



## Agenda

### Ordinary Meeting

Notice is hereby given that a Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Monday 18 June 2007**

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

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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(In accordance with Clause 66 in Council's Code of Meeting Practice, Public Forum is for a maximum of fifteen (15) minutes for <i>matters that are not listed on the Agenda</i> . A total of five (5) people may address Council for a maximum of three (3) minutes each.)	
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**QUESTIONS WITHOUT NOTICE**

**MATTERS OF URGENCY**

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

**CLOSED SESSION**

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

**TO:** Ordinary Meeting - 18 June 2007  
**REPORT:** Notice of Rescission Report No. 4  
**SUBJECT:** Mayoral Minute Report No. 11 - Installation of Bike Racks in The Corso  
**FILE NO:**

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Councillor Pedersen, Councillor Morrison, and the Mayor Councillor Macdonald will move:

“That the Council’s decision of 21 May 2007 being Item 11 in respect of Installation of Bike Racks in The Corso be and is hereby rescinded.”

At the meeting of 21 May 2007 Mayoral Minute Report No. 11 – Installation of Bike Racks in The Corso was LOST.

If the above Notice of Rescission is carried, it is proposed to move the following alternate Motion:

“That the LMUD and Bicycle Committees liaise to investigate possible suitable locations to Council for the installation of bike racks, in relation to both Stage 1 and 2 of The Corso redevelopment.”

#### **ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Rescission Report No. 4 \*\*\*\*\*

**TO: Ordinary Meeting - 18 June 2007**  
**REPORT: Notice of Rescission Report No. 5**  
**SUBJECT: Environmental Services Division Report No. 30 - 31 Boyle St, Manly**  
**FILE NO:**

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The Mayor Councillor Macdonald, Councillor Arid, and Councillor Evans will move:

“That the Council’s decision of 4 June 2007 being Item 30 in respect of 31 Boyle Street be and is hereby rescinded.”

The resolution passed on 4 June 2007 was in the terms of:

“That **Deferred Commencement Consent** be granted in respect of Development Application No.507/05 for demolition of the existing dwelling and erection of two dwellings with strata subdivision at No. 31 Boyle Street Balgowlah, subject to the following conditions with the consent not operating until the applicant has submitted amended plans showing;

1. The external wall level 0 of the westernmost dwelling to be positioned a minimum 0.9m from the south side boundary to comply with the setback requirements of Council’s Residential Development Control Plan.
2. That portion of the upper floor level (level 2) of the easternmost dwelling within 9.0m of the front boundary is to be deleted and a hipped roof provided over that portion of level 1 within 9.0m of the front boundary, to maintain streetscape character and minimise impacts on the adjoining group of heritage listed dwellings.
3. The north side setback of the upper floor plan (level 2) of the easternmost dwelling is to be increased to 4.0m to align with the wall below, to maintain streetscape character and minimise impact on the adjoining group of heritage listed dwellings.
4. The existing Jacaranda and eucalypt trees in the rear yard area retained with minor lopping to the trees which have branch spread over the building footprint only..

Evidence of Items 1 to 4 are to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.”

*(in addition to Standard Conditions)*

If the above Notice of Rescission Motion is carried, it is proposed to move the following alternate motion:

“That Development Application No.507/05 for demolition of the existing dwelling and erection of two dwellings with strata subdivision at No. 31 Boyle Street Balgowlah, be **REFUSED** due to the unique topography of the land (sloping from north to south and east to west) and its proximity to five immediately surrounding properties and proximity to seven heritage cottages. Also due to the following reasons:

1. Breaches the rear building line established by heritage cottages 33-45 Boyle Street
2. Impacts upon the amenity of the area
3. Overdevelopment of the site

**Notice of Rescission Report No. 5 (Cont'd)**

4. Loss of privacy
5. Loss of views for Sydney Road properties
6. Unsympathetic to the heritage streetscape.”

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Rescission Report No. 5 \*\*\*\*\*

**TO:** Ordinary Meeting - 18 June 2007  
**REPORT:** Notice of Rescission Report No. 6  
**SUBJECT:** General Manager's Division Report No. 15 - Tender for Supply of Materials and Services - The Corso Stage 2  
**FILE NO:**

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Councillor Daley, Councillor Norek, and Councillor Murphy will move:

“That the Council’s decision of 12 June 2007 being Item 15 in respect of General Manager’s Division Report No. 15 – Tender for Supply of Materials and Services – The Corso Stage 2 be and is hereby rescinded.”

The resolution passed on 12 Jun 2007 was in the terms of:

“That Council:

1. Proceed in accord with Option 2 in the Executive Director’s Report (ie April 2008 Commencement).
2. Subject to contract, acceptance of tender submitted by T&J Concreting for civil works; and
3. Subject to contract, acceptance of tender submitted by Sam the Paving Man for the supply and laying of granite pavers on mortar bedding.”

If the above Notice of Rescission is carried, it is proposed to move the following alternate motion:

1. Proceed in accord with Option 1 in the Executive Director’s Report (ie winter 2007 Commencement).
2. Subject to contract, acceptance of tender submitted by T&J Concreting for civil works; and
3. Subject to contract, acceptance of tender submitted by Sam the Paving Man for the supply and laying of granite pavers on mortar bedding.

#### **ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Rescission Report No. 6 \*\*\*\*\*



**TO: Ordinary Meeting - 18 June 2007**  
**REPORT: Item For Brief Mention Report No. 5**  
**SUBJECT: Items for Brief Mention**  
**FILE NO:**

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**1. Minutes of Meetings without recommendations of a substantial nature:**

- i) Manly Local Government Area Community Development Support Expenditure Local Committee - 15 May 2007
- ii) Manly Neighbourhood Renewal Committee - 16 May 2007
- iii) Manly Youth Council - 21 May 2007
- iv) Manly Public Art Committee - 23 May 2007

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

**i) Manly Community Safety Committee – 17 May 2007**

**Item 7.1 Bureau of Crime Statistics Summary**

Recommendation

- 1. That the information be noted and received.
- 2. That a communication strategy from the Community Safety Committee to the community be implemented to report on the work of the committee.
- 3. That the Editor of the Manly Daily be invited to attend a meeting of the Community Safety Committee.

**ii) Manly Art Gallery & Museum Liaison Committee – 16 May 2007**

**Item 8 Collection & Acquisitions**

Recommendation

That this report be received and noted.

**Divisional Manager's Human Services and Facilities:**

In regard to the purchase of a new by Marea Gazzard, this work will be purchased from the Theo Batten Bequest at a cost of \$20,000 in 2008.

Two new works by Nan Hortin will be purchased from the 2008 acquisitions vote at a cost of \$16,000.

**RECOMMENDATION**

- 1. That the recommendations of **Minutes of Meetings, as listed in item 1, being 1 (i) to 1 (iv)**, as listed above, be **adopted**.
- 2 i) That the minutes of the **Manly Community Safety Committee - 17 May 2007**, be **adopted** including the following recommendations of a substantial nature:

**Item 7.1 Bureau of Crime Statistics Summary**

**Item For Brief Mention Report No. 5 (Cont'd)**

1. That the information be noted and received.
  2. That a communication strategy from the Community Safety Committee to the community be implemented to report on the work of the committee.
  3. That the Editor of the Manly Daily be invited to attend a meeting of the Community Safety Committee.
- ii) That the minutes of the **Manly Art Gallery & Museum Liaison Committee - 16 May 2007** be **adopted**, including the following recommendations of a substantial nature:

**Item 8 Collection & Acquisitions**

That this report be received and noted.

**Divisional Manager's Human Services and Facilities**

In regard to the purchase of a new piece of work by Marea Gazzard, this work will be purchased from the Theo Batten Bequest at a cost of \$20,000 in 2008.

Two new works by Nan Hortin will be purchased from the 2008 acquisitions vote at a cost of \$16,000

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Item For Brief Mention Report No. 5 \*\*\*\*\*

**TO: Ordinary Meeting - 18 June 2007**  
**REPORT: Item For Brief Mention Report No. 6**  
**SUBJECT: Items for Brief Mention (deferred from Ordinary Meeting of 21 May 2007)**  
**FILE NO:**

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**(Note: This item was deferred at the Ordinary Meeting of 21 May 2007. It is now relisted hereunder for determination by Council.)**

**1. Minutes of Meetings:**

- i) Manly Youth Council - 16 April 2007
- ii) Manly Access Committee - 19 April 2007
- iii) Manly Visitor and Community Board - 3 May 2007

**2. The following minutes contain recommendations of a substantial nature requiring formal council adoption as follows:**

**Manly Community Safety Committee - 19 April 2007**

**i) Item 5.1 Manly After Midnight and Code of Respect report**

Recommendation:

- 1. That Local Government be given a consent role in licensed premises in the determination of Licensing hours for trading in Hotels.  
Proposed: Ray Mathieson  
Seconded: David Glading  
For: 7 Against: 4 Abstention: 1
- 2. That the proportional costs of alcohol related crime be borne by the Liquor Industry.  
Proposed: David Glading  
Seconded: Errol Hunt  
For: 10 Against: 1 Abstention: 1

**ii) Item 5.2 Ivanhoe Hotel DA 89/2007**

Recommendation:

- 1. The Community Safety Committee, recommended as follows:
  - Rejection of the Development Application 89/2007 based on the issues of late night hotel trading as follows -
  - Alcohol related Crime in Manly
  - Late Night Transport out of Manly
  - CCTV coverage and reports
  - Lack of a comprehensive Social Impact Statement being submitted with the DA.
  - The Committee recommends that the Applicant make presentation of the DA89/07 to The Corso Precinct Community Forum.

