

Manly Council

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 7 September 2009

All minutes are subject to confirmation at a subsequent meeting.

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:42pm on Monday 7 September 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 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
Amanda Spalding, Deputy General Manager, Strategy and Strategic Projects
Ross Fleming, Divisional Manager Corporate Services
Anthony Hewton, Divisional Manager Planning & Strategy
Liz Rich, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillors Macdonald and Elder for non-attendance.

MOTION (Hay / Murphy)

That the apologies received from Councillors Macdonald and Elder for non-attendance be accepted and leave be granted.

PS152/09 RESOLVED: (Hay / Murphy)

That the apologies received from Councillors Macdonald and Elder for non-attendance be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Heasman	Human Services and Facilities Division Report No.4 – Cancer Council NSW Community Garden Proposal	Lives in the neighbourhood of the proposed Community Garden.

Councillor Norek Items for Brief Mention Report No.18 - Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature – (i) Manly Scenic Walkway Committee Has business interest in area under discussion.

CONFIRMATION OF MINUTES

MOTION (Hay / Burns)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 03 August 2009, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

PS153/09 RESOLVED: (Hay / Burns)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 03 August 2009, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Hay / Heasman)

That Standing Orders be suspended to allow for consideration of items of a public interest being Item for Brief Mention Report No.18, Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature, Item (vi) Manly Traffic Committee; Human Services and Facilities Division Report No.4 – Cancer Council NSW Community Garden Proposal; and Closed Committee Item, Corporate Services Division Report No.21, Tender for Supply of Electricity – Large Sites and Street Lighting.

PS154/09 RESOLVED: (Hay / Heasman)

That Standing Orders be suspended to allow for consideration of items of a public interest being Item for Brief Mention Report No.18, Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature, Item (vi) Manly Traffic Committee; Human Services and Facilities Division Report No.4 – Cancer Council NSW Community Garden Proposal; and Closed Committee Item, Corporate Services Division Report No.21, Tender for Supply of Electricity – Large Sites and Street Lighting.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 18

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

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

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

- vi) Manly Traffic Committee – 10 August 2009

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

Against the Recommendation: Craig Bishop

MOTION (Hay / Heasman)

1. That the minutes of **Manly Traffic Committee – 10 August 2009**, be **adopted**, apart from Item 69/09 - Request for Parking Space – Bolingbroke Parade, Fairlight, which be sent back to the Traffic Committee for reconsideration.

PS155/09 **RESOLVED: (Hay / Heasman)**

1. That the minutes of **Manly Traffic Committee – 10 August 2009**, be **adopted**, apart from Item 69/09 - Request for Parking Space – Bolingbroke Parade, Fairlight, which be sent back to the Traffic Committee for reconsideration.

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

Against the Resolution: Councillor Murphy

HUMAN SERVICES AND FACILITIES DIVISION

Councillor Heasman, having earlier declared a Conflict of Interest in the following item, left the Chamber at 8.16pm.

Human Services And Facilities Division Report No. 4

Cancer Council NSW Community Garden Proposal

SUMMARY

The Cancer Council NSW submitted a proposal to Council in June 2009, for the establishment of a community garden on Council's vacant property at 100 Griffiths Street Balgowlah.

The Cancer Council NSW aims to bring people together through a community project that raises awareness of the importance of a healthy lifestyle and of eating the correct foods.

In principle, the establishment of a community garden on this site is supported and the land has previously been used for nursery/gardening purposes over a considerable period by Council operations and by a non-profit organisation. This proposal has received initial and proposed conditional support from close neighbours, for the granting of a license to the Cancer Council NSW through an initial consultation process.

A wider consultation process is planned with the local community in September 2009.

PUBLIC ADDRESSES

The following people addressed the meeting on this item:

In Support of the Recommendation: Lee Cooper

Against the Recommendation: Keelah Lam

MOTION (Hay / Aird)

That Council support in principle the establishment of a Community Garden under the auspices of the Cancer Council of NSW, pending further consultation with immediate neighbours.

