

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 10 December 2007

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 10 December 2007. The meeting commenced at 7:15pm.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor M Norek
Councillor B Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM
Councillor R Morrison
Councillor D Murphy

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Executive Manager Environmental Services
Ross Fleming, Divisional Manager Corporate Services/Chief Financial Officer
David Stray, Manager Development Control
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by The Mayor, Councillor Macdonald.

APOLOGIES

Apologies were tendered on behalf of Councillor Pedersen for absence.

MOTION (Lambert / Cant)

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

201/07 **RESOLVED: (Lambert / Cant)**

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

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

Against the Resolution: Nil.

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

Councillor Morrison entered the Chamber at 7.21pm.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Aird / Evans)**

That copies of the Minutes of the Planning & Strategy Meeting held on Monday, 12 November 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

202/07 **RESOLVED: (Aird / Evans)**

That copies of the Minutes of the Planning & Strategy Meeting held on Monday, 12 November 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

MOTION (Norek / Lambert)

That copies of the Minutes of the Ordinary Meeting held on Monday, 19 November 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

203/07 **RESOLVED: (Norek / Lambert)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 19 November 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 26

Collapse of Awning in Sydney Road, Balgowlah

The Mayor moved that:

1. Council convey sincere condolences to the family of the local father who was tragically killed in unfortunate circumstances during severe storms on the afternoon of Friday, December 7th 2007
2. Council commend the local Balgowlah community for the numerous acts of bravery exhibited during the tragedy.

MOTION (Macdonald)

That:

1. Council convey condolences to the family of the local father who was tragically killed in unfortunate circumstances during severe storms on the afternoon of Friday, December 7th 2007
2. Council commend the local community for the numerous acts of bravery exhibited during the tragedy.

204/07 **RESOLVED: (Macdonald)**

That:

1. Council convey condolences to the family of the local father who was tragically killed in unfortunate circumstances during severe storms on the afternoon of Friday, December 7th 2007
2. Council commend the local community for the numerous acts of bravery exhibited during the tragedy

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

Against the Resolution: Nil.

Mayoral Minute Report No. 27

Continuing the safety review of awnings in the Manly LGA

The Mayor moved that:

1. In continuation of an initiative begun in July this year, Council immediately send reminder notices to all building owners in the Local Government Area who have awnings attached to their premises, seeking written certification regarding the structural integrity and safety of their awning.

MOTION (Macdonald)

That:

1. In continuation of an initiative begun in July this year, Council immediately write to all building owners in the Local Government Association Area who have awnings attached to their premises, seeking written certification regarding the structural integrity and safety of their awning.
2. Council will support any move by the Local Government and Shires Association to make a submission to the insurance industry regarding the regular certification of awnings.

205/07 **RESOLVED: (Macdonald)**

That:

1. In continuation of an initiative begun in July this year, Council immediately write to all building owners in the Local Government Association Area who have awnings attached to their premises, seeking written certification regarding the structural integrity and safety of their awning.
2. Council will support any move by the Local Government and Shires Association to make a submission to the insurance industry regarding the regular certification of awnings.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Macdonald / Lambert)

That Standing Orders be suspended to consider items of public interest, being Items for Brief Mention Report No.16; Environmental Services Division Report No.93, 76 Bower Street; Environmental Services Division Report No.94, 92 Bower Street; Environmental Services Division Report No.95, 19 Edgecliffe Esplanade; Environmental Services Division Report No.96, 3 Rignold Street; Environmental Services Division Report No.97, 90 The Corso, Manly; Environmental Services Division Report No.98, 94 The Corso, Manly.

206/07 **RESOLVED: (Macdonald / Lambert)**

That Standing Orders be suspended to consider items of public interest, being Items for Brief Mention Report No.16; Environmental Services Division Report No.93, 76 Bower Street; Environmental Services Division Report No.94, 92 Bower Street; Environmental Services Division Report No.95, 19 Edgecliffe Esplanade; Environmental Services Division Report No.96, 3 Rignold Street; Environmental Services Division Report No.97, 90 The Corso, Manly; Environmental Services Division Report No.98, 94 The Corso, Manly.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 16

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**1. Reports:**

Response from the State Government re surplus land rezoned residential at the Northern Beaches Secondary – Balgowlah Boys Campus site (being Lots 15 and 16 DP18433, Coral Street Balgowlah.

This matter was initially reported to Council at its meeting held on 13 June 2006, where it was resolved:

“Part A

That:

1. *The Dept of Planning be advised of the submission(s) to Draft amendment No. 74.*
2. *The Minister for Planning is requested to make the Plan pursuant to Section 70 of the Environmental Planning and Assessment Act, 1979.*
3. *The Manly Development Control Plan for the Residential Zone 2001, and its successor, be amended, pursuant to Section 74C(2)(b) of the Environmental Planning and Assessment Act, 1979 to include the land subject to LEP Amendment No. 74 in Residential Density Sub-zone 4 – 1 dwelling/300sqm of site area.*

Part B

That Council advise its opposition to the sale of the property to fund the school's facilities to

the NSW Premier, the Minister for Education and the Minister for Planning.

Part C

That Council appeal to the State Government to further its obligations to provide affordable housing in the area through the use of this site."

A response was received from the office of the Minister for Education and Training, the Hon Carmel Tebbutt, and was reported to Council at its meeting held on 9 October 2006. At that meeting Council resolved to receive an update on surplus land at Balgowlah Boys High School once feedback from other State Government Departments was received.

All these further responses are now to hand, being letters from the Department of Premier and Cabinet dated 7 May 2007; the Hon. Matthew Brown MP, Minister for Housing and Tourism, dated 14 June 2007; and the Hon. Frank Sartor MP, Minister for Planning, dated 6 November 2007.

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

- i) Surf Clubs Liaison Working Group – 1 November 2007
- ii) Early Childhood Health Centre and Parenting Facilities Working Group- 7 November 2007
- iii) Heritage Committee - 7 November 2007
- iv) Manly Sustainability Strategy Management Group - 13 November 2007
- v) Climate Change Working Group - 14 November 2007
- vi) Sister Cities Committee – 14 November 2007
- vii) Warringah, Manly, Mosman and Pittwater Council Joint Services Committee - 15 November 2007
- viii) Manly Traffic Committee – 26 November 2007

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

i) **Manly Community Environment Committee – 18 October 2007**

a) **Item 8.1 Penguins at Manly Wharf**

Recommendation

- (i) In view of the growing crowds watching penguins at Manly Wharf, Council write to the Department of Environment and Climate Change requesting an extension of the critical habitat area to include the western side of Manly Wharf to Federation Point.
- (ii) During the three weeks of the Christmas holidays, particularly during New Years Eve, Council provide metal barriers near the nests at Manly Wharf to control crowds.
- (iii) Council rangers monitor the site.

b) Item 8.3 Sydney Water IssuesRecommendation

For some time, ongoing strong offensive odours have been distressing residents, particularly in and near Darley Road from sewage sludge trucks and the North Head Sewage Treatment Plant. There is no evidence that these issues are not being addressed by Sydney Water.

In view of the fact that residents near the Malabar Sewage Treatment Plant experienced similar strong offensive odours for many months and ultimately involved EPA investigation with a view to prosecution of Sydney Water, it is recommended that Council should write to the EPA requesting that the matter be seriously investigated.

ii) Sports Facilities Committee – 2 November 2007**a) Item 6.2 Seaforth Sports Field Lighting**Recommendation

That funding for the Seaforth Lighting upgrade is sought as a matter of urgency, to allow the installation to be completed before the commencement of the 2008 football season.

Divisional Manager's note: Seaforth Football Club is wishing to upgrade the lighting facilities for training at Seaforth Oval by the addition of 4 new poles to 50 lux specification. From a quotation received this work is estimated to cost \$105,000. Cabling is in place from a previous lighting upgrade of existing lights at the facility. State and Federal funding has not been forthcoming to assist with this project. However, a verbal undertaking has been received from Warringah Football Association to contribute \$60,000 towards a proposed lighting upgrade at Seaforth Oval, as well as a combined contribution of a further \$8,000 from Seaforth Football Club and Oztag, who use these sportsfields for their competitions. These pledges of funds for the additional lighting are on the basis that Council provides the balance of funding and coordinates the installation process, and looks after future maintenance. Clubs pay their own utility costs.

No funds have been budgeted this financial year for this project. I would therefore propose Council seeks a written confirmation from the organisations offering funding, and a budget bid be prepared to fund the project in the 2008/09 financial year.

iii) Landscape Management & Urban Design Committee – 7 November 2007**a) Item 4.1.1 Market Lane**Recommendation

That in relation to the Market Lane triangular space (bounded by The Corse, including the Whistler Street carpark and Council library) that a report be brought to Council that explores the redevelopment potential of the site in the medium to long term timeframe.

The report should consider the recommendations of the Urban Design Guidelines

(2002) and such aspects as:

- Council's building asset needs and how the site may accommodate such needs.
- The expected life-span of the multilevel carpark.
- Sewer main restrictions to site.
- Likely cost scenarios.

iv) **Manly Meals on Wheels Service Committee – 14 November 2007**

a) **Item 6 Treasurer's Report**

Recommendation

That the information be noted as received and that client fees for meals be increased to \$5.50 per meal from January 2008 and clients be advised accordingly.

v) **Manly Youth Council – 22 October 2007**

a) **Item 10.3 Seaforth Oval Re-Development Proposal**

Recommendation

That the above mentioned petition be put as an item for brief mention at the next appropriate Ordinary meeting of Manly Council.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to **Item 6.2 Seaforth Sports Field Lighting**.

In Support of the Recommendation: Mr Chris Goodmanson

MOTION (Evans / Heasman)

1. That Council receive and note the responses from the Department of Premier and Cabinet dated 7 May 2007; the Hon. Matthew Brown MP, Minister for Housing and Tourism, dated 14 June 2007; and the Hon. Frank Sartor MP, Minister for Planning, dated 6 November 2007, regarding the sale of surplus land at Balgowlah Boys High School.

207/07 **RESOLVED: (Evans / Heasman)**

1. That Council receive and note the responses from the Department of Premier and Cabinet dated 7 May 2007; the Hon. Matthew Brown MP, Minister for Housing and Tourism, dated 14 June 2007; and the Hon. Frank Sartor MP, Minister for Planning, dated 6 November 2007, regarding the sale of surplus land at Balgowlah Boys High School.