Carried for: 13  
Against: 0  
Abstention: 1

**Item For Brief Mention Report No. 6 (Cont'd)****RECOMMENDATION**

1. That the recommendations of **Minutes of Meetings, as listed in item 1, being 1i) to 1iii)**, as listed above, be **adopted**.
2. That the minutes of the **Manly Community Safety Committee - 19 April 2007** be **adopted**, including the following recommendations of a substantial nature:

**i) Item 5.1 Manly After Midnight and Code of Respect Report**

1. That Local Government be given a consent role in licensed premises in the determination of Licensing hours for trading in Hotels.
2. That the proportional costs of alcohol related crime be borne by the Liquor Industry.

**ii) Item 5.2 Ivanhoe Hotel DA 89/2007**

The Community Safety Committee, recommended as follows:

- Rejection of the Development Application 89/2007 based on the issues of late night hotel trading as follows -
- Alcohol related Crime in Manly
- Late Night Transport out of Manly
- CCTV coverage and reports
- Lack of a comprehensive Social Impact Statement being submitted with the DA.
- The Committee recommends that the Applicant make presentation of the DA89/07 to The Corso Precinct Community Forum.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Item For Brief Mention Report No. 6 \*\*\*\*\*

**TO:** Ordinary Meeting - 18 June 2007  
**REPORT:** General Managers Division Report No. 24  
**SUBJECT:** Adoption of the Manly Council Management Plan 2007 - 2010  
**FILE NO:**

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## **SUMMARY**

The 2007/2010 Draft Management Plan has been exhibited for the statutory period and is submitted for adoption by Council. Public submissions are also presented to Council for consideration.

## **REPORT**

At the Extraordinary meeting of Council held on Tuesday 8<sup>th</sup> May 2007, Council resolved to adopt and place on exhibition the Draft Management Plan for the period 2007/2010.

Included in the Draft Management Plan is Council's strategy for increased expenditure for infrastructure over a 10 year period funded from staff cuts, revenue, loans, and a 2% Infrastructure Levy.

The 2% Infrastructure Levy, if approved by Council, will still require the approval of the Minister in pursuant to Section 508(2) of the *Local Government Act, 1993* before council could implement it.

## **Public Consultation**

Publicity on the Draft plan and levy involved the following:

- Public Notice issued on the Draft Management Plan inviting comments on the contents of the Draft Plan. Copies of the Draft Plan were available at Customer Service, the Manly Library, the Seaforth / Balgowlah Branch Library, and web site. The exhibition period concluded on Tuesday 12<sup>th</sup> June 2007;
- A website was created to provide public access to information about the Draft Plan and levy;
- The Draft Plan and levy as well as the Public Meeting on the levy all received extensive media coverage and commentary. As such, there is a high level of awareness about the Council's proposal; and
- Municipal wide letterbox drop.

## **Website**

During the exhibition period, a comprehensive web presence on the Draft Plan and levy was available for public access. The website attracted a total of 370 separate visits and 184 downloads of documents.

## **Public meeting**

A public meeting was held on Monday 28<sup>th</sup> May 2007 in Council Chambers and was attended by members of the public (including Precinct Community Forum representatives) and Councillors, in addition to Council staff. While public attendance at the meeting may be considered low, the meeting was well advertised in regional newspapers and on Council's website.

Attendees were presented with a full and comprehensive case by staff for the support of the levy. A copy of this presentation was subsequently made available to the public for download on

**General Managers Division Report No. 24 (Cont'd)**

Council's website. Copies of the presentation were also distributed to all Precinct Community Forums.

Attendees at the meeting were also afforded the opportunity to ask questions of senior Council staff on the presentation and on infrastructure concerns in general. Some 80% to 90% of attendees voted to support the Levy. An issue commented upon by some attendees was that the proposed levy percentage being sought by Council was comparatively low compared to the levy percentages being sought by other Councils in the region.

The mood of the meeting is perhaps best reflected in Submission No. 9\* on the **attached** Community Consultation Summary (Attachment 1).

The members of the public at the briefing on 28th May, 2007 voted in support of the following items:

Item No.	Item	For	Against
1	That the meeting notes the case presented for a rate increase.	10	1
2	That the meeting accepts that there is a need for increased expenditure on ageing infrastructure in the Local Government area.	8	2
3	That the meeting endorses the proposed 2% increase for the infrastructure levy, together with the associated measures:- <ul style="list-style-type: none"> <li>• An infrastructural reserve that sets aside future funds derived from the long term leasing of a Council owned property (revenue derived from the reserve will be used to fund recurring costs).</li> <li>• Applying Section 94 Funds on capital works where consistent with the Section 94 Plan.</li> <li>• Borrowing approximately \$1 Million per year for 10 years.</li> <li>• Increasing fees for the commercial and corporate use of public space including beach hire, filming location fees and outdoor dining space among other uses.</li> <li>• Making savings by a reduction in staff in the non-line functional areas where direct service delivery will not be affected.</li> </ul>	7	2
4	That the meeting supports the idea of a fixed percentage of Federal Income Tax revenues as a more reliable and fairer way of funding Local Government.	7	1
5	Further, that the Financial Assistance Grants should include an Infrastructure Disability Factor as per the Price Waterhouse Cooper Study on Local Government Financial Sustainability and as per the Professor Allan Report.	6	1

**General Managers Division Report No. 24 (Cont'd)****Letterbox Drop**

A municipal-wide letterbox drop on the Draft Plan and levy was conducted. The leaflet invited residents to provide comment on the Draft Plan and levy.

**Submissions Received**

From the invitation for public comment, Council received forty three (43) submissions (Attachment 1) by midday 14 June 2007. While 36 submissions expressed a definite view, 7 provided general comments only.

Of the 36 that provided a definite view, 15 supported the levy and 21 (including the Manly Chamber of commerce) did not.

**Report**

Council when deciding on whether to apply a 2% Infrastructural Levy will need to take into account comments received from the public on the proposal. In doing so, Council must also give appropriate weight to each comment received and balancing them against the Council's obligation to manage public assets in the public interest and for the present and future generations. In this regard, Council should again note the now familiar but pertinent matters identified in the Percy Alan Report into Local Government sustainability\*. That report questions NSW local government's ability to continue to maintain its infrastructure due to past under investments. (\*The *Independent Report into the Financial Sustainability of NSW Local Government*, chaired by Professor Percy Allan, which delivered its findings to the Local Government and Shires Association of NSW in 2006. webpage: [www.lgi.org.au](http://www.lgi.org.au)).

Many councils have been forced to vary their rates by as much as 6.5% in recent years, and Manly is among the last on the list to seek a variation for investing in infrastructure.

Given the cautious approach Council has adopted for funding aging infrastructure, which includes staff cuts, loans, revenue fund and a 2% Levy, on balance, the report recommends that the Draft Management Plan inclusive of a 2% Infrastructure Levy be adopted.

**RECOMMENDATION**

It is recommended that Council:

1. Adopt the Manly Council Management Plan 2007/2010 and the 2007/2008 Schedule of Fees and Charges, pursuant to Section 406 and Section 610F of the *Local Government Act, 1993*;
2. Include the outcomes of the community consultation process in an application to the Minister for Local Government for approval of a 2% Special Variation increase in Council's Ordinary Rates, pursuant to Section 508(2) of the *Local Government Act, 1993*; and
3. Write to the parties who made submissions to the Management Plan, thanking them for their comments and providing a response to the points raised by them.

