

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 21 July 2008

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www.manly.nsw.gov.au



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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 21 July 2008. The meeting commenced at 7:36pm.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor M Norek
Councillor B Aird
Councillor S Cant
Councillor P Daley, arrived 7.40pm
Councillor J Evans
Councillor J Hay, AM
Councillor J Lambert, AM
Councillor D Murphy
Councillor B Pedersen

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Ross Fleming, Divisional Manager Corporate Services
Anthony Hewton, Divisional Manager, Corporate Planning & Strategy
David Stray, Manager Development Control
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. Colin Sheehan.

APOLOGIES

Apologies were tendered on behalf of Councillors Heasman and Morrison for non-attendance.

MOTION (Macdonald / Hay)

That the apologies received from Councillors Heasman and Morrison be accepted and leave be granted.

105/08 **RESOLVED: (Macdonald / Hay)**

That the apologies received from Councillors Heasman and Morrison be accepted and leave be granted.

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

Against the Resolution: Nil.

Councillor Daley entered the Chamber at 7.40pm.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Murphy and Councillor Aird	Planning and Strategy Division Report No.21, Comprehensive Heritage Review, and Planning and Strategy Division Report No.22, Development Control Plan for the Residential Zone 2007	Both Councillors have houses in the areas under discussion.
Councillor Murphy	General Managers Division Reprt No.14, Ivanhoe Park Permit Parking Scheme	Councillor Murphy lives in the area under discussion

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 16 June 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting, subject to Items for Brief Mention, Report No.9, Manly Traffic Committee 2 ii) a) Item 31/08 New Street West at Seaview Street, being amended to read: That Council undertake to install a 1200mm wide footpath, and not 1500mm as originally stated.

106/08 **RESOLVED: (Lambert / Pedersen)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 16 June 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting, subject to Items for Brief Mention, Report No.9, Manly Traffic Committee 2 ii) a) Item 31/08 New Street West at Seaview Street, being amended to read: That Council undertake to install a 1200mm wide footpath, and not 1500mm as originally stated.

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

Against the Resolution: Nil.

MOTION (Aird / Lambert)

That copies of the Minutes of the Planning and Strategy Committee held on Tuesday, 10 June 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

107/08 **RESOLVED: (Aird / Lambert)**

That copies of the Minutes of the Planning and Strategy Committee held on Tuesday, 10 June 2008, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
David Allen	Water and Sewerage Management – Manly should promote improvements to Sydney's ageing sewerage system.

SUSPENSION OF STANDING ORDERS (Aird / Evans)

That Standing Orders be suspended to consider items of public interest, being Environmental Services Division Report No.46, 24-26 Malvern Avenue; Environmental Services Division Report No. 49, 7-9 The Corso; Planning and Strategy Division Report No.21, Comprehensive Heritage Review; and Planning and Strategy Division Report No.22, Development Control Plan for the Residential Zone 2007 – Amendment 2 for Special Character Area Guidelines.

108/08 **RESOLVED: (Aird / Evans)**

That Standing Orders be suspended to consider items of public interest, being Environmental Services Division Report No.46, 24-26 Malvern Avenue; Environmental Services Division Report No. 49, 7-9 The Corso; Planning and Strategy Division Report No.21, Comprehensive Heritage Review; and Planning and Strategy Division Report No.22, Development Control Plan for the Residential Zone 2007 – Amendment 2 for Special Character Area Guidelines.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 46
24-26 Malvern Avenue, Manly - DA401/07 (DA401/07)

Application Lodged: 10 October 2007 (Amended sketches received 2 February 2008)

Applicant: Urbanesque Planning Pty Ltd

Owner: M Lumby & D Holland

Estimated Cost: \$700,000

Zoning: Manly Local Environmental Plan, 1988 - Residential and within the Foreshore Scenic Protection Area

Surrounding Development: The locality is residential in character consisting of a variety of dwelling types ranging from single and two storey dwelling houses, residential flat buildings and tourist accommodation.

Heritage: Not applicable.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO A PAIR OF SEMI DETACHED DWELLING HOUSES INCLUDING FIRST FLOOR ADDITIONS.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ELEVEN (11) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE OCEAN BEACH PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 22 APRIL 2008 WHERE THE MATTER WAS REFERRED FOR FURTHER CLARIFICATION FORM THE APPLICANT REGARDING CAR PARKING, OPEN SPACE AND INCONSISTENCIES IN THE ROOF FORM.

5. THE APPLICANT HAD PROVIDED THE INFORMATION REQUESTED ABOVE.
6. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 24 JUNE 2008 WITH A RECOMMENDATION FOR APPROVAL.
7. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
8. COUNCIL AT ITS LAND USE MANAGEMENT COMMITTEE MEETING OF 7 JULY 2008 RESOLVED TO DEFER THE APPLICATION FOR TWO (2) WEEKS FOR THE APPLICANT TO SUBMIT NEW SHADOW DIAGRAMS AND ADDRESS IMPLICATIONS TO ACID SULPHATE SOILS.
9. THIS INFORMATION HAS NOW BEEN RECEIVED.
10. THE APPLICATION IS RECOMMENDED FOR DEFERRED COMMENCEMENT APPROVAL.

