planning, and it is recommended that the description of the Community Engagement Strategy needs to be strengthened to reflect social justice principles and ensure that councils engage with the community to ensure that the **representative** views of the community develop the Community Strategic Plan and are gleaned in consultation on the Delivery Program, Operational Plan and Annual Report.

In the U.K. local government now has a new ‘Duty to Involve’, and this emphasises the importance of gaining views that are representative of the community as a whole. Many councils in the U.K. are achieving this representativeness through Community Panels that are geographically and demographically representative of their local communities.

Manly Council is concerned about the impact of poor quality community engagements on the quality of the whole framework and results.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting**  
**Manly Council submission to Integrated Planning and Reporting**

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### **Resourcing Strategy**

The draft Bill states that:

*A council must have a long-term strategy (called its **resourcing strategy**) for the provision of the resources required to achieve the objectives established by the community strategic plan.*

This suggests that the council is the only organisation involved in the delivery of the CSP, whereas many other partners will be involved. Perhaps one way to deal with this is to describe elsewhere how the council should contain within its resourcing strategy the resources it will need to work with, influence and persuade other partners to deliver their responsibilities in the CSP.

### **Delivery Program**

The draft Bill states:

*The delivery program must include a method of assessment to determine the effectiveness of each activity detailed in the delivery program in achieving the objectives at which the activity is directed.*

Will councils really be required to report the effectiveness of each activity, or should this be each principal activity? Or should councils develop their delivery program at principal activity level so that reporting is not too detailed?

### **Operational Plan**

The draft Bill states that:

*In deciding on the final operational plan to be adopted, a council must take into consideration any submissions that have been made concerning the draft plan.*

The way this is worded sounds as if the council must agree with and implement all submissions. In the New Zealand legislation for long term community planning the council is required to consider submissions and explain if it does not agree and does not intend to implement the proposal what process it has gone through to consider the proposal and why it will not be implementing it. This is a preferable approach.

This is made clearer in other documents, but should also be clear in the legislation as *considers* rather than *take into consideration*.

### **State of the Environment Reports**

Manly Council strongly recommends that the new provisions for State of the Environment reporting should be removed as they do not implement the principles of the reforms. The environment should be at the centre of long term strategic planning and reporting as part of the Quadruple Bottom Line. The Annual Report is intended to report on in issues of concern to the community and the environment is a central part of this, not a separate addition.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting  
Manly Council submission to Integrated Planning and Reporting**

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If there is to be separate SoE reporting, the comprehensive report should NOT be developed at a different time from the other reports, but should be part of the report of the outgoing council on the achievement of the CSP.

**B. Draft Local Government (General) Amendment (Planning and Reporting)  
Regulation 2009**

**Clause 203 Budget review statement and revision of estimates**

There is no point in detailing the council's proposed activities for that year in the Operational Plan to achieve the Delivery Program if the quarterly review is only going to consider financial matters, not what is being achieved. This appears to be a reduction in accountability to the community.

**C. Planning A Sustainable Future – Planning and Reporting Guidelines for local government in NSW**

The explanatory nature of the Guidelines is welcomed. It is recommended that the title of the guidelines should refer to the fact that they are *Guidelines to meeting mandatory requirements...*

**The Community Strategic Plan**

The concept of giving due consideration to the expected levels of service expressed by the community when preparing the CSP is a level of detail too far for a strategic plan. Consultation on levels of service will detract from the strategic nature of the dialogue. It is understood that service levels need to be considered in the development of the Resourcing Strategy, but this engagement would be better at service user level in the development of service or business and development plans which would, in future years, be the building blocks for the development of the Delivery Program.

This is the process that Manly Council is following as illustrated in the diagram in the draft Management Plan:

**Community Engagement**

As described earlier, it is important that councils engage the whole local community, not just special interest groups, in their strategic planning, and it is recommended that the description of the Community Engagement Strategy needs to be strengthened to ensure that Councils engage with the community to ensure that the **representative** views of the community develop the Community Strategic Plan and are gleaned in consultation on the Delivery Program, Operational Plan and Annual Report.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting  
Manly Council submission to Integrated Planning and Reporting**

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### **Sustainability Principles**

In earlier working versions of the Guidelines on which the Integrated Planners Network was consulted, the CSP was to be *founded on sustainability principles and address social, environmental, economic and civic leadership issues*.

The statement 'founded on sustainability principles' has now been removed. The requirement for SoE reporting appears to have been included instead. Manly Council is a strong advocate on behalf of the community and feels strongly that it was more in line with the principles of the reforms for the CSP to be founded on sustainability principles, than to have separate SoE reporting.

### **How often must the Community Strategic Plan be reviewed?**

Manly Council has some concerns about only having 9 months to review and roll forward the CSP, and that the Delivery Program and Operational Plan have to be developed and consulted on simultaneously so that they are all in place for delivery from 1 July of the year following the September quadrennial election. This will require community engagement during the summer, which is generally not good practice.

However, no alternatives are proposed as it will obviously be important for newly elected councils to start to deliver their own Delivery Program as soon as possible.

### **The Resourcing Strategy**

The description of the Resourcing Strategy is welcomed regarding who is responsible for what and the suggestion of developing MOUs, however, the requirement for the Long Term Financial Plan to be used to inform decision making during the finalisation of the CSP will focus the community's attention on the council as the deliverer, and could let other partners 'off the hook'.

It is proposed that the basic structure of the **Long Term Financial Plan** should include the resources that Council will need to work with, influence and persuade other partners to deliver their responsibilities in the CSP. Obviously this means this resourcing should be included in annual budgets and the workforce plan.

As stated earlier, the presence of a Long Term Financial Plan should mean that councils can make an application under S508 for a special variation at any time.

**Rate pegging** remains a major issue that does not fit with the rest of the proposals concerning capacity building and autonomy of councils.

The DLG could provide a set of assumptions to guide councils to ensure they are not too optimistic.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting Manly Council submission to Integrated Planning and Reporting**

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Manly Council had hoped for stronger support through the legislation and guidelines for MOUs with State Agencies as a State Wide issue along the lines of Local Area Agreements in England and Wales.

In the pictogram the resourcing strategy looks like a little add on rather than an important strategy at CSP level.

More information on **Workforce Management Planning** would be welcome.

### **The Delivery Program**

As discussed earlier, will councils really be required to report the effectiveness of each activity, or should this be each principal activity? Or should councils develop their delivery program at principal activity level so that reporting is not too detailed?

The requirement for 6 monthly progress reports on the DP is welcomed, particularly as the second one will be part of the Annual Report.

### **What are the general requirements of the Delivery Program?**

Concerns were expressed over the **timescale** for the development of the new Delivery Program simultaneously with the review and roll forward of the CSP following the quadrennial election as described above. However, no alternative is proposed, so this is merely a comment that it is not ideal.

### **What is the basic structure of the Delivery Program?**

The allocation of responsibilities for sets of actions in the DP is welcome, however, it would be helpful if the guidelines also stated that council's performance management system should be aligned with the DP.

### **What input should the community have in the development of the DP?**

Concerns were expressed earlier regarding community engagement in the development of the CSP on service levels and proposals made for how this might be achieved differently under **The Community Strategic Plan** above.

### **How often should the Delivery Program be reviewed?**

Paragraph 3.10 seems superfluous as the requirement is for a new DP to be developed by 30 June in the year following the election.

The lack of specific guidelines on what is considered 'significant' enough to amend the DP and to re-exhibit is welcomed so that councils can make up their own minds about what is significant in their own context. However, it is not clear why two Council meetings are required as set out in paragraph 3.11.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting  
Manly Council submission to Integrated Planning and Reporting**

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**Operational Plan**

As described earlier there is no point in detailing the council's proposed activities for that year in the Operational Plan to achieve the Delivery Program if the quarterly review is only going to consider financial matters, not what is being achieved. This appears to be a reduction in accountability to the community.

**Annual Report**

As described earlier Manly Council is opposed to preparing a separate SoE report.

**D. Planning a Sustainable Future – Planning and Reporting Manual for local government in NSW 2009 – Draft for public comment**

The draft Manual is welcomed in explaining the reasoning behind, and the general intent of the requirements of the legislation and guidelines, and it finds a good balance between giving examples while still emphasising that councils need to develop their own plans for their own circumstances.

The diagrams and explanations of timeframes are very helpful.

**Getting started – page 14**

The Manual states that *for the first Community Strategic Plan (2008-2012 council term) each council will have up to 18 months to prepare the Community Strategic Plan, Resourcing Strategy and Delivery Program.*

This is not the case for Councils deciding to go into Group 1 and develop their CSP by March 2010. It depends on when the legislation is passed.

**Agreeing on principles – page 16**

The issue of the removal of the CSP being *founded on sustainability principles* is discussed above. Manly Council feels strongly that the paragraph in the draft Manual:

*There are many different views on what constitutes a “sustainable community” and councils may decide that using sustainability principles is not the best approach to developing the Community Strategic Plan for their community.*

does not assist councils to meet the Council's Charter in the Local Government Act, and the remainder of the paragraph after *There are many different views on what constitutes a “sustainable community”* – should be deleted.

Then the word 'however' needs to be removed from the following paragraph.

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**General Managers Division Report No. 12 - Submission to the Department of Local Government on the Draft Legislation and Guidelines for Integrated Planning and Reporting Manly Council submission to Integrated Planning and Reporting**

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**Social Justice Principles – page 18**

It is not clear that the Social Justice Principles are adequately translated into the Community Engagement proposals later in the Manual and in the draft legislation and guidelines as discussed earlier.

**Identifying the big issues – relevant information and research – page 23**

The draft Manual states that:

*Although many councils currently have a strategic planning team, the pre-plan work shouldn't be restricted to this team alone. The Community Strategic Plan will ultimately affect everyone who works at the council, as well as the community, so it is best to get a variety of people involved in the process.*

This is good advice, but should go further. Many public sector organisations develop very good strategic plans, but fail to deliver them, and this is often because the operational managers and staff have not been involved in the development of the plans. The Manual goes into considerable detail about considering other plans, but does not mention service/business and development plans. Operational managers and staff need to have ownership of what they will be required to deliver, and a 'top down' process is unlikely to result in the improvements in delivery that are sought. One process that should be included in the Manual is the development of service/business and development plans to inform the strategic plans on what is needed to deliver services into the future. This is an important element in being able to discuss service levels with the community. Strategic choices are an important element of strategic planning.

