



Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 2 September 2013

All minutes are subject to confirmation at a subsequent meeting.

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Council's website:*

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7.32pm on Monday 2 September 2013, 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

Mayor, Jean Hay AM
 Councillor B Aird
 Councillor C Bingham
 Councillor H Burns
 Councillor C Griffin
 Councillor J Griffin
 Councillor A Heasman, Chair
 Councillor A Le Surf,
 Councillor S Pickering, Deputy Chair

ALSO PRESENT

Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
 Beth Lawsen, Deputy General Manager, People, Place & Infrastructure
 Anthony Hewton, Executive Manager, Corporate Support Services
 Helen Lever, Manager Administration
 Secretariat Officer

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Pickering	Environmental Services Division Report No. 28	Councillor's residence is next door to reference 151 (being Wanganella Street, Balgowlah)

SUSPENSION OF STANDING ORDERS (Heasman / Hay)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Environmental Services Division report No. 27 – Adoption of Manly Lagoon Flood Study.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

37/13 RESOLVED: (Heasman / Hay)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Environmental Services Division report No. 27 – Adoption of Manly Lagoon Flood Study

Councillor Aird declared an Interest in the following item and left the Chamber at 7.50pm.

**Environmental Services Division Report No. 27
Adoption of Manly Lagoon Flood Study (MC/13/62718)**

The following person addressed the meeting on this item:

Not in support of the Motion: Marcus Stewart

PURPOSE

To seek adoption of the Manly Lagoon Flood Study 2013.

SUMMARY

The Manly Lagoon Flood Study 2013, prepared by Manly and Warringah Councils, represents the first stage in the management of flood prone land for the Manly Lagoon Catchment. The NSW Government Flood Prone Land Policy outlines a three stage Floodplain Management Process for Councils to follow. The Flood Study stage comprises a technical investigation of flood behaviour, under existing and future conditions.

The Flood Study has shown that approximately 221 residential cadastral lots in Manly Local Government Area are situated within Flood Planning Level area (1% AEP Catchment + 5% AEP Oceanic Event + 0.5m freeboard). While climate change impacts were assessed for this area, they have not been included in the proposed Flood Planning Level area at this time.

During the community consultation period from 1 May to 29 May 2013, letters and information brochures were sent to approximately 2,130 properties in the Manly Local Government Area, 4 days of public information sessions were held, and information was displayed in Manly Council chambers, Manly Library, and the Manly Environment Centre. Updates were also made to Council's website. A total of 47 phone calls, 103 electronic enquiries, and 34 face to face meetings were held with Manly Council residents within and during the public exhibition period. A total of 20 formal submissions were received relating to development controls and options for managing flood risk.

Following adoption of the Flood Study, Council will move into the next stage of the process (the Floodplain Risk Management Study and Plan), which will investigate risk management measures and provide recommendations to reduce flood hazard. A similar Council report will be presented to Warringah Council in September 2013 to seek adoption of the Flood Study.

POLICY IMPACT

Section 149(2) and 149(5) planning certificates for properties identified in the Flood Study will be amended for properties identified as being within the Flood Planning Level (FPL) and Probable Maximum Flood (PMF) extent.

MOTION (LeSurf / J Griffin)

- A. THAT Council adopt the report ‘*Manly Lagoon Flood Study 2013*’ and Flood Planning Levels in the report.
- B. If the ‘*Manly Lagoon Flood Study 2013*’ is adopted, that Council:
 - 1. Update the ‘*Interim Policy and Administrative Guidelines for Development and Use of Land Affected by a 1 in 100 year Flood (Appendix A: Manly Lagoon Floodplain Management Study 1996)*’, to reflect the new ‘*Manly Lagoon Flood Study 2013*’.
 - 2. Amend the ‘*Manly Development Control Plan 2013*’, to reflect the new ‘*Manly Lagoon Flood Study 2013*’; and
 - 3. Delay for 1 month making changes to Section 149 certificates, to reflect the new ‘*Manly Lagoon Flood Study 2013*’ until consultation with effected new properties.

For the Resolution: Councillors Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

38/13 RESOLVED: (Le Surf / J Griffin)

- A. THAT Council adopt the report ‘*Manly Lagoon Flood Study 2013*’ and Flood Planning Levels in the report.
- B. If the ‘*Manly Lagoon Flood Study 2013*’ is adopted, that Council:
 - 1. Update the ‘*Interim Policy and Administrative Guidelines for Development and Use of Land Affected by a 1 in 100 year Flood (Appendix A: Manly Lagoon Floodplain Management Study 1996)*’, to reflect the new ‘*Manly Lagoon Flood Study 2013*’.
 - 2. Amend the ‘*Manly Development Control Plan 2013*’, to reflect the new ‘*Manly Lagoon Flood Study 2013*’; and
 - 3. Delay for 1 month making changes to Section 149 certificates, to reflect the new ‘*Manly Lagoon Flood Study 2013*’ until consultation with effected new properties.

