



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 14 May 2007

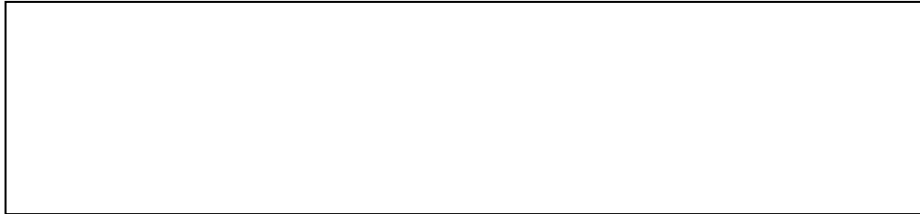
Commencing at 7:30pm for the purpose of considering items included on the Agenda.

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*

Seating Arrangements for Meetings

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Deputy Mayor

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

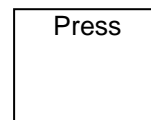
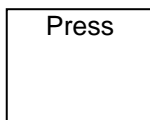
Clr Adele Heasman

Clr Dr Judy Lambert
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public
Addresses

Public Gallery

Chairperson: Clr Barbara Aird
Deputy Chairperson: Clr Adele Heasman

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MATTERS OF URGENCY

(In accordance with Clause 241 of the Local Government (General) Regulations, 2005)

CLOSED COMMITTEE ITEMS

******* END OF AGENDA *******

TO: Planning and Strategy Committee - 14 May 2007
REPORT: Planning And Strategy Division Report No. 16
SUBJECT: Amendment 77 Delegations from the Director General of the Department of Planning
FILE NO:

SUMMARY

Council wrote to the Department of Planning on 5 April 2007, requesting Authorisation to Exercise Delegation for functions under Sections 65 and 69 in respect of this draft amending LEP. The Department's written authorisation is now to hand, and is attached (see Attachment 1) for information.

REPORT

The Director General of the Department of Planning has given authorisation to exercise delegation subject to procedural conditions with respect to Section 65(1) and Section 69(1) of the *Environmental Planning and Assessment Act, 1979* for Amendment 77 to Manly LEP1988 which was approved by the Council at its meeting of 13 November 2006.

The amendment proposes to:

- Exclude the reference to the Model Provisions definition of "floor area" from Manly LEP 1988 to avoid conflict with an alternative definition contained in the Council's Residential DCP. The department now requires that the Council includes the Standard Instrument definition in LEP 1988 to avoid conflict with the Residential Development Control Plan definition.
- The heritage listing of properties at:
 - a) 30 Alexander Street, Manly
 - b) 3 Oyama Street, Manly
 - c) 29 Victoria Parade, Manly – This property was recently excluded from Amendment 71 as the property was then subject of proceedings before the Land and Environment Court.

Following the Department's authorisation, a revised copy of the Amendment 77 is attached (see Attachment 2), which includes the standard "gross floor area" definition.

With the delegations, the Council is now in a position to exhibit the proposed amendment pursuant to the issue of a Certificate under Sec. 65 and consider any submissions prior to the preparation of a report for referral to the Minister under Sec. 69 for his approval of the amendment.

RECOMMENDATION

It is recommended that the Council receive and note the information.

ATTACHMENTS

AT- 1 Copy of Delegation from the Director General Department of Planning 1 Page
AT- 2 Amendment 77 revised to include gross floor area definition 2 Pages

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***** End of Planning And Strategy Division Report No. 16 *****

ATTACHMENT 1

Planning And Strategy Division Report No. 16 - Amendment 77 Delegations from the Director General of the Department of Planning Copy of Delegation from the Director General Department of Planning



NSW GOVERNMENT
Department of Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

This is a Written Authorisation to Exercise Delegation ('Authorisation') pursuant to the instrument of delegation executed by the Director General of the Department of Planning ('Director General') on 16 February 2006 ('Delegation').

Subject to the Delegation and the terms and conditions specified in Schedule 1 to this Authorisation, the following functions are delegated to Manly Council ('Council') with respect to the draft local environmental plan the subject of notification by Council to the Director General under section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') dated 5 April 2007, being Draft Amendment 77 to Manly LEP 1988 ('Draft LEP') to:

1. Exclude reference to the Model Provisions definition of "gross floor area" from Manly LEP 1988 to avoid conflict with alternative definition in the Council's Residential DCP.
2. Include 3 Oyama Avenue, 30 Alexander Street and 29 Victoria Parade as local heritage items in Manly LEP 1988.

- Section 65(1)
- Section 69(1)

Dated 24 day of April 2007


Sam Gabriel Haddad
DIRECTOR GENERAL
Department of Planning

Schedule 1

The exercise of the function(s) under the Delegation is subject to:

1. the Standard Instrument (LEPs) Order 2006 definition for 'gross floor area' being inserted into Manly LEP 1988; and
2. the Draft LEP being consistent with any relevant Ministerial Direction issued pursuant to section 117 of the EP&A Act; and
3. the Draft LEP not being the subject of an unresolved objection by a public authority or body; and
4. the Draft LEP not containing provisions suspending laws pursuant to section 28 of the EP&A Act; and
5. compliance with the Best Practice Guideline published by the Department of Urban Affairs and Planning in January 1997 entitled, '*LEPs and Council Land - Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*'; and
6. compliance with instructions issued by the Director General with respect to the preparation and content of reports prepared pursuant to section 69 of the EP&A Act.