**ATTACHMENTS**

<b>AT- 1</b>	Summary of submissions	10 Pages	
<b>AT- 2</b>	Community consultation document	2 Pages	<i>Attached</i>
<b>AT- 3</b>	Public notice	1 Page	

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\*\*\*\*\* End of General Managers Division Report No. 24 \*\*\*\*\*

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

**Summary of submissions received up to 3pm Thursday 14<sup>th</sup> June 2007 in response to the Draft Manly Council Management Plan 2007 – 2010**

\* indicates those submissions that were received on Manly Council's community consultation document distributed to household mailboxes throughout the municipality

No.	Name	Submission	For / Against Levy, or other comment
1*	J Abicair Manly	I am in favour of the extra 2% increase in my rates, in addition to the allowable 3.4% in rates.	For
2*	R Appleton Manly	With respect may I remind you of the expression "user pays" or lose it to wear and tear. Very simply a usage fee of say \$2 per person or \$5 per family should be levied at the Circular Quay terminal for all day trippers multi-ride ticket holders not affected. Simple really: think about it.	Against
3*	T & V Batt Manly	We are concerned that too much money will be spent on the shared cycle / footpath on Lauderdale Ave & The Crescent that could be put to better use. Current cycle tracks at Victoria Parade & Kenneth Road (by the Olympic pool – heading westwards) are dramatically underutilised by cyclists and it is a concern that the same will happen on Lauderdale / The Crescent. A serious liability concern is also raised by this. Most people travelling to Manly do so to shop, catch transport, visit restaurants or the beach – bicycles are not the ideal transport for any of the above! This caters for an extreme minority in our community and at disproportionate expense to all we feel. Otherwise we applaud Council's work that has been undertaken to date (assuming the Corso paving can be fixed OK)! Well done to all! Suggestion: we feel there should be more pay parking streets – not just the Beachfront, as visitors need to share some of these costs.	Other / General
4*	E Boon Manly	There are toilet facilities in Manly that needs upgrading: North Steyne Surf Club, Queenscliff Surf Club, Car Park near Coles, Wentworth Street, Whistler Street.. Tenders should be thoroughly checked – the toilets at Coles are not finished. The doors on the cubicles are not finished. Most taps need new washers. The pavers fiasco on The Corso – why pavers from China? Why concrete the ground, put sand and then pavers? Of course they will lift in the rain! The palm trees are ridiculous – give no shade at all! Keep the area from St Matthews to the wharf the same traffic in Manly is heavy and if it is closed, it will be a nightmare! When will the wharf be opened? The swimming pool at Queenscliff should be under Manly jurisdiction, along with that end of the beach so that it can be maintained with the rest of Manly Beach!	Other / General
5*	N Chalmers Seaforth	Manly Council is becoming top heavy, appointing more people to manage new projects, they are not needed I have seen it so many times, you could prune back. The Hop Skip bus, a total waste of money, six people, has been the most I have seen on it, four of them being school boys, for which school buses are provided. I walk a lot and the bus is mostly empty or one person. An unnecessary expense, the Council should not be running a bus service, we have Government buses. The Totem making such slow	Against



**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
		progress, you will be committed for years. No Levy.	
6	E Darley Balgowlah	I refer to the Draft Management Plan & Budget for the period 2007/2010. Please note that I am a resident and ratepayer of Manly and that my wife and I have lived at the above address since 1968 – a period of 39 years. We are both Senior Citizens, we were both born in 1927. We are self-funded retirees; that is, we pay our own way. We don't rely on any Government or Council to subsidise us or to pay our way. Our Council Rates for 2007 total \$1,468. Most years we pay no income tax because our combined income is usually less than \$40,000. Self funded retirees get almost no concessions on things such as Rates, Drivers Licences, Car Registration, Insurances, Water Rates, Phones, Admissions to Entertainment etc. Thanks to Barry Unsworth, we do get a Public Transport Concession. We are appalled at the prospect of an infrastructure levy of 2%. I know that other similarly situated people in this area, and they are many, are aghast at this added rip-off. Just have a look at what Council has done for people living in this area since 1968. I refer particularly to the block of country bounded by Beatrice, New, Curban, Vista, Nolan Place and Heathcliff Streets. The answer, Mr Wong, is nothing – not a bleeding thing. We don't have one made footpath. Most people who walk to the bus have got to walk on the road and risk being struck by motor vehicles because the sidewalks are just too rough and irregular. Please have a look at Beaconview St. We have been trying to get a footpath for the past 3 years. Still nothing – not even a promise. Not even one (1) lousy footpath has been constructed in the above indicated area in the last 40 years. All of the roads, kerbs, gutters, street lights, electricity and phones were there before 1968. Luckily, we do have Tania Park – but it was there before 1968. We gladly share it with people from all over Sydney. Mr Wong, it looks like the end of the road. Do you want a Rate Payer Revolt? Please bring this letter to the attention of all the Councillors.	Against
7*	R David Manly	It is an acknowledged fact that much of Australia's infrastructure is in need of replacement. Manly is no different. Provided the 2% levy is spent on sensible, prioritised infrastructure at competitive prices, I will support the 2% levy.	For
8*	J Davies Manly	Thank you for the information on the proposed infrastructure levy. I would comment on the following - My rates dated 31.08.2003 were \$1012.89 My rates dated 31.08.2006 were \$1456.88 This represents about a 45% increase over a 3 year period. During this period parking restrictions have been imposed in all Manly residential areas and parking police in bewildering numbers delight in increasing the Council's revenue by some huge amount (unspecified to my knowledge). Where has all this increase in revenue been applied? We strongly OBJECT to yet another form of raising capital through residents when to even get our street gutters swept (therefore keeping our ocean clean) takes numerous representations to Council. I urge all Councillors to vote against such a Levy.	Against
9*	R Deane Manly	I attended the public meeting at which Mr Hunter discussed the infrastructure levy and presented a lot of information. The need for the levy, because of general restraints on Rate increases, was quite obvious. I	For

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
		<p>was particularly struck by the fact that surrounding municipalities already seemed to have introduced infrastructure levies that seemed to lie within the range of 5% to 7%. I would expect that Manly, due to the age of its infrastructure and its low ratio of commercial ratepayers, would have a need for at least a similar infrastructure levy as for the other municipalities. It was pointed out at the meeting that the 'lower' levy of 2% was because infrastructure costs were going to be met from other sources (eg the proposed staff savings). My view would be that an infrastructure levy similar to other municipalities would seem quite defensible, and would be acceptable to a majority of ratepayers. If other funds can be gained elsewhere (eg the staff savings), then I am sure there are other high priority projects or ongoing commitments for which these funds would be very valuable. In fact it seems inappropriate to allocate these funds to an area which can be funded via a direct levy. If there is some thought that the levy can be raised in future to the level used by other municipalities, this would mean going through the present explanation and approval process another time for a further small percentage, rather than doing it once this time for a higher percentage. There was some criticism that the meeting addressed by Mr Hunter was not an appropriate 'public forum', but, while the attendance was low, the meeting was in fact reasonably well publicised. I felt that the attendees who voted had been largely asking questions examining both sides of the question, and their considerable majority vote (in percentage terms, rather than absolute numbers) could reasonably be taken as the community view.</p>	
10*	J Delaney	<p>I oppose the proposal for an additional infrastructure levy, especially if it is based on an "ad valorem" method. My current rates are far in excess of reasonable levels, compared to other Council areas. I find it of great concern that the Council would seriously suggest that ratepayers pay an additional levy for infrastructure. Council has a responsibility to ensure that basic services are provided before discretionary spending is entertained. For example, basic drainage must be provided before community centres (such as Seaforth oval). It is evidence of mismanagement of Council funds if drainage is failing whilst Council builds community centres. Further, Council poorly administers other funds, such as spending on traffic calming measures, as evidenced by the changes at Balgowlah Rd-Rosebery St. Poor initial design ended in wasted resources required by a rebuild. There are many other well reported examples. Council wastes money in the bureaucracy, as evidenced by the extraordinary events surrounding my application for a BA for my home. Perhaps addressing these areas would improve the fiscal responsibility of Council. Personally, the matters outlined as requiring an infrastructure levy are items that are of a basic need status to residents. Council should provide these as a priority, at the expense of non-core ancillary services. Any levy should be for the provision of ancillary services, not core Council responsibilities, and be voluntary. As a suggestion, why not make an infrastructure "levy" a voluntary contribution? You will then be able to judge what people really think.</p>	Against
11*	L J Fisk	<p>I am totally opposed to an additional 2% increase in rates above the 3.4% general increase. My salary is</p>	Against

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
	Manly	not going up 5.4% and I have to live within my means and so should the Council. If you cannot then resign and give others a go who can. In recent times the Council seems to be extravagant in spending. The Traffic Management Plans are an unnecessary waste of money. The roads have been around for ever so why change. Spend the money on eliminating the pot holes and save the difference. Elimination of the Precinct Committees would also substantially reduce the pressure on Council to spend more. This sort of action will be reflected in the ballot box.	
12*	V Florey Manly	I am happy for the Council to undertake essential work on our behalf especially to maintain social facilities such as the swimming pool and am prepared to pay an increased rate to cover this.	For
13*	R Fredericks Manly	As can be seen every Saturday and Sunday there needs to be more playground facilities, ie swings etc along the beach front at North Steyne. There are only two swings and one seesaw that at times you have to stand in line for 10 minutes to give your child a 2 minute ride so the next person can get on after their 10 minute wait. There also should be sunshade over this area and the slippery dip playground towards the Corso end of the beach.	Other / General
14*	K Green Balgowlah	I commend Manly Council for taking the initiative to upgrade local infrastructure and hope that the works can be completed on time and within budget via the infrastructure levy. Hopefully the proposed staff cuts will not result in a diminishing in Council's services.	For
15*	B Hurley Manly	I have lived in the Manly area for 10 years now and have observed various works around the suburb. I have also watched my Council rates rise progressively. We are now faced with another rise but I fail to understand the distribution of funds overleaf. Wood St needs resurfacing and has been potholed for many years. The footpath is not complete to the top end and yet every time I go to Manly Council, renovations and new uniforms seem to be the order of the day. Why will there be no work or money allocated to the coastline – surely Manly's best feature.	Against
16*	A Immergluck Seaforth	I am totally opposed to this levy. It verges on the criminal and is a con that should not be allowed to see the light of day. It is evidence of the continuous gross mismanagement of the Council finances and the responsible persons, including the General Manager, should be dismissed for gross incompetence. Expenses such as those now foreseen should have been anticipated years ago and budgeted for. We, the people who live in Manly and pay our rates should not be asked to bail out a council which is incapable of running the show. This council repeatedly spend money on projects which benefit a minor percentage of the rate payers and forgets that Manly is not simply the town area between the wharf and the sea – it extends far beyond the town limits. The council needs to obtain the required funds from existing sources and savings can start with the reduction in the number of council members and hangers-on.	Against
17*	J Keely Manly	I fully appreciate the infrastructure requirements. Especially need to upgrade public toilet facilities and footpaths. Support the increase of \$20.10 per annum to my rates.	For