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

RESUMPTION OF STANDING ORDERS (Heasman / Hay)

That Standing Orders be resumed.

39/13 RESOLVED: (Heasman / Hay)

That Standing Orders be resumed.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 11

Items For Brief Mention (MC/13/96899)

1. Tabled Documents

	Date	Author	Subject
1.	22 Jul 13	Bruce M Christie Executive Director Biosecurity NSW Department of Primary Industries NSW Government	Publication: NSW Weeds Action Program - Annual Report 2011-2012 http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0008/463544/weeds-action-program-annual-report-2011-12.pdf
2.	7 Aug 13	SHOROC Incorporated	SHOROC Board Meeting Minutes 7 August 2013
3.	7 Aug 13	Bill Talbot Director, Aquaculture, Conservation & Marine Parks, Fisheries NSW Department of Primary Industries NSW Government	Publication: Fisheries NSW <i>Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)</i> http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0009/468927/Policy-and-guidelines-for-fish-habitat.pdf
4.	12 Aug 13	Peter Crosby Regional Manager, Sydney Transport Roads & Maritime Services NSW Government	Letter confirming agreement for Block Grant Assistance to Council for Regional Roads 2013/2014
5.	20 Aug 13	Sandra Chipchase Chief Executive Officer Destination NSW	2013-14 Destination NSW Partner Opportunities Prospectus. http://www.destinationnsw.com.au/_data/assets/pdf_file/0018/207801/Partnership-Opportunities-with-DNSW-2013-14.pdf
6	20 Aug 13	Cr Keith Rhoades AFSM & Cr Ray Donald Joint Presidents Local Government NSW	Update on Planning White Paper
7	26 Aug 13	Sussan Ley MP Federal Member for Farrer	Reply to Council's letter regarding the cost and availability of child care.
8	27 Aug 13	Mike Baird State Member for Manly	Reply letter regarding North Head Sewage Treatment Plant Odour and attaching 2x letters from Kevin Young Managing Director, Sydney Water
9	28 Aug 13	Alex Anderson Assistant Secretary Schools, Early Childhood, Employment & Immigration Branch Department of the Prime Minister and Cabinet	Reply to Council's letter to the PM regarding affordability and availability of child care in the Manly Iga.

MOTION (Le Surf / Pickering)

THAT the tabled documents be received and noted.

For the Resolution: Councillors Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

40/13 RESOLVED: (Le Surf / Pickering)

THAT the tabled documents be received and noted.

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

REPORTS OF COMMITTEES**Report Of Committees Report No. 28****Minutes for adoption by Council - Special Purpose Advisory Committees without recommendations of a significant nature. (MC/13/101235)**

The following special Purpose Advisory Committee meeting minutes are tabled at this meeting.

- i) Manly Local Traffic Advisory Committee – 15 July 2013
- ii) Waste Advisory Committee – 7 August 2013
- iii) Manly Local Traffic Advisory Committee – 12 August 2013
- iv) Arts & Culture Advisory Committee – 20 August 2013

MOTION (Le Surf / C Griffin)

That the minutes of the following Special Purpose Advisory Committee meetings be adopted.

- i) Manly Local Traffic Advisory Committee – 15 July 2013
- ii) Waste Advisory Committee – 7 August 2013
- iii) Manly Local Traffic Advisory Committee – 12 August 2013
- iv) Arts & Culture Advisory Committee – 20 August 2013

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

41/13 RESOLVED: (Le Surf / C Griffin)

That the minutes of the following Special Purpose Advisory Committee meetings be adopted.

- i) Manly Local Traffic Advisory Committee – 15 July 2013
- ii) Waste Advisory Committee – 7 August 2013
- iii) Manly Local Traffic Advisory Committee – 12 August 2013
- iv) Arts & Culture Advisory Committee – 20 August 2013

Recommitted Motion (C Griffin / Aird)

That Report No. 28 - Minutes for adoption by Council - Special Purpose Advisory Committees without recommendations of a significant nature be recommitted to enable further consideration.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

42/13 RESOLVED: (C Griffin / Aird)

Report No. 28 - Minutes for adoption by Council - Special Purpose Advisory Committees without recommendations of a significant nature be recommitted.

Report Of Committees Report No. 29**Minutes for adoption by Council - Heritage & Local History Advisory Committee - 7 August 2013 (MC/13/101819)**

This report was dealt with at the Heritage & Local History Advisory Committee meeting of 7 August 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting, together with the minutes for formal adoption by Council.

ITEM 5 Heritage Grant Applications

One application was received (from T & B Riordan, repainting and minor works to 108 Pittwater Road Manly).