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**Planning And Strategy Division Report No. 16 - Amendment 77 Delegations from the Director General of the Department of Planning
Amendment 77 revised to include gross floor area definition**

Manly Local Environmental Plan 1988

(Amendment No. 77 – revised to include “gross floor area” definition)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

The Hon. Frank Sartor
Minister for Planning

1 Name of Plan

This plan is Manly Local Environmental Plan 1988 (Amendment No77)

2 Aims of Plan

This plan aims to amend Manly Local Environment Plan 1988 by:

1. listing certain properties as items of environmental heritage;
2. removing a reference to the Model Provisions definition of “gross floor area” from the plan; and
3. Adding a new definition of “Gross floor area” to the plan

3 Land to Which Plan Applies

This plan applies to in the local government area of Manly, and includes lands specifically identified as:

- 29 Victoria Parade
- 3 Oyama Avenue
- 30 Alexander Street

4 Amendment of Manly Local Environmental Plan 1988

Manly Local Environmental Plan 1988 is amended by;

a) Inserting in the appropriate order in the definition of ***the map*** in Clause 7(1), the following words:

Manly Local Environmental Plan (Amendment No. 77) Sheets 1 - 3

b) Inserting in the appropriate order and column in Schedule 4 the following:

Residential Building	29 Victoria Parade (Lot 1 DP65863)
House	3 Oyama Avenue (Lot 14 DP1049394)
House	30 Alexander Street (Lot 9 DP 4603)

c) Adding to Clause 6 , after, the words “general store” the words “gross floor area”.

Planning And Strategy Division Report No. 16 - Amendment 77 Delegations from the Director General of the Department of Planning
Amendment 77 revised to include gross floor area definition

d) Adding to Clause 7 after the definition "Foreshore Scenic Protection area" the following:

"Gross floor area" means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

TO: Planning and Strategy Committee - 14 May 2007
REPORT: Planning And Strategy Division Report No. 17
SUBJECT: Changes to State Environmental Planning Policy 64 - Advertising and Signage
FILE NO:

SUMMARY

- Proposed changes to State Environmental Planning Policy 64 Outdoor Advertising and Signage are currently being exhibited by Department of Planning. A copy of the Department's Fact Sheet is attached (see Attachment 1), and the Department's document *Transport Corridor Outdoor Advertising and Signage Guidelines April 2007* is tabled.
- The changes will allow outdoor advertising along major transport corridors – road and rail.
- The proposed changes to the State Environmental Planning Policy (SEPP) are accompanied by comprehensive guidelines for assessing applications to ensure compliance with safety and aesthetic considerations are met.
- The Minister for Planning will be the Consent Authority for such applications and local councils will be consulted.
- A submission is being prepared to highlight issues of concern to Manly Council and the local community.

REPORT

The changes proposed include:

- Allowing advertising along major transport corridors which are currently prohibited by SEPP 64 and Council LEPs.
- The introduction of a public benefit test and strict guidelines.
- The Minister for Planning being the Consent Authority to ensure consistency in the implementation of the policy.
- Permit sponsor advertising at public sporting facilities, which is currently prohibited on land zoned open space. Councils will have the option to make this exempt development in their LEP.
- Allowing election advertising during election periods.

The government has indicated that the changes proposed will result in a public benefit as it will generate new funding which will be used for transport, safety and public domain works such as pedestrian bridges, traffic safety works, and improved access to railway stations, encouragement of public transport use as well as maintenance and landscaping works.

The proposed changes to the SEPP suggest the Government is persuaded by the anticipated revenue from licence fees. The Local Government and Shires Association want assurance that any profits from advertising are only to be used for public infrastructure works.

Comment:

The most likely area that may be directly affected in Manly LGA would be perhaps along the Burnt Bridge Creek Bypass. It would appear feasible to use the adjacent noise attenuation panels for

Planning And Strategy Division Report No. 17 (Cont'd)

advertising purposes. Similar scenarios would apply to all parts of the city having toll-ways, freeways and overbridges; – some of which already have “built in” rights to advertising.

There are potential implications in relation to outdoor aesthetics, as well as potential traffic safety issues. The placement of excessive advertising along major road corridors has implications for Manly LGA as it would impact upon the general townscape and character of the whole LGA, notwithstanding potential traffic safety issues caused by the distracting presence or content of the signs.

It is conceded that one Consent Authority would provide for a degree of consistency in the determination of sign applications, however the lack of Council involvement may lead to a situation where signage is erected on major road corridors out of character with the surrounding area, and against the wishes of the local people.

RECOMMENDATION

It is recommended that Council endorse the making of a submission to the Department of Planning responding to the proposed changes to State Environmental Planning Policy 64, in particular the issues pertaining to:

- Impact on outdoor aesthetics
- Traffic safety issues
- Lack of local government input into the consent process, and
- The likelihood of signs being out of character with the local area.

ATTACHMENTS

AT- 1 Fact Sheet on Transport Corridor Outdoor Advertising Proposed Changes 3 Pages

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***** End of Planning And Strategy Division Report No. 17 *****

Planning And Strategy Division Report No. 17 - Changes to State Environmental Planning Policy 64 - Advertising and Signage
Fact Sheet on Transport Corridor Outdoor Advertising Proposed Changes



NSW GOVERNMENT
Department of Planning

FACT SHEET
April 2007

TRANSPORT CORRIDOR OUTDOOR ADVERTISING – PROPOSED CHANGES

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) is a Statewide planning policy which regulates advertising and signage which can be seen from a public place or reserve. It was created in 2001.

The NSW Department of Planning has now placed on public exhibition:

- Transport Corridor Outdoor Advertising and Signage Guidelines, and
- Amendments to SEPP 64

These documents do not at this stage represent NSW Government policy and the proposed SEPP amendment is not a matter for consideration under s79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*.