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
18*	D Kidd Manly	I am in favour of the 2% levy and commend the Council for taking this initiative. The facilities for changing into and out of swimming gear and showering are sadly wanting on Manly beach. On summer weekends with swimming opposite The Corso I have seen several people changing in the toilets under the Beach House restaurant and there have been no showers there. I am aware these facilities are currently being renovated. I wonder if changing areas and showers will be provided. The facilities at South Steyne, North Steyne and Queenscliff are also totally inadequate in my opinion. I urge Council to provide reasonable changing and showering facilities at all of these locations. We have a beautiful beach and surroundings but very poor facilities for swimmers.	For
19*	D Lawler Manly	As a ratepayer of two Manly properties (until recently three properties) over the past 10 years ratepaying for five properties, I still fail to see where I have received any assistance for my contribution. When recently I objected to the installation of limited parking outside my area of 75, 77 & 79 Kangaroo Street, I receive no consideration as I know the rationale to impose this was not warranted (being nobody ever parks there anyway anytime EVER!) this plus dangerous situations at Herbert St. have never been addressed by narrow access for traffic flow, frequently causing near serious accidents, as this is my closest access from Balgowlah Rd. So, you will of course hear everybody's complaints at this opportunity but, viewing your map it seems all consideration is for the Tourist Business District! Mainly non-ratepaying users of the facilities you listed. Therefore I object strongly to any rate payer funded augmentation of funds by increasing rates!	Against
20*	WD JA Louge Manly	We are not in favour of the proposed 2 % infrastructure levy for the following reasons: our rates for the current rating period already increased by \$200, following the latest land valuation notice (a not insignificant increase). Our 2% would be \$40, not Council "average" \$20 in addition to the 3.4% already approved. Moreover, Council's 10 year infrastructure plan implies similar special levies over the next 10 years. We always assumed Council prudently assigned part of our rates into a special sinking fund for such projects. A substantial part of our valuable rates pool is wasted through subsidising the removal of pub patrons' rubbish.	Against
21*	M Maler & M Hardy Manly	We are against the 2% additional increase in rates. In general terms we agree with the Bob Smith letter and we lack confidence in the ability of this Council to administer in a sound financial manner. A further example is the wasted space by Council in the Manly Daily over the last two weeks on (Mayor?) Pedersen's philosophical politically biased personal ramblings. Who paid for that?	Against
22	Manly Chamber of Commerce	We were pleased to see that Council is finally acknowledging its responsibility to properly maintain the public infrastructure in our LGA. The Chamber has been maintaining, for some years, that Manly Council has been neglecting maintenance, and not making provision for essential infrastructure replacement, in accordance with responsible financial management of our community assets. In our view Council has allowed a build-up in "office staff" at the expense of "on the ground" staff (and capital expenditure), who	Against

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
		<p>are actually involved in maintaining and replacing our infrastructure. This has occurred, again in our view, in response to Councillors continually asking management to look at new initiatives (in response to pressure from ratepayers), that involves staff in researching and preparing reports on projects that often have very little prospect of being funded. The Chamber does not support the proposed additional 2% infrastructure levy, as we believe this additional infrastructure expenditure, of \$400,000 per annum, should be found by reducing staff or other recurring expenditure. In particular, we believe that the Manly CBD commercial ratepayers are more than paying their way in terms of infrastructure, with our Special Levy, that was doubled last year to meet the costs of The Corso up-grade. The Special Levy increases our commercial rates by 32%, and we also pay the 4.5% Environment Levy. Consequently, we would expect to be excluded from any general infrastructure levy, while we continue to pay a 32% loading on our commercial rates. This position on the additional infrastructure levy was supported, almost unanimously, at a special meeting called by the Chamber, of CBD property and business owners. The Manly Chamber of Commerce believes a complete review of Council's recurring expenditure is long overdue, to reorder priorities towards the tasks that Councils are primarily responsible to undertake on behalf of it's ratepayers. The maintenance and, where necessary, replacement of Council infrastructure/assets must be seen as a primary responsibility of Manly Council. Ratepayers will/should not accept new levies, until they are convinced that current expenditure has been reviewed to eliminate excess bureaucratic overheads. As we have pointed out in recent correspondence, Manly Council has been very successful in extracting additional income from our businesses and their customers, via footpath rentals, parking fines, parking fees, and general fee increases. We need to see some evidence that Council is serious about reducing the expenditure side of it's Budget, before we could support additional levies. We applaud Council for including a 10 Year Infrastructure Plan in this year's Management Plan. If Council had been managing our assets, in a similar way to that required of a Strata Body Owners Corporation, with the funding of a sinking fund for the replacement of those assets, we may not now be paying a Special Levy that adds 32% to our already very high rates. Manly Council has been guilty (as has our State government), of running down our assets, while expanding the services provided to residents, and claiming it is all the fault of "rate pegging". A more responsible manager would have been providing for infrastructure replacement, within the available budget, and not just neglecting the infrastructure expenditure. We hope that these comments will be considered carefully by Councillors before Council approaches the Minister for approval of the 2% infrastructure levy, that is very strongly opposed by the commercial ratepayers in Manly CBD. These same ratepayers are extremely critical of Councils management of The Corso Up-grade, and may well elect to take their grievances to the Minister for Local Government, if Council cannot demonstrate that it can rectify the faulty workmanship, quickly, and without seriously inconveniencing businesses trading in The Corso. The new Corso paving is an</p>	

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
		absolute disgrace and local residents and businesses are asking who is responsible for this debacle, and who is going to pay for the rectification.	
23*	D Marsh Manly	We oppose the 2% increase extra on top of the large increases we have already suffered due to rising real estate and valuation rates and NSW Government land taxes etc. We are disappointed with the mismanagement of council money on the Corso paving fiasco, and are also disappointed with the bike tracks and extensive white paint footpath graffiti marking them out. Bikes now barrage along at speed on the previously beautiful leisurely stroll to Shelly Beach and the Esplanades. Pedestrians are now put at risk. We also are disappointed with the butchering of Little Manly Beach Park with the intrusion of the timber ramps all over the shady part of the park yet still no footpath on Stuart Street on the beach side, just a goat track! How can a wheel chair get to the ramps? A further waste on council money and rates is the printing & distribution of this survey on the Queens Birthday June 11 <sup>th</sup> to be completed and handed in by June 12 <sup>th</sup> ! If Council managed its funds better it would not need a further rates increase.	Against
24*	S Marshall & P Ward Manly	<p>In relation to the proposed 2% infrastructure levy over and above the cap of 3.4%. We do not support the additional levy of 2% over and above the capped amount. This survey was placed in the letter box without an addressee. It seems the community is being consulted but not necessarily the ratepayer as many properties in the area are not occupied by the owners and have tenants who do not pay the rates. Some of the figures provided for infrastructure are excessive. For example New Corso Shopfront toilets at a cost of \$1,500,000.00!! Beachfront at \$750,000 and Whistler St C.P \$750,000. These are very expensive toilets. If this really is the price and not a typing error why do we need these new toilets that we cannot afford? Perhaps visitors should pay to use toilets in the very busy areas and so provide funding for new facilities in the future. The shopfront toilets have the same price tag as the proposed 3<sup>rd</sup> floor for the library! Instead of proposing further costs to the ratepayer perhaps remove low priority works and non urgent work.</p> <p>The aquatic centre has an importance and urgency level of low but \$15,000,000 has been allocated. Wish list items such as the 3<sup>rd</sup> floor of the library are unnecessary.</p> <p>Also please note that on page 1 and 16 of the '10 year Infrastructure Plan' the total under the heading of 'Capital / New work Required' appear to be incorrect. Should they read \$5,832,000.00 and \$49,711,000.00. The numbers are confusing.</p>	Against
25*	J McCartney Manly	I agree with the Sydney Morning Herald Editorial. I am a pensioner on a limited income. However I am all in favour of Council setting their rates at a level where infrastructure can satisfactorily be maintained or replaced. I have often felt that Council should have a "sinking fund" as provided under strata title legislation to carry out urgent repairs and capital works deemed to be necessary by appropriately qualified professionals. I agree with the draft plan and 2% increase if only to ensure an upgrade of the public toilets. Manly Wharf deserves something better.	For

