

Manly Council

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 2 February 2009

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:59pm on Monday 2 February 2009, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached which are stated hereunder.

PRESENT

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

ALSO PRESENT

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

APOLOGIES

Apologies were tendered on behalf of Councillor Macdonald for non-attendance.

MOTION (Hay / Elder)

That the apology received from Councillor Macdonald be accepted and leave be granted.

PS1/09 RESOLVED: (Hay / Elder)

That the apology received from Councillor Macdonald be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 01 December 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

PS2/09 **RESOLVED: (Hay / Heasman)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 01 December 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

At 8.01pm, the Chairperson vacated the chair, and the Mayor, Councillor Hay assumed the Chair for consideration of the Mayoral Minutes.

MAYORAL MINUTES

Mayoral Minute Report No. 1

Australia Day belongs to all Australians

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

In Support of the Recommendation: Dr Nina Burridge

MOTION (Hay)

That Council:

1. Condemn the hijacking of this year's Australia Day celebrations in Manly by a few over exuberant but misguided people, who may have been alcohol-fuelled, and came to Manly from other parts of Sydney with the mistaken belief that their foolish and vandalizing action was somehow patriotic;
2. Write to Sydney ferries asking for a report on the issues of alcohol on board the ferries on Australia Day;
3. Thank the NSW Police Service for bringing the situation under control, despite the difficult circumstances; and
4. Endorse the action of Supt Dave Darcy, the Local Commander, on his ongoing investigation into the matter.

PS3/09 **RESOLVED: (Hay)**

That Council:

1. Condemn the hijacking of this year's Australia Day celebrations in Manly by a few over

exuberant but misguided people, who may have been alcohol-fuelled, and came to Manly from other parts of Sydney with the mistaken belief that their foolish and vandalizing action was somehow patriotic;

2. Write to Sydney ferries asking for a report on the issues of alcohol on board the ferries on Australia Day;
3. Thank the NSW Police Service for bringing the situation under control, despite the difficult circumstances; and
4. Endorse the action of Supt Dave Darcy, the Local Commander, on his ongoing investigation into the matter.

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

Against the Resolution: Councillor Griffin

Mayoral Minute Report No. 2

Corso Outdoor Seating

MOTION (Hay)

That Council:

1. Issue a strongly worded and unambiguous warning to the proprietors of Watervue and Cristals, directing that they immediately cease the hostility between them or face the resolve of the Council to act in the interest of Manly to remove them from The Corso; and
2. Authorise the General Manager to take whatever lawful action deemed necessary to arrest, and remedy the situation.

PS4/09 **RESOLVED: (Hay)**

That Council:

1. Issue a strongly worded and unambiguous warning to the proprietors of Watervue and Cristals, directing that they immediately cease the hostility between them or face the resolve of the Council to act in the interest of Manly to remove them from The Corso; and
2. Authorise the General Manager to take whatever lawful action deemed necessary to arrest, and remedy the situation.

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

Against the Resolution: Councillor Norek

At 9.06pm, the Mayor Councillor Hay vacated the Chair, and Councillor Morrison resumed the Chair.

SUSPENSION OF STANDING ORDERS (Heasman / Murphy)

That Standing Orders be suspended for consideration of items of a public interest, being Items for

Brief Mention Report No.1, the White Paper on Homelessness, and Civic and Urban Services
Division Report No.2, Traffic Flow Improvements for the Spit/Military Roads Corridor.

PS5/09 **RESOLVED:** (Heasman / Murphy)

That Standing Orders be suspended for consideration of items of a public interest, being Items for Brief Mention Report No.1, the White Paper on Homelessness, and Civic and Urban Services
Division Report No.2, Traffic Flow Improvements for the Spit/Military Roads Corridor.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 1

Items for Brief Mention

2. The White Paper on Homelessness

The Road Home: A National Approach to Reduce Homelessness, the Australian Government's White Paper on Homelessness was released by Prime Minister Kevin Rudd and the Minister for Housing Tanya Plibersek on 21 December 2008. The Road Home outlines the strategy to halve homelessness by 2020, and provide supported accommodation for all rough sleepers who need it by then. The White Paper outlines a 12 year reform program with focus on prevention and support services for people at risk of homelessness.