This is the process Manly Council is following.

**Engaging the Community – page 31**

As discussed earlier, it is important that councils engage the whole local community, not just special interest groups, in their strategic planning. It is recommended that the discussion of Community Engagement in the Manual includes how to ensure that councils engage with the community to ensure that, as well as involving stakeholders and seldom heard groups, the **representative** views of the community are involved in the development of the Community Strategic Plan, and are gleaned in consultation on the Delivery Program, Operational Plan and Annual Report.

In the U.K. local government now has a new 'Duty to Involve', and this emphasises the importance of gaining views that are representative of the community as a whole. Many councils in the U.K. are achieving this representativeness through Community Panels that are geographically and demographically representative of their local communities.

**Connecting with the LEP and other land use planning mechanisms – page 41**

The example is most helpful in explaining the intent.

**TO:** Planning and Strategy Committee - 1 June 2009  
**REPORT:** Item For Brief Mention Report No. 8  
**SUBJECT:** Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees  
**FILE NO:**

---

## 1. Update on a new Level 5 Northern Beaches Hospital

At the Extra Ordinary Meeting of Council held on 20<sup>th</sup> October 2008 it was resolved as follows:

166/08 **RESOLVED:** (Aird / Heasman)

*“That:*

1. *Manly Council supports the combined Medical Staff Councils of Mona Vale and Manly Hospitals in their efforts to hold the incumbent NSW State Government responsible to urgently make good its undertaking to build the long-overdue Level 5 Northern Beaches Hospital to ensure our residents receive health care of an appropriate standard.*
2. *As part of that support, Manly Council seeks an urgent meeting with the NSW State Premier, Treasurer and Health Minister prior to the upcoming November 11 mini-budget.*
3. *Council enlist the support of the local member in its actions and also a commitment from him that a future Liberal government will commit to a Level 5 Northern Beaches Hospital.*
4. *In the meantime Manly Council receives an assurance that ensures the current facilities are maintained and funded at Manly Hospital.”*

Council wrote to the NSW Minister for Health John Della Bosca MLC regarding this resolution. A response has been received from the Parliamentary Secretary for Health, on behalf of the Minister, and is attached for the information of the Council (refer to Attachment 1). It is recommended this information be received and noted.

## 2. Update on Manly Council's support for a proposed Sydney Marine Park

At its Ordinary Meeting of 8<sup>th</sup> December 2008 Council resolved [187/08] to publicly support the creation of Sydney Marine Park with increased sanctuary areas for Manly's marine waters. Further, Council called on the NSW State Government to act on the findings and recommendations contained in the National Parks Association (NPA) report *“The Tom Blue Fringe”* for creation of a Sydney Marine Park (refer to Attachment 2).

A response to Council's letter has been received from the NSW National Parks and Wildlife Service (refer to Attachment 3) informing Council that the NSW Government has not accepted the recommendations in the NPA report and, further, has indicated that it has no plans for additional marine parks at this time. It is recommended that this information be received and noted.

**Item For Brief Mention Report No. 8 (Cont'd)****3. North Steyne Beach Manly wins Australia's Cleanest Beach for 2009**

North Steyne Beach in Manly, NSW, has been announced Australia's Cleanest Beach for 2009 at the annual Keep Australia Beautiful Australian Clean Beaches Awards, held in Townsville on Monday 25<sup>th</sup> May 2009.

As well as winning the overall Australian title, North Steyne picked up the Community Partnership, Environmental Innovation, Energy Conservation and Young Legends categories, too.

According to Australian Clean Beaches Judge and Coastalwatch representative, Chris Tola, "The focus for the North Steyne community is the North Steyne Surf Life Saving Club, which not only has a long and prestigious history, but is also undertaking cutting edge environmentalism for the benefit of its members and the wider local community.

"Manly Council has also undertaken a number of beautification programs along the foreshore, creating excellent recreational areas and visitor amenities along the stretch. These areas are exceedingly well maintained by a dedicated Council Team and Rangers patrol the area constantly.

"To win a clean beaches award does not simply mean the beach is litter free...These awards take into account the whole spectrum of local community sustainability initiatives and North Steyne is great testament to this", he added.

Through the Clean Beaches Awards, Keep Australia Beautiful is able to recognise local community and individual efforts that are helping coastal areas to become environmentally, economically and socially sustainable communities. The awards are sponsored by Mount Franklin Spring Water, Remondis Waste Solutions and Coastalwatch.

It is recommended that the information be received and noted.

**4. Minutes of Meetings without recommendations of a substantial nature:**

- i) Sustainable Transport Committee - 29 April 2009
- ii) Manly Traffic Committee – 11 May 2009

**5. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:****i) Harbour Foreshores & Coastline Management Committee – 14 April 2009****a) Item 5 Strategic Framework for HFCMC, priorities for 2009-12 and the first Meeting of the Committee**

Council's Coastal Management Team Leader provided a presentation outlining the strategic framework of the Committee and proposed priorities.

The Committee sought and received details on a number of activities including proposed sea-grass friendly moorings, options for Cathedral Rock, groundwater study, mangrove plantations in Fisher Bay, Pine Street outlet, Raglan Street drainage and the North Harbour Study. It was agreed that a separate report on options for Cathedral Rock be presented at the next meeting.

The Committee highlighted the need for meeting papers to be distributed well in

**Item For Brief Mention Report No. 8 (Cont'd)**

advance, and these will meet the Council's service standard. That a Department of Primary Industries (NSW Fisheries) representative be invited to meetings where relevant information is to be discussed.

**Recommendation**

The Committee recommends to the General Manager and Council that they consider:

- i) The Committee's approved strategic framework and priorities;
- ii) That Ray Mathieson be accepted as a Community Representative on the Committee.
- iii) Future meeting dates are confirmed as 9 June 2009, 11 August 2009, 13 October 2009 and 8 December 2009.
- iv) That the General Manager be requested to provide a report on options for Cathedral Rock to the June meeting if possible.

**ii) Human Services Planning & Policy Committee – 28 April 2009****a) Item 6 Strategic Framework, Objectives and Priorities**

A presentation was made on the proposed Strategic Framework for the HSPP Committee. The Committee's objectives were approved.

**Recommendation**

The Committee recommends to the General Manager and Council that they consider:

- a) The Committee's approved strategic framework, priorities for 2009-12, and the attachment of the timetable of priority topics proposed for the next 12 month period to the agenda for each future meeting.
- b) Having a standing agenda item whereby Committee members are invited to provide a bi-monthly report in writing of issues affecting their service delivery within the objectives of the Committee.

**b) Item 7 Affordable Housing and Homelessness**

The issues of affordable housing and homelessness were considered and noted, based on the report of Manly Council's submission to the NSW Legislative Council Standing Committee on Social Issues Inquiry into Homelessness and Low Cost Rental Accommodation.

The representative from the NSW Department of Housing spoke briefly about the forthcoming plans of the NSW Department of Housing to redevelop its social housing in the Manly LGA as part of the Commonwealth Nation Building funding plans and SEPP (Infrastructure) 2007 legislation. It was advised that a meeting would be organised soon between staff of the Department of Housing and Council to further discuss the exact nature of Department's plans for these assets.

**Item For Brief Mention Report No. 8 (Cont'd)**

The Committee sought further advice on the implications for affordable housing as a result of the Department of Housing's plans. In particular, it was recommended that the NSW Centre for Affordable Housing be invited to provide advice in this regard to the next meeting of the Committee.

Members of the Committee voiced concern regarding possible implications of re-developing social housing assets in the Manly area. In particular, it was stated that there was a need to secure other assets or gains for the community as a result of any future development.

The following was noted in discussion:

- It was felt desirable that a working group be established but this would need to be done properly and scoped in accordance with the objectives of the Committee and appropriate terms of references set up.
- Staff advised to delay this pending the outcome of a briefing with the Department of Housing scheduled for May.
- This was considered timely due to the NSW Budget preparations, and need for further resources to help address problems of homelessness and lack of affordable housing. Funding was required for Manly Council's community partnerships with organisations that actively helped address these problems.

The Affordable Housing and Homelessness report was noted and the issues regarding increasing homelessness and lack of affordable housing were considered to be important to the Manly community.

**Recommendation**

That the Committee requests that the General Manager consider:

- a) Providing a further report to be added to the June meeting to update the committee on the Department of Housing Briefing.
- b) Writing to the NSW Premier, of Council's ongoing concerns with lack of affordable housing options in Manly and increasing homelessness due to the economic crisis with evidence of increasing homelessness provided by the Manly Community Centre.

**iii) Sports Facilities Committee – 1 May 2009****a) Item 3 Confirmation of Minutes**

The minutes of the Committee meeting held 27<sup>th</sup> March 2009 was confirmed.

**Matters Arising**

It was resolved at Council's Ordinary meeting held on 20<sup>th</sup> April 2009 that the minutes of the Sports Facilities Committee be adopted.

**Item 7 General Business from that meeting.**

The Volley Ball Storage area on Ocean Beach North Steyne.

The report is referred to the LMUD Committee.

**i) Recommendation**

That the Committee request that the General Manager be consulted on the

**Item For Brief Mention Report No. 8 (Cont'd)**

possibility of Michael Mattern the Volley ball representative being able to address the LMUD committee, on 17<sup>th</sup> June to speak on the Volley Ball storage issue.

A request was made for the BMX groups' representative to be invited to the Sports Facilities Committee meeting in order that the group could observe the process.

An application was also tabled from AFL representative Jason Lawless, the application was reviewed and considered by the committee after asking the applicant to leave the room.

**ii) Recommendation**

The Committee decided not to recommend new members to Council as changes in membership should only be considered at the end of the period when the committee terms of reference are reviewed.

**b) Item 4 Strategic Framework of the Sports Facilities Committee's 2009-2012 Terms, Priorities and dates for future meetings**

The discussion of the 2009-2012 priorities had been deferred from the previous meeting on 27<sup>th</sup> March 2009 for further consideration.