Following such consultation:

1. Council approve a license to the Cancer Council NSW for the Council's land at 100 Griffiths Street Balgowlah, known as Lot D, DP 310565, for use as a Community Garden for a term of 2 years with a 2 year option.
2. The license approved to the Cancer Council of NSW is non-transferable and remains under the management of the Cancer Council NSW for the term of the license.
3. The legal documents to permit this use are prepared for execution and Council provide support for the establishment of the community garden, as requested by the Cancer Council NSW.
4. A license fee of \$520.00 per annum + GST and payment of all outgoings be granted to Cancer Council NSW for the subject term.
5. The Cancer Council NSW with Manly Council invites local people to a meeting in September 2009 via a letter box drop to residents in the surrounding streets.
6. Council continue to explore opportunities for Community Gardens in other sites in the LGA and seek Expressions of Interest from community members through its Environmental Programme and its forthcoming Permaculture course. In the future, Council holds a public meeting for interested parties to see how the Cancer Council model is running.

PS156/09 RESOLVED: (Hay / Aird)

That Council support in principle the establishment of a Community Garden under the auspices of the Cancer Council of NSW, pending further consultation with immediate neighbours.

Following such consultation:

1. Council approve a license to the Cancer Council NSW for the Council's land at 100 Griffiths Street Balgowlah, known as Lot D, DP 310565, for use as a Community Garden for a term of 2 years with a 2 year option.
2. The license approved to the Cancer Council of NSW is non-transferable and remains under the management of the Cancer Council NSW for the term of the license.
3. The legal documents to permit this use are prepared for execution and Council provide support for the establishment of the community garden, as requested by the Cancer Council NSW.
4. A license fee of \$520.00 per annum + GST and payment of all outgoings be granted to Cancer Council NSW for the subject term.
5. The Cancer Council NSW with Manly Council invites local people to a meeting in September 2009 via a letter box drop to residents in the surrounding streets.
6. Council continue to explore opportunities for Community Gardens in other sites in the LGA and seek Expressions of Interest from community members through its Environmental Programme and its forthcoming Permaculture course. In the future, Council holds a public meeting for interested parties to see how the Cancer Council model is running.

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

Councillor Heasman returned to the Chamber at 9.26pm.

PROCEDURAL MOTION (Aird / Griffin)

That the content of the Confidential Report, Corporate Services Division Report No.21, Tender for Supply of Electricity – Large Sites and Street Lighting, be discussed in open chamber, excluding the details of the tender.

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

The Motion was declared **LOST**.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

Judy Lambert

Discussion on the Item was **DEFERRED** until the end of the meeting when Council moved into Closed Session.

RESUMPTION OF STANDING ORDERS (LeSurf / Murphy)

That Standing Orders be resumed.

PS157/09 **RESOLVED:** (LeSurf / Murphy)

That Standing Orders be resumed.

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

GENERAL MANAGERS DIVISION

General Managers Division Report No. 18

Review of the Code of Conduct

SUMMARY

This report is prepared in pursuant of section 440(7) of the *Local Government Act 1993* (Act) which requires Councils to review its adopted Code of Conduct (adopted Code) within 12 months of an ordinary election.

MOTION (Heasman / Murphy)

That Council, in pursuant to s440(7) of the *Local Government Act 1993*, adopt the August 2009 Draft Code of Conduct as amended (attached and circulated separately).