The response to homelessness will be implemented through three strategies:

Turning off the tap: early intervention to prevent homelessness, for example: assisting up to 9,000 additional young people between 12 and 18 years of age, to remain connected with their families; assisting up to 2,250 additional families at risk of homelessness to stay housed; helping women and children who experience domestic violence to stay safely in the family home; delivering community based mental health services to 1,000 difficult to reach Australians, including people who are homeless.

Improving and expanding services: services will be more connected and responsive to achieve sustainable housing, improve economic and social participation and end homelessness for their clients, for example creating specialist homelessness services, improving IT systems and quality standards, and testing new funding models.

Breaking the cycle: people who become homeless will be moved quickly through the crisis system to stable housing with the support they need so that homelessness does not recur. Initiatives under this strategy include: building up to 2,700 additional public and community housing dwellings for low income households; allocating aged care places and capital funds for at least one new specialist facility for older people who are homeless in each of the next four years; building up to 4,200 new houses and upgrading up to 4,800 existing houses in remote Indigenous communities; etc.

Funding for the strategy is provided through the new National Affordable Housing Agreement (NAHA) which streamlines existing Commonwealth housing and homelessness assistance programs and will commence in January 2009. It will provide **\$6.1 billion** over four years on housing programs, such as social housing, assistance to people in the private rental market, support and accommodation for people who are homeless or at risk of homelessness, and assistance with home purchasing. Under the NAHA, the Council of Australian Governments

(COAG) has approved additional **\$1.2 billion** over the next four years on prevention and supported housing through:

- National Partnership on Homelessness (\$800 million) for services to prevent and reduce homelessness, and
- National Partnership on Social Housing (\$400 million) towards increased supply of affordable and supported housing.

In this respect, it has to be noted that two out of the existing three aged care facilities in Manly are projected to close in early 2009: Manly Nursing Home, Alexander Street and Drummond House hostel, Wentworth Street. This will leave Manly with just one such facility: Wesley Heights, Birkley Road, providing a total of 121 beds (61 hostel and 60 nursing home beds).

It is recommended this report be received and noted.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

In Support of the Recommendation: Digby Hughes

MOTION (Norek / Morrison)

1. That the information report on The White Paper on Homelessness be received and noted.
2. That a Working Party be formed on Homelessness in Manly, inviting representatives from the Manly community Centre and other interested community groups to work on:
 - a) an early intervention plan
 - b) providing a community hall/facility for temporary accommodation for homeless people
 - c) working towards finding a permanent facility to fill the gap of recent closures of aged care facilities in Manly
3. That Council write to the Federal Minister for Housing, congratulating the Minister on the White Paper on Homelessness.

AMENDMENT (Hay / Whitting)

1. That Council invite the Manager of Manly Community Centre, Jacqueline Smith and Welfare worker, Sonja Hall to next week's Ordinary Meeting, to advise Council on their recent report on homelessness, and how Council can be involved. Specifically they be asked if:
 - a) there is an early intervention plan
 - b) if it is a good idea to provide a community hall/facility for temporary accommodation for homeless people
 - c) if they are working towards finding a permanent facility to fill the gap of recent closures of aged care facilities in Manly
2. That Council write to the Federal Minister for Housing, congratulating the Minister on the White Paper on Homelessness.
3. That the information report on The White Paper on Homelessness be received and noted.

For the Amendment: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Griffin, Aird and Burns

Against the Amendment: Councillors Morrison and Norek

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

PS6/09 RESOLVED: (Hay / Whitting)

1. That Council invite the Manager of Manly Community Centre, Jacqueline Smith and Welfare worker, Sonja Hall to next week's Ordinary Meeting, to advise Council on their recent report on homelessness, and how Council can be involved. Specifically they be asked if:
 - a) there is an early intervention plan
 - b) if it is a good idea to provide a community hall/facility for temporary accommodation for homeless people
 - c) if they are working towards finding a permanent facility to fill the gap of recent closures of aged care facilities in Manly
2. That Council write to the Federal Minister for Housing, congratulating the Minister on the White Paper on Homelessness.
3. That the information report on The White Paper on Homelessness be received and noted.

