

Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 13 November 2006

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:30 PM on Monday 13 November 2006, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 535 of 19th September, 2005.

PRESENT

His Worship, The Mayor, Councillor Dr P Macdonald
Deputy Mayor, Councillor B Pedersen
Councillor B Aird, Chairperson who presided
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman, Deputy Chairperson
Councillor J Lambert, AM
Councillor D Murphy

ALSO PRESENT

Henry Wong, General Manager
Jim Hunter, Executive Director Major Projects
Elayne Becker, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor Morrison and Councillor Norek for non-attendance.

MOTION (Aird / Heasman)

That the apologies received from Councillor Morrison and Councillor Norek, be accepted and leave be granted.

RESOLVED (Aird / Heasman)

That the apologies received from Councillor Morrison and Councillor Norek, be accepted and leave be granted.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 11 September 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED (Lambert / Heasman)

That copies of the Minutes of the Meeting of the Planning and Strategy Committee held on Monday 11 September 2006, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

MAYORAL MINUTE (Macdonald)**MOTION OF CONDOLENCE FOR THE PASSING OF MR MAX SULLIVAN**

On behalf of the people of Manly I would like to formally move a Motion of Condolence in response to the sad passing of Mr Max Sullivan who died suddenly on Monday November 6th, 2006.

As many of my fellow Councillors are aware, Max Sullivan was a committed Alderman on Manly Council from 1977 – 1980 and he served as Deputy Mayor of Manly in 1978-1979.

Max was born in Bexley in 1940, to a family of Irish Catholic origin who had migrated to Australia during the potato famine. Max attended Homebush High School, before obtaining a scholarship to study medicine at Sydney University. He later transferred to complete an Honours Degree in Economics and eventually obtained a Masters Degree in the subject.

He began working at the Department of Immigration, where he met his future wife Diane on St. Patrick's day! They married a year later, and soon moved into their first home at Beverley Hills. Their son Max Junior soon arrived, closely followed by their second son, Daniel.

The family moved to Manly in 1973, purchasing the federation house at 1 Laurence St which became a labor of love to restore. One of Max's favourite projects at the house was creating a native garden at the front of the property to attract the local birdlife. This passion for flora and fauna would become an enduring influence in Max's life.

The Sullivan family continued to grow with their third son, Justin arriving in 1975.

My fellow Councillors may be interested to learn that Max's political career was almost unintentional. He initially joined the Conserve Manly group in support of his fellow candidates Judy Mellowes and Gwen Wilson. When he was elected to Manly Council in 1977, he publicly expressed his surprise, prompting *The Manly Daily* to label him the "reluctant Alderman".

According to an election flyer from the Conserve Manly group, he strived to preserve and enhance Manly's unique character and environment of great scenic beauty. He worked to improve foreshore access, and encouraged Council to support community and cultural projects. The group stood strongly against any amalgamation with Warringah, was opposed to high-rise development and fought against perceived Council secrecy.

In 1978, Max was elected as Deputy Mayor and was the Chairman of the Council's Works Committee. For many years both he and Diane served on Council's Sister City Committee, and were involved with the Tokemeki exchange program.

Max held many senior roles in his career as an economist. He worked with the Reserve Bank for 11 years and then went on to the Australian Bankers' Association, the NSW Chamber of Manufacturers, the State Treasury, and the Australian Merchant Bankers Association. His last position for two years was as Advisor to the Commonwealth Minister for Defence Science and Personnel, Gary Punch. The appointment meant Max had to live in Canberra mid week during Parliamentary sittings but he looked forward each Friday to coming home.

Put simply Max loved everything about Manly – the art, the culture, the sporting lifestyle and the beautiful natural scenery. Diane fondly recalls that after every overseas trip, Max would take her to the park above Dellwood Beach and say "I bet you didn't see anything that good overseas"!

Max regularly walked the 'Spit to Manly' track and was often seen roaming over North Head. He swam at Delwood, Fairlight, South Steyne and Queenscliff beaches and he was a member of the Barina Tennis club, playing every Sunday with his friends and his son Justin. For many years he was also an active member of another group of tennis players at the Couvret courts.

He was an avid fan of the Manly Rugby League Club and in his earlier years he regularly took part in the Narrabeen to Manly Giant Jog with his son Max Junior by his side. He was a passionate supporter of the Manly Art Gallery, the Manly Library, The Jazz Festival and the Food and Wine Festival. He was a member of the Seaforth RSL Club and will be fondly remembered by the local community.