The Committee discussed and considered possible future priorities in the context of the strategic framework and committee terms of reference.

**Recommendation**

The Sports Facilities Committee recommends to the General Manager and Council, that it consider the committees developed priorities for 2009 -12 in the table, subject to resources being available from Council and other partners to fulfil the priorities.

**c) Item 6 Government Grant Funding of Manly Oval Lighting Project**

Grant funding of \$154,000 (correction) has been allocated by the department of Environment and Climate Change for the Manly Oval Lighting project. A development application has been lodged. The Department of Lands has been notified of the development proposal. The nominated project cost will be between \$330,000 - \$350,000

The Manly Rugby Club representative outlined that the club has secured from Melrose cranes a soft lift crane that can be made available for the project and that in the grant application the club had outlined \$40,000 of in kind works in the grant application to contribute to the project.

**Recommendation**

The report was received and noted by the committee.

The committee recommends to the General Manager and Council, that the Manly Rugby Club representative be thanked for volunteering his time on the grant preparation and for pursuing the project, and that Council staff be thanked for their contribution.

**Item For Brief Mention Report No. 8 (Cont'd)****iv) Heritage Committee – 6 May 2009****a) Item 4 Heritage Committee Strategic Framework, Role and Objectives  
Priorities for 2009-12**Recommendation

The proposed Strategic Framework, priorities and Committee's Terms of Reference were discussed.

**Recommendation**

The Heritage Committee recommends to the General Manager and Council that they consider

- i) The Committee's approved strategic framework;
- ii) The following proposed changes to the Committee's Terms of Reference - Role and Objectives be considered, with new wording underlined being added:

**Role and Objectives**

This is a Special Purpose Committee, convened by the General Manager, to provide a forum for discussion and recommendation to Manly Council:

- (a) On heritage related matters (including landscape, built, parks and gardens, natural and indigenous) within the Manly Local Government Area.
  - (b) To integrate heritage conservation in the planning and development control process.
  - (c) To provide input from the community and the professional heritage sector on matters of heritage significance in Manly.
  - (d) To provide strategic advice to Council on issues which may have an impact on heritage.
  - (e) To provide input to Council on heritage programming, exhibitions, education and events.
  - (f) To provide comment on Development Applications of heritage significance.
  - (g) To provide advice to Council on matters relating to Manly Cemetery.
- iii) The following proposed priorities for 2009-12:
    - (i) Communication;
    - (ii) Development Application: Heritage Sub-committee comment;
    - (iii) Manly Cemetery;
    - (iv) Reviewing heritage listings;
    - (v) Liaison/advice to other committees where matters of Heritage arise;
    - (vi) Input on Museum issues (via the Arts & Culture Committee).

**b) Item 4c Manly Cemetery Update**Recommendation

That the General Manager be requested to provide a report advising on the progress of the restoration of grave sites and other related work which has taken place.

**Item For Brief Mention Report No. 8 (Cont'd)****c) Item 4ciii Manly Cemetery Security**Recommendation

That the General Manager be requested to provide a report on how Council will address security at the cemetery in light of the refusal of the DA for a fence at the cemetery.

**a) Item 6 Presentation: Conservation Areas - Address by Gail Lynch in the context of the State Government new Housing Code**Recommendation

That in light of the new State Housing Code, the Committee requests that the General Manager provide a report on the possibility of a portion of one of the former proposed conservation areas being reconsidered and the appropriate community consultative process that should precede any such reconsideration, including Precinct participation.

**v) Community Safety – 14 May 2009****a) Item 3.1 Membership**

Council has received an application to join the Community Safety Committee from Mr Carrick May, who is a young man who lives in Manly, works in hospitality, and has previously been involved in the Youth Council. The Committee reviewed Mr May's CV, and as he is not within the criteria for the Youth Council (under 21 years of age), made the following recommendation.

Recommendation

- i) The Committee recommends that Council accept the application of Mr Carrick May to join as a community representative on the Community Safety Committee.
- ii) The Terms of Reference be amended to reflect the inclusion of this position.

**vi) Meals on Wheels Committee – 13 May 2009****a) Item 6.3 Seaforth Community Restaurant**

A Community Restaurant was trialled at the Seaforth Sporting and Community Pavilion during Seniors Week with 25 attending. The Food Services Coordinator reported the kitchen facilities were inadequate for a regular Community Restaurant.

Recommendation

The Committee requests a Community Restaurant operating out of Seaforth Sporting and Community Pavilion at least once a month, and then evaluate demand for service. This service would be a Barbecue, due to current kitchen facilities precluding the heating, plating and serving of meals.

The Committee requests Council consider upgrading the kitchen facilities at the centre with a better oven, and provide a microwave, dishwasher, crockery and cutlery to enable Seaforth Community Restaurant to operate as per the Manly Community Restaurant.

**Item For Brief Mention Report No. 8 (Cont'd)****RECOMMENDATION**

1. It is recommended that the information from the Parliamentary Secretary for Health be received and noted.
2. It is recommended that the information from Parks and Wildlife be received and noted.
3. It is recommended that the information be received and noted.
4. That the recommendations of **Minutes of Meetings**, as listed in **item 4**, being **4i to 4ii**, be **adopted**.
- 5i) That the minutes of the **Harbour Foreshores & Coastline Management Committee - 14 April 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5 Strategic Framework for HFCMC, priorities for 2009-12 and the first Meeting of the Committee**

The Committee recommends to the General Manager and Council that they consider:

- i) The Committee's approved strategic framework and priorities;
- ii) That Ray Mathieson be accepted as a Community Representative on the Committee.
- iii) Future meeting dates are confirmed as 9 June 2009, 11 August 2009, 13 October 2009 and 8 December 2009.
- iv) That the General Manager be requested to provide a report on options for Cathedral Rock to the June meeting if possible.

- 5ii) That the minutes of the **Human Services Planning & Policy -28 April 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6 Report – Strategic Framework, Objectives and Priorities**

Recommendation

The Committee recommends to the General Manager and Council that they consider:

- a) The Committee's approved strategic framework, priorities for 2009-12, and the attachment of the timetable of priority topics proposed for the next 12 month period to the agenda for each future meeting.
- b) Having a standing agenda item whereby Committee members are invited to provide a bi-monthly report in writing of issues affecting their service delivery within the objectives of the Committee.

b) **Item 7 Affordable Housing and Homelessness**

Recommendation

That the Committee requests that the General Manager consider:

**Item For Brief Mention Report No. 8 (Cont'd)**

- a) Providing a further report to be added to the June meeting to update the committee on the Department of Housing Briefing.
- b) Writing to the NSW Premier, of Council's ongoing concerns with lack of affordable housing options in Manly and increasing homelessness due to the economic crisis with evidence of increasing homelessness provided by the Manly Community Centre.

4iii) That the minutes of the **Sports Facilities Committee – 1 May 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3 Confirmation of Minutes**

i) Recommendation 1

That the committee request that the General Manager be consulted on the possibility of Michael Mattern the Volley ball representative being able to address the LMUD committee, on 17<sup>th</sup> June to speak on the Volley Ball storage issue.

A request was made for the BMX groups' representative to be invited to the Sports Facilities Committee meeting in order that the group could observe the process.

An application was also tabled from AFL representative Jason Lawless, the application was reviewed and considered by the committee after asking the applicant to leave the room.

ii) Recommendation 2

The committee decided not to recommend new members to Council as changes in membership should only be considered at the end of the period when the committee terms of reference are reviewed.

b) **Item 4 Strategic Framework of the Sports Facilities Committee's 2009-2012 terms, Priorities and Dates for Future Meetings**

The Sports Facilities Committee recommends to the General Manager and Council, that it consider the committees developed priorities for 2009 -12 in the attached table, subject to resources being available from Council and other partners to fulfil the priorities.

c) **Item 6 Government Grant funding of Manly Oval Lighting project**

The report was received and noted by the Committee.

The Committee recommends to the General Manager and Council, that the Manly Rugby Club representative be thanked for volunteering his time on the grant preparation and for pursuing the project, and that Council staff be thanked for their contribution.

5iv) That the minutes of the **Heritage Committee -6 May 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4 Heritage Committee Strategic Framework, Role and Objectives Priorities for 2009-12**

The Heritage Committee recommends to the General Manager and Council that they

**Item For Brief Mention Report No. 8 (Cont'd)**

consider

- i) The Committee's approved strategic framework );
- ii) The following proposed changes to the Committee's Terms of Reference - Role and Objectives be considered, with new wording underlined being added:

**Role and Objectives**

This is a Special Purpose Committee, convened by the General Manager, to provide a forum for discussion and recommendation to Manly Council:

- (a) On heritage related matters (including landscape, built, parks and gardens, natural and indigenous) within the Manly Local Government Area.
- (b) To integrate heritage conservation in the planning and development control process.
- (c) To provide input from the community and the professional heritage sector on matters of heritage significance in Manly.
- (d) To provide strategic advice to Council on issues which may have an impact on heritage.
- (e) To provide input to Council on heritage programming, exhibitions, education and events.
- (f) To provide comment on Development Applications of heritage significance.
- (g) To provide advice to Council on matters relating to Manly Cemetery.

- iii) The following proposed priorities for 2009-12:

- (i) Communication;
- (ii) Development Application: Heritage Sub-committee comment;
- (iii) Manly Cemetery;
- (iv) Reviewing heritage listings;
- (v) Liaison/advice to other committees where matters of Heritage arise;
- (vi) Input on Museum issues (via the Arts & Culture Committee).

- 5vi) That the minutes of the **Community Safety -14 May 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3.1.1 Membership**

- i) The Committee recommends that Council accept the application of Mr Carrick May to join as a community representative on the Community Safety Committee.
- ii) The Terms of Reference be amended to reflect the inclusion of this position.

- 5vii) That the minutes of the **Meals on Wheels Committee – 13 May 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 6.3 Seaforth Community Restaurant**

The Committee requests a Community Restaurant operating out of Seaforth Sporting and Community Pavilion at least once a month, and then evaluate demand for service. This service would be a Barbecue, due to current kitchen facilities precluding the heating, plating and serving of meals.