For the Resolution: Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

Against the Resolution: Nil.

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

MOTION (Lambert / Heasman)

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i) to 2(viii)**, be **adopted**, with the exception of Item 59/07 from Manly Traffic Committee Meeting, held on 26 November, 2007, which is to be **deferred** for decision until the Planning & Strategy Committee Meeting in February 2008, as it contains a recommendation of a substantial nature.

208/07 **RESOLVED: (Lambert / Heasman)**

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i) to 2(viii)**, be **adopted**, with the exception of Item 59/07 from Manly Traffic Committee Meeting, held on 26 November, 2007, which is to be **deferred** for decision until the Planning & Strategy Committee Meeting in February 2008, as it contains a recommendation of a substantial nature.

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

Against the Resolution: Nil.

MOTION (Heasman / Daley)

- 3 i) That the minutes of the **Manly Community Environment Committee – 18 October 2007** -be **adopted**, including the following recommendations of a substantial nature:

a) Item 8.1 Penguins at Manly Wharf

Recommendation

- (iv) In view of the growing crowds watching penguins at Manly Wharf, Council write to the Department of Environment and Climate Change requesting an extension of the critical habitat area to include the western side of Manly Wharf to Federation Point.
- (v) During the three weeks of the Christmas holidays, particularly during New Years Eve, Council provide metal barriers near the nests at Manly Wharf to control crowds.
- (vi) Council rangers monitor the site.

b) Item 8.3 Sydney Water Issues

Recommendation

For some time, ongoing strong offensive odours have been distressing residents, particularly in and near Darley Road from sewage sludge trucks and the North Head Sewage Treatment Plant. There is no evidence that these issues are not being addressed by Sydney Water.

In view of the fact that residents near the Malabar Sewage Treatment Plant experienced similar strong offensive odours for many months and ultimately involved EPA investigation with a view to prosecution of Sydney Water, it is recommended that Council should write to the EPA requesting that the matter be seriously investigated.

209/07 **RESOLVED: (Heasman / Daley)**

- 3 i) That the minutes of the **Manly Community Environment Committee – 18 October 2007** -be **adopted**, including the following recommendations of a substantial nature:

a) Item 8.1 Penguins at Manly WharfRecommendation

- (iv) In view of the growing crowds watching penguins at Manly Wharf, Council write to the Department of Environment and Climate Change requesting an extension of the critical habitat area to include the western side of Manly Wharf to Federation Point.
- (v) During the three weeks of the Christmas holidays, particularly during New Years Eve, Council provide metal barriers near the nests at Manly Wharf to control crowds.
- (vi) Council rangers monitor the site.

b) Item 8.3 Sydney Water IssuesRecommendation

For some time, ongoing strong offensive odours have been distressing residents, particularly in and near Darley Road from sewage sludge trucks and the North Head Sewage Treatment Plant. There is no evidence that these issues are not being addressed by Sydney Water.

In view of the fact that residents near the Malabar Sewage Treatment Plant experienced similar strong offensive odours for many months and ultimately involved EPA investigation with a view to prosecution of Sydney Water, it is recommended that Council should write to the EPA requesting that the matter be seriously investigated.

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

Against the Resolution: Nil.

MOTION (Heasman / Norek)

- 3.ii) That the minutes of the **Sports Facilities Committee – 2 November 2007** be adopted, including the following recommendations of a substantial nature:

a) Item 6.2 Seaforth Sports Field LightingRecommendation

That funding for the Seaforth Lighting upgrade is sought as a matter of urgency, to allow the installation to be completed before the commencement of the 2008 football season.

In particular, that Council:

1. Provides amount of \$29,000 of Council funding for the lighting upgrade
2. Facilitates a Part 5 Assessment
3. Funding is subject to the project contributing grant funding
4. Subjects the proposal to going through a contestable quotation process.

210/07 **RESOLVED: (Heasman / Norek)**

- 3.ii) That the minutes of the **Sports Facilities Committee – 2 November 2007** be adopted,

including the following recommendations of a substantial nature:

a) Item 6.2 Seaforth Sports Field Lighting

Recommendation

That funding for the Seaforth Lighting upgrade is sought as a matter of urgency, to allow the installation to be completed before the commencement of the 2008 football season.

In particular, that Council:

1. Provides amount of \$29,000 of Council funding for the lighting upgrade
2. Facilitates a Part 5 Assessment
3. Funding is subject to the project contributing grant funding
4. Subjects the proposal to going through a contestable quotation process.

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

Against the Resolution: Nil.

MOTION (Cant / Evans)

- 3.iii) That the minutes of the **Landscape Management & Urban Design Committee – 7 November 2007**, be **adopted**, including the following recommendations of a substantial nature:

a) Item 4.1.1 Market Lane

Recommendation

That in relation to the Market Lane triangular space (bounded by The Corso, including the Whistler Street carpark and Council library) that a report be brought to Council that explores the redevelopment potential of the site in the medium to long term timeframe.

The report should consider the recommendations of the Urban Design Guidelines (2002) and such aspects as:

- Council's building asset needs and how the site may accommodate such needs.
- The expected life-span of the multilevel carpark.
- Sewer main restrictions to site.
- Likely cost scenarios.

211/07 **RESOLVED: (Cant / Evans)**

- 3.iii) That the minutes of the **Landscape Management & Urban Design Committee – 7 November 2007**, be **adopted**, including the following recommendations of a substantial nature:

a) Item 4.1.1 Market Lane

Recommendation

That in relation to the Market Lane triangular space (bounded by The Corso, including the Whistler Street carpark and Council library) that a report be brought to Council that explores the redevelopment potential of the site in the medium to long term timeframe.

The report should consider the recommendations of the Urban Design Guidelines (2002) and such aspects as:

- Council's building asset needs and how the site may accommodate such needs.
- The expected life-span of the multilevel carpark.
- Sewer main restrictions to site.
- Likely cost scenarios.

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

Against the Resolution: Nil.

MOTION (Lambert / Aird)

- 3.iv) That the minutes of the **Manly Meals on Wheels Service Committee – 14 November 2007**, be **adopted**, including the following recommendations of a substantial nature:

a) Item 6 Treasurer's Report

Recommendation

That the information be noted as received and that client fees for meals be increased from \$5.20 to \$5.50 per meal from January 2008 and clients be advised accordingly.

212/07 **RESOLVED: (Lambert / Aird)**

- 3.iv) That the minutes of the **Manly Meals on Wheels Service Committee – 14 November 2007**, be **adopted**, including the following recommendations of a substantial nature:

a) Item 6 Treasurer's Report

Recommendation

That the information be noted as received and that client fees for meals be increased from \$5.20 to \$5.50 per meal from January 2008 and clients be advised accordingly.

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

Against the Resolution: Nil.

MOTION (Heasman / Lambert)

- 3.v) That the minutes of the **Manly Youth Council Committee – 22 October 2007**, be **noted**, including the following recommendations of a substantial nature:

a) Item 10.3 Seaforth Oval Re-Development Proposal

Recommendation

That the above mentioned petition for a skateboard ramp be put as an item for brief mention at the next appropriate Ordinary meeting of Manly Council.

213/07 **RESOLVED:** (Heasman / Lambert)

3.v) That the minutes of the **Manly Youth Council Committee – 22 October 2007**, be noted, including the following recommendations of a substantial nature:

a) Item 10.3 Seaforth Oval Re-Development Proposal

Recommendation

That the above mentioned petition for a skateboard ramp be put as an item for brief mention at the next appropriate Ordinary meeting of Manly Council.

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

Against the Resolution: Nil.

PROCEDURAL MOTION (Daley / Macdonald)

That a speaker for Public Forum be allowed to address Council, as she believed the meeting began at 7.30pm.

214/07 **RESOLVED:** (Daley / Macdonald)

That a speaker for Public Forum be allowed to address Council, as she believed the meeting began at 7.30pm.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Judy Brain	Acquisition of 38 Stuart Street, to maintain open space and address negative impact of overdevelopment

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 93

76 Bower Street, Manly - DA330/06 (DA330/06)

Application Lodged: 28 July 2006
Applicant: Vanbake Pty Ltd
Leaseholders: Vanbake Pty Ltd as Trustee for Hodgkinson Property Trust
Owner: Trustees of the Roman Catholic Church for the Archdiocese of Sydney
Estimated Cost: \$1,000,000
Zoning: Manly Local Environmental Plan, 1988 - Residential - Manly Residential Development Control Plan 2007 Sub Zone :5 and

Surrounding Development: within the Foreshore Protection Area; adjoining land zoned Open Space
Heritage: Residential
Marine Parade, Landscape Heritage Item

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING ADDITIONAL LEVEL, NEW SWIMMING POOL AND LANDSCAPING
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND NO LETTERS OF OBJECTION TO THE DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO FAIRY BOWER PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED
4. AMENDED PLANS WERE RECEIVED ON 5 SEPTEMBER 2007 DELETING A SOUTHERN FIRST FLOOR BEDROOM AND REDUCING SLIGHTLY THE NORTHERN FIRST FLOOR WITH A REORGANISATION OF SOME AREAS.
5. THE AMENDED PLANS WERE NOTIFIED TO NEIGHBOURS ON BOTH SIDES AND NO LETTERS OF OBJECTION WERE RECEIVED.
6. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 6 NOVEMBER 2007 WITH A RECOMMENDATION FOR REFUSAL.
7. THIS APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HAY.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Mr Vince Squillace, on behalf of the Applicant

SITE INSPECTIONS

A site inspection of DA330/06 – 76 Bower Street, Manly, alterations and additions to an existing dwelling including new upper floor level, new swimming pool and landscaping, was conducted by Councillors: J Evans, J Hay, A Heasman, P Macdonald, and D Murphy

Recommendation: No Recommendation.

MOTION (Hay / Heasman)

That Development Application No. 330/06 for alterations and additions to an existing dwelling including new upper floor level, new swimming pool and landscaping at 76 Bower Street, Manly be **APPROVED** with the following amendments:

1. The roof be reversed so it slopes to the East with the natural topography
2. Leave the ground level at the rear of the property at existing levels
3. The swimming pool to be set back by 6 metres.