Draft Transport Corridor Advertising and Signage Guidelines

The guidelines outline best practice for the planning and design of major outdoor advertisements in transport corridors such as along or adjacent to classified roads, freeways, tollways, transitways, railway corridors or on bridge or road and rail overpasses.

Design

The guidelines will expand on existing advertising design rules in SEPP 64 and will be used by consent authorities when assessing proposals.

For instance, the guidelines include new rules to ensure signs:

- Avoid causing visual clutter, by having too many signs crowded into one area;
- When placed on bridges, do not diminish the architecture of the bridge or block significant views for bridge users including cyclists and pedestrians;
- Demonstrate design excellence, including being compatible with the scale, proportion and other characteristics of the site, and
- Do not require the removal of significant trees or vegetation or cause light spillage on neighbouring properties;

Public benefit

The guidelines, and the changes to SEPP 64, will lead to new funding being available for important transport, safety and public domain works. This means the public, not just private companies, will directly benefit from any new advertising along transport corridors.

The guidelines include a public benefit test, which means that large advertisements will only be approved in a transport corridor if it will result in a positive gain or benefit for the community.

In the case of advertisements lodged by the Roads and Traffic Authority (RTA), Railcorp and toll operators, examples of initiatives which may generate public benefits include:

- Undertaking works or programs to increase road safety and reduce vehicle and pedestrian accidents including the construction of additional pedestrian bridges;

ATTACHMENT 1

Planning And Strategy Division Report No. 17 - Changes to State Environmental Planning Policy 64 - Advertising and Signage Fact Sheet on Transport Corridor Outdoor Advertising Proposed Changes

- Improving access to railway stations;
- Public amenity improvements such as controlling and preventing vandalism in transport corridors, litter removal and landscaping; and
- Carrying out research or investigations into traffic safety or increasing public transport use.

A similar public benefit test is proposed to apply for new outdoor advertising applications lodged with local councils on land adjacent public corridors. This may also contribute to improved traffic management, public transport, public amenity or road safety.

Safety

RTA rules to ensure new signs do not obstruct drivers' views or cause a traffic hazard have been incorporated into the guidelines.

Amendments to SEPP 64

Some of the amendments to SEPP 64 include:

Freeways, tollways and rail corridors

Currently under SEPP 64, advertisements are not prohibited on the road corridor of certain tollways, namely the Eastern Distributor, the M2, M4, M5 and the Sydney Harbour tunnel. This means these signs are permissible if allowed by a council local environmental plan. SEPP 64 however prohibits advertisements on the road corridor of freeways or other tollways.

The introduction of the public benefit test, and the strict design guidelines, will allow some changes to this arrangement. Advertisements are now proposed to be permissible on other tollways which have been built since the policy came into place – namely the M7, Cross-City tunnel and Lane Cove tunnel – subject to the Minister for Planning's consent.

Advertisements lodged by the RTA will also be allowed on the road corridor of freeways, or associated road-use land adjacent to freeways, again subject to the Minister's consent.

If the Minister is the consent authority, the local council will be consulted for all proposals and will have 21 days to comment on the proposal.

Importantly, this is not a permanent removal of restrictions on advertising on freeways and tollways. Councils will have the ability to prohibit advertising signs on freeways and tollways, if justified, as they develop new comprehensive local environmental plans (LEPs) in the future.

The Minister for Planning is proposed to be made the consent authority for RailCorp advertising on railway corridor land.

The Minister's consent authority role will ensure there is consistency in the assessment and approval of RTA and Railcorp advertising proposals, including application of the public benefit test, and will provide for the rationalisation of signs along railway corridors.

Sporting fields

Many councils have already exempted sponsorship signs at public sporting facilities from needing consent. Where councils hadn't made them exempt, such advertising was prohibited under SEPP 64 in open space zones.

The amendment to SEPP 64 clarifies that sponsorship advertisements displayed at public sporting facilities, on land zoned open space, are not prohibited by SEPP 64 anymore.

ATTACHMENT 1

Planning And Strategy Division Report No. 17 - Changes to State Environmental Planning Policy 64 - Advertising and Signage

Fact Sheet on Transport Corridor Outdoor Advertising Proposed Changes

Councils now have the option to determine whether sponsorship advertising will be exempt, 'permissible with consent' or prohibited under their own local planning rules.

This will ensure that sporting clubs are able to sustain their activities through sponsorship advertising, if supported by the local council.

Election campaign signs

The amendment clarifies that election campaign posters outlined under electoral laws – such as the *Parliamentary Electorates and Elections Act 1912* - are exempt from planning laws during election periods.

TO: Planning and Strategy Committee - 14 May 2007
REPORT: Planning And Strategy Division Report No. 18
SUBJECT: Backpacker Tourism in Global Sydney ARC (Linkage) Project
FILE NO:

SUMMARY

This report updates the Council on the progress of the Backpacker Tourism in Global Sydney project. The key preliminary findings indicate the need for better understanding of the backpacker tourism dynamics to assist local government in managing the impacts of this growing industry on the local communities. The Report's recommendations will be considered by staff in the development of the relevant sections of the new Manly LEP, currently in process.

REPORT

Introduction

Manly Council participates jointly in the project together with five other councils (City of Sydney, Woollahra, Randwick, Waverley and North Sydney) and the Centre for Cultural Research at the University of Western Sydney. This is a regional study exploring backpacker tourism in Sydney, including backpacker cultures, residential communities, and the construction of tourist spaces and landscapes.