AMENDMENT (Burns / Aird)

That:

1. Council, in pursuant to s440(7) of the *Local Government Act 1993*, adopt the August 2009 Draft Code of Conduct and add a review that covers the following issues, to be done in consultation with Dr Ian Ellis Jones:
 - a. Separate staff from Councillors Code of Conduct
 - b. Specify staff can't direct Councillors
 - c. Specify rights of Councillors to query staff and make representations of matters of interest to residents
 - d. Clarify hierarchy of authority of Council, Councillors, General Manager and senior staff
 - e. Outline rights of Councillors to query (but not direct staff) and receive deputations from senior staff and managers

For the Amendment: Councillors Aird and Burns

Against the Amendment: Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek and Griffin

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

PS158/09 **RESOLVED: (Heasman / Murphy)**

That Council, in pursuant to s440(7) of the *Local Government Act 1993*, adopt the August 2009 Draft Code of Conduct as amended (attached and circulated separately).

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

Against the Resolution: Councillors Aird and Burns

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 17

Update on a new Level 5 Northern Beaches Hospital

Councillors will recall that this matter was last reported to Council at the Ordinary Meeting held on 15 June 2009 as Item For Brief Mention Report No. 10, where it was resolved: [75/09]

1. *That the information on the correspondence between Council and the state government regarding its undertaking to build the long-overdue Level 5 Northern Beaches Hospital, and requesting an urgent meeting with the NSW State Premier, Treasurer and Health Minister, be received and noted.*
2. *That Council write again to the NSW State Premier and Treasurer, expressing our disappointment at their lack of response, stressing that this is an urgent issue within the local community.*
3. *That Council write to the local member for Manly enlisting his support in its actions and also a commitment from him that a future Liberal government will commit to a Level 5 Northern Beaches Hospital.*

Staff undertook to again write to The NSW Premier and Treasurer and the local member for

Manly. A positive response has been received from the local member for Manly, Mr Mike Baird MP (refer to Attachment 1) who is *"...personally committed to ensure that any future State Coalition Government will complete the construction of a Level 5 Northern Beaches Hospital..."*

Council will be informed further on this matter when a response has been received from the NSW Premier or Treasurer.

It is recommended that this information be received and noted.

MOTION (LeSurf / Murphy)

1. That the response from Mr Mike Baird MP regarding the new Level 5 Northern Beaches Hospital be received and noted.
2. That Council write to the Leader of the Liberal Party and asks Barry O'Farrell to answer will the NSW Liberal Party commit to the construction of a Level 5 Northern Beaches Hospital.

PS159/09 RESOLVED: (LeSurf / Murphy)

1. That the response from Mr Mike Baird MP regarding the new Level 5 Northern Beaches Hospital be received and noted.
2. That Council write to the Leader of the Liberal Party and asks Barry O'Farrell to answer will the NSW Liberal Party commit to the construction of a Level 5 Northern Beaches Hospital.

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

Against the Resolution: Nil.

At 10.30 pm, Councillor Norek left the Chamber, having declared a Conflict of Interest in the discussions surrounding the following item, specifically Manly Scenic Walkway Committee – 14 July 2009:

Item For Brief Mention Report No. 18

IBM18/09 Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature

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

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

- i) Manly Scenic Walkway Committee – 14 July 2009
- ii) Waste Committee – 15 July 2009
- iii) Sister Cities – 29 July 2009
- iv) Manly Arts Festival Working Group Meeting – 5 August 2009
- v) Sustainable Transport Committee – 5 August 2009
- vii) Harbour Foreshores and Coastline Management Committee – 11 August 2009
- viii) Community Environment Committee – 12 August 2009

- ix) Meals on Wheels Committee – 12 August 2009
- x) Community Safety Committee – 13 August 2009
- xi) Sustainable Economic Development and Tourism Committee – 20 August 2009

MOTION (LeSurf / Hay)

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

- i) Manly Scenic Walkway Committee – 14 July 2009
- ii) Waste Committee – 15 July 2009
- iii) Sister Cities – 29 July 2009
- iv) Manly Arts Festival Working Group Meeting – 5 August 2009
- v) Sustainable Transport Committee – 5 August 2009
- vii) Harbour Foreshores and Coastline Management Committee – 11 August 2009
- viii) Community Environment Committee – 12 August 2009
- ix) Meals on Wheels Committee – 12 August 2009
- x) Community Safety Committee – 13 August 2009
- xi) Sustainable Economic Development and Tourism Committee – 20 August 2009