AMENDMENT (Macdonald / Lambert)

That Development Application No. 330/06 for alterations and additions to an existing dwelling including new upper floor level, new swimming pool and landscaping at 76 Bower Street, Manly be Refused, for the following reasons:

1. The proposal is considered an overdevelopment of the site which does not comply with the allowable Floor Space Ratio; wall heights, setback provisions; open space and endemic tree requirements of the Manly Development Control Plan for the Residential Zone 2007, [Part B Design Considerations 'Building Form' and Part C Development Standards]. This will result in adverse impacts on the amenity of adjoining properties and the scenic amenity of the area, and will increase the appearance of bulk; having regard to Section 79C(1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979.
2. The proposal is considered an unsatisfactory form of development within the Foreshore Scenic Protection Area and adjoining a Heritage Landscape Item [Marine Parade], pursuant to Clause 17 "Visual and aesthetic protection of certain land", and Clause 19 "Heritage Items & Conservation Areas" of the Manly Local Environmental Plan 1988. The proposal has not maximized setbacks in order to enable open space to dominate the building as required in Part B Design Considerations 'Building Form' of the Manly Development Control Plan for the Residential Zone 2007. This is due to excessive visual bulk and scale and increased cumulative visual impacts of the development within the streetscape, as viewed from the public viewpoints of waterways and local foreshore areas and from the northern end of Marine Parade on Cabbage Tree Bay.
3. The proposal does not ensure the type, bulk, scale and size of the development is appropriate for the location and does not improve the natural scenic quality of the surrounding area or protect the visual amenity of the coast as required in the Aim (e) and (k) of State Environmental Planning Policy No 71 – Coastal Protection.
4. The proposed swimming pool is prohibited within the setback to land zoned 'Open Space' and does not conform to side setback requirements; under Manly Development Control Plan for the Residential Zone 2007, [Part C: Setbacks, Setback for development adjacent to Open Space and Swimming Pools] having regard to Section 79C(1)(a)(iii),(b),(c) and (e) of the Environmental Planning & Assessment Act 1979.
5. The proposal is considered to degrade the amenity of the adjoining residents and will adversely impact on the adjoining properties in terms of visual impact. It is inconsistent with Clause 10, objective (d) of Zone 2 - the Residential Zone, under the Manly Local Environment Plan 1988, and with the objectives of Part A Objectives (d), (f) and (o); of the Manly Development Control Plan for the Residential Zone 2007, having regard to Section 79C(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979.
6. The proposal is not considered to respond to the site slope and does not integrate the design of the building with the topography by minimizing height and bulk. The proposal is considered unsuitable for the site in accordance with the objectives of Section A, Objective (o) and Part B Design Considerations 'The Site' and 'Building Form' of the Manly Development Control Plan for the Residential Zone 2007, having regard to Section 79C(1)(a)(iii), (c) and (e) of the Environmental Planning and Assessment Act 1979.
7. The proposal includes raising ground levels within 900mm of the boundaries which will increase visibility of elements of the proposal and increase potential overlooking opportunities to an adjoining property. This is inconsistent with Control (e), Part B Excavation and Earthworks of the Manly Development Control Plan for the Residential Zone 2007, having regard to Section 79C(1)(a)(iii) and (c) of the Environmental Planning and Assessment Act 1979.
8. The proposal is not considered in the public interest and is considered to result in unreasonable built impacts to its foreshore locality in terms of excess bulk and scale, and amenity impacts on neighbouring properties, pursuant to Section 79C(1)(b) & (e) of the Environmental Planning and Assessment Act 1979.

For the Amendment: Councillors Aird, Cant, Evans, Lambert, Norek and Macdonald

Against the Amendment: Councillors Daley, Hay, Heasman, Morrison and Murphy

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

215/07 **RESOLVED: (Macdonald / Lambert)**

That Development Application No. 330/06 for alterations and additions to an existing dwelling including new upper floor level, new swimming pool and landscaping at 76 Bower Street, Manly be Refused, for the following reasons:

1. The proposal is considered an overdevelopment of the site which does not comply with the allowable Floor Space Ratio; wall heights, setback provisions; open space and endemic tree requirements of the Manly Development Control Plan for the Residential Zone 2007, [Part B Design Considerations 'Building Form' and Part C Development Standards]. This will result in adverse impacts on the amenity of adjoining properties and the scenic amenity of the area, and will increase the appearance of bulk; having regard to Section 79C(1)(a)(iii), (b) and (c) of the Environmental Planning and Assessment Act 1979.
2. The proposal is considered an unsatisfactory form of development within the Foreshore Scenic Protection Area and adjoining a Heritage Landscape Item [Marine Parade], pursuant to Clause 17 "Visual and aesthetic protection of certain land", and Clause 19 "Heritage Items & Conservation Areas" of the Manly Local Environmental Plan 1988. The proposal has not maximized setbacks in order to enable open space to dominate the building as required in Part B Design Considerations 'Building Form' of the Manly Development Control Plan for the Residential Zone 2007. This is due to excessive visual bulk and scale and increased cumulative visual impacts of the development within the streetscape, as viewed from the public viewpoints of waterways and local foreshore areas and from the northern end of Marine Parade on Cabbage Tree Bay.
3. The proposal does not ensure the type, bulk, scale and size of the development is appropriate for the location and does not improve the natural scenic quality of the surrounding area or protect the visual amenity of the coast as required in the Aim (e) and (k) of State Environmental Planning Policy No 71 – Coastal Protection.
4. The proposed swimming pool is prohibited within the setback to land zoned 'Open Space' and does not conform to side setback requirements; under Manly Development Control Plan for the Residential Zone 2007, [Part C: Setbacks, Setback for development adjacent to Open Space and Swimming Pools] having regard to Section 79C(1)(a)(iii),(b),(c) and (e) of the Environmental Planning & Assessment Act 1979.
5. The proposal is considered to degrade the amenity of the adjoining residents and will adversely impact on the adjoining properties in terms of visual impact. It is inconsistent with Clause 10, objective (d) of Zone 2 - the Residential Zone, under the Manly Local Environment Plan 1988, and with the objectives of Part A Objectives (d), (f) and (o); of the Manly Development Control Plan for the Residential Zone 2007, having regard to Section 79C(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979.
6. The proposal is not considered to respond to the site slope and does not integrate the design of the building with the topography by minimizing height and bulk. The proposal is considered unsuitable for the site in accordance the objectives of Section A, Objective (o) and Part B Design Considerations 'The Site' and 'Building Form' of the Manly Development Control Plan for the Residential Zone 2007, having regard to Section 79C(1)(a)(iii), (c) and (e) of the Environmental Planning and Assessment Act 1979.
7. The proposal includes raising ground levels within 900mm of the boundaries which will

increase visibility of elements of the proposal and increase potential overlooking opportunities to an adjoining property. This is inconsistent with Control (e), Part B Excavation and Earthworks of the Manly Development Control Plan for the Residential Zone 2007, having regard to Section 79C(1)(a)(iii) and (c) of the Environmental Planning and Assessment Act 1979.

8. The proposal is not considered in the public interest and is considered to result in unreasonable built impacts to its foreshore locality in terms of excess bulk and scale, and amenity impacts on neighbouring properties, pursuant to Section 79C(1)(b) & (e) of the Environmental Planning and Assessment Act 1979.

For the Resolution: Councillors Aird, Cant, Evans, Lambert, Norek and Macdonald

Against the Resolution: Councillors Daley, Hay, Heasman, Morrison and Murphy

Environmental Services Division Report No. 94

92 Bower Street, Manly - DA316/07 (DA316/07)

Application Lodged: 22 August 2007
Applicant: Matthew Savage
Owner: Matthew R Savage
Estimated Cost: \$90,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Surrounding developments generally comprise a mixture of single dwellings (on single allotments) and residential flat developments of varying age, appearance, condition and density
Heritage: Yes (in the vicinity only)

SUMMARY:

1. THE APPLICATION IS FOR THE ERECTION OF CARPORT STRUCTURES OVER EXISTING OPEN HARDSTAND AREAS (CAR PARKING SPACES) THAT HAVE BEEN PROVIDED IN ASSOCIATION WITH A RESIDENTIAL FLAT DEVELOPMENT AT NO. 92 BOWER STREET MANLY.
2. THE DEVELOPMENT IS PERMISSIBLE WITH THE CONSENT OF COUNCIL IN THE RESIDENTIAL ZONE.
3. HAVING REGARD TO THE PROVISIONS CONTAINED WITHIN THE RESIDENTIAL DEVELOPMENT CONTROL PLAN, DEPARTURES WERE IDENTIFIED WITH RESPECT TO THE FRONT SETBACK CONTROL AND THE IMPACT SUCH WORKS WOULD HAVE ON THE STREETScape.
4. ONE (1) SUBMISSION WAS RECEIVED FOLLOWING THE APPLICATION BEING NEIGHBOUR NOTIFIED. THE SUBMISSION WAS RECEIVED FROM THE OWNERS OF NO. 88 BOWER STREET MANLY.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 20 NOVEMBER 2007 WITH A RECOMMENDATION FOR REFUSAL.
6. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR HAY.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Mr Vince Squillace, on behalf of the Applicant

SITE INSPECTIONS

A site inspection of DA316/07 – 92 Bower Street, Manly, erection of carport structures over existing open hardstand areas (car parking spaces) that have been provided in association with a residential flat development, was conducted by Councillors: J Evans, J Hay, A Heasman, P Macdonald and D Murphy.

Recommendation: No Recommendation.

MOTION (Hay / Heasman)

That Development Application No. 316/07 for the erection of carport structures over existing open hardstand areas (car parking spaces) that have been provided in association with a residential flat development at 92 Bower Street, Manly be **APPROVED**, with the following amendments:

1. At a distance of 1.5 metres from the western boundary, the existing wall to be lowered by 1 metre to improve views through to the ocean
2. The height of the structures to be lowered by 200mm on the street frontage.

AMENDMENT (Evans / Lambert)

That Development Application No. 316/07 for the erection of carport structures over existing open hardstand areas (car parking spaces) that have been provided in association with a residential flat development at 92 Bower Street, Manly be **refused** for the following reasons.

1. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives of the Residential Zone contained in the Manly Local Environmental Plan 1988, namely objectives (b), (d) and (h) and in so far as the development fails to complement site characteristics, the streetscape and the surrounding built environment.
2. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as it does not comply with the intent, purpose and objective of Clause 17 of the Manly Local Environmental Plan 1988 in so far as the development will have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.
3. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives of the Manly Development Control Plan for the Residential Zone 2007, including:
 - a) The 'setback' objectives of the Plan, namely objectives (a) and (e) as the proposed development fails to satisfy the minimum front setback control.
 - b) The 'car parking and access' objectives of the Plan, namely the 2nd, 4th, 6th and 11th bullet points as the proposed development fails to respond to and respect the prevailing streetscape.
4. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Manly Development Control Plan for the Residential Zone 2007, including:
 - a) The minimum front setback requirements.

5. Having regard to the non compliances with the Council's Development Control Plan and pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory and represents an over-development of the site.
6. Having regard to the failure of the development to complement site characteristics, the streetscape and the surrounding built environment, pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is considered to be unsuitable for the development.
7. Having regard to the previous reasons, pursuant to the provisions contained in Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the application would not be in the public interest being inconsistent with the judgement handed down by Commissioner Murrell.

For the Amendment: Councillors Aird, Cant, Evans, Lambert, Murphy, Norek and Macdonald
Against the Amendment: Councillors Daley, Hay, Heasman and Morrison

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

216/07 **RESOLVED: (Evans / Lambert)**

That Development Application No. 316/07 for the erection of carport structures over existing open hardstand areas (car parking spaces) that have been provided in association with a residential flat development at 92 Bower Street, Manly be **refused** for the following reasons.

1. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives of the Residential Zone contained in the Manly Local Environmental Plan 1988, namely objectives (b), (d) and (h) and in so far as the development fails to complement site characteristics, the streetscape and the surrounding built environment.
2. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as it does not comply with the intent, purpose and objective of Clause 17 of the Manly Local Environmental Plan 1988 in so far as the development will have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.
3. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives of the Manly Development Control Plan for the Residential Zone 2007, including:
 - a) The 'setback' objectives of the Plan, namely objectives (a) and (e) as the proposed development fails to satisfy the minimum front setback control.
 - b) The 'car parking and access' objectives of the Plan, namely the 2nd, 4th, 6th and 11th bullet points as the proposed development fails to respond to and respect the prevailing streetscape.
4. The proposed development is unsatisfactory, pursuant to the provisions contained in Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Manly Development Control Plan for the Residential Zone 2007, including:
 - a) The minimum front setback requirements.

5. Having regard to the non compliances with the Council's Development Control Plan and pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory and represents an over-development of the site.
6. Having regard to the failure of the development to complement site characteristics, the streetscape and the surrounding built environment, pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the site is considered to be unsuitable for the development.
7. Having regard to the previous reasons, pursuant to the provisions contained in Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the application would not be in the public interest being inconsistent with the judgement handed down by Commissioner Murrell.

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

Environmental Services Division Report No. 95

19 Edgecliffe Esplanade, Manly - DA264/07 (DA264/07)

Application Lodged: 27 July 2007
Applicant: Lifestyle Home Additions
Owner: Edwina Bollen
Estimated Cost: \$280,000
Zoning: Manly Local Environmental Plan, 1988 – Residential; Manly Residential Development Control Plan 2007; Sub Zone 7 and within the Foreshore Scenic Protection Area
Surrounding Development: Residential dwellings
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING CHANGING THE ROOF LINE FROM A GABLED ROOF TO A PARAPET ROOF, INCREASING WALL HEIGHTS AND ADDITIONAL ROOMS ADDED TO THE SPACES GAINED BY THE CHANGES IN WALLS AND ROOFING.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND THREE (3) LETTER OF OBJECTION RECEIVED.
3. THE APPLICATION WAS REFERRED TOT THE SEAFORTH PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 22 NOVEMBER 2007 WITH A RECOMMENDATION FOR REFUSAL.
5. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

Against the Recommendation: Mr Justin Fennel

In Support of the Recommendation: Mr Robert Hill, on behalf of the Applicant

SITE INSPECTIONS

A site inspection of DA264/07 – 19 Edgecliffe Esplanade, Manly, alterations and additions to an existing dwelling, was conducted by Councillors: J Evans, A Heasman, P Macdonald, R Morrison and D Murphy.

Recommendation: No Recommendation

MOTION (Morrison / Evans)

That Development Application No. 264/04 for alterations and additions to an existing dwelling at 19 Edgecliffe Esplanade, Seaforth be **DEFERRED** for certification of height profiles and shadow diagrams, and is to be considered at the next LUM meeting in February 2008. The DA will incorporate the following changes:

- 1.Reduction of the southward extent addition to Bedroom 3 by 50%
- 2.Deletion of the west window in Bedroom 3.

AMENDMENT (Murphy / Daley)

That Development Application No. 264/04 for alterations and additions to an existing dwelling at 19 Edgecliffe Esplanade, Seaforth be **APPROVED**, subject to the following changes:

- 1.Certification of height profiles and shadow diagrams
- 2.Reduction of the southward extent addition to Bedroom 3 by 50%
- 3.Deletion of the west window in Bedroom 3.

For the Amendment: Councillors Daley, Murphy and Norek

Against the Amendment: Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Morrison and Macdonald

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

217/07 RESOLVED: (Morrison / Evans)

That Development Application No. 264/04 for alterations and additions to an existing dwelling at 19 Edgecliffe Esplanade, Seaforth be **DEFERRED** for certification of height profiles and shadow diagrams, and is to be considered at the next LUM meeting in February 2008. The DA will incorporate the following changes:

- 1.Reduction of the southward extent addition to Bedroom 3 by 50%
- 2.Deletion of the west window in Bedroom 3.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 96

3 Rignold Street, Seaforth - DA242/07 (DA242/07)

<u>Application Lodged:</u>	10 July 2007
<u>Applicant:</u>	Mudge Property Services
<u>Owner:</u>	Hugh & Berenice Walker
<u>Estimated Cost:</u>	No cost indicated
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 – Residential, the property is also in the Foreshore Scenic Protection Area
<u>Surrounding Development:</u>	One and two storey dwellings and open space
<u>Heritage:</u>	the property is in the vicinity of the Foreshore and Bantry Bay reserve, which are listed as Items of the Environmental Heritage

SUMMARY:

1. CONSENT IS SOUGHT FOR LAND SUBDIVISION OF AN EXISTING PARCEL OF LAND TO CREATE SIX (6) LOTS PLUS ONE (1) COMMUNITY TITLE LOT.
2. THE PROPOSAL WAS NOTIFIED AND OBJECTIONS AND COMMENTS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT AND COMMENTS RECEIVED.
4. AN APPEAL FOR DEEMED REFUSAL OF DEVELOPMENT APPLICATION 242/07 HAS BEEN LODGED WITH THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES.
5. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 22 NOVEMBER 2007. WITH A RECOMMENDATION FOR REFUSAL.
6. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR EVANS.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

Against the Recommendation: Mr Hugh Walker, Owner

SITE INSPECTIONS

A site inspection of DA242/07 – 3 Rignold Street, Seaforth, Community Title Subdivision comprising of six (6) Residential Lots and one (1) Community Title Lot, was conducted by Councillors: J Evans, A Heasman, P Macdonald, R Morrison and D Murphy

Recommendation: Deferred Commencement Consent as follows:-

“That the Council pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, grant “Deferred Commencement Consent” to Development Application No. 242/07. This consent will not operate until the applicant satisfied Council as to the matters specified in the condition A1 hereunder:-

- A1. A Right-of-Carriageway 3.5metres wide shall be created for the benefit of the whole of the land in Certificate of Title folio identifier 104/1048038 to enable pedestrian and vehicular access between the land so benefited and Rignold Street along the route as shown in the plan annexed hereto and marked L01 Issue C dated 5 July 2007. Such Right-of-Carriageway to be created, registered on title and constructed to Council's satisfaction.

Plus standard conditions

MOTION (Morrison / Evans)

That pursuant to s80(3) of the Environmental Planning & Assessment Act 1979, Council grant deferred consent Development Application No:242/07 for the subdivision of land to create six (6) lots and one (1) community lot, at 3 Rignold Street, Seaforth the subject of drawing/ plans Nos. A494 COM 2, 3 & 4 dated 4 July 2007 and A494 010A Sheet 1 dated 13 June 2007 and received by Council on the 10 July 2007 subject to the following conditions.

A Deferred Commencement Conditions

This consent shall lapse unless the applicant satisfies Council as to the matters specified in each of the deferred commencement conditions set out hereunder within twelve (12) months of the date hereof. Upon the Council being so satisfied, the consent will then operate for a period of two (2) years.

1 This consent shall not operate until the applicant satisfies Council as to the matters specified in 1A -1E hereunder.

- A. A Right-of-Carriageway 4m wide shall be created for the benefit of the whole of the land in Certificate of Title folio identifier 104/1048038 to enable pedestrian and vehicular access between the land so benefited and Rignold Street along the route as shown on the plans drawing number 4494-101A Sheet 1 dated 13 June 2007 by Mepstead and Associates. Such Right-of-Carriageway to be created and registered on title and consent and constructed to Council satisfaction.
- B. The subdivision plan is to be reconfigured to Council's satisfaction to include the following requirements:
- (a) Each lot has at least a minimum lot size (excluding community land) to comply with the existing approval being DA 200/2001. These lot sizes are:
 - Lot 2 now 881.5 change to 946 sq meters (Lot 10 in DA 200/2001)
 - Lot 3 now 964.6 change to 1026 sq metres (Lot 11 in DA 200/2001)
 - Lot 4 now 902.6 change to 929 sq metres (Lot 12 in DA 200/2001)
 - Lot 5 now 789.6 no change 788 sq metres (Lot 7 in DA 200/2001)
 - Lot 6 now 789.6 no change 788 sq metres (Lot 8 in DA 200/2001)
 - Lot 7 now 789.7 no change 787 sq metres (Lot 9 in DA 200/2001).
 - (b) The approved building footprints to be retained in accordance with DA200/2001 and the approved lot sizes outlined in condition B(a).
 - (c) The reference on plans to a lap pool, inclinor, and dinghy and kayak shed are to be deleted as these do not form part of this application and are likely to have an adverse impact on this environmentally sensitive area.
 - (d) The level of cut and fill be reduced to 1m maximum to be consistent with the Development Control Plan for the Residential Zone 2007 Amendment 1.
 - (e) Storm water disposal shall be in accordance with clause 5.2.6 of the Development Control Plan for the Residential Zone 2007 Amendment 1.
- C. Sufficient detail for the proposed road is to be provided to Council's satisfaction showing access to all lots including; drainage details, surface details, passing bays, dimensions, cut

and fill required, gradients, and development application fee in accordance with Council's fee schedule. The road proposal is to have regard to the existing trees and natural features of the site and avoid excavation and fill to prevent adverse impact on this environmentally sensitive location. Such an application must have regard to the Foreshore Scenic Protection Area, the Sydney Harbour Foreshores and Waterways Area Development Control Plan, The Department of Land and Water Conservation and the Development Control Plan for the Residential Zone 2007 Amendment 1.