**Item For Brief Mention Report No. 8 (Cont'd)**

The Committee requests Council consider upgrading the kitchen facilities at the centre with a better oven, and provide a microwave, dishwasher, crockery and cutlery to enable Seaforth Community Restaurant to operate as per the Manly Community Restaurant.

**ATTACHMENTS**

- AT- 1** Letter from Minister for Health re Northern Beaches Hospital 07052009 1 Page
- AT- 2** Manly Council letter of support to state government 2 Pages
- AT- 3** Letter from Parks and Wildlife re Council's support for the creation of a Sydney Marine Park 1 Page

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\*\*\*\*\* End of Item For Brief Mention Report No. 8 \*\*\*\*\*

ATTACHMENT 1

Item For Brief Mention Report No. 8 - Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees  
Letter from Minister for Health re Northern Beaches Hospital 07052009



**John Della Bosca MLC**

**Minister for Health  
Minister for the Central Coast  
Leader of the Government in the Legislative Council**

REC 12 MAY 2009

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**07 MAY 2009**

Mr H Wong  
General Manager  
Manly Council  
PO Box 82  
MANLY NSW 1655

Dear Mr Wong

Thank you for your letter to the Minister for Health, the Hon John Della Bosca MLC, regarding the Northern Beaches Hospital. The Minister has asked that I reply on his behalf.

The NSW Department of Health has a structured and strategic approach to the delivery of capital works projects. The final form of any capital project is the result of careful research, investigation and local consultations.

These planning processes culminate in the successful delivery of significant numbers of health capital works projects across NSW. Since March 2003, approximately \$2.1 billion has been spent on completed capital works for NSW Health with nearly 600 major works over \$250,000 being completed.

Ongoing work includes the \$1 billion Royal North Shore Hospital development, which is the largest capital works project in NSW and one of the largest Australia wide.

In relation to the new Northern Beaches Hospital at Frenchs Forest the next planning stages require the preparation of a Service Procurement Plan and a Project Definition Plan. Construction can only commence once the projected is funded. Funding is announced annually as part of the State Budget.

The NSW Government recognises the desirability of and local commitment to, the development of new health facilities at Frenchs Forest. However, it competes with a large number of requests for projects across the state and each year difficult choices have to be made about which projects can be undertaken within the available budget. For this reason, it is not possible at this stage to provide a timeframe for future works.

I trust this information is of assistance.

Yours sincerely

Dr Andrew McDonald MP  
**Parliamentary Secretary for Health**

Level 30 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, Australia  
Tel: (02) 9228-4777 Fax: (02) 9228-4392 E-Mail: office@dellabosca.minister.nsw.gov.au

## ATTACHMENT 2

### Item For Brief Mention Report No. 8 - Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees Manly Council letter of support to state government

## Manly Council

Reference: 28012009:TMKF: CPS4062  
Enquiries: Tim Macdonald

The Hon Carmel Tebbutt  
Deputy Premier and Minister for Environment & Climate Change  
Governor Macquarie Tower  
Level 30, 1 Farrer Place  
SYDNEY NSW 2000

Dear Deputy Premier,

#### Re: Proposed Sydney Marine Park – Letter of Support

Council has noted the recent move by the NSW National Parks Association which proposes the establishment of a large scale marine sanctuary system for NSW. The aim of this campaign is to gain marine sanctuary status for 20% of NSW coastal waters, reaching from Tweed Heads in the north to Cape Howe in the south, including the proposed Sydney Marine Park.

These sanctuaries would be established to provide NSW waters with improved protection from the impacts of fishing and would assist in the protection of critically endangered species. These sanctuaries will also lead to healthier marine populations that will be more resilient to threats like climate change, while providing valuable tourism and economic benefits.

Research has shown that "No-take" marine sanctuaries can double fish and invertebrate densities, triple biomass, increase mean fish sizes by 20 to 30 per cent, boost the number of species by 23 per cent, quadruple catch-per unit efforts in nearby waters, and make marine ecosystems 21 per cent less vulnerable to environmental changes.

Sydney Harbour has some of the richest biodiversity of any urbanized harbour in the world with the Australian Museum having recorded nearly-600 species of fish. The future of such populations relies greatly upon the proper management of Sydney's marine resources through terrestrial and marine planning, research, education, conservation efforts and appropriate regulation. A new marine park off Sydney is important in balancing human utilisation and the increasing pressure of a growing urban population.

Over many years, Council has worked with various state government agencies, key user groups, research institutions, NGO's and the community to apply integrated planning and management of coastal and estuarine areas. Residents and the broader community, along with the millions of visitors to Manly annually have benefitted from the outcomes of coastal and estuarine management planning, with formal Plans established for the entirety of the Manly coastal and harbour foreshore areas.



**Council Offices**  
1 Belgrave Street  
Manly NSW 2095

**Correspondence to**  
General Manager  
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Manly NSW 1655

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Telephone 02 9976 1500  
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ABN 43 862 868 065

**CLEANER HEALTHIER HAPPIER**  
Manly Council Supports Smoke Free Zones [www.smokefreecouncils.com.au](http://www.smokefreecouncils.com.au)

## ATTACHMENT 2

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### Item For Brief Mention Report No. 8 - Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees Manly Council letter of support to state government

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-2-

Strong community feeling for the protection of Cabbage Tree Bay resulted in a request to Manly Council to protect the bay from exploitation and essentially being "loved to death". This request highlighted an opportunity to bring together the various government agencies involved and through a whole of government approach identify strategies and actions for the future management of the area. The Cabbage Tree Bay Management Plan was subsequently developed and adopted by Council in 2000.

One of the major outcomes from the Management planning process was the (then) NSW Fisheries designation of Cabbage Tree Bay as a 'No Take' Aquatic Reserve in March 2002. Prior to the declaration of the Aquatic Reserve, the area was considered to be under pressure from a number of user groups and activities namely commercial and recreational fishing (including spearfishing), boating, the removal of aquatic life by divers and collectors and from beach combing.

Council elected to monitor the Bay's recovery over time due to the little information available on the effectiveness of Aquatic Reserves in protecting aquatic ecosystems, habitats and species. Results from the surveying are highly encouraging and suggest that Cabbage Tree Bay has a diversity of habitat, contains relatively high numbers of fish that would otherwise be subjected to harvesting, and has a good larval supply of fishes. These are all important attributes for the selection and maintenance of an Aquatic Reserve.

In November 2008, Council wrote to you proposing an extension and improved management of the North Harbour Aquatic Reserve for similar reasons as those raised for Cabbage Tree Bay. While a response is yet to be received by Council these initiatives are all in line with the proposed Sydney Marine Park.

Council supports the effort to establish NPA's proposed Marine Sanctuary Plan. At its Ordinary Meeting of 8<sup>th</sup> December 2008 Council resolved to publicly support the creation of Sydney Marine Park with increased sanctuary areas for Manly's marine waters. Further, Council calls on the NSW State Government to act on the findings and recommendations contained in the NPA report "*The Tom Blue Fringe*" for creation of a Sydney Marine Park.

Should you have any enquiries on this matter, please contact Tim Macdonald, Team Leader Coastal Management on ph: 9976 1608.

Yours faithfully

HT Wong  
**General Manager**

Date:.....

CC: The Hon. Ian Macdonald, Minister for Primary Industries  
CC: National Parks Association of NSW - Marine  
CC: Sydney Coastal Councils Group Inc.

ATTACHMENT 3

Item For Brief Mention Report No. 8 - Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees  
Letter from Parks and Wildlife re Council's support for the creation of a Sydney Marine Park



NSW National Parks and Wildlife Service

Our reference: MD09/691

Mr H T Wong  
General Manager  
Manly Council  
PO Box 82  
MANLY NSW 1655

Manly Council

MAY 21 2009

Dist. Bureau

Planned

Document No

Dear Mr Wong

I refer to your letter of 18 February 2009 to the Minister for Climate Change and the Environment, the Hon Carmel Tebbutt MP, regarding the National Parks Association's (NPA) report, *The Torn Blue Fringe* and Manly Council's support for the creation of a Sydney Marine Park. The Minister has referred your letter to the Department of Environment and Climate Change, and I am responding on her behalf. I apologise for the delay.

As you are aware, the National Parks Association is a non-government organisation and its report has generated significant community debate.

It is important to note that the NSW Government has not accepted the recommendations in the NPA report. The report has been referred to the Marine Parks Authority for analysis and advice.

The NSW Government has a strong commitment to consulting and working with communities to achieve improvements in marine conservation. Marine parks are an important strategy in this conservation approach and we now have six marine parks covering approximately 345 000 hectares (or one third) of NSW waters to help do this.

At the same time, the NSW Government also recognises that there are other ways to protect our precious marine environment. For example, the coastal area between Newcastle and Shellharbour already contains 10 aquatic reserves and 17 National Parks and nature reserves that include marine habitats. Pollution reduction, catchment management and fisheries management programs also contribute to marine conservation.

The NSW Government's present priorities are to complete reviews of the zoning plans for two parks – Solitary Islands and Jervis Bay. These reviews have included public consultation to ensure they continue to meet their objectives and continue to balance the interests of park users and conservation.

While the NSW Government has indicated that it has no plans for additional marine parks at this time, we will ensure that our existing marine parks continue to protect marine biodiversity and provide opportunities for sustainable use and enjoyment.

I trust this information is of assistance.

Yours sincerely

19 MAY 2009

**MICHAEL WRIGHT**  
Director Protected Areas Policy and Programs  
Parks and Wildlife

PO Box 1987, Hurstville NSW 2220  
43 Bridge Street, Hurstville NSW  
Tel: (02) 9585 6444 Fax: (02) 9585 6555  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Department of **Environment and Climate Change** NSW



**TO:** Planning and Strategy Committee - 1 June 2009  
**REPORT:** Planning And Strategy Division Report No. 23  
**SUBJECT:** NSW Heritage Act, Amendment Bill, 2009  
**FILE NO:**

**SUMMARY**

The Minister for Planning introduced amendments to the NSW *Heritage Act, 1977* and the *Environmental Planning and Assessment Act, 1979* to the NSW Parliament in May 2009. This report summarises the main changes proposed, and potential implications.