Aims

The research project explores a range of issues associated with backpackers and the way different groups in the community respond to them. It aims to provide new and detailed knowledge about future trends in tourism, significance to businesses, local communities, as well as benefits and costs from backpacking visitors.

The project will also support local government to develop a 'best practice' model for managing backpacker tourism in local communities. It will assist Councils in the development of policy, planning, and in the regulatory work associated with backpacker tourism.

Research design and methods

The research involves both qualitative and quantitative methods, collecting data through focus groups, interviews and surveys. Currently, two online surveys (one for residents and one for backpackers) are available at the Manly Council website under Planning and Development. Hard copies are placed at the Visitor Information Centre, the library, and Town Hall.

An article, summarising the backpacker survey project, and indicating how residents can participate in the project has been drafted to spread the word via media release to local publications.

Dissemination of Results

In the proposed timing of the study, several reports to councils were scheduled in the contract agreement (ARC, Application Form for Funding, Part E., p.56):

- Report on discourses on backpackers
- Report on 'Sites' with preliminary recommendations on visitor management strategies, LEPs and planning regulations
- Report on 'Accommodation' for Taskforce, and
- Final report and completion of a book.

However, the first report that has emerged from the study is the Interim Report (2005-2006) which was presented at the Forum on 4 May 2007. Please refer to Attachment 1, being a copy of the Executive Summary of the Interim Report, circulated under separate cover.

Planning And Strategy Division Report No. 18 (Cont'd)**Progress on Implementation 2005-2006**

The project is two years into a three year study. During the past two years the researchers have compiled Council/ LGA profiles; interviewed council staff, backpackers and tourist operators; and held presentations and focus groups with residents, industry/government and local business groups. Online and hard copies of the survey were distributed to Councils and backpacker hostels, which is ongoing for 2007.

Statistical Data

In 2006, 545,000 backpackers visited Australia. Over the past 5 years, there has been a steady increase in the numbers of international visitors to Australia, following the drop after 2000 Olympic Games. It was noted that the number of international visitors is stable over a longer period of time, showing the strength and resilience of this market.

The average duration of stay in Australia was 72 nights and each backpacker spent an average of \$5,161 per trip. Around 20% of expenditure by international travellers was contributed by backpackers.

Currently, there are two major niche markets:

1. working backpackers.
2. student backpackers/ International students.

Key Preliminary Findings

The main issues that emerged from the research, so far, pertain to the following categories:

Backpacker tourism industry

- International Backpacker tourism is a growth industry;
- Discrepancy between planning controls/instruments and market dynamics;
- Growing recognition of the need for a balance between *marketing* and *management*;
- Promotion of backpacker tourism controversy – considerable economic importance on national level versa its benefits and costs to local communities;
- The need for sustainable tourism planning.

Backpacker characteristics

- Relevance of 'backpacker' label – an outdated term;
- Backpackers are staying longer;
- Backpacker tourism is generating considerable community tensions;
- Backpackers engage in high-risk behaviour.

Illegal/ Unauthorised Backpacker Accommodation

- Lack of supply of legitimate backpacker accommodation;
- Boarding houses are used by backpackers;
- Illegitimate backpacker accommodation is an increasingly significant issue;
- Short-term letting and tourist use of residential apartments is a widespread practice;
- Proliferation of serviced apartments in residential zones is a growing concern;
- "Legal"/Legitimate backpacker hostels cause few problems.

Role of the Local Government in managing the impacts of Backpacker tourism

- Substantial definition problems in relation to how backpackers, boarding houses, and illegal backpacker hostels are classified;
- Penalties/Fines for failing to comply and for unauthorised operation need to be reviewed;
- LEP template needs review/clarification;
- Loss of compliance, rates and stamp duty revenue;
- Local government is seen to be not responding seriously or adequately;
- Local government currently lacks sufficient resources;

Planning And Strategy Division Report No. 18 (Cont'd)

- Large disincentive for councils to investigate and prosecute illegitimate premises;
- Uniform, coordinated approach is needed.

Costs and Benefits

Different stakeholders have different perceptions of the costs and benefits associated with backpacker tourism. Resident precinct committees uniformly and categorically highlight the costs to the community as a result of backpackers. Almost everywhere, residents expressed a strong lack of support for backpacker tourism.

Local businesses, however, maintain that backpackers provide an invaluable and essential supply of labour. Backpackers are both consumers and suppliers of services, and thus help to support local economy in general.

On the other hand, it was highlighted that tourism has a net cost to local government. To assist the governments to determine the impacts and potential benefits of tourism activity, the Department of Industry, Tourism and Resources has developed the *Tourism Impact Model (TIM) for Australian Local Government*. The TIM enables councils to measure the costs and benefits of tourism to their budgets.

RECOMMENDATION

It is recommended that Council:

1. Receive and note the report;
2. Consider the key findings of the study when reviewing the LEP/ planning policies and instruments in relation to backpacker accommodation;
3. Make the research findings available to members of the public via its website and Library service.

ATTACHMENTS

AT-	Executive Summary Backpacker Tourism in Global Sydney	9	Circulated
1	ARC (Linkage) Project Interim Report 2005-2006	Pages	Separately

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***** End of Planning And Strategy Division Report No. 18 *****

TO: Planning and Strategy Committee - 14 May 2007
REPORT: Planning And Strategy Division Report No. 19
SUBJECT: Request For Proposals for the use of the former School of Artillery site at North Head
FILE NO:

SUMMARY

The Sydney Harbour Federation Trust (the Trust) has issued a Request for Proposals (RFP) for the former School of Artillery site located at North Head. The RFP closes on 8th June for leasing proposals.