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

Against the Resolution: Nil.

CIVIC AND URBAN SERVICES DIVISION

Civic and Urban Services Division Report No. 2

Traffic Flow Improvements for The Spit/Military Roads Corridor

SUMMARY

Following the State Government's decision to not widen The Spit Bridge, a Government Working Group published for public comment an initial list of possible traffic and public transport improvements along The Spit Road/Military Road corridor, south of The Spit. The Working Group's proposals are not new, they do not solve existing traffic and transport problems north of The Spit, and will actually make existing problems in the Manly LGA worse.

This report recommends that Council submit to the Government three major traffic and transport projects for funding in lieu of the Government's withdrawal of its commitment to widen The Spit Bridge. The recommended projects all support the increased use of public transport and would ameliorate existing traffic problems that will be made worse by the Working Group's proposals.

MOTION (Burns / Norek)

That:

1. Council write to the Minister for Roads:
 - a) expressing disappointment at the minor scale of the Working Group's current proposals and their negative impacts on Manly LGA; and
 - b) asking that the Government urgently fund three strategic projects:
 - i) an am peak bus lane down Spit Road to the proximity of Spit Bridge (on the Mosman side)
 - ii) the grade separation of Sydney Road at its intersection with Manly Road/Burnt Bridge Creek Deviation;
 - iii) the provision of bus commuter parking at Seaforth Oval.

2. Council write to Sydney buses and Mosman Council asking them to support an am peak bus lane down Spit Road
3. Council request a further report from Council's Traffic Manager on the rationale for the proposed signalised intersection with bus priority
4. The SHOROC Executive ask the Regional director of the RTA for the Northern Sydney region to attend the March meeting of the SHOROC Regional Transport Committee, in order to present our transport solutions for our region and to hear their priorities
5. Council write to the STA to ensure there are adequate buses to meet the needs of school children attending schools south of the Spit Bridge in the Northern Sydney area, to alleviate parents having to drive from the Northern Beaches over the Spit Bridge to drop their children off at school.

PS7/09 **RESOLVED:** **(Burns / Norek)**

That:

1. Council write to the Minister for Roads:
 - a) expressing disappointment at the minor scale of the Working Group's current proposals and their negative impacts on Manly LGA; and
 - b) asking that the Government urgently fund three strategic projects:
 - i) an am peak bus lane down Spit Road to the proximity of Spit Bridge (on the Mosman side)
 - ii) the grade separation of Sydney Road at its intersection with Manly Road/Burnt Bridge Creek Deviation;
 - iii) the provision of bus commuter parking at Seaforth Oval.
2. Council write to Sydney buses and Mosman Council asking them to support an am peak bus lane down Spit Road
3. Council request a further report from Council's Traffic Manager on the rationale for the proposed signalised intersection with bus priority
4. The SHOROC Executive ask the Regional director of the RTA for the Northern Sydney region to attend the March meeting of the SHOROC Regional Transport Committee, in order to present our transport solutions for our region and to hear their priorities
5. Council write to the STA to ensure there are adequate buses to meet the needs of school children attending schools south of the Spit Bridge in the Northern Sydney area, to alleviate parents having to drive from the Northern Beaches over the Spit Bridge to drop their children off at school.

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Hay / Elder)

That Standing Orders be resumed.

PS8/09 **RESOLVED:** (Hay / Elder)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 1

Items for Brief Mention**1. Update on matters relating to the proposed redevelopment of the Australian Institute of Police Management at North Head**

Replies to the Council's letters regarding the proposed redevelopment of the Australian Institute of Police Management to The Hon Peter Garrett AM MP, Minister for the Environment, Heritage and the Arts, and The Hon Bob Debus, Minister for Home Affairs were received during December 2008 (refer to Attachments 1 and 2). A reply has also been received from the Deputy director General of the NSW Department of Environment and Climate Change (refer to Attachment 3). The Department of Environment and Climate Change (DECC) informs the Council that the DECC submission to the NSW Department of Planning recommended that further consideration be given to alternative development footprints and additional mitigation measures should be introduced to reduce impacts on the habitats of the endangered populations (of Little Penguins and Long-Nosed Bandicoots) on the site and the adjoining National Park.