**REPORT**

**Background**

In 2007 the NSW government announced a review of the NSW *Heritage Act, 1977* by a panel of experts, as part of its Planning Reforms. Public submissions on the Heritage Act review brief were called for and Council staff prepared a submission. A report was prepared for the Planning Minister in December 2007 and 65 recommendations were made by the expert panel. Some of the recommendations require changes to the Act, and other changes are being implemented by changes to guidelines and practices of the Department of Planning, the Heritage Council and local councils (for example, the introduction of theme based state heritage listing). The Department of Planning prepared a response to the review of the Act, and changes to the Act have been proposed. The Minister for Planning introduced the Heritage Act Amendment Bill to Parliament on the 13 May 2009.

**Amendment Bill**

The main changes are summarised and commented upon as follows:

Summary of Amendments	Planning Comment
<p><b>Heritage Act Objects</b></p> <p>Insertion of objects into the Act which promote an understanding of the State’s heritage; encourage the conservation of the State’s heritage; to provide for the identification and registration of items of State heritage significance,; encourage the adaptive reuse of items of State heritage significance; to constitute the heritage Council of NSW and confer on it functions relating to the Stat’s heritage; to assist owners with the conservation of items of State heritage significance.</p>	<p>The inclusion of the objects is supported. However, the objects are all State focused and no focus is given to Local items. The majority of items in the state are within local government areas and the opportunity exists for greater support for local items to be provided for by the State.</p>
<p><b>Heritage Council Membership</b></p> <p>Change in membership from 15 to 11; six of the members to be appointed by the Minister based on skills and expertise in various fields;</p> <p>Reforms to the constitution and procedures of the Council consistent with those of the Planning assessment commission and joint regional planning panels.</p>	<p>The retention of a National Trust member being retained on the Heritage Council is supported. The reduction in number of members is considered to reduce the skills base of the Heritage Council. The increased powers of the Minster are of concern and there is a potential for perceived bias in appointments.</p>

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Summary of Amendments	Planning Comment
<p><b>State Heritage Register</b></p> <p>The Minister will be able to approve the criteria for listing state heritage items prior to them being published by the Heritage Council. Criteria is to include broader planning and economic issues, not just heritage issues.</p> <p>To be listed, an item is to meet more than one of the criteria for significance.</p> <p>The amendments allow the Minister to refer or request a listing proposal to a review panel or planning assessment commission.</p> <p>The Minister can direct the removal of a state item and include a broader range of considerations including economic and financial hardship reasons.</p> <p>Conservation Management Plans (CMP) if endorsed by the Heritage Council will allow for minor works identified in the CMP to be carried out without any further approvals required. The Heritage Council will be required to take into consideration endorsed CMPs when considering development applications. The amendments also assist in state/commonwealth bi-lateral agreements and reduce duplication of approval processes for places in NSW listed on the National Heritage list.</p> <p>Stop Work Order – allows the Minister or Chair of the Heritage Council to issue a ‘stop work’ order if an Interim Heritage Order or listed state item is being or about to be harmed and where no approval obtained. It is for a period of 40 days for the Heritage Council to commence action and cannot be reissued if for the same work.</p>	<p>The Minister appears to have significantly greater input and power into the listing and de-listing process. Potential exists for perceived bias against listing an item, particularly if the Minister is lobbied by owners and/ or developers.</p> <p>The Heritage Council and Minister approval of criteria to be used in making decisions in the consideration of listing an item could potentially result in inconsistencies occurring and lack of certainty in the process.</p> <p>Potential for heritage significance matters to be outweighed by broader matters included in the criteria, being planning and economic issues.</p> <p>Conservation Management Plans (CMP) will have to be very carefully prepared and specific to ensure policies for works are for minor changes only and not used to make cumulative small changes which could in the long term result in a material effect on the item.</p> <p>Greater efficiencies in stopping unauthorised works or damage to state heritage items.</p>
<p><b>Archaeology</b></p> <p>Definition is changed to one that requires a relic to be something of heritage significance before Heritage Council approval is required. The current definition is broader and based on a 50 year age.</p>	<p>The onus will be on local authorities and provision of resources to assess any relics under the heritage significance criteria. It is not clear what will happen to relics found in an excavation in areas not previously known to have relics. Development application conditions may change to require the applicant to prepare a statement of heritage significance by an archaeologist/heritage consultant for any relics found during excavation works. The work of the Heritage Council/Branch will be decreased by this change in terms of permits required.</p>
<p><b>Local Listing Processes</b></p> <p>Consultation with owners required prior to listing a local item;</p>	<p>Consultation with owners is something Council has already put into practice, with regard to the</p>

Planning And Strategy Division Report No. 23 (Cont'd)

Summary of Amendments	Planning Comment
<p>Council can refer objections to listings to an independent hearing and assessment panel.</p>	<p>Heritage Review and potential items. The referral to objections by owners to a panel is considered fair giving owners greater rights. However, there is potential for no items to be listed if criteria is too broad or overlooks the primary heritage significance justification for listing. Plus panels should require experts with experience in the heritage conservation field.</p>
<p><b>Integrated development</b></p> <p>Changes to the EP&amp;A Act to enable integrated development approval provisions in the EP&amp;A Act to apply to Crown Land only where approval is required under the Heritage Act. The Bill will prevent local councils refusing a development on heritage grounds if the Heritage Council has approved the development.</p>	<p>This streamlines the process for Crown Land development in line with other integrated approval processes and reduces red tape. However, it could potentially result in local issues of a Council not taken into account at the state level.</p>
<p><b>Changes to EP&amp;A Act:</b> Proposed changes not related to the Heritage Act Review include:</p> <p><u>Functions of Panels</u> (section 118 of EP&amp;A Act): changes to give panels additional functions to make Development Control Plans, Contribution Plans and Local Environmental Plans.</p> <p><u>Committees</u> (section 22 of EP&amp;A Act): amendments to give committees protection from personal liability when exercising their functions in good faith.</p> <p><u>Joint Regional Planning Panels:</u> role of Councils and panels. Amendments to provide clarity as to the respective roles of Councils and Council staff in processing development applications in relation to regional panels.</p>	<p>These changes are not related to the Heritage Act, but the general planning reforms.</p> <p>This additional power to Panels to make Local Environmental Plans, Development Control Plans and Contributions Plans, can remove this function from a democratically elected Council.</p> <p>The last two amendments appear to be technical in nature to support the existing functions of Panels and committees, currently allowed for under the EP&amp;A Act.</p>

**Conclusion**

Overall, the increased powers of the Minister for Planning over heritage matters, the weakening of heritage significance considerations and the decreased functions given to democratically elected Councils are all of concern. In addition the decreased support and focus on local heritage at the State level is continued by the lack of emphasis and support included in the current amendments. The vast majority of items in the State are located in local government areas, and support, including funding assistance has been significantly decreased in recent years by the State government. It is recommended that Council write to the Minister for Planning and Shadow Minister advising them of the above comments and concerns. Further, that the additional powers to be provided to Panels through the proposed amendments also be challenged.

**RECOMMENDATION**

It is recommended that Council:

1. Receive and note the report; and

**Planning And Strategy Division Report No. 23 (Cont'd)**

2. Write to the NSW Planning Minister and Shadow Planning Minister advising of its concerns regarding the conservation of heritage in NSW and the proposed amendments to the NSW *Heritage Act 1977* and *Environmental Planning and Assessment Act 1979*.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Planning And Strategy Division Report No. 23 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 1 June 2009  
**REPORT:** Environmental Services Division Report No. 12  
**SUBJECT:** Pool Safety in the Manly LGA  
Response to Notice of Motion 25/08 OM 8 Dec 2008  
**FILE NO:**

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## SUMMARY

This report is a response to a Notice of Motion 25/08 of the Ordinary meeting 8 December, 2008. It seeks to provide Council with information pertaining to pool safety within the Manly Local Government Area.

## BACKGROUND

The swimming pool legislation in NSW comprises of the *Swimming Pools Act, 1992*, and the *Swimming Pools Regulation, 1998*. In addition, the Regulation calls up Australian Standard (AS) 1926-1986 – Fences and Gates for Private Swimming Pools.

The legislation and AS is designed to enhance safety in and around swimming pools by restricting access to swimming pools by small children.

The *Swimming Pools Act, 1992* is currently under review.

## REPORT

Council resolved that a comprehensive report on the issue of pool safety within the Manly Local Government Area be prepared that considered the following items –

- a) A compulsory condition on all new developments that require the property owner to have a minimum CPR certificate if the development application has a swimming pool or spa component.
- b) Details of Councils current regulatory and inspection regime.
- c) Examination of Councils powers to get older (pre 1992) pools brought up to current safety standards in regards to safety fencing.
- d) Looking at the feasibility and means of efficient identification by Council of all public and private pools (eg satellite images) to compile a data base.
- e) Looking at the feasibility of physically inspecting all pools in the LGA to check safety fencing and compliance to current standards.

### **1. A compulsory condition on all new developments that require the property owner to have a minimum CPR certificate if the development application has a swimming pool or spa component.**

The following issues are raised should Council proceed with placing a condition of consent on all new development applications that have a swimming pool or spa component –

1. Additional costs to pool owners in obtaining a CPR Certificate.
2. Additional costs to Council in the form of administrative costs as a result of maintaining records.
3. How often should the owner/s undertake refresher training?
4. A condition of consent will have no impact on properties that are leased.
5. Such a condition has no planning consideration and therefore cannot be legally regulated.

**Environmental Services Division Report No. 12 (Cont'd)**

Further, the Swimming Pools Regulation requires that a warning notice be displayed by the occupier of any premises in or on which a swimming pool is situated in a prominent position and in the immediate vicinity of the swimming pool, a sign erected in accordance with the regulations and bearing the notice required by the regulations. The notice includes a simple flow sequence containing details of resuscitation techniques for infants, children and adults. Generally the advice is that if someone follows this sequence, CPR will be effective.

Should Council however wish to proceed with a compulsory condition of consent the following is proposed –

*Prior to the issue of an occupation certificate the owner/s shall successfully complete training in CPR and submit to Council a CPR certificate obtained from a registered training organisation.*

**2. Details of Councils current regulatory and inspection regime**

Council Compliance Officers are responsible in ensuring that pool and spa fencing is compliant with the *Swimming Pools Act, 1992*. Inspections are undertaken as a result of one of the following–

- i) A mandatory inspection attached to a development application, or
- ii) The investigation of a complaint received by Council, or
- iii) A request received by the landowner/occupier.