Max had a passion for art, culture, sport and his family. He took on the role of "chief babysitter" of his five grandchildren and enjoyed time spent around the dining table with all his family there. He will be remembered for his sense of humour and his willingness to help others, particularly at Lifeline Northern Beaches where he was a voluntary handyman for 22 years while Diane served as director.

Max's passing last Monday came as a great shock to his friends and family and he will be fondly remembered by his community. His funeral service will be taking place at the Balgowlah Uniting Church on Thursday November 16th at 10am.

Max Sullivan is survived by his loving wife Diane and the three Sullivan families - Max Junior and Gillian Sullivan and their children Hamish, Megan and Rohan; Daniel and Wendy Sullivan and their children Bethany and Murray; and Justin and Yoko Sullivan.

He will be sadly missed by all and his legacy long remembered.

MOTION (Macdonald)

That Manly Council convey its sincere condolences to Mrs Diane Sullivan and her family on the passing of Max Sullivan.

RESOLVED (Macdonald)

That Manly Council convey its sincere condolences to Mrs Diane Sullivan and her family on the passing of Max Sullivan.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 35

Stuart Street, Manly - Properties 38 and 40

SUMMARY

- Council has called for a Discussion Paper in relation to 38 and 40 Stuart Street, Manly.
- A Confidential Discussion Paper is **circulated under separate cover** for the information of Councillors.

PUBLIC ADDRESSES

The following person addressed Council on this matter:

Against: Mr Roy Deane

PROCEDURAL MOTION (Aird / Macdonald)

That the matter of General Managers Division Report No. 35, Stuart Street, Manly, Properties 38 and 40 be discussed in the Closed Session of Council.

RESOLVED (Aird / Macdonald)

That the matter of General Managers Division Report No. 35, Stuart Street, Manly, Properties 38 and 40 be discussed in the Closed Session of Council.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

General Managers Division Report No. 36

Manly Town Centre - Proposal for Additional Public Toilet Facilities

SUMMARY

- In keeping with the other Town Centre improvements, there is a need to provide additional public toilet facilities.
- Council has received a submission from J C Decaux regarding advertising funded infrastructure.
- This method of funding has been adopted by Council in the roll out of approximately 90 new bus shelters in Manly.
- The general philosophy is that advertising is not out of character against a commercial backdrop where other commercial signage is prevalent.

MOTION (Pedersen / Evans)

1. That Council acknowledge the need to provide extra toilet facilities within the Manly CBD as outlined in the report.
2. That Council agree to give further consideration to the acquisition of the necessary utilities by way of a contra commercial arrangement, based on the incorporation and installation of advertising panels in appropriate locations.
3. That the matter proceed by way of assessment and approval through the normal process, including notifications and referral to Precincts, etc, relevant committees and research on the relative importance of line of sight, aesthetic and other factors in both the use and mis-use of such facilities.
4. That this matter be brought back to Council for further consideration.
5. That Council provide an audit of the utilities and opening hours in the Manly CBD.

AMENDMENT (Macdonald / Hay)

1. That Council acknowledge the need to provide extra toilet facilities within the Manly CBD as outlined in the report.
2. That Council agree to the acquisition of the necessary utilities by way of a contra commercial arrangement, based on the incorporation and installation of advertising panels in appropriate locations.
3. That the matter proceed by way of assessment and approval through the normal process, including notifications and referral to Precincts, etc, relevant committees and research on the relative importance of line of sight, aesthetic and other factors in both the use and mis-use of such facilities.
4. That this matter be brought back to Council for final decision on the location of the utilities and the off site advertising.

For the Amendment: Councillors Macdonald, Hay, Heasman

Against the Amendment: Councillors Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

The Amendment was declared **LOST**.

RESOLVED (Pedersen / Evans)

1. That Council acknowledge the need to provide extra toilet facilities within the Manly CBD as outlined in the report.
2. That Council agree to the acquisition of the necessary utilities by way of a contra commercial arrangement, based on the incorporation and installation of advertising panels in appropriate locations.
3. That the matter proceed by way of assessment and approval through the normal process, including notifications and referral to Precincts, etc, relevant committees and research on the relative importance of line of sight, aesthetic and other factors in both the use and mis-use of such facilities.
4. That this matter be brought back to Council for final decision on the location of the utilities and the off site advertising.