This RFP offers Council and the community a unique opportunity to ensure that local organisations and individuals committed to environmental sustainability have a presence on the site. It is recommended that interested parties collaborate to form a collective, such as a "Sustainability and Cultural Institute", comprised of a cross-section of organisations and individuals currently involved in every aspect of sustainable living.

The Request for Proposals document can be downloaded from the Trust website at the following link <http://www.harbourtrust.gov.au>

REPORT

The Current Sydney Harbour Federation Trust Request For Proposals

Recently the Trust announced a Request for Proposals for the former School of Artillery North Head. This has been widely advertised in newspapers all over Sydney as well as on the Trust website.

The Trust is calling for proposals for the lease of almost all of the buildings on the site. There are over 80 buildings on the site comprising a barracks complex, mess buildings, 26 houses, steel clad sheds, garages and storage buildings.

The Trust is seeking tenders from organisations whose aims are in keeping with the intention of the site, i.e. to "conserve and preserve land in the Sydney Harbour region for the benefit of present and future generations of Australians" (Sydney Harbour Federation Trust Act 2001).

At the last Trust Community Advisory Committee meeting, the Trust agreed to hold a special information evening for community and NGOs who through their activities may attract a rent subsidy.

In recent media, the Sanctuary Foundation expressed concern that the site could lose its ambience if unsuitable leases were granted and that it was important that the Trust not become preoccupied by revenues that could be generated and lose sight of the values of the site. The Foundation is one of many stakeholders who have held an active interest in the site. The Council and community interest in the site has been continuous for many years, as outlined below.

Background to community interest and involvement relating to the North Head School of Artillery site

- 2000 Council and community campaign to amend Federal legislation to prevent the sale of harbourside lands to finance the activities of the Trust.
- 2001 Sydney Harbour Federation Trust Bill passed including adequate funding which does not require the trust to be financially self-sufficient.

Planning And Strategy Division Report No. 19 (Cont'd)

- 2002 Sanctuary Conference organised by the Trust. Tim Flannery urges the community to get involved in setting up a Sanctuary on North Head.
A North Head Sanctuary group was formed including Council, universities, non-government and community groups. This body became the North Head Sanctuary Foundation Inc.
- 2003 The Trust convened a working group including the founder of the Karori Sanctuary in New Zealand, Jim Lynch, the Sanctuary Foundation, and North Head stakeholders, who prepared a comprehensive concept plan for the Sanctuary. The plan identified the possible management strategies, policies and funding sources. This included the possibility of the site becoming part of the UNESCO Biosphere Reserve Program.
- 2004 Manly Council establishes a working group involving the Sanctuary Foundation, National Parks, the Trust and local Aboriginal people to develop a shared set of goals and objectives to guide the future management.
- 2005 Forum on North Head calls for the waters surrounding North Head to be included in integrated management plan.
- 2006 Exhibition of the Trust Draft Plan of Management. North Head national heritage listed.
- 2007 State government transferred title to the federal government and it was proposed to extend the life of the Trust to 2032. Sanctuary Foundation expresses concern that the site could lose its ambience if unsuitable leases were granted.

Proposed Council Proposal

This Request For Proposal offers Council and the community a unique opportunity to ensure that local organisations and individuals committed to environmental sustainability and / or culture have a presence on the site. It is proposed that interested parties collaborate to form a collective, such as a "Sustainability and Cultural Institute", comprising a cross-section of organisations and individuals currently involved in every aspect of sustainable living.

Consultation

Initial consultation with a range of stakeholders has confirmed an interest in participation from a range of disciplines including, but not exclusive to:

- Individuals from six university faculties
- Artists – e.g. musicians, artists, writers, performers
- Non-government groups
- Professional associations
- Community groups.

Other local interest in the site

Interest in local use of the site has also been expressed by the Sanctuary Foundation. At a Sanctuary Foundation workshop held on 28th April, it was decided to apply for space for two projects, i.e. Native Plant Nursery, and a resource centre specialising in specific information about North Head.

Various sporting facilities exist on the site which the Manly Warringah Pittwater Sporting Union has investigated over the years. It is proposed Council staff would work with the Sporting Union to explore these separately to the proposal being put below.

Planning And Strategy Division Report No. 19 (Cont'd)**Proposal**

It is proposed that Council play a facilitating role bringing together a diverse range of groups to form a not-for-profit collective, hosted by appropriately qualified groups and individuals, and offering a wide range of activities that could, for example, include:

- Workshops and talks on:
 - solar energy
 - aboriginal heritage
 - Manly heritage
 - local fauna, ferals and flora
 - local marine species
 - sustainable living, e.g. eco-gardening, eco house, eco water.
- Art and photography classes covering local nature and landscapes.
- Creative art activities such as sculpture, collage, ceramics.
- Face to face advice and training on local volunteering opportunities.
- Hands on experience in permaculture gardening.
- Permanent and feature exhibitions of local historical and current works.
- Classes and performances in the dramatic arts.
- Residential writing intensives and writing festivals.
- Host to major environmental and cultural events, such as the Sydney Writers Festival, and
- Aboriginal cultural centre and exhibition.

Implementation Strategy

The proposal is to form an incorporated, not for profit community organisation known as the North Head Sustainability and Cultural Institute and submit a proposal for use of the site.

The proposal would include an outline of the estimated special requirements for the Institute and proposed program and events and activities.

The Request for Proposals closes on 8th June for leasing proposals.