- D. A Bushfire Management/Landscape Masterplan and Vegetation Management Plan is to be updated and provided to Council's satisfaction to make specific reference to the reconfigured subdivision.
- E. A Geotechnical Investigation Report is to be updated and provided to Council's satisfaction to make specific reference to the reconfigured subdivision.

B General Conditions.

DA1

This approval relates to drawings/plans Nos. A494 COM 2, 3 & 4 undated and A494 101A Sheet 1 dated 4 July 2007 all received by Council on the 10 July 2007 and as modified by the Deferred Commencement Approval.

ANS01

Public Road Access shall comply with Section 4.1.3 (1) of Planning for Bush fire Protection 2006.

ANS02

Property Access Roads shall comply with Section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

ANS03

Internal Roads shall comply with Section 4.2.7 of Planning for Bush Fire Protection 2006.

ANS04

The development is to comply with the subdivision layout identified on the drawing prepared by Pittendrigh Shinkfield Bruce (PSB) numbered 04024 Figure 3 dated 8 February 2005 as modified by B above.

ANS05

The Bush Fire Management Plan prepared by Pittendrigh Shinkfield Bruce (PSB) shall be implemented at the commencement of building works and in perpetuity for the life of the development, as modified by the information submitted in accordance with condition B above.

ANS06

Any further development application for Class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to separate application under Section 79BA of the Environmental Planning and Assessment Act and address the requirements of Planning for Bush Fire Protection 2006.

ANS07

All trees will need to be suitably marked and numbered in accordance with the schedule in the vegetation management plan to be provided in accordance with condition D.

ANS08

No trees should be removed during the course of the subdivision apart from trees that can be shown to be in the constructed roadway locations. These locations should be pegged and taped to make it obvious where they are, the trees in this zone will need to be obviously and suitably marked to show that they are to be removed

ANS09

Each subdivided block will need to be assessed on its own merits for tree removal based on a future submitted development application. All houses and buildings are to be located within the approved building footprints.

ANS10

An assessment of the foreshore area will need to be carried out by Council's bushland manager prior to any works being carried out on the foreshore area.

ANS11

No identified vegetation habitat area should be disturbed during the course of the subdivision works.

ANS12

Major clearing of the site with heavy machinery during the course of subdivision is denied.

ANS13

A suitably qualified arborist is to be retained during the course of the subdivision works, to ensure the protection of trees and native vegetation on the sites.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,200. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA047

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA054

Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

DA058

An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA074

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately banded with adequate spill response equipment in place to ensure nil runoff from the site.

DA075

All driveways, carparking areas and pedestrian paths shall be surfaced and sealed. Details of treatment to these areas shall be submitted to the Council prior to the commencement of works.

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Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detectable outside the boundaries of the property.

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All demolition is to be carried out in accordance with AS2601-2001.

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Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

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Care shall be taken to prevent any damage to adjoining buildings.

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A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by a suitably qualified Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Subdivision Certificate

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A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

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If necessary, easements are to be created for the disposal of stormwater runoff and services to the requirements of Council or its delegate.

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A drainage easement being created in favour of Council. Documents relative to the creation of the easement to be lodged with the Lands Titles Office with Registration being effected prior to the Issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

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An inter-allotment cut-off drain shall be constructed at the rear of proposed lots 2, 3, 4, 5, 6 and 7. Details of such shall be submitted to Council prior to the issue of the Subdivision Certificate.

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All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

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A heavy duty pavement shall be constructed along the full length of the proposed right-of-way. Details shall be submitted to the Council prior to issue of the Subdivision Certificate.

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All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
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All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

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The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

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No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

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The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$10,000 is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council prior to issue of the Construction Certificate.

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Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

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Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction Certificate.

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Prior to the sale, transfer, assignment or other disposal of or leasing or parting with provision of any part of the land subject to this approval, a copy of the approval shall be given to the purchaser, transferee, assignee, leasee, occupier or other person of that part of the land.

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All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

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Any future structures to be erected on the site, shall be the subject of a Development Application and Construction Certificate Application.

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The applicant shall consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should an electrical enclosure be required, the location and dimensions of this structure are to be detailed prior to the issue of a Construction Certificate. In the event of Energy Australia requiring a substation, the applicant shall consult with Council or its delegate with a view to dedication of the land for the substation as public roadway.

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Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:

- Silt control fences
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The cost of these inspections by Council is \$920 (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

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A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urbanindex or telephone 13 20 92. Following application a **Notice of Requirements** will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

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All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

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All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

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De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

DA287

No blasting is to be carried out at any time during construction of the building.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA298

Approval of the application to Land Subdivision the subject property is subject to the lodgement of a Subdivision Certificate application and payment of the appropriate fee.

DA325

The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.

DA326

In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for this development. The amount is \$191,344.32 (2007 – 2008 rate) for five (5) new lots in accordance with Councils Section 94 Contributions Plan 2004 plus any CPI increase applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

218/07 **RESOLVED: (Morrison / Evans)**

That pursuant to s80(3) of the Environmental Planning & Assessment Act 1979, Council grant deferred consent Development Application No:242/07 for the subdivision of land to create six (6) lots and one (1) community lot, at 3 Rignold Street, Seaforth the subject of drawing/ plans Nos. A494 COM 2, 3 & 4 dated 4 July 2007 and A494 010A Sheet 1 dated 13 June 2007 and received by Council on the 10 July 2007 subject to the following conditions.

A Deferred Commencement Conditions

This consent shall lapse unless the applicant satisfies Council as to the matters specified in each of the deferred commencement conditions set out hereunder within twelve (12) months of the date hereof. Upon the Council being so satisfied, the consent will then operate for a period of two (2) years.

1 This consent shall not operate until the applicant satisfies Council as to the matters specified in 1A -1E hereunder.

- A. A Right-of-Carriageway 4m wide shall be created for the benefit of the whole of the land in Certificate of Title folio identifier 104/1048038 to enable pedestrian and vehicular access between the land so benefited and Rignold Street along the route as shown on the plans drawing number 4494-101A Sheet 1 dated 13 June 2007 by Mepstead and Associates. Such Right-of-Carriageway to be created and registered on title and consent and constructed to Council satisfaction.
- B. The subdivision plan is to be reconfigured to Council's satisfaction to include the following requirements:

- (f) Each lot has at least a minimum lot size (excluding community land) to comply with the existing approval being DA 200/2001. These lot sizes are:
Lot 2 now 881.5 change to 946 sq meters (Lot 10 in DA 200/2001)
Lot 3 now 964.6 change to 1026 sq metres (Lot 11 in DA 200/2001)
Lot 4 now 902.6 change to 929 sq metres (Lot 12 in DA 200/2001)
Lot 5 now 789.6 no change 788 sq metres (Lot 7 in DA 200/2001)
Lot 6 now 789.6 no change 788 sq metres (Lot 8 in DA 200/2001)
Lot 7 now 789.7 no change 787 sq metres (Lot 9 in DA 200/2001).

- (g) The approved building footprints to be retained in accordance with DA200/2001

and the approved lot sizes outlined in condition B(a).

- (h) The reference on plans to a lap pool, inclinor, and dinghy and kayak shed are to be deleted as these do not form part of this application and are likely to have an adverse impact on this environmentally sensitive area.
 - (i) The level of cut and fill be reduced to 1m maximum to be consistent with the Development Control Plan for the Residential Zone 2007 Amendment 1.
 - (j) Storm water disposal shall be in accordance with clause 5.2.6 of the Development Control Plan for the Residential Zone 2007 Amendment 1.
- C. Sufficient detail for the proposed road is to be provided to Council's satisfaction showing access to all lots including; drainage details, surface details, passing bays, dimensions, cut and fill required, gradients, and development application fee in accordance with Council's fee schedule. The road proposal is to have regard to the existing trees and natural features of the site and avoid excavation and fill to prevent adverse impact on this environmentally sensitive location. Such an application must have regard to the Foreshore Scenic Protection Area, the Sydney Harbour Foreshores and Waterways Area Development Control Plan, The Department of Land and Water Conservation and the Development Control Plan for the Residential Zone 2007 Amendment 1.
- D. A Bushfire Management/Landscape Masterplan and Vegetation Management Plan is to be updated and provided to Council's satisfaction to make specific reference to the reconfigured subdivision.
- E. A Geotechnical Investigation Report is to be updated and provided to Council's satisfaction to make specific reference to the reconfigured subdivision.

B General Conditions.

DA1

This approval relates to drawings/plans Nos. A494 COM 2, 3 & 4 undated and A494 101A Sheet 1 dated 4 July 2007 all received by Council on the 10 July 2007 and as modified by the Deferred Commencement Approval.

ANS01

Public Road Access shall comply with Section 4.1.3 (1) of Planning for Bush fire Protection 2006.

ANS02

Property Access Roads shall comply with Section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

ANS03

Internal Roads shall comply with Section 4.2.7 of Planning for Bush Fire Protection 2006.

ANS04

The development is to comply with the subdivision layout identified on the drawing prepared by Pittendrigh Shinkfield Bruce (PSB) numbered 04024 Figure 3 dated 8 February 2005 as modified by B above.

ANS05

The Bush Fire Management Plan prepared by Pittendrigh Shinkfield Bruce (PSB) shall be implemented at the commencement of building works and in perpetuity for the life of the development, as modified by the information submitted in accordance with condition B above.

ANS06

Any further development application for Class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to separate application under Section 79BA of the Environmental Planning and Assessment Act and address the requirements of Planning for Bush Fire Protection 2006.