Current legislation enables the Compliance Officer to adequately address non compliances during the aforementioned inspections in relation to the regulation of the *Swimming Pools Act, 1992*.

**3. Examination of Councils powers to get older (pre 1992) pools brought up to current safety standards in regards to safety fencing.**

The following legislative restrictions apply to older swimming pools -

For pools on residential land constructed after August 1, 1990, the pool must be surrounded by a child-resistant barrier that separates the pool from any residential building situated on the premises and from any place adjoining the premises. The child-resistant barrier must be designed, constructed, installed and maintained in accordance with the Australian Standard for Fences and Gates for Private Swimming Pools (AS1926.1-2007).

For pools on residential land constructed before August 1, 1990, the pool must either be surrounded by a child-resistant barrier (as above) or the means of access from the building to the pool must be restricted at all times. The standard for restriction, eg by child-safe windows and doors, are set out in the Swimming Pools Regulation 2008. All pool owners must display a prescribed warning notice in a prominent position in the immediate vicinity of the swimming pool.

**4. The feasibility and means of efficient identification by Council of all public and private pools (eg satellite images) to compile a data base.**

Council currently undertakes inspections of all public swimming pools and spas in accordance with NSW Health Public Swimming Pools and Spa Guidelines and the Public Health (Swimming Pool and Spa) Regulation, 2000. Council's inspection regime includes water analysis and pool fencing, of all public swimming pools and spas allows Environmental Health Officers to visit these establishments several times on an annual basis.

To enable efficient identification and subsequent inspection of all public swimming pools and spas a database has been compiled. The database is continuously maintained as updated information is gathered upon completion of an inspection and has been in existence for several years.

**Environmental Services Division Report No. 12 (Cont'd)**

As mentioned earlier in the report no pro-active inspection regime examining pool fencing exists for private swimming pools and spas. As such no database has been maintained identifying the location of such pools and spas.

A database of private pools and spas could be compiled by –

- i) Recording the location of pools and spas as approved within new development applications, and
- ii) By utilising Councils satellite imagery Exponare Program.

The compilation of a database utilising the above two methods would be resource intensive. It is estimated that it may take one full-time officer a minimum period of six months to identify and record the location of all public swimming pools and spas.

**5. The feasibility of physically inspecting all pools in the LGA to check safety fencing and compliance to current standards.**

To enable efficient inspection of all private swimming pools and spas the aforementioned database would need to be completed. It is estimated that it may take one full-time officer a minimum period of twelve months to inspect and re-inspect all private pools and spas once a database has been compiled.

The cost of a full-time officer to undertake such work would cost the organisation approximately \$65,000 for a twelve month period.

**RECOMMENDATION**

THAT as a result of the responses outlined in the subject report it is recommended:

1. The current private swimming pool and spa inspection regime remain unchanged.
2. The current public swimming pool and spa inspection regime remain unchanged.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 12 \*\*\*\*\*

**TO: Planning and Strategy Committee - 1 June 2009**  
**REPORT: Environmental Services Division Report No. 13**  
**SUBJECT: Development Applications Being Processed During June 2009**  
**FILE NO:**

## SUMMARY

DEVELOPMENT APPLICATIONS BEING PROCESSED DURING JUNE 2009.

## REPORT

The following applications are with the Town Planners for assessment.

10/09	4 Old Sydney Road	Demolition of exiting, new 3 storey dwelling
102/09	12 Acacia Road	Alterations & Additions
103/09	71 Bower Street	Demolition of existing and new 3 storey dwelling
104/09	9 Arabanoo Street	Demolition and new 2 storey dwelling
105/09	Hogan Street ( <i>aka 6 Valley Road</i> )	Alterations & Additions including new deck
106/09	49 Seaforth Crescent	Partial demolition of existing and new 7 level dwelling, garage, roof top parking, pool, terrace, pergola and landscaping
107/09	69 Wanganella Street	Alterations & Additions
108/09	38 Birkley Road	Alterations to approved garage and first floor addition
109/09	43 Griffiths Street	Alterations & Additions
111/09	44-46 Seaforth Crescent	Alterations & Additions including lift
112/09	10 Kempbridge Avenue	Alterations & Additions
124/09	11 Valley road	Alterations & Additions
127/09	37 Boyle Street	Demolition of existing timber deck and Alterations to single storey dwelling
128/09	56 Curban Street	Installaton of domestic grey water system
130/09	86 Darley Road	Alterations & Additions to RFB
136/09	22 Bonner Avenue	Remove Lot 242 on DP 230886
14/09	47 Pacific Parade	Carport over existing hardstand
143/09	6 Willyama Avenue	Torrens Title Subdivision
146/08	36 Daintrey Street	82A Review
16/09	95 Castle Circuit	Alterations & Additions
175/07	48 Peronne Avenue	82A Review
184/08	63 Kangaroo Street	Demolition and New Garage
186/08	94 Cutler Road	Alterations & Additions
209/06	73 Fairlight Street	Section 96 Modification
21/09	73 Lauderdale Avenue	Modification to the existing Strata Subdivision
216/07	88 Bower Street	Amended Plans - Alterations & Additions
23/09	9 Adrian Place	Swimming pool, deck and landscaping
24/09	7 Marine Parade	Alterations and Additions to mixed use building
242/08	Wharves & Jetties	2 neon signs for Hugos restaurant
25/09	West Esplanade	Alterations and Additions to Bathers Pavilion Level 1
26/09	West Esplanade	Alterations and Additions to Bathers Pavilion Level 2
29/09	183 Pittwater Road	Alterations & Additions
293/07	34 Upper Clifford	Section 96 Modification
294/08	8A Harvey Street	Alterations & Additions
3/09	11 Bolingbroke Parade	Alterations & Additions to RFB
300/02	1 Gordon Street	Section 96 Modification
309/03	15 Old Sydney Road	S96
31/09	3 Lewis street	Alterations & Additions
316/08	14A Addison Road	Pool, Stabilization Works and Landscaping
330/06	76 Bower Street	Amended plans

## Environmental Services Division Report No. 13 (Cont'd)

338/08	14 Smith Street	Consolidation of 1 lots in 1 Torrens Title lot
358/08	30 Kitchener Street	Demolition and new 2 storey dwelling
39/09	34 Bellevue Street	Alterations and Additions
398/07	13 Barrabooka Street	Alterations & Additions
4/09	131 Seaforth Crescent	Alterations & Additions to Jetty
403/08	207-217 Pittwater Road	Demolition of existing and new carwash shade structure
408/08	47 Seaforth Crescent	Demolition of existing and new
409/07	11 Oyama	Alterations & Additions
417/07	7A Seaforth Crescent	Section 96 Modification
418/07	26 New Street	Section 96 Modification
425/08	1A Roseberry Street	Shop fitout and change of use
427/07	2A West Street	Land Subdivision into 2 allotments and new driveway access
439/08	9 Adiran Place	Demolition of existing, new 3 storey dwelling
45/09	34-35 South Steyne	Fit out of existing restaurant, new façade and signage
450/08	25 Bellevue Street	Alterations & 1st floor Additions
466/08	164 Condamine Street	Demolition and new 2 level dwelling - Bunnings
47/09	10 Amiens Road	Demolition of existing retaining walls & 2 new block retaining walls
48/09	2/43-45 North Steyne	change of Use - licensed restaurant
482/04	106 Darley Road	Section 96 Modification
491/07	33 Alexander Street	Section 96 Modification
498/07	6 Beatty Street	Section 96 Modification
510/06	5 Marine Parade	Amended Plans
53/09	South Steyne	Alterations and Additions to Manly Life Saving Club
54/09	91 Beatrice Street	Alterations and 1st Floor Additions
58/09	7 Addison Road	Alterations and Additions
59/09	45 Macmillan Street	Demolition of existing and new 2 storey dwelling
6/09	73 West Street	Alterations & Additions
60/09	Sandy Bay Road	Kayak Hire and Tours from Clontarf Beach
64/09	97 Pittwater Road	Alterations & Additions
68/09	113 Darley Road	Alterations & Additions
69/09	421 Sydney Road	Demolition of existing and new 2 Storey dwelling
72/09	37 White Street	Alterations & Additions
73/09	84 Curgan Street	Pool, pergola, front fence and landscaping
74/09	10 Cliff Street	Alterations & Additions
75/09	10 Beatty Street	Demolition & new 4 storey dwelling, pool, terrace, deck and landscaping
81/09	33 Gordon Street	Demolition of RFB and New 2 storey dwelling, garage, deck and landscaping
84/09	25 Fairlight Street	Alterations & Additions
85/09	43 Gurney Crescent	Alterations & Additions
86/08	Gourlay Avenue	Upgrade of marina facilities at Davis Marina
86/09	17 Crescent Street	Alterations & Additions
87/09	16 Abbott Street	Alterations & Additions
88/09	16 Mulgowrie Crescent	Alterations & Additions
89/09	25 Maretimo Street	new 2 Storey dwelling and garage
91/09	19A Castle Circuit	Alterations & Additions
92/09	1 Salisbury Square	Demolition of existing carport and construction of new double carport
93/09	334/11-27 Wentworth Street	Alterations & Additions including enclosure of balcony
94/09	15 Sydney Road	Alterations & Additions
95/09	29 Marshall Street	Demolition and construction of retaining wall with landscaping
97/09	34 Denison Street	Alterations & Additions
98/09	158 Sydney Road	Demolition and construction of front fence
99/09	72 Seaforth Crescent	Alterations & Additions

**Environmental Services Division Report No. 13 (Cont'd)**

The following applications are with Lodgment and Quality Assurance for notification, advertising and referral to relevant parties.

271/2006                    85 West Street, BALGOWLAH 2093

Section 96 to modify approved demolition of existing dwelling and construction of a four (4) unit residential flat building and basement parking.

309/2008                    9 Ross Street, SEAFORTH 2092

Section 96 to modify approved alterations and additions to existing single storey dwelling comprising addition of a first storey ground floor extension and double carport

27/2009                    48 Peronne Avenue, CLONTARF 2093

Extend shared driveway over Council Road Reserve including new safety barrier.