The following actions would also help to build support for Manly's proposal:

- Assist the Trust officer dealing with the RFP, Andrew Woodmansey, to call a meeting of these interested groups to assist them in formulating a joint proposal.
- Seek the support of our local, state and federal members.

RECOMMENDATION

It is recommended that Council:

1. Endorse the actions proposed in this Report.

ATTACHMENTS

AT- 1 List of Potential Interest Groups 1 Page

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***** End of Planning And Strategy Division Report No. 19 *****

ATTACHMENT 1

Planning And Strategy Division Report No. 19 - Request For Proposals for the use of the North Head School of Artillery site

List of Potential Interest Groups

ATTACHMENT 1 List of Potential Interest Groups

List of potential groups, many of whom have expressed interest in participating:

- ANZSES – Australian New Zealand Solar Energy Society
- IFAW – International Fund for Animal Welfare
- WIRES / Sydney Wildlife Rescue
- The National Parks Association Harbourkeepers, Coastkeepers & Naturekeepers Programs
- Nature Conservation Council
- Australian Conservation Foundation
- Permaculture North
- Australian Association of Bush Regenerators
- Research & educational bodies including:
 - School of Biological Sciences, University of Sydney
 - School of Natural Sciences, University of Western Sydney
 - Department of Environmental Sciences, University of Technology, Sydney
 - Biological, Earth and Environmental Sciences, University of New South Wales
 - Centre for Photovoltaics, University of New South Wales
- Environmental Art, including but not exclusive to:
 - An aboriginal performance group
 - Aboriginal support / cultural groups
 - Sydney writers group
 - Nature photographers
 - Performing artists including musicians & dramatic artists
 - Landscape and nature painters
 - Sculptors
- Nature walk guides
- Household environmental education - gardening / composting
- Industry organisations that would be suitable including:
 - Wind turbine companies
 - Interface – carpet tile company

TO: Planning and Strategy Committee - 14 May 2007
REPORT: Planning And Strategy Division Report No. 20
SUBJECT: Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees
FILE NO:

1. REPORT – Dealing with Alcohol in Society

One of the motions for consideration by the delegates to the Local Government Association's Conference 2006 related to a matter put forward by Manly Council: "24 – Manly: Dealing with Alcohol in Society". (Council Resolution 91/06)

At the Ordinary Council Meeting held on 19 February 2007 a response regarding this matter was presented to Council from the Portfolio Strategies Division of the Department of Health and Ageing.

Further to this, a response is now to hand from The Hon Peter Dutton, Minister for Revenue and Assistant Treasurer, and is attached for information.

2. Minutes of Meetings without recommendations of a substantial nature:

(i) Manly Traffic – Minutes 30 April 2007

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

(i) **Climate Change Working Group – 29 March 2007**

Item 5 Energy Efficiency

Recommendation

5.1 Require all Divisional Managers to identify how they will work to meet Council's emissions reduction target of 50% on 1990 levels by 2010. This will be supported by organizational development program to assist them in meeting the target.

Item 5 Energy Efficiency

Recommendation

5.2 Council investigate offering Energy Reduction Loans. Energy Reduction Loans are low or no-interest loans to enable the purchase and installation of energy efficient appliances and upgrades (e.g., solar hot water, insulation). Energy Reduction Loans could be offered through Council or in partnership with a financial institution.

Planning And Strategy Division Report No. 20 (Cont'd)**Item 5 Energy Efficiency**Recommendation

- 5.3 Council staff investigates whether Council should adopt the Nottingham Declaration, or adopt a similar declaration demonstrating commitment to address climate change.

(ii) Landscape Management and Urban Design Committee – 4 April 2007**Item 4.1 Fairlight Shops Area Improvements**Recommendation

It is recommended that the Landscape Management and Urban Design Committee support the Fairlight Shops Improvement Proposals presented in April 2007 and that:

- Costs be sought from Energy Australia in relation to the undergrounding and/or aerial cabling of the overhead powerlines and removal of powerpoles.
- Following RTA endorsement the plans be presented to the Fairlight Shops Improvement Working Party for comment/approval.
- Following comment from the Fairlight Shop Improvement Working Party, the plans be referred back to the LMUD committee and the Traffic Committee for approval.
- The proposals be presented to the committee through the Precinct Forum, with a rider on the proposals clearly communicating that the plans are for the strategic planning purposes.

(iii) Heritage Committee – 4 April 2007**Item 8 Heritage Review / Redrafting of LEP According to State Government Guidelines**Recommendation

- 8.1 The Heritage Committee recommends that sustainability provisions should be included in the Draft LEP and that Council lobby for this to be an inclusion in all LEP templates.

Item 11.2 Council Heritage GrantsRecommendation

The Heritage Committee recommends that Council's Heritage Grants process be reviewed and that the amount of money available be expanded to a more realistic figure.

Planning And Strategy Division Report No. 20 (Cont'd)**Item 12.1 Garages and carports**Recommendation

The Heritage Committee recommends that Council should examine the need for garage design guidelines, such as those in use at Mosman Council.

(iv) Manly Playground Management Committee – 5 April 2007**Item 5.3 Nanbaree Reserve**Recommendation

That the following be undertaken to improve access to Nanbaree Reserve Playground.

1. Quotations be sought for the demolition of the platform on which the playground is built;
2. Design and costing for the reinstallation of existing playground equipment be developed by Council officers;
3. Additional shade tree planting be incorporated into the new designs, and that a fabricated shade structure is not considered desirable in this location.

Item 5.4 Weeroona ReserveRecommendation

That a project plan be developed incorporating in 2 stages:

Stage 1 Shade structure to be installed over the older children's playground.