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
26*	H McLennan Seaforth	I have reviewed the infrastructure plan and believe the allocation of funds assigned to "Pools and Baths" is insufficient. The funding needs to be increased either from another area within the existing proposed budget or increased funding needs to be sought. I support the infrastructure plan.	For
27*	M Meller Fairlight	I do support a 2% infrastructure levy as long as it accountably gets separated from general revenue and the strictest code of conduct with respect of the fund are followed. Is this a once only occurrence? Is this to be forever? Is the environment levy still doing what it is meant to be doing? Ongoing Council infrastructure levy works should be published as a specially documented column in the Manly Daily.	For
28*	J Newton Manly	<p>I have been told that Manly Council is conducting a community survey to determine public opinion on the question of a 2% levy on its rates. I am also informed that a survey questionnaire has been circulated by a letter-box drop. As a householder living in Darley Road, Manly I pay rates to Manly Council and yet I have not received a copy of the questionnaire. I have seen no reference to this survey in your Mayor's column in the Manly Daily nor could I find any direct reference to it on the Council's website.</p> <p>Accordingly, the Council's method of obtaining a fair representation of the rate-paying community would appear to be suspect. I am led to understand that the levy is needed so that several important infrastructure tasks can be undertaken - tasks which are within the basic responsibilities of any council and as such should need no additional funding. The NSW Government has capped council rate rises to 3.4% (more than the inflation rate) but it would seem that Manly Council wants to disregard this government directive.</p> <p>I have yet to read a clear and informative breakdown of Manly Council's income and expenditure statement. As a retired businessman and self-funded retiree, I cannot support any increase in rates without proper financial justification. Quite simply I have seen no evidence that supports an increase over and above the increase laid down by the elected government of New South Wales. I would suggest that, should Manly Council wish to impose an additional levy, it should transparently lay out its case in the same way that public companies use in presenting financial data in their annual reports. By so doing its ratepayers would be able to make an informed decision.</p>	Against
29*	J Pash Manly	This short paper does not provide information on Manly Council's policy on planned maintenance of infrastructure. In simple terms, a planned maintenance programme involves systemic, inviolate amounts of funding specifically earmarked for regular planned expenditure on maintenance of existing infrastructure. Council is reaping the result the results of past Councils decisions to use ratepayer funds on feel-good (albeit worthy) projects like tennis courts, child care centres etc instead of boring necessities like regular maintenance of pavements, drainage roads, public toilets. Council should consider including adequate planned maintenance by lessees in lease contracts.	Against
30*	G Reiner Fairlight	I'm still waiting for the completion of the pedestrian island at the following junctures: Hill St and Hill Top Crescent Fairlight; Willyama and King Ave Fairlight. The yellow markings have been in place for quite	Other / General

**ATTACHMENT 1**

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
		sometime. These are extremely difficult areas to cross if you have young children or dogs. I have heard nothing regarding the completion of this project.	
31*	Robertson Seaforth	Firstly we are a beach-side suburb. Lucky but we have to accept what obligations this brings. The most important being the public toilets!! Good health is so important to all. We have to accept vandalism!! Otherwise lock up toilets blocks evenings which I feel is the only way. That amount seems small for all the toilets in Manly area. Special attention should be given to picnic grounds early in season especially at Xmas. So many schools have Xmas picnic parties – with our precious children present. Also all the stairways (steps) need railings – some people don't drive.	Other / General
32*	J Rolleston Manly	We pay state government taxes for infrastructure like this. Why on earth would we pay a special levy to pay for this with this in mind (even if your reasoning are good).	Against
33*	K Roma Fairlight	I agree with your plan and support the 2% rate increase. It is important to maintain Manly surroundings clean and beautiful. Drainage upgrade is critical as it relates to health and hygiene issues.	For
34	S Rout	Your 25% increase in fees paid to the Council by Oval/playing grounds users without consultation, need to be reconsidered.	Fees and Charges at sports grounds
35*	C R Scott Manly	This rate increase is a sensible solution. We approve of the proposed funding strategy.	For
36*	L & G Smith Manly	How could we possibly agree to a rate increase of 2% under the guise of an Infrastructure levy? What has Council done for us in our street in the past/or or do they propose to do in the future? We pay to have our garbage collected, we maintain the nature strip, and we are left to clean up the kerb & gutter, which continually silts up and over flows due to poor longitudinal drainage levels. The function of kerb & gutter is to allow a free flow of water, which as you can see from the attached photo, clearly does not occur outside our property or others in this street. After any rain the area outside our property that is now a "sag" point collects all the debris between Collingwood Street and our property (a distance of approx 150m). Unless my husband regularly sweeps and removes the siltation etc, it becomes a stagnant mess. Even once he has removed this material and placed it at the base of a tree outside our property, he almost has to beg Council to come & remove it. Also as you can see from the photo, it is impossible to alight from a parked car outside our property due to the height of the pooled water. At times pedestrian access is also affected as water floods the footpath as well. After constant contact/requests of Council in 2005 the area was marked for reparation to the levels for completion in the 2005/2006 financial year (see attached photo for Council markings). Subsequent requests and inspections by Council as recent as 2 months ago have failed to meet the obligations it made to us that the work would be completed in the near future. - even if only temporary rectification of the problem occurred. From Council's proposed 10 year capital program, it would appear that no major drainage work is planned for our street. I repeat why	Against



**ATTACHMENT 1**

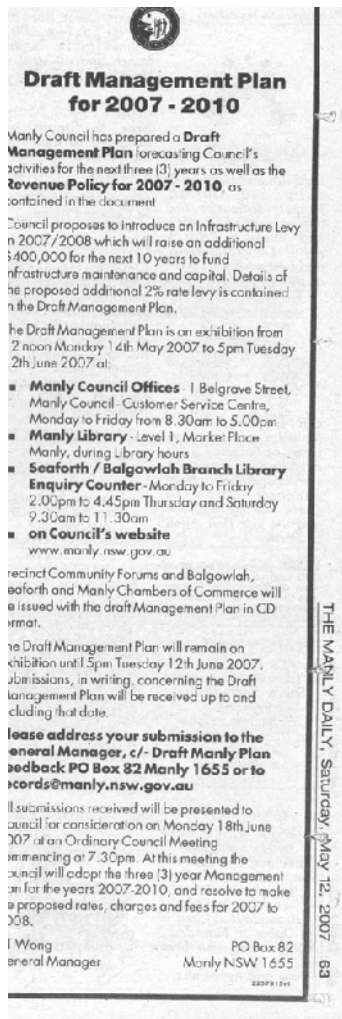
**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Summary of submissions**

No.	Name	Submission	For / Against Levy, or other comment
		would we agree to increased rates, when Council has failed to meet its obligations and responsibilities to ratepayers in the past. The past record of Council does not instil confidence that any increase in rates will see an improvement in the state of Manly's infrastructure. We would be most willing to meet Council's representatives again in relation to this issue.	
37*	I R Southwick Manly	The footpath on the south side of Ashburner St is broken in its whole length and dangerous to walk on. My wife tripped on the broken surface and broke her shoulder towards the end of 2006. To my knowledge nothing has been done to it for more than 20 Years. Could it be re-laid.	Other / General
38*	C Talamas Manly	Increasing rate at 2% plus State Government general rate variations is nothing comparing to commodities provided in return for the well being of the community and first of all safety generally. I hope that some people will appreciate by keeping in good condition what is offered to them. <i>(note: next sentence could not be properly read)</i> . Upgrading is very important and improve standard of living. <i>(note: next sentence could not be properly read)</i> .	For
39*	D Tancred Manly	Just do it.	For
40*	J Tobin Fairlight	No Levy. No bikes on footpath. All dogs on walk ways to have short leads. Needs a railing on rocky side of new causeway at Fairlight rock pool.	Against
41*	J Walter Balgowlah	You talk about rate increases being barley above inflation, but ignore the fact that there has been a dramatic increase in rates over the past 4 years I have lived in Balgowlah due to the increase in property valuations. This is a significant increase in revenue for the council – how come these amounts are not sufficient to finance the “sustainable infrastructure plan”? For total transparency, why don't you show all ratepayers the total revenue raised by council. With a year over year comparison for the past five years, including the revenue from parking meters which are now installed the full length of Manly Beach. I object to the 2 % increase over and above the 3.4% general rate variations.	Against
42*	J Ward Manly	I am against the 2 % infrastructure levy proposal. Last year my Council rates were increased by 30% because of the valuer general's reassessment of my 103sqm property in Pittwater Rd. To my knowledge that increase was across the board in the Municipality. The rate revenue raised went straight into the council coffers, and now the Council has the audacity to ask for more. The mismanagement of Council funds is not mine or other rate payer's problem. Real wages haven't increased for years, and we are constantly being asked by the Council to top up their shortfall through environment or infrastructure levies, etc. Give us a break!!!	Against
43*	H S Wells Seaforth	I congratulate Council on its forward planning – well worth the extra 2%	For

**General Managers Division Report No. 24 - Adoption of the Manly Council Management Plan 2007 - 2010**

**Public notice**



**Draft Management Plan for 2007 - 2010**

Manly Council has prepared a **Draft Management Plan** forecasting Council's activities for the next three (3) years as well as the **Revenue Policy for 2007 - 2010**, as contained in the document.