Minister Garrett advises the Council that he will take account of the heritage matters raised by Council when deciding whether or not the proposal should be approved under the *Environment Protection Bio-Diversity Conservation Act 1999* when the NSW Department of Planning submits its assessment report on the proposal for his consideration.

Minister Debus informs the Council that the Australian Federal Police has held discussions with the Little Manly Precinct Community Forum and invited discussions with other local stakeholders and interest groups. Upon submission of the Preferred Project Report to the NSW Department of Planning in December 2008 the proposal is subject to further assessment and approval under the NSW *Environmental Planning & Assessment Act, 1979* and the Commonwealth *Environment Protection Bio-Diversity Conservation Act, 1999*.

The Council wrote to the Director-General of the Department of Planning (and the Minister for Planning) in accordance with the Council resolution of 8 December 2008 seeking detailed information on the proposal. No response has yet been received.

The Preferred Project Report has now been placed on the web:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=1200

The latest proposal represents an amended development scheme distinct from the two previous design concepts, to address issues raised in the submissions on the previous proposal, while providing a similar range of facilities and accommodation as before.

The NSW Department of Planning is now required to prepare an Assessment Report. When the report is finalized, the Assessment Report is forwarded to Minister Garrett for his decision.

It is recommended this report be received and noted.

MOTION (Griffin / Aird)

1. That the update report on the Australian Institute of Police Management (AIPM) proposed redevelopment proposal be received and noted.
2. That Council calls on the AIPM to conduct a public meeting before 13 February to discuss the Preferred Project Report, to be chaired by Mike Baird, Local Member for Manly, or his delegate.

PS9/09 RESOLVED: (Griffin / Aird)

1. That the update report on the Australian Institute of Police Management (AIPM) proposed redevelopment proposal be received and noted.
2. That Council calls on the AIPM to conduct a public meeting before 13 February to discuss the Preferred Project Report, to be chaired by Mike Baird, Local Member for Manly, or his delegate.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 1

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
SUMMARY**

The purpose of this report is to further advise Council of the NSW Government's new Housing Code which comes into effect from the 27 February 2009 across the state, following initial advice to the Mayor and all councillors by memo dated 16 December 2008.

MOTION (Griffin / Elder)

1. That Council receive and note the report
2. That Council Staff produce a FAQ and fact sheet on the new Exempt and Complying Development Codes, providing an overview and outlining the issues for Councillors to have before 27 February 2009.

PS10/09 RESOLVED: (Griffin / Elder)

1. That Council receive and note the report
2. That Council Staff produce a FAQ and fact sheet on the new Exempt and Complying Development Codes, providing an overview and outlining the issues for Councillors to have before 27 February 2009.

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

Planning And Strategy Division Report No. 2

Progress Report - Cabbage Tree Bay Aquatic Reserve Draft Management Strategy and Regulations

SUMMARY

In order to maintain and protect both ecological and biodiversity values of the Cabbage Tree Bay Aquatic Reserve the development of a Management Strategy and associated regulations has been deemed necessary. The NSW Department of Environment & Climate Change (DECC), as primary management authority for Aquatic Reserves in NSW, has developed a Draft Management Strategy and Regulations for Cabbage Tree Bay Aquatic Reserve.

This report is for the information of Councillors prior to the public exhibition process for the Draft Management Strategy and Regulations. The public exhibition is anticipated for mid 2009.

MOTION (Heasman / Elder)

That Council:

1. Receive and note the report;
2. Notify and encourage community and stakeholders to provide comments on the draft Cabbage Tree Bay Aquatic Reserve Management Strategy and Regulation during the 6 week public exhibition period.