ANS07

All trees will need to be suitably marked and numbered in accordance with the schedule in the vegetation management plan to be provided in accordance with condition D.

ANS08

No trees should be removed during the course of the subdivision apart from trees that can be shown to be in the constructed roadway locations. These locations should be pegged and taped to make it obvious where they are, the trees in this zone will need to be obviously and suitably marked to show that they are to be removed

ANS09

Each subdivided block will need to be assessed on its own merits for tree removal based on a future submitted development application. All houses and buildings are to be located within the approved building footprints.

ANS10

An assessment of the foreshore area will need to be carried out by Council's bushland manager prior to any works being carried out on the foreshore area.

ANS11

No identified vegetation habitat area should be disturbed during the course of the subdivision works.

ANS12

Major clearing of the site with heavy machinery during the course of subdivision is denied.

ANS13

A suitably qualified arborist is to be retained during the course of the subdivision works, to ensure the protection of trees and native vegetation on the sites.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,200. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the full cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA047

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA054

Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

DA058

An adequate security fence, is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

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Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for

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De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- g Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- h If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- i Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- j It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- k Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- l Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

DA287

No blasting is to be carried out at any time during construction of the building.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA298

Approval of the application to Land Subdivision the subject property is subject to the lodgement of a Subdivision Certificate application and payment of the appropriate fee.

DA325

The applicant shall comply with all requirements of either the Local or Regional Traffic Advisory Committees.

DA326

In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for this development. The amount is \$191,344.32 (2007 – 2008 rate) for five (5) new lots in accordance with Councils Section 94 Contributions Plan 2004 plus any CPI increase applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 97

90 The Corso, Manly - DA399/07 (DA399/07)

Application Lodged: 9 October 2007
Applicant: Karras Enterprises Pty Ltd
Owner: Manly Council
Estimated Cost: N/A
Zoning: Manly Local Environmental Plan, 1988 – Unzoned Land (Road) adjoins Business Zone and assumes Business Zoning for assessment purposes. Within Foreshore Scenic Protection Area
Surrounding Development: Two and three storey retail, commercial and residential buildings.
Heritage: The Corso is an Item of Environmental Heritage and within the Corso Conservation Area

SUMMARY:

1. THE APPLICATION SEEKS CONSENT FOR THE USE OF A PORTION OF PUBLIC LAND FOR THE PURPOSE OF OUTDOOR EATING ASSOCIATED WITH THE EXISTING RESTAURANT AT NO.90 THE CORSO , MANLY.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH NO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM WITH NO COMMENTS RECEIVED AT THE TIME OF WRITING THIS REPORT.

4. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Ms Jan Karras, Applicant

MOTION (Morrison / Heasman)

That Development Application No.399/07 for use of part of the public road (The Corso), forward of No.90 The Corso, for the purpose of outdoor seating be approved subject to the following conditions:

ANS01.

The proposed outdoor seating area is to be positioned such that there is no encroachment over that area of The Corso forward of No 92 The Corso (the area being defined as that area of the Corso within the promulgated side boundaries of No.92 The Corso).

ANS02.

The outdoor seating area when in use is to be defined and enclosed with a non permanent 0.9m high post and cord barrier with no advertising or banners/screens permitted. Access to the outdoor seating area is to be via openings in the west and east sides of the outdoor seating area, and not from the north (area forward of No.92 The Corso)

ANS03.

The use is to be carried out and contained within the approved area. Spruiking is not permitted

ANS04

The seating, tables and associated post and cord enclosure are to be removed at the close of business each night and stored within the restaurant premises.

ANS05

A separate application is to be made to Council for approval under Section 125 of the Roads Act 1993.

ANS06

The use of the area is to comply with all the terms and conditions of the separate approval under the Roads Act 1993.

ANS07

The hours of operation are to be the same as that of the approved restaurant premises, unless as otherwise determined under any Roads Act 1993 approval.

ANS08

Any umbrellas (other than existing) or screen partitioning structures are not approved and are to be the subject of a separate detailed development application to Council.

ANS09

A separate waste and recycling service shall be engaged/contracted by businesses operating from the premises.

ANS10

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises.

ANS11

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS12

The use of paper napkins/serviettes, the use of disposable single serve sachets for sugar, salt, pepper is not permitted in the Outdoor Eating Area.

ANS13

The premises must comply with the requirements of the Draft Development Control Plan for Commercial Outdoor Eating Areas

ANS14

The principal contractor or owner builder must ensure that all construction and fitout of the food premises complies with the details for the food premises submitted to and considered satisfactory by Council's Environmental Health Officers but no less compliant than with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and AS 4674-2004: *Construction and fit out of food premises*. This condition has been imposed to protect public health and ensure that food premises are easily maintained in a clean condition fit for food preparation and consumption.

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA292

Development consent of Council shall be obtained for any new advertising structure prior to erection.

DA293

No sandwich boards or the like are to be placed on Council's footpath.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

219/07 **RESOLVED: (Morrison / Heasman)**

That Development Application No.399/07 for use of part of the public road (The Corso), forward of No.90 The Corso, for the purpose of outdoor seating be approved subject to the following conditions:

ANS01.

The proposed outdoor seating area is to be positioned such that there is no encroachment over that area of The Corso forward of No 92 The Corso (the area being defined as that area of the Corso within the promulgated side boundaries of No.92 The Corso).

ANS02.

The outdoor seating area when in use is to be defined and enclosed with a non permanent 0.9m high post and cord barrier with no advertising or banners/screens permitted. Access to the outdoor seating area is to be via openings in the west and east sides of the outdoor seating area, and not from the north (area forward of No.92 The Corso)

ANS03.

The use is to be carried out and contained within the approved area. Spruiking is not permitted

ANS04

The seating, tables and associated post and cord enclosure are to be removed at the close of business each night and stored within the restaurant premises.

ANS05

A separate application is to be made to Council for approval under Section 125 of the Roads Act 1993.

ANS06

The use of the area is to comply with all the terms and conditions of the separate approval under the Roads Act 1993.

ANS07

The hours of operation are to be the same as that of the approved restaurant premises, unless as otherwise determined under any Roads Act 1993 approval.

ANS08

Any umbrellas (other than existing) or screen partitioning structures are not approved and are to be the subject of a separate detailed development application to Council.

ANS09

A separate waste and recycling service shall be engaged/contracted by businesses operating from the premises.

ANS10

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises.

ANS11

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS12

The use of paper napkins/serviettes, the use of disposable single serve sachets for sugar, salt, pepper is not permitted in the Outdoor Eating Area.

ANS13

The premises must comply with the requirements of the Draft Development Control Plan for Commercial Outdoor Eating Areas

ANS14

The principal contractor or owner builder must ensure that all construction and fitout of the food premises complies with the details for the food premises submitted to and considered satisfactory by Council's Environmental Health Officers but no less compliant than with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and AS 4674-2004: *Construction and fit out of food premises*. This condition has been imposed to protect public health and ensure that food premises are easily maintained in a clean condition fit for food preparation and consumption.

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA292

Development consent of Council shall be obtained for any new advertising structure prior to erection.

DA293

No sandwich boards or the like are to be placed on Council's footpath.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 98

94 The Corso, Manly - DA432/07 (DA432/07)

Application Lodged: 4 December 2007

Applicant: Quantim Pty Ltd

Owner: Manly Council

Estimated Cost: N/A

Zoning: Manly Local Environmental Plan, 1988 – Unzoned Land (Road) adjoins Business Zone and assumes Business Zoning for assessment purposes. Within Foreshore Scenic Protection Area

Surrounding Development: Two and three storey retail, commercial and residential buildings.

Heritage: The Corso is an Item of Environmental Heritage and within the Corso Conservation Area

SUMMARY:

1. THE APPLICATION SEEKS CONSENT FOR THE USE OF A PORTION OF PUBLIC LAND FOR THE PURPOSE OF OUTDOOR EATING ASSOCIATED WITH THE EXISTING RESTAURANT AT NO.94 THE CORSO , MANLY.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM WITH NO COMMENTS RECEIVED AT THE TIME OF WRITING THIS REPORT.
4. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

PUBLIC ADDRESSES

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

Against the Recommendation: Mr Said, Applicant

MOTION (Morrison / Hay)

That Development Application No.432/07 for use of part of the public road (The Corso) forward of No's 94 and 96 The Corso, for the purpose of outdoor seating be approved subject to the following conditions:

ANS01.

The proposed outdoor seating area is to be positioned such that there is no encroachment over that area of The Corso forward of No 92 The Corso (being defined as that area of the Corso within the promulgated side boundaries of No.92 The Corso).

ANS02.

The outdoor seating area when in use is to be defined and enclosed with a non permanent 0.9m high post and cord barrier with no advertising or banners/screens permitted. Access to the outdoor seating area is to be via openings in the west and east sides of the outdoor seating area, and not from the south (area forward of No.92 The Corso).

ANS03.

The use is to be carried out and contained within the approved area. Spruiking is not permitted

ANS04

The seating, tables and associated post and cord enclosure are to be removed at the close of business each night and stored within the restaurant premises.

ANS05

A separate application is to be made to Council for approval under Section 125 of the Roads Act.

ANS06.

The use is to comply with all the terms and conditions of the separate approval under the Roads Act.

ANS07.

The hours of operation are to be the same as that of the approved restaurant premises unless as otherwise determined under any Roads Act 1993 approval.

ANS08

Any umbrellas (other than existing) or screen partitioning structures are not approved and are to be the subject of a separate detailed development application to Council.

ANS09

The continuing consent is subject to the agreement of the owners and occupiers of the affected premises of No. 96 The Corso.

ANS10

A separate waste and recycling service shall be engaged/contracted by businesses operating from the premises.

ANS11

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises.

ANS12

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS13

The use of paper napkins/serviettes, the use of disposable single serve sachets for sugar, salt, pepper is not permitted in the Outdoor Eating Area.

ANS14

The premises must comply with the requirements of the Draft Development Control Plan for Commercial Outdoor Eating Areas

ANS15

The principal contractor or owner builder must ensure that all construction and fitout of the food premises complies with the details for the food premises submitted to and considered satisfactory by Council's Environmental Health Officers but no less compliant than with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and

New Zealand and AS 4674-2004: *Construction and fit out of food premises*. This condition has been imposed to protect public health and ensure that food premises are easily maintained in a clean condition fit for food preparation and consumption.