That the minutes of the Heritage & Local History Advisory Committee meeting on 7 August 2013 be adopted including the following items:

ITEM 5 Heritage Grant Applications

The Committee recommends to the General Manager:

1. That the grant application from T & B Riordan be supported and \$500 grant be approved; and
2. That future, maintenance and minor works in principle be supported with \$500 grants, while major restoration works are to be supported with greater sums.

MOTION (Burns / Bingham)

That the minutes of the Heritage & Local History Advisory Committee meeting on 7 August 2013 be adopted including the following items:

ITEM 5 Heritage Grant Applications

The Committee recommends to the General Manager:

1. That the grant application from T & B Riordan be supported and \$500 grant be approved; and

2. That future, maintenance and minor works in principle be supported with \$500 grants, while major restoration works are to be supported with greater sums.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

43/13 RESOLVED: (Burns / Bingham)

That the minutes of the Heritage & Local History Advisory Committee meeting on 7 August 2013 be adopted including the following items:

ITEM 5 Heritage Grant Applications

The Committee recommends to the General Manager:

1. That the grant application from T & B Riordan be supported and \$500 grant be approved; and
2. That future, maintenance and minor works in principle be supported with \$500 grants, while major restoration works are to be supported with greater sums.

ENVIRONMENTAL SERVICES DIVISION

Councillor Pickering left the Chamber having declared an interest in the following item at 8.05pm.

**Environmental Services Division Report No. 28
Development Applications Being Processed During September 2013. (MC/13/97990)
SUMMARY**

Development Applications currently being processed during September 2013.

MOTION (Le Surf / Burns)

THAT the information be noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

44/13 RESOLVED: (Le Surf / Burns)

THAT the information be noted.

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

Environmental Services Division Report No. 29
A List of Current Appeals Relating to Development Applications (MC/13/97987)
SUMMARY

A list of current appeals relating to development applications.

MOTION (Le Surf / Aird)

THAT the information be noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

45/13 RESOLVED: (Le Surf / Aird)

THAT the information be noted.

Councillor Pickering not in the Chamber when the voting took place.

Councillor Pickering returned to the Chamber.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 18

Appointment of NSW Electoral Commission to administer general elections, bi-elections, Council polls or referenda (MC/13/102262)

SUMMARY

This report recommends that Council request the NSW Electoral Commission to administer all elections, polls and referenda up to and including the 2016 ordinary elections and for a period of 18 months beyond that.

MOTION (Burns / Hay)

The report is received and noted and that Manly Council will:

1. pursuant to s.296 (2) (3) and (4) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council; and
2. pursuant to s. 296 (2), (3) and (4) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and
3. pursuant to s. 296 (2), (3) and (4) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

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

46/13 RESOLVED: (Burns / Hay)

The report is received and noted and that Manly Council will:

1. pursuant to s.296 (2) (3) and (4) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council; and
2. pursuant to s. 296 (2), (3) and (4) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and
3. pursuant to s. 296 (2), (3) and (4) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Councillor Pickering returned to the Chamber

The Mayor left the Chamber after declaring in interest in Corporate Services Division Report No. 19 – Dinghy Storage in Manly LGA.

**Corporate Services Division Report No. 19
Dinghy Storage in Manly LGA (MC/13/103163)
SUMMARY**

At the August Ordinary Meeting of Council, Council resolved that:

"The General Manager bring back a report to the full Council to the September Ordinary Meeting , setting out the background and reasons for the increase in fees for dinghy storage in Manly Council's dinghy storage areas".

This report is provided in response to the subject resolution.

MOTION (Le Surf / Pickering)

The report is received and noted and Council maintain the current fees as resolved for dinghy storage.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin and C Griffin

Against the Resolution: Nil.

The Mayor was not in the Chamber when the voting took place.

47/13 RESOLVED: (Le Surf / Pickering)

The report is received and noted and Council maintain the current fees as resolved for dinghy storage.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 4

**Tender for Supply & Application of Line Marking & Signposting (SHOROC Tender)
(MC/13/102228)**

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 (Le Surf / J Griffin)**

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

The Chairperson, Mayor Jean Hay AM asked if any members of the public gallery objected to the matter being heard in closed Session.

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

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

48/13 RESOLVED: (Le Surf / J Griffin)

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

OPEN COUNCIL RESUMED

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

Civic and Urban Services Division Report No. 4

**Tender for Supply & Application of Line Marking & Signposting (SHOROC Tender)
(MC/13/102228)**

MOTION (Le Surf / J Griffin)

Progressed as discussed in closed session.

For the Resolution: Councillors Aird, Heasman, Bingham, Pickering, Le Surf, J Griffin,
C Griffin and Hay

Against the Resolution: Councillor Burns

49/13 RESOLVED: (Le Surf / J Griffin)

Progressed as discussed in closed session.

CLOSE

The meeting closed at 8.33pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 9 September 2013.

CHAIRPERSON

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