PS11/09 **RESOLVED: (Heasman / Elder)**

That Council:

1. Receive and note the report;
2. Notify and encourage community and stakeholders to provide comments on the draft Cabbage Tree Bay Aquatic Reserve Management Strategy and Regulation during the 6 week public exhibition period.

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

Planning And Strategy Division Report No. 3

UWS Backpackers in Global Sydney project

SUMMARY

This report informs Council of the completion of the UWS *Backpackers in Global Sydney* project. The study provides an insight into the changing backpacker tourism dynamics. It identifies key issues and strategies to help councils in planning, compliance and regulation of services associated with backpackers. A summary of the backpackers report prepared by council staff is circulated under separate cover as Attachment 1. The **tabled** report (Attachment 2, also circulated

under separate cover) recommends that Council consider measures to improve the management of backpacker tourism in Manly.

MOTION (Griffin / Heasman)

That:

1. Council receives and notes the report; and
2. This report be referred to the Sustainable Development and Tourism Promotion Committee, asking them to read, review and comment on the report with a view to providing Council with more information and any recommendations pertaining specifically to Manly;
3. Council considers the key findings and recommendations of the study in reviewing of the LEP/DCP in relation to backpacker/accommodation and the Strata Titles Act.

PS12/09 RESOLVED: (Griffin / Heasman)

That:

1. Council receives and notes the report; and
2. This report be referred to the Sustainable Development and Tourism Promotion Committee asking them to read, review and comment on the report with a view to providing Council with more information and any recommendations pertaining specifically to Manly;
3. Council considers the key findings and recommendations of the study in reviewing of the LEP/DCP in relation to backpacker/accommodation and the Strata Titles Act.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 4

Water Savings Action Plan Update Report

SUMMARY

Council has successfully achieved a 55% reduction in organisational potable water consumption between 2000/01 and 2007/08, with approximately 17% of that reduction occurring in the last 12 months, based on figures released by Sydney Water in October 2008. This report seeks to inform Council of actions taken to achieve this reduction in Council's organisational water consumption across the Manly local government area.

MOTION (Hay / Elder)

That staff continue to implement the Water Savings Action Plan to achieve further reductions in potable water consumption and correlated financial savings.

PS13/09 RESOLVED: (Hay / Elder)

That staff continue to implement the Water Savings Action Plan to achieve further reductions in potable water consumption and correlated financial savings.

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

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 1

List of Current Appeals Relating to Development Applications.

SUMMARY

List of Current Appeals relating to Development Applications.

MOTION (LeSurf / Burns)

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

PS14/09 RESOLVED: (LeSurf / Burns)

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

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

Environmental Services Division Report No. 2

Development Applications being processed during the month of February, 2009.

SUMMARY

Development Applications being processed during the month of February, 2009.

MOTION (Murphy / LeSurf)

That the information on Development Applications being processed during the month of February, 2009 be noted.

PS15/09 RESOLVED: (Murphy / LeSurf)

That the information on Development Applications being processed during the month of February, 2009 be noted.

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

CIVIC AND URBAN SERVICES DIVISION

Civic and Urban Services Division Report No. 1

Increase parking for motorcycles and scooters**SUMMARY**

For Council to consider additional parking spaces for the motorcycles and scooters in the Manly CBD.

MOTION (Heasman / Whitting)

That Civic and Urban Services Division Report No.1, Increase parking for motorcycles and scooters, be **DEFERRED** until the next Planning and Strategy meeting, 2 March 2009, for reconsideration of some short-term strategies to create additional parking spaces for motorcycles and scooters in the Manly CBD.

PS16/09 RESOLVED: (Heasman / Whitting)

That Civic and Urban Services Division Report No.1, Increase parking for motorcycles and scooters, be **DEFERRED** until the next Planning and Strategy meeting, 2 March 2009, for reconsideration of some short-term strategies to create additional parking spaces for motorcycles and scooters in the Manly CBD.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 11.27pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 2 March 2009.

CHAIRPERSON

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