PS160/09 RESOLVED: (LeSurf / Hay)

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

- i) Manly Scenic Walkway Committee – 14 July 2009
- ii) Waste Committee – 15 July 2009
- iii) Sister Cities – 29 July 2009
- iv) Manly Arts Festival Working Group Meeting – 5 August 2009
- v) Sustainable Transport Committee – 5 August 2009
- vii) Harbour Foreshores and Coastline Management Committee – 11 August 2009
- viii) Community Environment Committee – 12 August 2009
- ix) Meals on Wheels Committee – 12 August 2009
- x) Community Safety Committee – 13 August 2009
- xi) Sustainable Economic Development and Tourism Committee – 20 August 2009

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

Against the Resolution: Nil.

Councillor Norek returned to the Chamber at 10.35pm.

Item For Brief Mention Report No. 19

Minutes for Adoption by Council - Arts and Culture Committee Meeting - 21 July 2009

The Minutes of the Arts and Culture Committee meeting held on 21 July 2009 are tabled at this meeting.

The Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:

a) Item 4 (iv) Manly Art Gallery & Museum Refurbishment

Manager Cultural and Information Services produced plans and concept drawings devised by Howard Tanner and Associates in 1990 and in 2008 and schematic drawings devised in 1995 for a Gallery report, to show the various attempts to extend and refurbish the Gallery. While extensions and refurbishments remain as priorities for the Committee, the lack of funds will leave them unrealised. There is therefore a proposal to establish a Gallery Foundation to be an 80th anniversary project in 2010, with the prime function to be to raise capital works funds.

Recommendation

- i) Committee recommends to Council that consideration be given to establishing a Foundation in 2010 to raise funds for capital works, and that Council consider allocating funds in the 2010/11 Council budget to commission a masterplan and model of the proposed extensions, as a possible launch for the proposed Foundation.
- ii) That Mr Peter Raffin (of the Kings School Foundation) be consulted for guidance as to the establishment of the Foundation.

General Manager's Note

The Committee is requested to provide more detailed proposals to Council on the proposed framework for the trust deed and the governance structure for it before Council will be able to consider any commitment.

MOTION (Heasman / Burns)

That the minutes of the Art & Culture Committee - 21 July 2009 be adopted, including the following recommendations of a substantial nature:

a) Item 4 (iv) Manly Art Gallery & Museum Refurbishment

- i) Committee recommends to Council that consideration be given to establishing a Foundation in 2010 to raise funds for capital works, and that Council consider allocating funds in the 2010/11 Council budget to commission a masterplan and model of the proposed extensions, as a possible launch for the proposed Foundation.
- ii) That Mr Peter Raffin (of the Kings School Foundation) be consulted for guidance as to the establishment of the Foundation.
- iii) That the art gallery and museum committee work with the General Manager to

develop an appropriate "trust deed" and governance structure.

PS161/09 **RESOLVED:** (Heasman / Burns)

That the minutes of the Art & Culture Committee - 21 July 2009 be adopted, including the following recommendations of a substantial nature:

- a) **Item 4 (iv) Manly Art Gallery & Museum Refurbishment**
- i) Committee recommends to Council that consideration be given to establishing a Foundation in 2010 to raise funds for capital works, and that Council consider allocating funds in the 2010/11 Council budget to commission a masterplan and model of the proposed extensions, as a possible launch for the proposed Foundation.
 - ii) That Mr Peter Raffin (of the Kings School Foundation) be consulted for guidance as to the establishment of the Foundation.
 - iii) That the art gallery and museum committee work with the General Manager to develop an appropriate "trust deed" and governance structure.

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

Against the Resolution: Nil.

Item For Brief Mention Report No. 20

Minutes for Adoption by Council - Surf Club Liaison Working Group Meeting - 11 August 2009

The minutes of Surf Club Liaison Working Group meeting held 11 August 2009 are tabled at this meeting.

The Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:

a) **Item 5 MANLY COUNCIL AS SPONSOR ON PATROL PANELS AT SURF CLUBS**

Surf Life Savings Clubs will be able to accommodate the Code of Respect for the Environment on patrol panels by increasing current four panels to six. This will enable sponsorship as well as display of the Councils Code of Respect for the Environment.

Surf LS Clubs suggest that signs with the Code of Respect for the Environment be placed by the lifeguards each day near the rescue boards, as their patrol tents are only on the beach at the weekends.

Recommendation

Council be requested to provide Surf Clubs with panel displaying Code of Respect for the Environment.

Council be requested to provide Lifeguards with portable signs displaying Code of Respect for the Environment to be placed by the rescue boards on a daily basis.

b) Item 7 GENERAL BUSINESS**Staff note:**

A discussion took place under General Business relating to the future State Surf Life Saving event proposed for 2011/12.

Recommendation

That Council consider the State Surfing Carnival event to be held in Manly in 2011/12. The Surf Life Saving Clubs to consult their Committees and notify the Mayor's Office if they are in agreement to progress with the application for the State event in 2011/12.

ADDENDUM

The Mayor met with the three presidents from Manly, North Steyne and Queenscliff on Sunday, August 23 for further discussions and it was decided to take no further action.

MOTION (Hay / LeSurf)

That the minutes of the Surf Club Liaison Working Group - 11 August 2009 be adopted, including the following recommendations of a substantial nature:

a) Item 5 MANLY COUNCIL AS SPONSOR ON PATROL PANELS AT SURF CLUBS

Council be requested to provide Surf Clubs with panel displaying Code of Respect for the Environment.

Council be requested to provide Lifeguards with portable signs displaying Code of Respect for the Environment to be placed by the rescue boards on a daily basis.

b) Item 7 GENERAL BUSINESS

That Council consider the State Surfing Carnival event to be held in Manly in 2011/12. The Surf Life Saving Clubs to consult their Committees and notify the Mayor's Office if they are in agreement to progress with the application for the State event in 2011/12.

PS162/09 RESOLVED: (Hay / LeSurf)

That the minutes of the Surf Club Liaison Working Group - 11 August 2009 be adopted, including the following recommendations of a substantial nature:

a) Item 5 MANLY COUNCIL AS SPONSOR ON PATROL PANELS AT SURF CLUBS

Council be requested to provide Surf Clubs with panel displaying Code of Respect for the Environment.

Council be requested to provide Lifeguards with portable signs displaying Code of Respect for the Environment to be placed by the rescue boards on a daily basis.

b) Item 7 GENERAL BUSINESS

That Council consider the State Surfing Carnival event to be held in Manly in 2011/12. The Surf Life Saving Clubs to consult their Committees and notify the Mayor's Office if they are in agreement to progress with the application for the State event in 2011/12.

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

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 22

Meeting Schedule – October 2009

SUMMARY

Notification of revised Meeting Schedule for October 2009.

MOTION (Hay / Murphy)

That Council's meeting schedule for October 2009 be amended so that the business of the Planning and Strategy Meeting scheduled for 12 October be deferred and combined with those of the Ordinary Meeting scheduled for 19 October.

PS163/09 RESOLVED: (Hay / Murphy)

That Council's meeting schedule for October 2009 be amended so that the business of the Planning and Strategy Meeting scheduled for 12 October be deferred and combined with those of the Ordinary Meeting scheduled for 19 October.

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

At 10.41pm, the Chairperson, Councillor Morrison vacated the Chair and the Deputy Chairperson, Councillor Murphy assumed the Chair.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 33

Public exhibition of the North Harbour Coastline Management Plan

SUMMARY

Manly Council has produced the North Harbour Coastline Management Plan – Final Draft, following extensive community and stakeholder consultation. The Plan has been developed in line with the NSW State Government's 'Coastline Management Manual', incorporating information extracted from the 'Davis Marina to Manly Point Coastline Hazard Definition Study' (2004) and the 'North Harbour Coastline Management Study' (2009).