Council proposes to introduce an Infrastructure Levy in 2007/2008 which will raise an additional \$400,000 for the next 10 years to fund infrastructure maintenance and capital. Details of the proposed additional 2% rate levy is contained in the Draft Management Plan.

The Draft Management Plan is on exhibition from 12 noon Monday 14th May 2007 to 5pm Tuesday 12th June 2007 at:

- **Manly Council Offices** - 1 Belgrave Street, Manly Council - Customer Service Centre, Monday to Friday from 8.30am to 5.00pm
- **Manly Library** - Level 1, Market Place Manly, during Library hours
- **Seaforth / Balgowlah Branch Library Enquiry Counter** - Monday to Friday 2.00pm to 4.45pm Thursday and Saturday 9.30am to 11.30am
- **on Council's website** [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)

precinct Community Forums and Balgowlah, Seaforth and Manly Chambers of Commerce will be issued with the draft Management Plan in CD format.

The Draft Management Plan will remain on exhibition until 5pm Tuesday 12th June 2007. Submissions, in writing, concerning the Draft Management Plan will be received up to and including that date.

**Please address your submission to the General Manager, c/- Draft Manly Plan Feedback PO Box 82 Manly 1655 or to [records@manly.nsw.gov.au](mailto:records@manly.nsw.gov.au)**

All submissions received will be presented to Council for consideration on Monday 18th June 2007 at an Ordinary Council Meeting commencing at 7.30pm. At this meeting the Council will adopt the three (3) year Management Plan for the years 2007-2010, and resolve to make the proposed rates, charges and fees for 2007 to 2008.

Cliff Wong  
General Manager

PO Box 82  
Manly NSW 1655

22379134

THE MANLY DAILY, Saturday, May 12, 2007 63

**TO:** Ordinary Meeting - 18 June 2007  
**REPORT:** Corporate Services Division Report No. 19  
**SUBJECT:** Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008  
**FILE NO:**

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## SUMMARY

Council is required to make rates and charges following the adoption of the Management Plan for the 2007/2008 financial period.

## REPORT

Council at the extra-ordinary meeting held 8 May 2007, considered Corporate Services Division Report No. 10, Draft Budget and Revenue Policy for 2007-2008 and resolved that:

1. *The draft 2007/2008 Budget be adopted for the purpose of public exhibition with Council's Draft Management Plan 2007 – 2010, subject to the following amendments:*
  - i. *\$50,000 additional allocation for playground equipment upgrade (program 5.72)*
  - ii. *\$85,000 allocation for sportsfields upgrades (program 5.76)*
  - iii. *\$100,000 allocation for Manly Oval energy efficiency initiatives subject to matching State / Federal funding (program 5.76)*
2. *That for the purposes of public exhibition of the draft Management Plan for the three year period commencing 1st July, 2007, Council adopt the 2007/2008 Revenue Policy including a proposal to make an application for Special Variation for a 2% Infrastructure Levy to raise \$400,000;*
3. *Interest on the proceeds from long term lease of Council land of \$350,000 be restricted and be allocated to infrastructure;*
4. *Savings of \$250,000 from review of staffing levels across Council be allocated to infrastructure, such review to not affect service levels;*
5. *That Council for the purposes of public exhibition, adopt the draft Fees and Charges Schedule for 2007/2008, incorporating amendments to Permit parking fees, Filming fees, Food and Wine stall fees, and Skip bin fees;*
6. *The Draft Management Plan 2007 – 2010 and Draft Budget 2007/2008 be placed on public exhibition until 11 June 2007;*
7. *Following public exhibition, the Draft Management Plan, Draft Budget and Draft Fees and Charges Schedule together with any submissions received, be considered at the Ordinary Council meeting to be held on 18 June 2007.*

## DISCUSSION

The draft Management Plan included Council's intention to make an application for a Special Variation to General Income for a 2% Infrastructure Levy. Accordingly two rating structures were advertised, dependent on whether the Minister for Local Government approves Council's application for the 2% Infrastructure Levy.

At the time of writing this report, Council had not received Ministerial advice on its application, and a response is not expected until later this month. As the time required to levy rates and prepare

**Corporate Services Division Report No. 19 (Cont'd)**

Rate Notices for service will be limited, the recommendation making the Rates for 2007/2008 provide an alternative should Council's application for special variation not be approved.

Council has indicated in the Draft Management Plan its intention to levy two (2) Ordinary Rates: –

1. an Ordinary Residential Rate on the Land Value of all Rateable Land categorised as Residential; and
2. an Ordinary Business Rate on the Land Value of all Rateable Land categorised as Business consisting of two sub-categories, being:
  - Manly Business Centre - as delineated on Plan Number 1/280B.
  - Business (other than the Manly Business Centre).

Council also indicated in the Draft Management Plan its intention to levy a Special Rate for each of the following areas:

- Manly Business Centre and Ocean Beachfront Improvements
- Balgowlah Business Centre Improvements

Council's Revenue Policy for 2007/2008 provides for a rating structure that is based on an ad valorem (rate in the dollar) with a minimum Rate and these Rates were advertised in the Management Plan. The rate to be levied will be calculated on the land value of the land as determined by the Valuer General, base dated 1 July 2005,

Since Council's resolution of 8 May 2007 advertising the Revenue Policy, the Minister has announced the statutory rate increase for 2007/2008 of 3.4% in accordance with S.506 of the Act. Council had prepared the draft Budget on the basis of a 3.5% increase. The impact of this change is a shortfall of approx. \$21,149 and has been incorporated across Programs.

Since the exhibition of the Management Plan, Council has received additional supplementary valuations from the Valuer General. These new valuations have been supplied as a result of either new subdivisions, strata titling of properties, or re-ascertainment of valuations, and must be used for levying rates in 2007/2008. The rates and charges outlined in the Recommendation to this report now take into account any adjustments as a consequence of these amended and new valuations, and also reflect the 3.4% annual rate peg increase approved by the Minister, and if approved, the 2% Infrastructure Levy.

**RECOMMENDATION**

1. Whereas the detailed draft Estimates of Income and Expenditure of the General Fund, for the period 1 July 2007 to 30 June 2008, were considered by Council on 8 May 2007, and having given public notice in accordance with S.405 of the Local Government Act, 1993, of the Draft Management Plan to allow public submissions on or before 12 June 2007, and whereas the Management Plan and Estimates of Income and Expenditure for the period 1 July 2007 to 30 June 2008, were adopted by Council at the meeting of 18 June 2007, and having considered any matters concerning the Management Plan in accordance with S.406 of the Local Government Act, 1993, Council hereby resolve:
2. That the Schedule of Fees and Charges 2007-2008 including any amendments and tabled with the 2007-2010 draft Management Plan be adopted;
3. That the draft 2007-2008 draft Budget as amended and tabled to the meeting but subject to Ministerial approval of Council's Application for Special Variation to General Income for the proposed 2% Infrastructure Levy be adopted;
4. That Council now make the following Rates and Charges for the year 1 July 2007 to 30 June 2008. (In the event that the Minister does not approve the 2% Infrastructure Levy the

**Corporate Services Division Report No. 19 (Cont'd)**

amounts in brackets are to apply):

**A Ordinary Rates**

- (i) An Ordinary Rate (Residential) of **0.168600 (0.165200)** cents in the dollar be made for the year 2007/2008 on the land value of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the Local Government Act 1993, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$622.90 (\$611.07)**;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.853700 (0.836800)** cents in the dollar be made for the year 2007/2008 on the land value of all rateable land categorised as Business in accordance with S.518 of the Local Government Act 1993, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$622.90 (\$611.07)**;
- (iii) An Ordinary Rate – Business - Other of **0.449500 (0.440600)** cents in the dollar be made for the year 2007/2008 on the land value of all rateable land categorised Business in accordance with S.518 of the Local Government Act 1993, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$622.90 (\$611.07)**.

**B. Special Rate – Manly Business Centre Improvements**

- (i) That whereas the Council is of the opinion that the provision of on-going and proposed capital and maintenance works, including the Manly Business Centre, The Corso and the Ocean Beach Front improvements, provide services, facilities and activities of specific benefit to the area, and are of special benefit to that portion of Manly as delineated on Plan Number 1/280A previously defined and adopted by Council, and whereas Council having adopted the Management Plan for 2007–2010, incorporating the Estimates of Income and Expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.281000** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2007/2008.
- (ii) That in accordance with the provisions of Section 548 of the Local Government Act 1993, that no minimum amount of the Special Rate - Manly Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

**C. Special Rate – Balgowlah Business Centre Improvements**

- (i) That whereas the Council is of the opinion that the provision of on-going and proposed capital and maintenance works including the off-street car parks in Condamine Street, provide services, facilities and activities of specific benefit to the area and is of special benefit to that portion of Balgowlah delineated on Plan Number 5/005B, and whereas Council having adopted the Management Plan for 2007 - 2010, incorporating the Estimates of Income and Expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.198600** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2007/2008.
- (ii) That in accordance with the provisions of Section 548 of the Local Government Act, 1993, it is hereby resolved that no minimum amount of the Special Rate - Balgowlah Business Centre Improvements shall be levied in respect of any separate parcel of land, including

**Corporate Services Division Report No. 19 (Cont'd)**

strata title lots and dwellings under company title.