5. That Council provide an audit of the utilities and opening hours in the Manly CBD.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

CORPORATE PLANNING AND STRATEGY DIVISION

Corporate Planning And Strategy Division Report No. 56

Amendments to the Noxious Weed Act 1993 and Class 4 Weed Control Management Plans SUMMARY

The amended Noxious Weed Act requires the local control authority, in this case Manly Council, to develop Weed Control Management Plans for all declared Class 4 weeds. In general Class 4 noxious weeds are 'environmental' weeds eg privet, asparagus fern, morning glory and lantana. There are currently 28 Class 4 weeds in the Manly LGA.

Amendments to the Noxious Weed Act 1993 have resulted in a new noxious weed list for Manly Council and the formation of weed control classes replacing the 'W' categories. The legal requirements for Class 1, 2, 3 & 5 weeds are set down in the Act. The Class 4 Weed Control Management Plans must specify (a) the measures for how the growth and the spread of a weed is to be controlled and (b) the legal and known methods for controlling this weed. The Class 4 Weed Control Management Plans give Council increased flexibility to develop a plan that suits the individual situation. The proposed Class 4 weed control measures take into consideration the ecology of the weed and the problems that this weed currently pose. Once ratified by council the proposed Weed Control Management Plan becomes legally enforceable.

This report recommends that Council ratify the proposed Class 4 weed control measures and delegate to the General Manager the authority to ratify Class 4 Weed Control Plans.

MOTION (Lambert / Macdonald)

That Council:

- A) 1. Ratify the proposed Class 4 weeds control measures.
2. Endorse the new Noxious Weeds list for Manly Council.
3. Delegate to the General Manager authority to ratify Class 4 Weed Control Management Plans.

That:

- B) 1. Council's bushland staff seek opportunities to join national initiatives to address, through educational programs, weed problems arising from inappropriate nursery plant sales.

RESOLVED (Lambert / Macdonald)

That Council:

- A) 1. Ratify the proposed Class 4 weeds control measures.
2. Endorse the new Noxious Weeds list for Manly Council.
3. Delegate to the General Manager authority to ratify Class 4 Weed Control Management Plans.

That:

- B) 1. Council's bushland staff seek opportunities to join national initiatives to address, through educational programs, weed problems arising from inappropriate nursery plant sales.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

Corporate Planning And Strategy Division Report No. 57

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

1. Changes to Environmental Planning and Assessment Act, 1979:-

On 3 April 2006, Council considered a report on the changes to the Environmental Planning and Assessment Act 1979 (EP&A Act). These changes are now in force. Council at that meeting resolved the following:

"1. That Council endorses the report and that representations be made to Local Member and State Ministers for Planning and Local Government regarding the implications of the changes to the planning laws of NSW for local government and community.

2. That Council, in further pursuing this matter, approach the LGSA to investigate the constitutional validity of the legislation."

Letters were sent to the Minister for Planning, Minister for Local Government and the LGSA.

A response has been received from the Office of the Minister for Planning, (see Attachment 1).

It is recommended that Council receive and note the response.

2. Australian Institute of Police Management Re-development at North Head:-

Council has continued to pursue the matter of land tenure with regards to the Australian Institute of Police Management site as well as the former School of Artillery site. Council's solicitor advised that the best course of action was to make strong in-person representations to the Premier of NSW. On 11 July 2006 Council wrote to Mr David Barr MP Independent Member for Manly seeking his assistance in making these representations.

Council is in receipt of a letter from Mr David Barr MP dated 4 October 2006 outlining his efforts to assist Manly Council.

This letter is attached (see Attachment 2) for the information of Council.

It is recommended that Council receive and note the information.

3. Minutes of Meeting:-

- (i) Manly Bicycle Committee – Minutes of Meeting held on 10 August 2006.
- (ii) Manly Coastline Management Committee – Minutes of Meeting held on 23 & 31 August 2006.

- (iii) Manly Community Environment Committee – Minutes of Meeting held on 21 September 2006.
- (iv) Playground Management Committee – Minutes of Meeting held on 28 September 2006.
- (v) Heritage Committee – Minutes of Meeting held on 4 October 2006.
- (vi) Manly Sports Facilities Committee – Minutes of Meeting held on 6 October 2006.
- (vii) Manly Scenic Walkway Committee – Minutes of Meeting held on 10 October 2006.
- (viii) Manly Sustainability Strategy Management Group – Minutes of Meeting held on 10 October 2006.
- (ix) Manly Bicycle Committee – Minutes of Meeting held on 12 October 2006.
- (x) Manly Social Plan Implementation Committee – Minutes of Meeting held on 17 October 2006.
- (xi) Playground Management Committee – Minutes of Meeting held on 19 October 2006.
- (xii) Land Use Management Committee – Minutes of Meeting held on 1 November 2006.
- (xiii) Manly Harbour Foreshore Management Committee – Minutes of Meeting held on 17 October 2006.
- (xiv) Manly Community Environment Committee – Minutes of Meeting held on 19 October 2006.