206/2007                    26-28 Adelaide Street, BALGOWLAH HEIGHTS 2093

Section 96 to modify approved Alterations and Additions to the existing dwelling house, including a first floor addition

61/2009                    30 Abernethy Street, SEAFORTH 2092

Alterations and Additions to the existing dwelling to include new additions stepped over eight (8) levels, extension of existing garage, addition of new decks, swimming pool and landscaping, after removal of existing pool

245/2007                    10 King Avenue BALGOWLAH 2093

Alterations & Additions to Dwelling

196/2008                    31 The Corso, MANLY 2095

Section 96 to modify approved Alterations and additions to the Ivanhoe Hotel and extend to adjoining premises including new facade, coffee shop, poker machine area, bottle shop and TAB

114/2009                    4 Belgrave Street, MANLY 2095

Change of hours to 9.00am to 10.00pm Monday to Sunday, signage and sun shade curtain

96/2009                    35 Pittwater Road, MANLY 2095

Shop fit out and change of use to a Cafe including the use of the rear courtyard

469/2007                    22 Bonner Avenue, MANLY 2095

Section 96 to modify approved Demolition of the existing buildings on 133, 135 & 136 North Steyne and 26 Bonner Avenue and the retention of the existing Semi-Detached Cottage on 22 Bonner Avenue and Construction of a five (5) storey Residential Flat Building containing fifteen (15) units with basement parking for twenty nine(29) cars and Strata Subdivision

110/2009                    20 Alma Street, CLONTARF 2093

Alterations and additions to the existing dwelling including extension of front balconies

113/2009                    Raglan Street, MANLY 2095

Alterations and additions to the existing Manly Bowling Club including partial demolition of the first floor dining area for the construction of a new outdoor gaming terrace

115/2009                    37 The Corso, MANLY 2095

Shop fit out and change of use to a "Smiggle" Stationery Retail Shop and signage

116/2009                    55 Bungaloe Avenue, BALGOWLAH 2093

Alterations and additions to an existing dwelling including extensions, new level within existing subfloor, deck, double garage, swimming pool within front setback and landscaping

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- 117/2009                    197-215 Condamine Street, BALGOWLAH 2093  
Fit out and establishment of use as a Fitness Centre (Fitness First) – Recreational Facility and signage within Balgowlah Shopping Centre(Totem)
- 118/2009                    5 Cliff Street, MANLY 2095  
Alterations and additions to an existing dwelling including a second floor addition, rear extension, decks, swimming pool and landscaping
- 119/2009                    336 Sydney Road, BALGOWLAH 2093  
Change of use to commercial premises (office space), illuminated and non-illuminated signage
- 121/2009                    39 Pine Street, MANLY 2095  
Alterations and additions to building including second floor addition, carport and modifications to approved front fence
- 120/2009                    1 Alma Street, CLONTARF 2093  
Alterations and additions to an existing two (2) storey dwelling including extensions to first floor and ground floor, deck and front fence
- 122/2009                    77 Pittwater Road, MANLY 2095  
Alterations and additions to an existing Residential Flat Building including new front fence and new awning
- 123/2009                    30 Ellery Parade, SEAFORTH 2092  
Demolition of existing dwelling and construction of a two (2) storey dwelling with basement garage, swimming pool and landscaping
- 125/2009                    34 Seaforth Crescent, SEAFORTH 2092  
Alterations and additions to an existing dwelling including extensions, deck and new roof
- 126/2009                    6 Lauderdale Avenue, FAIRLIGHT 2094  
Partial demolition of existing garage, construction of a double garage with storeroom and rooftop deck
- 149/2008                    2 West Promenade, MANLY 2095  
Section 96 to modify approved Demolition of existing club building and part demolition of existing garage and for the construction of a five(5) storey building with three (3) levels of basement parking for use as Manly Civic Club and Commercial premises
- 129/2009                    87 Stuart Street, MANLY 2095  
Alterations and additions to existing dwelling including double basement garage, first floor additions, extensions, decks and landscaping
- 131/2009                    17 Parkview Road, FAIRLIGHT 2094  
Alterations and additions to existing dwelling including extension to second floor
- 132/2009                    86 Birkley Road, MANLY 2095  
Alterations and additions to existing dwelling including double garage with roof terrace and front fence
- 133/2009                    99 Addison Road, MANLY 2095  
Alterations and additions to existing Residential Flat Building to convert the building to a single dwelling
- 134/2009                    19 Acacia Road, SEAFORTH 2092  
Alterations and additions to existing dwelling including extensions and deck
- 135/2009                    14 Clifford Avenue, FAIRLIGHT 2094  
Alterations and additions to existing Residential Flat Building including deck to Unit 3

**Environmental Services Division Report No. 13 (Cont'd)**

- 137/2009                    243 Pittwater Road, MANLY 2095  
Alterations and additions to existing building (Harris Farm Markets) including mezzanine level and signage
- 396/2006                    23 Kitchener Street, BALGOWLAH 2093  
Section 96 to modify approved Demolition of the existing single storey dwelling and construction of a new Semi-detached development containing two (2) dwellings and Torrens Title Subdivision
- 500/2006                    14 Beatty Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved Construction of dwelling house, swimming pool and landscaping
- 138/2009                    170 Pittwater Road, MANLY 2095  
Alterations and additions including partial demolition, first floor addition and rear extension
- 139/2009                    563 Sydney Road, SEAFORTH 2092  
Installation into the shop front of an automatic teller machine (ATM) – ANZ Bank
- 121/2008                    6 Glade Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved Alterations & additions to an existing dwelling including rear terrace extension with vergola over, new rear deck, new in-ground swimming pool with associated landscaping works and new pergola over an existing first floor balcony
- 140/2009                    59 North Steyne, MANLY 2095  
Alterations and additions to existing Residential Flat Building including enclosing a balcony with glass - Unit 10
- 141/2009                    94 Seaforth Crescent, SEAFORTH 2092  
Alterations and additions to existing dwelling including new family flat, carport, glass sun shade over swimming pool and landscaping
- 142/2009                    24 Bungaloe Av, BALGOWLAH HEIGHTS 2093  
Alterations and additions to existing dwelling including deck and pergola
- 144/2009                    75 Ellery Parade, SEAFORTH 2092  
Alterations and additions to existing dwelling to create a Residential Flat Building containing two (2) dwellings
- 145/2009                    34 Rickard Street, BALGOWLAH 2093  
Partial demolition of existing dwelling and construction of a two (2) storey dwelling with basement, double carport, swimming pool and landscaping
- 146/2009                    4 David Place, SEAFORTH 2092  
Demolition of existing structures and construction of a new two (2) storey dwelling with four (4) car basement garage, rooftop deck and landscaping
- 148/2009                    29A Amiens Road, CLONTARF 2093  
Alterations to create a family flat within the existing dwelling house
- 147/2009                    4 Sydney Road, MANLY 2095  
Change of use to a supermarket convenience store and internet outlet
- 149/2009                    25 La Perouse Street, FAIRLIGHT 2094  
Partial demolition of dwelling and construction of a two (2) storey dwelling with garage, swimming pool and landscaping
- 151/2009                    Sydney Road, MANLY 2095  
Removal of existing lighting tower and construction of four (4) new lighting towers on Manly Oval

**Environmental Services Division Report No. 13 (Cont'd)**

- 150/2009                    3 Baltic Street, FAIRLIGHT 2094  
Demolition of existing and construction of a two (2) storey dwelling with a double garage, patio and landscaping
- 230/2005                    30 Castle Circuit, SEAFORTH 2092  
Section 96 to modify approved Demolition of existing building and erection of two (2) dwellings and land subdivision
- 401/2007                    24 Malvern Avenue, MANLY 2095  
Section 96 to modify approved Alterations and additions to a pair of semi-detached dwelling houses including first floor additions
- 152/2009                    32 Pacific Parade, MANLY 2095  
Double carport in front of the existing dwelling house
- 153/2009                    28 Carey Street, MANLY 2095  
Deck
- 154/2009                    28 Victoria Parade, MANLY 2095  
Residential Flat Building
- 155/2009                    16 Margaret Street, FAIRLIGHT 2094  
Carport

**RECOMMENDATION**

THAT the information be noted.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 13 \*\*\*\*\*

**TO: Planning and Strategy Committee - 1 June 2009**  
**REPORT: Environmental Services Division Report No. 14**  
**SUBJECT: Appeals Relating to Development Applications During June 2009**  
**FILE NO:**

**SUMMARY**

APPEALS RELATING TO DEVELOPMENT APPLICATIONS DURING JUNE 2009.

**REPORT**

DA#	LEC Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
387/03	11098/04 Class 1	71	The Corso	02/06/08	HWL.	Awaiting Judgment
261/08	10997/08 Class 1	38	Stuart Street	02/10/08	Pikes	Awaiting judgment
57/08	10962/08 Class 1	6	Waratah Street	02/10/08	HWL	Appeal upheld 05/05/09
35/04	11054/08 Class 1	8-28	The Corso	22/10/08	Pikes	Appeal Discontinued
Sapounas	11082/08 Class 1	10	Amiens Road	29/10/08	HWL	Costs hearing 21/04/09 Awaiting Judgment
216/07	11247/08 Class 1	88	Bower Street	11/12/08	Pikes	Hearing 28&29/05/09
66/07	11277/08 & 10192/09  Class 1	11-27	Wentworth Street	16/12/08	HWL	Section 34 conference 26/05/09
101/06	11295- 11305/08 Class 1	197- 215	Condamine Street	19/12/08	Pikes	Appeals ; upheld, settled or discontinued. Awaiting Final Orders of the Court
81/98	40093/09 Class 4	87	Cutler Road	13/02/09	Pikes	Hearing 16/07/09
469/07	10171/09 Class 1	133- 137, 22&26	North Steyne Bonner Avenue	13/03/09	HWL	Appeal Discontinued 05/05/09
51/08	10429/08 S56A Appeal	114	Frenchs Forest Road	16/04/09	Pikes	Callover 05/06/09
101/06	10292/09 Class1 40291/09 Class 4	197- 215	Condamine Street	08/05/09	Pikes	Callover 27/05/09
Gore	10306/09 Class 1	7	Smith Street	14/05/09	HWL	Callover 11/06/09

**Environmental Services Division Report No. 14 (Cont'd)**

**RECOMMENDATION**

THAT the information be noted.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 14 \*\*\*\*\*

**TO: Planning and Strategy Committee - 1 June 2009**  
**REPORT: Civic and Urban Services Division Report No. 3**  
**SUBJECT: Proposed Replacement of the Seaforth Roundabout**  
**FILE NO:**

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## SUMMARY

The present roundabout at Seaforth causes traffic congestion at peak periods and has a significant traffic accident history. A signalised intersection would reduce traffic congestion, reduce accidents and allow for buses to be given priority over other traffic.