**D Interest**

In accordance with the provisions of S.566(3) of the Local Government Act 1993, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, being **10.0%** per annum in respect of accrual on a simple basis.

**E Domestic Waste Management Services**

In accordance with S.496 of the Local Government Act 1993, that an annual charge of **\$358.00** per annum be made for the period 1st July 2007 to 30th June 2008, for each domestic waste management service rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service.;

In accordance with S.502 of the Local Government Act 1993, that an annual charge of **\$297.00** per annum be made for the period 1st July 2007 to 30th June 2008, for each additional 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings (excluding green waste and recycling service);

**F Stormwater Management Service Charge**

In accordance with the Local Government (General) Amendment (Stormwater) Regulation 2006 and Local Government Act 1993, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

Land categorised as Residential:	\$25.00	for a single residential dwelling
Residential strata lots:	\$12.50	for each strata unit
Residential flats, community title, tenants-in-common residential units:	\$12.50	for each flat/unit
Land categorised as Business	\$25.00	Plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres up to a maximum charge of \$200.00

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Corporate Services Division Report No. 19 \*\*\*\*\*

**TO: Ordinary Meeting - 18 June 2007**  
**REPORT: Corporate Services Division Report No. 18**  
**SUBJECT: Accounts - Report on Council Investments as at 31 May 2007**  
**FILE NO:**

## SUMMARY

Latest accounting statements for the period to 31 May 2007

1. Statement showing general fund bank account balance as at 31 May 2007.
2. Cash investments as at 31 May 2007.

## REPORT

### 1. Statement Showing General Fund Bank Account Balance as at 31 May 2007

Limit of overdraft arranged with bank **\$400,000.00 Dr**  
 Bank Balance as at 31 May, 2007 <sup>(1)</sup> **\$1,796,143.25Cr**

### 2. Details of Council Investments Pursuant to the General Regulation as at 31 May, 2007.

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

For the information of Councillors, the following cash investments were held by Council as at 31 May, 2007.

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
22/05/07	22/11/07	IMB	184	<b>6.57</b>	121,935.68	4,038.51 <sup>(2)</sup>
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00 <sup>(4)</sup>
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	7.40	700,000.00	12,920.28 <sup>(5)</sup>
25/10/05	25/10/07	Emu Structured Note	365	7.00	500,000.00	35,000.00 <sup>(6)</sup>
22/12/06	21/06/10	Aquaduct Structured Note	1277	7.09	500,000.00	8,862.50 <sup>(3)</sup>
05/07/06	05/07/12	WBC PP Ethical Note	2192	8.01	500,000.00	19,868.59 <sup>(7)</sup>
		LGFS Ethical Fund	@CALL	6.56	1,103,182.08	
		IMB	@CALL	6.00	5,000.00	
		CBA	@CALL	6.25	79,639.48	
		Grange Securities – Managed Fund	@CALL	7.41	5,500,000.00	(8) (9)
					<b>10,009,757.24</b>	

- 1) Balances in-excess of \$750,000 earns 5.50%pa
- 2) Interest to 22 November, 2007 only
- 3) Interest to 22 March, 2007 only
- 4) Interest to 18 August, 2007 only
- 5) Interest to 3 September, 2007 only
- 6) Interest calculated at the guaranteed interest floor of 7.00%pa for the first year
- 7) Interest to 5 July, 2007 only
- 8) Council has engaged Grange Securities Pty Ltd to manage part of Council's Investment Portfolio (\$5.5 million) in a separate Managed Fund. These investments will be held as an Individually Managed Portfolio (IMP) by Grange on behalf of Manly Council, and Grange will provide comprehensive reports each month to Council. The IMP has been set up by Grange on a fee free basis for 6 months, and returns in the IMP will be compared with Council's own managed funds. If the IMP performs better than Council's own investing strategy, Council could then look at moving all its investments into the IMP, as this will save on the considerable administrative work and risks involved in managing Council's investment portfolio
- 9) Annualised monthly (0.61%) return.

**Corporate Services Division Report No. 18 (Cont'd)**

Except for (2) and (7) interest is calculated at a floating rate, fixed for the duration of each subsequent quarter, based on the prevailing interest rates at the quarterly reset date/s.

<b>Investment Performance</b>	<b>Council</b>	<b>Benchmark*</b>	<b>90 day UBS*</b>
Returns – May 2007 [%pa]:	<b>7.10</b>	<b>6.83</b>	6.58

\* benchmark is 90 day UBS Warburg Bank Bill Index plus 0.25%pa

**Certification – Responsible Accounting Officer**

The Chief Financial Officer hereby certifies that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**RECOMMENDATION**

1. That the statement of General Fund Bank Account balance as at 31 May, 2007 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 31 May, 2007 be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Corporate Services Division Report No. 18 \*\*\*\*\*



**TO:** Ordinary Meeting - 18 June 2007  
**REPORT:** Environmental Services Division Report No. 29  
**SUBJECT:** 270 Pittwater Road, Manly - DA63/07  
**FILE NO:** DA63/07

**Application Lodged:** 12 March 2007  
**Applicant:** FPA International Architects  
**Owner:** Manly Fishing and Sporting Association  
**Estimated Cost:** \$20,000.00  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Residential Flat Buildings, townhouses and single dwellings  
**Heritage:** Not Applicable

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE CONSTRUCTION OF AN EXTERNAL DECK ON LEVEL 1 AT THE REAR OF THE CLUB.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTIES AND TWO (2) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS NOT REFERRED TO THE PRECINCT COMMITTEE AS THE PROPOSAL IS TO THE REAR OF THE PROPERTY.
4. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR EVANS.
5. APPROVAL OF THE APPLICATION IS RECOMMENDED.

### **LOCALITY PLAN**

Shaded area is subject site.



### **REPORT**

#### **Introduction**

The proposal is for the construction of a timber deck measuring 3.0m x 7.0m on the northern side to the rear of the existing club building. To provide access to the deck the applicant proposes a door from the existing billiard room by converting a pair of existing windows. The proposal includes metal balustrades with glass infill panels and a 1800mm high louvred privacy screen to the eastern side of the balcony. The deck is to be used as a smoking area for members and patrons of the club in accordance with the Statutory requirements arising from changes in legislation due to take effect from July this year.

**Environmental Services Division Report No. 29 (Cont'd)****Development Control Plan Numerical Assessment**

The provisions of the DCP for the Residential Zone, 2001, Amendment 1 does not apply to this application. The use of a premise for the purpose of a club is prohibited under the Manly Local Environmental Plan 1988. The club is operating under "Existing Rights" provision of the Environmental Planning and Assessment Regulation 2000.

**Applicant's Supporting Statement**

In support of the application, the applicant has submitted a Statement of Environmental Effects prepared by Natasha Harris, Consultant Planner. A copy of this statement is on file.

**Submissions**

In response to the notification, Council received two (2) submissions objecting to the development from:- J Hanrahan of 10a, Eurobin Avenue and R Vella of DEM Architects on behalf of Vesoma Pty Ltd (property owners of No. 8 Eurobin Avenue, Manly). Concerns raised include the following:-

- The Club and its Consultants have not consulted in any way with affected adjoining property owners in regards to the proposed location and likely impacts of the break out deck.
- The location of the proposed break out deck is inappropriate for this portion of the site and out of character with the surrounding predominantly residential neighbourhood.
- The proposed break out deck is located in close proximity to the main bedroom areas of our client's property and other adjacent residential Housing Commission properties adjoining the Club site.
- The proposed deck will severely affect the bedrooms and rear yard areas to each of the 4 residential units within our client's property and the amenity and privacy of other surrounding residential properties.
- The proposed deck is located in an exposed and elevated position without any noise or privacy screening to ameliorate noise, light spill and overlooking impacts created by the use of this area by Club patrons. The provision of a glazed balcony railing will do nothing to prevent noise spill, avoid overlooking and prevent night time light spill from adversely affecting our client's property and other adjoining residential properties.
- Patrons of the Club who smoke will utilise and congregate in this elevated and exposed area on a regular basis during Club's operating hours which extend to each day of the week and late at night on weekends.
- Detailed acoustic and lighting reports and a detailed sight line analysis to adjoining properties should be submitted.
- Applicant should consider a more suitable location preferably located off Pittwater Road frontage which will have less overlooking and impact on adjoining residential properties.
- We understand that the club site zoning is Residential and the Club currently operates on the site under existing use rights provisions. The provision of any expansion of the club's facilities particularly externally should be strictly regulated so that it does not impose further detrimental impacts on adjoining neighbouring residential properties.
- I already have problems with noise from this building at a number of times:
  1. Movement of bottles from inside to outside and then pick up. This typically occurs early morning from 3:00am to 10:00am and ad hoc throughout the day.
  2. Noise from shows on Thursday, Friday and Saturday nights till midnight particularly when doors and windows are left open and when people are leaving at midnight.
  3. Noise from existing deck when door open.
  4. Noise from functions held in car park on weekends.