Stage 2 To improve the smaller children's play area where the small concrete cycle path is located to make it more interesting.

Item 6.1 Baranbali PlaygroundRecommendation

That the committee thank all council officers involved for their work, from initial consultation with local residents through to the design, construction and completion.

Item 7.2 Sangrado Reserve PlaygroundRecommendation

That the Council consider the installation of a shade structure over Sangrado reserve playground in the new financial year budget and that staff advise on possible tree plantings to provide more natural shade.

Planning And Strategy Division Report No. 20 (Cont'd)**(v) Manly Bicycle Committee – 12 April 2007****Item 13 General Business – The Corso Upgrade****Recommendation**

The Bicycle Committee request consideration of the installation of a bike rack in the vicinity of Petersons, 17 The Corso Manly, in Stage 2 of The Corso upgrade.

(vi) Manly Social Plan Implementation Committee – 17 April 2007**Item 5.1 Social Plan Implementation – Reporting to Council****Recommendation**

Given the change of SPIC meetings to bi-monthly, this Committee recommends that updates to the Social Plan will be made 3 times per year, noting that a comprehensive report is due to Council at the end of each financial year. Therefore an annual report will be due by the end of June and then quarterly, that is in October and February.

Item 5.2 Information Services for Aboriginal Torres Strait Island (ATSI) Communities**Recommendation**

The Committee recommends that the following actions are undertaken:

- i) A letter is sent to Danny Houseas, c/- Northern Sydney Aboriginal Social Plan, stating the Manly Social Plan Implementation Committee welcomes the auspice of the Project Officer for the Aboriginal Social Plan (at the Aboriginal Heritage Office at Willoughby Council). Given the focus of that position of implementation of the Social Plan this committee requests regular updates and asks that staff seek an annual review of the position and the auspice arrangement be reviewed annually.
- i) That SPIC recommends to the General Manager that Manly Council seeks representation on the sub-committee supporting the role of the Social Plan Aboriginal Project Officer.
- iii) This committee would welcome the new NSASP Project Officer to make a presentation to the Manly Social Plan Implementation Committee at a future date.

Item 6.2 Principles of Co-Operation**Recommendation**

To facilitate more comments and reach a wider Aboriginal community, the following was suggested:

- To send copies of the document to the Aboriginal contacts
- To extend the exhibition until 14 May 2007
- Noting the spoken nature of Aboriginal culture, to offer an option for verbal submissions using a recording device

Planning And Strategy Division Report No. 20 (Cont'd)

Item 8.1 NAIDOC week school completions – request for grant of \$450 to CouncilRecommendation

Noting that this is the 50th year of NAIDOC and Manly Council is a contributing participant, we request Council provides funding of \$450 to Koori Kids to assist in the conduct of the NAIDOC Week School Drawing Competition.

RECOMMENDATION

1. That the report and contents of the letter from the Minister for Revenue and Assistant Treasurer be received and noted.
2. That the recommendations of minutes of meetings, as listed in Item 2 above, being 2(i) be **adopted**.
3. (i) That the minutes of the **Climate Change Working Group – 29 March 2007** be **adopted** including the following recommendations of a substantial nature:
 - Item 5.1: Energy Efficiency
 - Item 5.2: Energy Efficiency
 - Item 5.3: Energy Efficiency
- (ii) That the minutes of the **Landscape Management and Urban Design Committee – 4 April 2007** be **adopted** including the following recommendations of a substantial nature:
 - Item 4.1: Fairlight Shops Area Improvements
- (iii) That the minutes of the **Heritage Committee – 4 April 2007** be **adopted** including the recommendations of a substantial nature:
 - Item 8.1: Heritage Review / Redrafting of LEP According to State Government Guidelines
 - Item 11.2: Council Heritage Grants
 - Item 12.1: Garages and carports
- (iv) That the minutes of the **Manly Playground Management Committee – 4 April 2007** be **adopted** including the recommendation of a substantial nature:
 - Item 5.3: Nanbaree Reserve
 - Item 5.4: Weeroona Reserve
 - Item 6.1: Baranbali Playground
 - Item 7.2: Sangrado Reserve Playground
- (v) That the minutes of the **Manly Bicycle Committee – 12 April 2007** be **adopted** including the recommendation of a substantial nature:
 - Item 13: General Business - The Corso Upgrade

Planning And Strategy Division Report No. 20 (Cont'd)

- (vi) That the minutes of the **Manly Social Plan Implementation Committee – 17 April 2007** be **adopted** including the recommendations of a substantial nature:

Item 5.1: Social Plan Implementation – Reporting to Council

Item 5.2: Information Services for Aboriginal Torres Strait Island (ATSI) Communities

Item 6.2: Principles of Co-Operation

Item 8.1: NAIDOC week school completions – request for grant of \$450 to Council

ATTACHMENTS

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***** End of Planning And Strategy Division Report No. 20 *****

ATTACHMENT 1

Planning And Strategy Division Report No. 20 - Items for Brief Mention - Minutes for Adoption
by Council - Special Purpose and Joint Committees
Letter from Minister for Revenue and Assistant Treasurer



THE HON PETER DUTTON MP
MINISTER FOR REVENUE AND ASSISTANT TREASURER

Councillor G McCaffery
President
Local Government Association of NSW
GPO Box 7003
SYDNEY NSW 2001

Local Government Association of NSW Shires Association of NSW	
28 MAR 2007	
SGU.....	CORP..... 21 MAR 2007
POLICY.....	
WPLACE..... NO ACTION.....	
#24 R90/1075-04 SF	
#135 R90/0005-03 FL	

Dear Councillor McCaffery

Thank you for your letter of 14 December 2006 to the Treasurer concerning resolutions passed at Local Government of NSW Association's 2006 conference relating to the taxation of alcohol by volume and the eligibility of local government representatives to co-contribution payments. The Treasurer has asked me to respond on his behalf. I apologise for the delay in responding.