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA292

Development consent of Council shall be obtained for any new advertising structure prior to erection.

DA293

No sandwich boards or the like are to be placed on Council's footpath.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

AMENDMENT (Murphy / Aird)

That Development Application No.432/07 for use of part of the public road (The Corso) for the purpose of outdoor seating be approved subject to the following conditions:

1. There is to be a separate DA for the area outside each shop.

For the Amendment: Councillors Aird, Daley and Murphy

Against the Amendment: Councillors Cant, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

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

220/07 **RESOLVED: (Morrison / Heasman)**

That Development Application No.432/07 for use of part of the public road (The Corso) forward of No's 94 and 96 The Corso, for the purpose of outdoor seating be approved subject to the following conditions:

ANS01.

The proposed outdoor seating area is to be positioned such that there is no encroachment over that area of The Corso forward of No 92 The Corso (being defined as that area of the Corso within the promulgated side boundaries of No.92 The Corso).

ANS02.

The outdoor seating area when in use is to be defined and enclosed with a non permanent 0.9m high post and cord barrier with no advertising or banners/screens permitted. Access to the outdoor seating area is to be via openings in the west and east sides of the outdoor seating area, and not from the south (area forward of No.92 The Corso).

ANS03.

The use is to be carried out and contained within the approved area. Spruiking is not permitted

ANS04

The seating, tables and associated post and cord enclosure are to be removed at the close of business each night and stored within the restaurant premises.

ANS05

A separate application is to be made to Council for approval under Section 125 of the Roads Act.

ANS06.

The use is to comply with all the terms and conditions of the separate approval under the Roads Act.

ANS07.

The hours of operation are to be the same as that of the approved restaurant premises unless as otherwise determined under any Roads Act 1993 approval.

ANS08

Any umbrellas (other than existing) or screen partitioning structures are not approved and are to be the subject of a separate detailed development application to Council.

ANS09

The continuing consent is subject to the agreement of the owners and occupiers of the affected premises of No. 96 The Corso.

ANS10

A separate waste and recycling service shall be engaged/contracted by businesses operating from the premises.

ANS11

Plastic bags shall not be issued to customers for the purpose of carrying items purchased from the premises.

ANS12

The business shall not provide prepared foods/drinks to its customers in any non-recyclable or non-biodegradable plastic or foam.

ANS13

The use of paper napkins/serviettes, the use of disposable single serve sachets for sugar, salt, pepper is not permitted in the Outdoor Eating Area.

ANS14

The premises must comply with the requirements of the Draft Development Control Plan for Commercial Outdoor Eating Areas

ANS15

The principal contractor or owner builder must ensure that all construction and fitout of the food premises complies with the details for the food premises submitted to and considered satisfactory by Council's Environmental Health Officers but no less compliant than with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and AS 4674-2004: *Construction and fit out of food premises*. This condition has been imposed to protect public health and ensure that food premises are easily maintained in a clean condition fit for food preparation and consumption.

DA288

No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA292

Development consent of Council shall be obtained for any new advertising structure prior to erection.

DA293

No sandwich boards or the like are to be placed on Council's footpath.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

For the Resolution: Councillors Cant, Daley, Evans, Hay, Heasman, Lambert, Morrison, Norek and Macdonald

Against the Resolution: Councillors Aird and Murphy

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

221/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 25

Friendship Agreement with Oecussi in East Timor

Councillor Lambert moved:

That Manly Council establish a Friendship Agreement with Oecussi in East Timor.

That the Friendship Agreement be modelled on others established between various Australian Local Governments and several different districts in East Timor. Consistent with already similar already-established Agreements elsewhere should read as follows:

In the spirit of mutual respect and co-operation between the citizens of Australia and the Democratic Republic of Timor-Leste, we affirm our intention to develop a Friendship Relationship between the district of Oecussi in Timor-Leste and the Manly Local Council in Australia.

Manly Council recognises the desire of many Australians to contribute to the rebuilding of Timor-Leste and to learn more about our neighbouring country. In forming a relationship with the district of Oecussi, Manly Council acknowledges the decentralisation priority of the Timor-Leste Government and the needs of more remote areas of the country.

It is intended that this partnership will be at both the Local Government and community levels and will result in an improved understanding and appreciation of the cultures and experiences of the communities of Oecussi and Manly.

It is intended that all initiatives undertaken under the Friendship Relationship will aim to build

capacity and advance and promote the self-sufficiency of the people of Oecussi. All initiatives will be exercised in a manner that is consistent with and actively promotes the principles of culture and religious diversity, gender equity and ecological sustainability. It is understood that any project will take into account the National Development Plan and District Development Plan for Oecussi, as well as other priorities identified through local decision-making processes. Decision-making under the Friendship Relationship will be open, transparent and accountable.

It is acknowledged that the Friendship Relationship between the district of Oecussi and Manly Council is long-term, and may be reviewed and reaffirmed by the administrations which follow those currently responsible.

MOTION (Lambert / Heasman)

That Manly Council establish a Friendship Agreement with Oecussi in East Timor.

That the Friendship Agreement be modelled on others established between various Australian Local Governments and several different districts in East Timor. Consistent with already similar already-established Agreements elsewhere should read as follows:

In the spirit of mutual respect and co-operation between the citizens of Australia and the Democratic Republic of Timor-Leste, we affirm our intention to develop a Friendship Relationship between the district of Oecussi in Timor-Leste and the Manly Local Council in Australia.

Manly Council recognises the desire of many Australians to contribute to the rebuilding of Timor-Leste and to learn more about our neighbouring country. In forming a relationship with the district of Oecussi, Manly Council acknowledges the decentralisation priority of the Timor-Leste Government and the needs of more remote areas of the country.

It is intended that this partnership will be at both the Local Government and community levels and will result in an improved understanding and appreciation of the cultures and experiences of the communities of Oecussi and Manly.

It is intended that all initiatives undertaken under the Friendship Relationship will aim to build capacity and advance and promote the self-sufficiency of the people of Oecussi. All initiatives will be exercised in a manner that is consistent with and actively promotes the principles of culture and religious diversity, gender equity and ecological sustainability. It is understood that any project will take into account the National Development Plan and District Development Plan for Oecussi, as well as other priorities identified through local decision-making processes. Decision-making under the Friendship Relationship will be open, transparent and accountable.

It is acknowledged that the Friendship Relationship between the district of Oecussi and Manly Council is long-term, and may be reviewed and reaffirmed by the administrations which follow those currently responsible.

222/07 **RESOLVED: (Lambert / Heasman)**

That Manly Council establish a Friendship Agreement with Oecussi in East Timor.

That the Friendship Agreement be modelled on others established between various Australian Local Governments and several different districts in East Timor. Consistent with already similar already-established Agreements elsewhere should read as follows:

In the spirit of mutual respect and co-operation between the citizens of Australia and the Democratic Republic of Timor-Leste, we affirm our intention to develop a Friendship Relationship between the district of Oecussi in Timor-Leste and the Manly Local Council in Australia.

Manly Council recognises the desire of many Australians to contribute to the rebuilding of Timor-Leste and to learn more about our neighbouring country. In forming a relationship with the district of Oecussi, Manly Council acknowledges the decentralisation priority of the Timor-Leste Government and the needs of more remote areas of the country.

It is intended that this partnership will be at both the Local Government and community levels and will result in an improved understanding and appreciation of the cultures and experiences of the communities of Oecussi and Manly.

It is intended that all initiatives undertaken under the Friendship Relationship will aim to build capacity and advance and promote the self-sufficiency of the people of Oecussi. All initiatives will be exercised in a manner that is consistent with and actively promotes the principles of culture and religious diversity, gender equity and ecological sustainability. It is understood that any project will take into account the National Development Plan and District Development Plan for Oecussi, as well as other priorities identified through local decision-making processes. Decision-making under the Friendship Relationship will be open, transparent and accountable.

It is acknowledged that the Friendship Relationship between the district of Oecussi and Manly Council is long-term, and may be reviewed and reaffirmed by the administrations which follow those currently responsible.

For the Resolution: Councillors Aird, Cant, Daley, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

Against the Resolution: Nil.

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

Notice of Motion Report No. 26

Bottled Water Purchases by Manly Council

Councillor Barbara Aird moved that:

- (a) Manly Council, in line with the recent policy decisions by City of San Francisco and the New South Wales Department of Environment & Climate Change (D.E.C.C.) ceases to purchase single serve bottles of water within our organisation on environmental grounds.
- (b) Manly Council implements a program of installing more bubblers for public usage to encourage the drinking of tap water.

MOTION (Aird / Lambert)

That:

- (a) Manly Council, in line with the recent policy decisions by City of San Francisco and the New South Wales Department of Environment & Climate Change (D.E.C.C.) ceases to purchase single serve bottles of water within our organisation on environmental grounds.
- (b) Manly Council implements a program of installing more bubblers for public usage to encourage the drinking of tap water.

223/07 **RESOLVED: (Aird / Lambert)**

That:

- (a) Manly Council, in line with the recent policy decisions by City of San Francisco and the New South Wales Department of Environment & Climate Change (D.E.C.C.) ceases to purchase

single serve bottles of water within our organisation on environmental grounds.

- (b) Manly Council implements a program of installing more bubblers for public usage to encourage the drinking of tap water.

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

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 33

Quarterly Review of Management Plan 2007 - 2010 from 1st July 2007 to 30th September 2007

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2007 – 2010 for the period 1st July 2007 to 30th September 2007, in accordance with the requirements of the *Local Government Act, 1993*.

MOTION (Lambert / Heasman)

That the report on the first quarterly review of the Management Plan 2007 - 2010 for the period ending 30th September 2007 be received and noted.

224/07 **RESOLVED: (Lambert / Heasman)**

That the report on the first quarterly review of the Management Plan 2007 - 2010 for the period ending 30th September 2007 be received and noted.

For the Resolution: Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

Against the Resolution: Nil.

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

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 40

Financial Review for the Period Ending 30 September 2007

SUMMARY

Council's Income and Expenditure for the quarter 1 July 2007 to 30 September 2007 has been reviewed, together with a projection of Council's Budget as at 30 June 2008, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$45,741 and a forecast deficit at 30 June 2008 of \$280,741.