**Environmental Services Division Report No. 29 (Cont'd)****Precinct Community Forum Comments**

The application was not referred to the Precinct Community forum as the proposal is minor and toward the rear of the site.

**Engineers Comments**

No objection subject to conditions contained within the Recommendation.

**Building Comments**

No objections to the new first floor deck at the rear of the subject property, subject to conditions contained within the Recommendation.

**Planning Comments****Manly Local Environmental Plan 1988:**

The site is in zone No 2 – The Residential Zone under the Manly Local Environmental Plan 1988. Clubs, motels, hotels etc are prohibited within this zone. The existing Club in the zone is a non-conforming use. The current application relies on existing use rights provisions as described under Clause 106 – 108 of the Environmental Planning and Assessment Act 1979 and Clause 39 – 42 of the Environmental Planning and Assessment Regulation 2000.

Clause 41 of the Environmental Planning and Assessment Regulation 2000 states that an existing use may:

- (a) be enlarged, expanded or intensified, or
- (b) be altered or extended, or
- (c) be rebuilt, or
- (d) be changed to another use, including a use that would otherwise be prohibited under the Act.

The proposal is to erect a deck at the rear of the club for the purposes of an outdoor smoking area. This is considered to comply with the provisions of Clause 41 of the Regulations.

**Manly Local Environmental Plan 1988 Clause 10 Objectives**

The following comments are made in regard to the objectives for the Residential Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The existing use of the site is a non-conforming use. The application relies on existing use provisions of the Act and Regulations.

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

The provisions of the Development Control Plan for the Residential Zone, 2001, Amendment 1 is not applicable to this application.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The subject site is used as a Club and therefore this clause does not apply to this application.

**Environmental Services Division Report No. 29 (Cont'd)**

- (d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The proposed deck is proposed to the rear of the existing club and therefore would not have any adverse impact on the existing building form. However it is considered that the proposed deck would have some adverse impact on the amenity of the adjoining properties. It is therefore recommended that the deck be given conditional approval to negate the adverse impacts of the proposal.

- (e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

There is no scope for additional landscaping as the rear of the club is fully covered in bitumen and is used for car parking associated with the club.

- (f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

The proposed deck is associated with the existing use of the club. The deck is to provide outdoor area for smokers in accordance with the statutory requirements arising from the changes in legislation due to take effect from July 2007. The proposed deck is considered to be compatible with the character and amenity of the locality, subject to conditions. The conditions being acoustic privacy screens to the north, east and west side of the balcony and restriction to the use of the balcony to no later than 10:30pm.

- (g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The proposed development will not increase the demand on the existing social and physical infrastructure.

- (h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

This clause is not applicable to this application as the existing use of the site is a club.

- (i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

This clause is not applicable to this application.

**Manly DCP for the Residential Zone 2001:**

The provisions of the Development Control Plan is not applicable as the proposal relies on the existing use of the site, which is a club.

**Matters for consideration under Section 79C of the Environmental Planning & Assessment (EP&A) Act 1979:-**

- (a) *the provisions of:*
- (i) *any environmental planning instrument*
  - (ii) *any draft environmental planning instrument*
  - (iii) *any development control plan*
  - (iv) *the regulations*

The application has been assessed under the provisions of Division 10 – Existing Use under the Environmental Planning and Assessment Act 1979 and Part 5 of the Environmental Planning and Assessment Regulation 2000.

**Environmental Services Division Report No. 29 (Cont'd)**

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

It is considered that the development as proposed will have a detrimental impact on the adjoining properties in terms of noise, overlooking and privacy. The proposed development will overlook the rear yards of the adjoining properties and also increase the noise impact. Although the proposal is for an outdoor deck to provide an outdoor area for smokers, it could also become an area for patrons to congregate. It is therefore considered that the balcony should be provided with 1800mm high acoustic privacy screens which will maintain the amenity of the surrounding properties. It is also suggested that the use of the deck ceases at 10:30pm to provide quiet time for the surrounding residential properties.

(c) *the suitability of the site for the development,*

The proposed development is suitable for the site, subject to conditions. However, ideally the best location for the balcony is towards the front along Pittwater Road. Site inspection revealed that a balcony located to the western side of the subject building is possible and this would create no adverse impact on the adjoining residential properties. This location would be accessible from the dining room via the existing door and therefore ideal for smokers and diners alike.

(d) *any submissions made in accordance with this Act or the regulations,*

In response to notification of the application Council received two (2) submissions raising concerns in relation to privacy, overlooking and noise. These are discussed previously in this report.

(e) *the public interest.*

The proposal, as conditioned, is acceptable in public interest terms.

**Council Resolution 21 August, 2006.**

Council at its Ordinary meeting 21 August, 2006 resolved as follows:

- “1. That Council defer all DAs for Outdoor Smoking Areas in pubs and clubs and request that the applicant seek legal advice which would demonstrate if and how the proposed smoking area would comply with all the legal obligations applicable including but not limited to:
  - a) Regulation prohibiting smoke drift from the smoking area.
  - b) Occupation, Health and Safety regulations protecting staff working in smoking areas from SHS.
  - c) Commonwealth and NSW discrimination law relating to both employment and access of persons suffering from disabilities adversely affected by secondhand tobacco smoke.
2. That Council review its current planning instruments in light of the proposed regulations due to be implemented in July 2007.”

Council is yet to receive legal advice as referred to in item 1, however, draft conditions of consent are included in the Recommendation which require provision of self-closing doors between the interior of the club and the proposed deck and prevent service of food and beverages in the deck area.

**Environmental Services Division Report No. 29 (Cont'd)****CONCLUSION:**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979 and the Manly Local Environmental Plan 1988.

The application has also been assessed under the provisions of Clauses 106 – 109 – Existing Use provisions of the Environmental Planning and Assessment Act 1979 and Clauses 39 – 43 of the environmental Planning and Assessment Regulation 2000.

It is considered that upon receipt of satisfactory legal advice from the Applicant as detailed in item 1 above, the proposal can be approved subject to the provision of acoustic privacy screens and restricted hours of use.

**RECOMMENDATION**

That upon receipt of satisfactory legal advice referred to in Council's resolution of 21 August, 2006, Development Application No. 63/07 for a new first floor level deck at the rear of the existing club at 270, Pittwater Road, Manly be approved, subject to the following conditions:-

**DA1**

This approval relates to Drawing/Plan Nos. 607, DA 101A, 102A and 103A dated 1 March 2007 and received by Council on 12 March 2007.

**ANS01**

1800mm high acoustic privacy screens are to be provided to the northern, eastern and western side of the proposed balcony. This is to provide privacy, avoid overlooking and lessen the noise impact on to adjoining residential properties to the rear of the club. Details of the screens are to be provided to Council/Accredited Certifier prior to the issue of Construction Certificate.

**ANS02**

The balcony is not to be used after 10:30pm each night and the access doors to the balcony are to be kept locked after that time. This is to maintain the residential amenity of the area.

**ANS03**

Acoustic Privacy Screens are to be constructed of suitable glass panels either in a fully opaque finish or fitted with fixed solid louvre screens to prevent overlooking and light spill to the neighbouring properties. Screens and deck flooring must be constructed of suitable noise attenuating construction to ensure noise is contained and attenuated within the deck area and not transferred to neighbouring properties. In this regard an Acoustic Report prepared by a qualified Acoustic Consultant is to be submitted to Council/Accredited Certifier prior to the issue of Construction Certificate.

**ANS04**

Any external lighting to the proposed deck is to be kept low level and below the height of the Acoustic Privacy Screens so as not to impact on the amenity of the residential neighbourhood.

**ANS05**

The external door accessing the deck area from the Club is to be an automatic self closing door. Windows to the deck area are to be fixed non operable windows. The door and windows to the deck are to be constructed of suitable acoustic glass and window / door frames are to be suitably noise attenuated to relevant Environmental Protection Authority guidelines.

**Environmental Services Division Report No. 29 (Cont'd)**

## ANS06

The use of the deck area is to be restricted to be used as a "Smokers area" only and provided with minimal seating with no service of food or beverages. This area is to be monitored regularly and managed by Club management and staff to ensure that patrons abide by the Club's restrictions of use of this area and to ensure noise levels are kept to a minimum at all times.

## 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 \$600.00. 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 dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

## DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

## 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.

## 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.

## DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

## DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

**Environmental Services Division Report No. 29 (Cont'd)**

DA39

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.**

DA048

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

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.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

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

DA111

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA121

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

DA230

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.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier prior to the issue of the Construction Certificate. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.



**Environmental Services Division Report No. 29 (Cont'd)**

DA267

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

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

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

Footing inspection - trench and steel

Framework inspection

Final inspection

The cost of these inspections by Council is \$920.00 (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.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

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.

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.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 29 \*\*\*\*\* .