The Australian Government recognises the significant damage the misuse of alcohol can cause and the tax system has been used to respond to the health and social costs of alcohol consumption.

In this regard the Government considered the taxation of alcohol when developing the New Tax System in 1998. Consequently, significant reforms to alcohol taxation were legislated with effect from 1 July 2000, reforms which continue to provide the broad framework for the taxation of alcohol today.

Such reforms have resulted in alcohol being subject to significant excise taxes - alcohol excises and the wine equalisation tax raise around \$3 billion a year. Additionally, excises are increased every six months to ensure that inflation does not erode the real level of alcohol taxation. Finally the existing tax regime levies excise on beer, spirits and ready-to-drink beverages based on alcoholic content, so within a product class, higher alcohol content products pay more tax. In addition, there are special arrangements for low alcohol beer, with light beers given a tax advantage over stronger beers.

Finally, it is important to acknowledge that the tax system has many objectives, including the raising of revenue.

Since 1 July 2000 the Government has been disinclined to significantly alter the framework for the taxation of alcohol. This is because increasing alcohol taxes will raise prices for all consumers when other, more targeted, measures are available to address particular health or social policy objectives such as alcohol abuse. Additionally, increasing alcohol taxes or significantly altering tax relativities between alcohol products would disrupt the relativities across established markets that have led to a stable tax environment.

The Association also seeks consideration of the extension of the eligibility for the superannuation co-contribution scheme to local government representatives.

PO Box 6022
Parliament House Canberra ACT 2600
Email: Peter.Dutton.MP@aph.gov.au

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Planning And Strategy Division Report No. 20 - Items for Brief Mention - Minutes for Adoption
by Council - Special Purpose and Joint Committees
Letter from Minister for Revenue and Assistant Treasurer

The superannuation co-contribution is an Australian Government initiative to assist eligible individuals to save for their retirement. On 7 December 2006 the Government introduced the Tax Laws Amendment (Simplified Superannuation) Bill 2006 into Parliament. As part of the reforms, the Government will extend the Government co-contribution scheme to self-employed persons who are carrying on a business and where they make personal contributions on or after 1 July 2007.

Superannuation contributions under the Government co-contribution scheme will be matched at \$1.50 for every dollar contributed, up to a maximum co-contribution of \$1,500. The maximum co-contribution will be available for those persons earning less than the lower threshold, currently \$28,000. As is presently the case with employees, the co-contribution would only be payable on personal contributions (that is, not salary sacrifice, or contributions for which the person can claim a deduction).

The Australian Taxation Office (ATO) is responsible for determining an individual's eligibility each year and calculating the amount of an individual's entitlement based on details in their income tax return and details of personal superannuation contributions reported by their superannuation fund:

Superannuation fund members need to meet certain requirements each year in order to be eligible for the superannuation co-contribution. Amongst other things, a person must have 10 per cent or more of their total assessable income from eligible employment and that their income cannot exceed the relevant threshold.

As the matter raised relates to the administration of the taxation and superannuation laws, I asked the Commissioner of Taxation for his comments.

The Commissioner advised that eligible employment is defined in the *Income Tax Assessment Act 1936* and means the holding of an office or appointment, the performance of functions and duties, and the engaging of any type of work, that results in the person being treated as an employee for the purposes of the *Superannuation Guarantee (Administration) Act 1992* (SGAA).

He also advised, unless the local government council elects for their councillors to be treated as employees for all income tax, fringe benefits tax and superannuation guarantee purposes (under the *Taxation Administration Act 1953*), they are excluded from meeting the eligibility criteria for the superannuation co-contribution as their income is not from eligible employment.

However, with the proposed changes, the Commissioner advised that the question of whether a local councillor's activities constitute the carrying on of a business is a question of fact. That is, the facts of the case in question must be considered in order to make a decision.

The Commissioner suggested the following questions be asked when trying to determine whether an activity would be considered a business or a hobby:

- Does the activity have a significant commercial purpose or character?
- Is there more than just an intention to engage in business?
- Is there a purpose of profit as well as a prospect of profit?
- Is there repetition and regularity to the activity?
- Is the activity carried on in a similar manner to other businesses in the industry?
- Is the activity planned, organised and carried on in a business-like manner?

ATTACHMENT 1

Planning And Strategy Division Report No. 20 - Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees Letter from Minister for Revenue and Assistant Treasurer

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- Does the activity have characteristics of size, scale and permanency?
- Would it be true to say your activity is not really better described as a hobby, recreation or sporting activity?

Although no single factor will be determinative, the Commissioner advised that a majority of 'yes' answers to the questions above increases the probability that local councillors are in business. However, if the answers are 'no' to the majority of the questions above, it would indicate that their activities would more likely be considered a hobby.

The Commissioner suggested that you or your councillors may wish to write to the ATO with further details and request advice on how the legislation applies to their specific circumstances. The address for correspondence is GPO Box 9990, Sydney NSW 2000. Alternatively, you may contact Mr Christopher Richardson of the ATO on (07) 3213 3130 or for the cost of a local call, you may phone the ATO on 13 28 69 and request to be transferred to Mr Richardson on extension 33130.

Thank you for bringing this matter to my attention. I trust this information will be of assistance to you.

Yours sincerely



PETER DUTTON