## REPORT

At its meeting of 2 February 2009, the Planning and Strategy Committee considered a report on “*Traffic Flow Improvements for The Spit/Military Roads Corridor*” (Civic and Urban Services Report No. 2). That report recommended, inter alia, that Council write to the Minister for Roads, asking that the Government urgently fund the replacement of the Seaforth roundabout by a signalised intersection with bus priority.

Council resolved [PS7/09] that:

- “3. *Council request a further report from Council’s Traffic Manager on the rationale for the proposed signalised intersection with bus priority*”

Roundabouts can provide a simple, low maintenance and safe way of managing traffic movements through large intersections where traffic volumes are relatively low and there is sufficient room to provide a wide central island and kerb blisters to slow down approaching vehicles before they enter the roundabout.

When peak period traffic volumes are high, however, roundabouts may become congested, which in turn causes traffic to queue on the approaches and leads to aggressive behaviour and risk taking by drivers trying to get onto the roundabout. When the approach roads are not wide enough to provide adequate deviations around kerb blisters, approach traffic in off-peak periods may enter a roundabout at excessive speed, leading to risk of collisions with vehicles already on the roundabout.

The current roundabout at the intersection of Sydney Road, Ethel Street, and Frenchs Forest Road suffers from both these problems. It effectively only provides one traffic lane around the central island to cater for all the traffic going through the intersection from all directions. This causes traffic waiting to get onto the roundabout to backup in peak periods, especially outside the shops in Sydney Road (westbound) and Ethel Street (westbound). This in turn creates hazards for pedestrians trying to cross Sydney Road and Ethel Street between queuing and moving vehicles.

If the roundabout were replaced by traffic signals, the central island would be removed, the width of the medians and blisters on the approaches could be suitably reduced and two or three traffic lanes would be available on each approach, as well as the existing slip lanes for left-turning traffic. Traffic waiting for the signals to change would not back up as far as it currently does in peak periods.

There is not enough lateral diversion on any of the approaches to the present roundabout to cause vehicles to reduce speed sufficiently before entering the roundabout in off-peak periods. Traffic accident statistics indicate that the great majority of vehicle-vehicle collisions in and near the roundabout -11 out of 14 reportable accidents between 1997 and 2007 - occurred outside the morning and evening peak periods.

**Civic and Urban Services Division Report No. 3 (Cont'd)**

Traffic accident statistics also indicate that the critical area for accidents is between the roundabout and Kempbridge Avenue. New traffic signals replacing the roundabout would be linked with the existing signals at Kempbridge Avenue/Sydney Road and (possibly) new signals at Ross Street/Sydney Road, to allow traffic flows through the whole area to be actively managed as a single system.

The computerised signal control system would adjust green times to match the traffic flows on each approach and adjust the overall signal strategy to match the overall volume of traffic (maximum throughput in peak periods; minimum average delay in off-peak periods). The risk of vehicle-vehicle collisions would be reduced by separating conflicting movements. Signalised pedestrian crossings would provide safer crossing at several defined points, between vehicles stopped at red signals, rather than the present situation where pedestrians try to cross a mixture of queuing and moving traffic at multiple points.

Most significantly, the Roads and Traffic Authority, which has exclusive control over all traffic signals, now has a policy of providing bus priority at major intersections, by installing Bus Lanes and **B** bus signals. These allow buses to bypass traffic queuing up at signals and gives buses a "jump start" before general traffic is given a green light. Sydney Road, Frenchs Forest Road and Ethel Street are all routes where buses are currently delayed by peak period traffic congestion. With the removal or narrowing of the present medians and blisters there could be scope to install bus lanes and bus signals on several approaches.

Depending on the volume of bicycle and general traffic, and safety aspects, the RTA can also provide special traffic signals for bicycles at intersections, particularly along designated bike routes. Kempbridge Avenue, Ethel Street and Ross Street, and the length of Sydney Road connecting them, are designated bike routes in the Manly bike network. With a signalised intersection there could be scope for improving bicycle safety, rather than the present situation where bikes have to weave between moving traffic diverging in different directions.

**CONCLUSION**

Sydney Road and Frenchs Forest Road are State Roads, under the complete control of the RTA. The installation, maintenance and operation of traffic signals also come completely under the control of the RTA.

The installation of traffic signals to replace the Seaforth roundabout would improve the management of traffic flows, improve pedestrian and bicycle safety, reduce traffic congestion in the shopping centre and allow for priority to be given to buses, all at no cost to Council.

It is noted that following recent discussion with the RTA's network services branch, there is no concept or formal traffic signal design exists for the Seaforth roundabout intersection.

**RECOMMENDATION**

Council receive and note the rationale for the proposed signalised intersection with bus priority to replace the Seaforth roundabout.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Civic and Urban Services Division Report No. 3 \*\*\*\*\*

**TO:** Planning and Strategy Committee - 1 June 2009  
**REPORT:** Civic and Urban Services Division Report No. 4  
**SUBJECT:** Proposed prohibition of the long term parking of trailers on public roads  
**FILE NO:**

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## SUMMARY

For Council to request the State Government to allow Manly Council to prohibit the long term parking of trailers on public roads.

## REPORT

The purpose of this report is to provide advice to the Notice of Motion [15/09] of the Ordinary Meeting of Council of 20 April 2009, and on the legal situation and RTA policy stance on the long term parking of trailers, especially boat trailers, on council streets.

### Background

Permanent on-street trailer parking is a significant issue in many parts of the Manly LGA. It is a matter of concern to other councils close to waterways and is an ongoing issue being pursued by the Local Government and Shires Association. Residents complain that trailers are a visual blight and a traffic hazard.

The main obstacles to preventing permanent on-street trailer parking are the limited powers of local councils and the policy stance of the Roads and Traffic Authority, which has power to address the issue.

Two recent trends have exacerbated the frustration of local governments and residents.

First, there is an increasing number of trailers permanently parked for no other reason than to carry advertising, as advertisers and business owners have come to realise that trailer parking cannot be banned outright by councils.

Second, it appears that some boat owners living in areas distant from waterways are parking their boat trailers in areas close to waterways, in order to save fuel when towing their boats to the waterway. From trailer registration numbers Woollahra Council has found boats permanently parked in its streets owned by western suburbs residents.

### Legal situation

Councils have no power in their own right to prohibit specific types of vehicles, such as trailers, from being parked on streets. Section 632 of the *Local Government Act 1993* specifically prohibits Councils from erecting notices that prohibit the parking of any vehicle in a road or road related area.

Instead, parking on public roads is governed by the *Road Transport (Safety and Traffic Management) Act 1999* and the *NSW Road Rules*. Under that legislation, the only vehicles that are prohibited from parking on-street are those that, with their loads, are longer than 7.5 m. All other vehicles may be parked on street if they are registered (and therefore insured), are parked correctly and are parked in accordance with parking signs.

Parking time limits cannot discriminate between vehicle types. If parking signs prohibit parking or have a time limit for parking, the prohibition or time limit applies to all vehicles. Imposing a parking restriction which prevents trailer parking will also restrict the parking available to residents and businesses for their cars and trucks.

It is possible for councils (with the approval of the Local Traffic Committee) to implement parking restrictions which have, as a secondary outcome, the prevention of on-street trailer parking.

**Civic and Urban Services Division Report No. 4 (Cont'd)**

However, in a few cases where this has been done, such as next to the cemetery in Griffiths Street, the trailers have simply been moved to other streets where there are no restrictions. It is not permissible for councils to implement parking restrictions with the explicit aim of preventing permanent on-street trailer parking.

**RTA policy**

The RTA has the power to advise the Minister for Roads to consider changes to legislation to allow Councils to prohibit permanent on-street trailer parking. It appears that RTA has not done so. RTA's position is that owners have a right to park their trailers on public streets if the trailers are registered and parked in accordance with the road rules.

Council's Traffic section has consulted the RTA's Manager, Policies and Guidelines, about the common concern that parked trailers constitute a safety hazard. The Manager has advised that RTA's view is that hazardous parking relates to locations rather than vehicles. If a location is hazardous, RTA requires that parking controls be applied that affect all vehicles at that location, not just trailers. RTA does not consider trailers *per se* to be hazardous.

Council's Traffic section has also raised with the RTA Manager the need to improve residential amenity by removing trailers from streets. Again, however, RTA requires all vehicles to be treated equally, with no discrimination against trailers.

**CONCLUSION**

Council has limited ability to prevent permanent on-street trailer parking. Where it has been able to do so, it has simply shifted the problem to another location and affected the parking available to nearby residents and businesses.

Overcoming the problem will require a change of policy at State level, by the Roads and Traffic Authority, and changes in legislation to allow parking restrictions to apply to particular vehicles. The relevant Minister is the Minister for Roads.

Alternatively, the State could be asked to make changes to the *Local Government Act 1993* and the *Road Transport (Safety and Traffic Management) Act 1999*, to remove the RTA's control over parking decisions and empower local Councils to make parking decisions appropriate to the needs of their areas.

**RECOMMENDATION**

It is recommended that Council:

1. Receive and note the report on long term parking of boat trailers on public roads;
2. Write to the Minister for Roads, requesting consideration of legislative changes to allow councils to prohibit permanent on-street trailer parking on public roads; and
3. Request the State Member for Manly to raise this matter with the State Government and advise of Manly Council's willingness to participate in formulating solutions to assist in legislative changes on this matter.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Civic and Urban Services Division Report No. 4 \*\*\*\*\*