The Harbour Foreshores and Coastline Management Committee has, at its meeting on 11 August 2009, endorsed the Final Draft and recommended Council to allow public exhibition.

In this report, salient features of the North Harbour Coastline Management Plan (Final Draft) are presented (refer to Attachment 1). The Final Draft is presented in a separate attachment (refer to Attachment 2, circulated separately).

MOTION (Griffin / Burns)

That Council:

1. Place the draft North Harbour Coastline Management Plan on public exhibition for a period of eight weeks;
2. Approve of an information day to be organised during the exhibition period; and
3. Notify the community and members of the Committee, including State Government agencies, and relevant Precincts of the exhibition period, and information day.

PS164/09 RESOLVED: (Griffin / Burns)

That Council:

1. Place the draft North Harbour Coastline Management Plan on public exhibition for a period of eight weeks;
2. Approve of an information day to be organised during the exhibition period; and
3. Notify the community and members of the Committee, including State Government agencies, and relevant Precincts of the exhibition period, and information day.

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

Against the Resolution: Nil.

Councillor Morrison returned to the Chamber at 10.52pm.

Planning And Strategy Division Report No. 34

Seagrass-friendly Moorings at Manly Cove**SUMMARY**

The Industry & Investment NSW (formerly NSW Department of Primary Industries) in partnership with Sydney Metropolitan Catchment Management Authority, Manly Council, and NSW Maritime is in the process of undertaking a 3-year trial of seagrass friendly mooring systems at Manly Cove.

Up to 33 Seagrass Friendly Moorings will be installed as part of the trial.

MOTION (LeSurf / Griffin)

That Council receives the report on Seagrass-friendly Moorings at Manly Cove and endorses the project.

PS165/09 RESOLVED: (LeSurf / Griffin)

That Council receives the report on Seagrass-friendly Moorings at Manly Cove and endorses the project.

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

Against the Resolution: Councillor Morrison

At 10.59pm, the Deputy Chairperson Councillor Murphy vacated the Chair and the Chairperson Councillor Morrison resumed the chair.

Planning And Strategy Division Report No. 35

Manly Local Environmental Plan 1988 Draft Amendment re Third Party Advertising

SUMMARY

This report recommends exempting third party advertising signage from development consent in accordance with Council's resolution in this matter on 15 June 2009 and where such signage conforms to the Manly DCP definition of "commercial sign". The mechanism for such an exemption would be to amend the Manly LEP 1988 by adding this development type to the schedule of Exempt Development (schedule 8, MLEP). Potential impacts in relation to this proposal are considered in the drafting of the recommended LEP amendment and Council is also advised of the next steps in the process. The requirements for preparing a planning proposal to the Department of Planning are detailed. It is recommended that Council initiate an amendment to Manly Local Environmental Plan 1988 to permit third part advertising structures as exempt development.

MOTION (Norek / LeSurf)

THAT Council initiate an amendment to Manly Local Environmental Plan 1988, and an accompanying amendment to the DCP for Advertising to permit third part advertising structures as exempt development, pursuant to sections 54-55 and 74C(1)(a) of the *Environmental Planning & Assessment Act, 1979*.

PS166/09 **RESOLVED: (Norek / LeSurf)**

THAT Council initiate an amendment to Manly Local Environmental Plan 1988, and an accompanying amendment to the DCP for Advertising to permit third part advertising structures as exempt development, pursuant to sections 54-55 and 74C(1)(a) of the *Environmental Planning & Assessment Act, 1979*.