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

- (a) Manly Harbour Foreshore Management Committee – Minutes of Meeting held on 17 October 2006.

Item 4.7.1 Application for Membership on Harbour Foreshores Management Committee

Recommendation:

- That Sylvia Bell's membership request is accepted as the North Harbour Precinct representative of the Harbour Foreshores Management Committee.
- Staff to facilitate Sylvia Bell's membership upon the Harbour Foreshores Management Committee.

- (b) Manly Community Environment Committee – Minutes of Meeting held on 19 October 2006.

Item 8 North Head Issues

Recommendation:

This committee recommends that Manly Council write to the Department of Environment and

Conservation (in relation to the North Head and surrounding Little Penguin colony) insisting that they provide the most recent monitoring data to support their recent claims in the media of 60 pairs.

Moved: Ray Mathieson. Seconded: Keelah Lam.

- (c) Manly Community Environment Committee – Minutes of Meeting held on 19 October 2006.

Item 12 Transport

Recommendation:

During the forthcoming state election campaign, this committee calls for a more holistic transport debate that focuses on strategies that are less reliant on car based solutions. The committee calls for the debate to move more towards public transport solutions, such as better bus networks and dedicated bus lanes, light rail systems, the restoration of the ferry service to former levels, better public transport interchanges, etc. and also the provision of cycle path networks.

Moved: Clr. Pedersen Seconded: Richard Hewitt.

MOTION (Macdonald / Heasman)

1. That Council receive and note the information and response of the Corporate Planning and Strategy Division Report No.57, Changes to Environmental Planning and Assessment Act, 1979.
2. That Council receive and note the information and response of the Corporate Planning and Strategy Division Report No.57, Australian Institute of Police Management Re-development at North Head.
3. That the recommendations of Minutes of Meetings, as listed in Item 3 above, being 3(i) to 3(xiv), be adopted.
4. That in relation to all matters of a substantial nature listed in Item 4 above, being 4(a) to 4(c), be adopted as per the recommendation of the Committees.

RESOLVED (Macdonald / Heasman)

1. That Council receive and note the information and response of the Corporate Planning and Strategy Division Report No.57, Changes to Environmental Planning and Assessment Act, 1979.
2. That Council receive and note the information and response of the Corporate Planning and Strategy Division Report No.57, Australian Institute of Police Management Re-development at North Head.
3. That the recommendations of Minutes of Meetings, as listed in Item 3 above, being 3(i) to 3(xiv), be adopted.
4. That in relation to all matters of a substantial nature listed in Item 4 above, being 4(a) to 4(c), be adopted as per the recommendation of the Committees.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

MOTION (Aird / Heasman)

That Council resolve into closed session with the press and public excluded to allow consideration of Corporate Planning And Strategy Division Report No. 58, Tender for Provision of Community Car Share Service in Manly and General Managers Division Report No. 35 Stuart Street, Manly, Properties 38 and 40, 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.

The Chairperson 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.

RESOLVED (Aird / Heasman)

That Council resolve into closed session with the press and public excluded to allow consideration of Corporate Planning And Strategy Division Report No. 58, Tender for Provision of Community Car Share Service in Manly and General Managers Division Report No. 35 Stuart Street, Manly, Properties 38 and 40, 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.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

At 9.27pm the meeting moved into Closed Session

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the General Manager advised the meeting of the following resolutions made in Closed Session:

**General Managers Division Report No. 35
Stuart Street, Manly, Properties 38 and 40.**

RESOLVED (Macdonald / Hay)

That Council proceed as discussed in Closed Session of Council.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Daley, Pedersen, Aird and Evans

Against the Resolution: Councillors Cant and Murphy

**General Managers Division Report No.26,
Tender for Provision of Community Car Share Service in Manly.**

RESOLVED (Pedersen / Macdonald)

That Council proceed as discussed in Closed Session of Council.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird and Evans

Against the Resolution: Nil.

CLOSE

The meeting closed at 10.58pm

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 11 December 2006.

CHAIRPERSON

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