MOTION (Cant / Hay)

1. That Council accept the loan offer from National Australia Bank (NAB) of 7.291% per annum, fixed for twenty (20) years, for a loan of \$8,000,000 subject to its rate remaining the most competitive at draw-down, and subject to the General Managers satisfaction of the terms and conditions of the loan documentation.
2. That the Mayor and General Manager be authorised to execute all necessary loan documentation under the Common Seal of Council.

227/07 **RESOLVED: (Morrison / Heasman)**

1. That Council accept the loan offer from National Australia Bank (NAB) of 7.291% per annum, fixed for twenty (20) years, for a loan of \$8,000,000 subject to its rate remaining the most competitive at draw-down, and subject to the General Managers satisfaction of the terms and conditions of the loan documentation.
2. That the Mayor and General Manager be authorised to execute all necessary loan documentation under the Common Seal of Council.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Cant / Evans)

That Standing Orders be suspended to consider matters of a confidential nature now, given the lateness of the hour.

228/07 **RESOLVED: (Cant / Evans)**

That Standing Orders be suspended to consider matters of a confidential nature now, given the lateness of the hour.

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

Against the Resolution: Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of the following items, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the reports contain 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.

Corporate Services Division Report No. 44

Tender for Galvanised Posts and Caps T07/26

Corporate Services Division Report No. 45

Tender for Industrial Hardware & Associated Products T07/25

Corporate Services Division Report No. 46

Tender for PVC and P.E. Pipes & Fittings T07/21

Corporate Services Division Report No. 47

Tender for Hygienic Services T07/22

Corporate Services Division Report No. 48

Tender for Traffic & Safety Signage T07/19

Corporate Services Division Report No. 49

Tender for Steel Reinforced Concrete Pipes & Associated Drainage Products T07/23

Corporate Services Division Report No. 50

Tender for Ready Mixed Concrete T07/24

Corporate Services Division Report No. 51

Tender for Stationery & Ancillary Products T07/20

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of the following items, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the reports contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

General Managers Division Report No. 34

Property Matter

General Managers Division Report No. 35

Property Matter

CLOSED SESSION

MOTION (Macdonald / Aird)

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

The Mayor, Councillor Macdonald 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.

229/07 **RESOLVED: (Macdonald / Aird)**

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Corporate Services Division Report No. 44

Tender for Galvanised Posts and Caps T07/26**MOTION (Cant / Norek)**

1. That RMS Road Management Solutions be awarded the tender as the single source supplier for the supply and delivery of Galvanised Posts and Caps to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

230/07 RESOLVED: (Cant / Norek)

1. That RMS Road Management Solutions be awarded the tender as the single source supplier for the supply and delivery of Galvanised Posts and Caps to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 45

Tender for Industrial Hardware & Associated Products T07/25**MOTION (Cant / Norek)**

1. That the tenders of Express Industrial Supplies, Hardware & General and J. Blackwood and Son Ltd (Option 2) be accepted as panel tenderers for the supply and delivery of Industrial Hardware & Associated Products to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

231/07 RESOLVED: (Cant / Norek)

1. That the tenders of Express Industrial Supplies, Hardware & General and J. Blackwood and Son Ltd (Option 2) be accepted as panel tenderers for the supply and delivery of Industrial Hardware & Associated Products to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 46

Tender for PVC and P.E. Pipes & Fittings T07/21**MOTION (Cant / Norek)**

1. That W. Eagles Plumbing Supplies be awarded the contract to supply products nominated under Category 1 and Category 2, PVC and P.E Pipes & Fittings, of the pricing schedule for the period 1 January 2008 to 31 December 2009; and
2. That provision be allowed for a 12 month extension to this contract based on satisfactory performance of the suppliers which may take this tender through to 31 December 2010.

232/07 **RESOLVED: (Cant / Norek)**

1. That W. Eagles Plumbing Supplies be awarded the contract to supply products nominated under Category 1 and Category 2, PVC and P.E Pipes & Fittings, of the pricing schedule for the period 1 January 2008 to 31 December 2009; and
2. That provision be allowed for a 12 month extension to this contract based on satisfactory performance of the suppliers which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 47

Tender for Hygienic Services T07/22

MOTION (Cant / Norek)

1. That Pink Hygiene Solutions (A division of Rentokil Initial Pty Ltd) be awarded the tender as the single source supplier for the supply and delivery of Hygienic Services to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

233/07 **RESOLVED: (Cant / Norek)**

1. That Pink Hygiene Solutions (A division of Rentokil Initial Pty Ltd) be awarded the tender as the single source supplier for the supply and delivery of Hygienic Services to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 48

Tender for Traffic & Safety Signage T07/19

MOTION (Cant / Norek)

1. That RMS Road Management Solutions be awarded the tender as the single source supplier for the supply and delivery of Traffic & Safety Signage to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and

2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

234/07 **RESOLVED: (Cant / Norek)**

1. That RMS Road Management Solutions be awarded the tender as the single source supplier for the supply and delivery of Traffic & Safety Signage to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 49

Tender for Steel Reinforced Concrete Pipes & Associated Drainage Products T07/23

MOTION (Cant / Norek)

1. That Humes be awarded the tender as the single source supplier for supply & delivery of Steel Reinforced Concrete Pipes & Associated Drainage Products to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

235/07 **RESOLVED: (Cant / Norek)**

1. That Humes be awarded the tender as the single source supplier for supply & delivery of Steel Reinforced Concrete Pipes & Associated Drainage Products to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 50

Tender for Ready Mixed Concrete T07/24

MOTION (Cant / Norek)

1. That the tenders of Brookvale Mini-crete and Boral be accepted as panel tenders for the supply and delivery of Ready Mixed Concrete to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

236/07 **RESOLVED: (Cant / Norek)**

1. That the tenders of Brookvale Mini-crete and Boral be accepted as panel tenders for the supply and delivery of Ready Mixed Concrete to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 51

Tender for Stationery & Ancillary Products T07/20

MOTION (Cant / Norek)

1. That Corporate Express Australia Limited be awarded the tender as a single source supplier for supply of Stationery & Ancillary Products to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

237/07 **RESOLVED: (Cant / Norek)**

1. That Corporate Express Australia Limited be awarded the tender as a single source supplier for supply of Stationery & Ancillary Products to participating SHOROC member councils for the period 1 January 2008 until 31 December 2009; and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31 December 2010.

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

Against the Resolution: Nil.

General Managers Division Report No. 34

Property Matter

MOTION (Cant / Heasman)

That Council proceed as discussed in Closed Session of Council.

238/07 **RESOLVED: (Cant / Heasman)**

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

General Managers Division Report No. 35

Property Matter

MOTION (Lambert / Cant)

That Council proceed as discussed in Closed Session of Council.

239/07 **RESOLVED: (Lambert / Cant)**

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

Councillor Cant retired from the Chamber at 1.05am.

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

240/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 50

NSW Planning Reforms: Release of Discussion Paper "Improving the NSW Planning System" and new Infrastructure Contributions

SUMMARY

This report aims to inform the Council regarding the NSW Planning Reforms, including the release of the Discussion Paper, "Improving the NSW Planning System", and new requirements for Infrastructure contributions.

MOTION (Lambert / Heasman)

That Council:

1. Resolve to support the participation of SHOROC in the Local Government and Shires Association (LGSA) campaign regarding the NSW Planning Reforms and the changes to the Infrastructure Contributions in NSW;
2. Write to the Premier of NSW, the Hon. Morris Iemma, MP, in respect of the adverse impacts of the new Infrastructure Contribution rules which will adversely affect communities across New South Wales; and
3. Encourage SHOROC to form a small working group to develop a submission on the discussion paper that will then be forwarded to all member Councils before being submitted

to the Department of Planning prior to 8 February 2008.

4. Actively express support for the LGSA and others seeking a Parliamentary Inquiry into the proposed planning reforms, their effectiveness and the implications for Local Government.

241/07 **RESOLVED: (Lambert / Heasman)**

It is recommended that Council:

1. Resolve to support the participation of SHOROC in the Local Government and Shires Association (LGSA) campaign regarding the NSW Planning Reforms and the changes to the Infrastructure Contributions in NSW;
2. Write to the Premier of NSW, the Hon. Morris Iemma, MP, in respect of the adverse impacts of the new Infrastructure Contribution rules which will adversely affect communities across New South Wales; and
3. Encourage SHOROC to form a small working group to develop a submission on the discussion paper that will then be forwarded to all member Councils before being submitted to the Department of Planning prior to 8 February 2008.
4. Actively express support for the LGSA and others seeking a Parliamentary Inquiry into the proposed planning reforms, their effectiveness and the implications for Local Government.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek and Macdonald

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN87/07 Councillor Norek - Community Involvement in Seaforth TAFE plebiscite

What is the time frame for community involvement in the plebiscite for the future of Seaforth TAFE?

- a) Is the initial meeting between all interest groups open to all interested parties?
- b) Will the group then be asked to review the final document to be placed on the plebiscite via a subsequent meeting?

At the request of the Mayor, the General Manager advised that there will be consultation with all stakeholders in the preparation of the document, and there will be a subsequent meeting to discuss options.

QWN88/07 Councillor Norek - Compulsory acquisition of 38 Stuart Street

Can we move to acquire the compulsory acquisition of 38 Stuart Street after 15th December 2007?

At the request of the Mayor, the General Manager advised he would take that question on notice.

QWN89/07 Councillor Morrison - Manly Conservation area selection

Which Council staff selected streets to go within the conservation area and which method did they use?

At the request of the mayor, the General Manager advised that Hector Abraham held a consultation meeting at Council to present his methods.

Councillor Morrison then asked why every house didn't get notified they were within the conservation area?

At the request of the mayor, the General Manager advised that every house did get an individual letter of notification.

Councillor Daley retired from the Chamber at 1.07am.

QWN90/07 Councillor Aird - Pollution warning signs

I asked a couple of months ago about the redoing of stencilled signs on the gross pollution pipe located on the beach near Steinton Street. Little children are playing around foul water. Will this be done?

At the request of the mayor, the General Manager advised he would take that on notice.

QWN91/07 Councillor Aird - Renotification in Conservation area because of wrong address

Pacific Road, not Pacific Parade, should be listed in the Conservation area. Will residents be renotified?

At the request of the Mayor, the General Manager advised that no they wouldn't.

CLOSE

The meeting closed at 1.09am, 11th December 2007.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 18th February 2008.

MAYOR

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