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

Against the Resolution: Councillors Griffin, Aird and Burns

Planning And Strategy Division Report No. 36

State Environmental Planning Policy (Affordable Rental Housing) 2009 - Secondary Dwellings provisions

SUMMARY

The NSW Government's new - State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing) is designed to increase the amount and diversity of affordable housing in all areas of NSW. It contains specific development standards and provisions to encourage affordable housing in the form of infill development, secondary dwellings (e.g granny flats), boarding houses, group homes and residential flat buildings in specified centres.

The policy aims to better encourage home owners, social housing providers and developers to invest and create new affordable rental housing to meet the needs of a growing population and existing residents.

The new policy aims to:

- Encourage partnerships between private and not-for-profit housing providers;
- Assist in the provision of housing closer to major employment areas, consistent with the State Plan;
- Mitigate against the loss of any existing affordable housing;
- Position NSW to be a beneficiary of major Australian Government housing funding programs;
- Support innovative affordable housing styles, including granny flats and new style boarding houses; and
- Deliver good urban design outcomes.

MOTION (LeSurf / Burns)

That Council receive and note the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing) report and the introduction of the SEPP Affordable Housing, and the implications in relation to secondary dwellings.

PS167/09 RESOLVED: (LeSurf / Burns)

That Council receive and note the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing) report and the introduction of the SEPP Affordable Housing, and the implications in relation to secondary dwellings.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 37

NSW Planning Reforms- Update Report**SUMMARY**

This report aims to inform Council regarding NSW Planning Reforms, including an overview of Exempt and Complying Development including recent amendments to the Codes SEPP; amendments to LEP plan making processes under Part 3 of the EPA Act; draft guidelines for Development Assessment and amendments to Part 4 of the EPA Act; and Department of Planning advice on the LEP reprioritisations.

MOTION (Heasman / LeSurf)

That Council:

1. receive and note the update on NSW Planning Reforms, and;
2. recommend that SHOROC prepare a submission to the Minister for Planning and Director-General of Planning seeking improved consultation, communication and additional resourcing to assist in the implementation of the NSW planning reforms.

PS168/09 RESOLVED: (Heasman / LeSurf)

That Council:

1. receive and note the update on NSW Planning Reforms, and;
2. recommend that SHOROC prepare a submission to the Minister for Planning and Director-

General of Planning seeking improved consultation, communication and additional resourcing to assist in the implementation of the NSW planning reforms.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 20

Development Applications being assessed during September, 2009

SUMMARY

Development Applications currently being Assessed

MOTION (Heasman / Murphy)

That the information on Development Applications being assessed during September 2009 be noted.

PS169/09 **RESOLVED: (Heasman / Murphy)**

That the information on Development Applications being assessed during September 2009 be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 21

Current Appeals Relating to Development Applications

SUMMARY

Current Appeals relating to Development Applications

MOTION (Murphy / LeSurf)

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

PS170/09 **RESOLVED: (Murphy / LeSurf)**

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

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

Against the Resolution: Nil.

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

Corporate Services Division Report No. 21

Tender for Supply of Electricity - Large Sites and Street Lighting

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

CLOSED SESSION**MOTION (Hay / Heasman)**

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

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

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

PS171/09 **RESOLVED: (Hay / Heasman)**

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

Corporate Services Division Report No. 21

Tender for Supply of Electricity - Large Sites and Street Lighting**MOTION (Murphy / Norek)**

That Council:

1. That Council accept the tenders of Truenergy and AGL for the respective supply of electricity to Council's contestable large sites and street lights. And that a mix of at least 10% in green power be purchased.
2. Authorise the affixing of the council seal on any legal documents.

PS172/09 **RESOLVED: (Murphy / Norek)**

That Council:

1. That Council accept the tenders of Truenergy and AGL for the respective supply of electricity

to Council's contestable large sites and street lights. And that a mix of at least 10% in green power be purchased.

2. Authorise the affixing of the council seal on any legal documents.

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

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

Note: A Rescission Motion was received on this item.

CLOSE

The meeting closed at 12.11am on 8th September 2009.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 19th October 2009.

CHAIRPERSON

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