PUBLIC ADDRESSES

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

Against the Recommendation: Stuart Thomson

In Support of the Recommendation: Mellanie Lumby

MOTION (Murphy / Daley)

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 401/07 for a "Alterations and Additions to a pair of semi-detached dwelling houses, including first floor additions." at 24-26 Malvern Avenue Manly, be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

- A1. The proposed garage at the rear of No. 24 Malvern Avenue facing Pine Lane is to be setback a minimum 600mm to match the existing garage at No. 26 Malvern Avenue.
- A2. The upper floor is to be setback an additional 600mm such that the western external wall is to align with the apex of the existing ground floor roof. The roof to the upper floor level is to be amended to include a gable treatment similar to the existing ground floor roof in order to suitably resolve the roof junction.

This consent is a "**deferred commencement**".

Evidence of Items A1 to A2 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.

Development Application conditions of consent upon compliance with the above matters:

DA1

This approval relates to Drawings Nos. CALL-7035 Sheet 1 to 10, and Sheet 16 all dated 13 September 2007 and received by Council on the 10 December 2007, and Statement of Environmental Effects by Urbanesque Planning Pty Ltd dated October 2007 and as modified by Deferred Commencement conditions:

ANS01

The reduction of the wall height by 250mm for the whole perimeter of the first floor addition and by 500mm on the southern elevation of No.24 where it is to be set back 1.0m from the rear boundary. Plans must be amended prior to the issue of the Construction Certificate

ANS02

The two (2) windows off the first floor bedrooms on the southern elevation must have a sill height not less than 1.5m from the finished floor level. Plans must be amended prior to the issue of the Construction Certificate

ANS03

The existing two (2) front chimneys must be retained. Plans must be amended prior to the issue of the Construction Certificate

ANS04

Retain and protect during construction the tree located in the rear of the property at No. 24 Malvern Avenue on the dividing boundary.

ANS05

The applicant is to submit an Acid Sulphate Management Plan from a suitably qualified Consultant regarding the implications of the proposed basement excavation on acid sulphate soils, prior to the issue of Construction Certificate. The Management Plan is to be prepared in accordance with the "Acid Sulphate Soils Assessment and Management Guidelines".

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include measured lengths and Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

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 \$10,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit

will also be dependent upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

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.

DA343

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

DA018

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

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

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

DA022

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

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.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as

permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

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

DA040

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

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA047

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

DA048

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

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060

On completion of the building structure a report from a Registered Surveyor is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

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.

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.

DA087

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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

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.

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

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

DA240

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

DA348

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

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.

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
Reinforced concrete slab X 2
Framework inspection X 2
Wet area moisture barrier
Drainage inspection
Pier holes inspection
Landscaping inspection
Final inspection

The cost of these inspections by Council is \$2,530 (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.

DA279

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

DA283

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

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to

Council satisfaction at all times.

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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

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

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.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code

for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

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

L109/08 **RESOLVED: (Murphy / Daley)**

That Council determine the application that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 401/07 for a "Alterations and Additions to a pair of semi-detached dwelling houses, including first floor additions." at 24-26 Malvern Avenue Manly, be **APPROVED** but shall not operate until the applicant has submitted documentation showing:-

- A1. The proposed garage at the rear of No. 24 Malvern Avenue facing Pine Lane is to be setback a minimum 600mm to match the existing garage at No. 26 Malvern Avenue.
- A2. The upper floor is to be setback an additional 600mm such that the western external wall is to align with the apex of the existing ground floor roof. The roof to the upper floor level is to be amended to include a gable treatment similar to the existing ground floor roof in order to suitably resolve the roof junction.

This consent is a "**deferred commencement**".

Evidence of Items A1 to A2 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.

Development Application conditions of consent upon compliance with the above matters:

DA1

This approval relates to Drawings Nos. CALL-7035 Sheet 1 to 10, and Sheet 16 all dated 13 September 2007 and received by Council on the 10 December 2007, and Statement of Environmental Effects by Urbanesque Planning Pty Ltd dated October 2007 and as modified by Deferred Commencement conditions:

ANS01

The reduction of the wall height by 250mm for the whole perimeter of the first floor addition and by 500mm on the southern elevation of No.24 where it is to be set back 1.0m from the rear boundary. Plans must be amended prior to the issue of the Construction Certificate

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The two (2) windows off the first floor bedrooms on the southern elevation must have a sill height

not less than 1.5m from the finished floor level. Plans must be amended prior to the issue of the Construction Certificate

ANS03

The existing two (2) front chimneys must be retained. Plans must be amended prior to the issue of the Construction Certificate

ANS04

Retain and protect during construction the tree located in the rear of the property at No. 24 Malvern Avenue on the dividing boundary.

ANS05

The applicant is to submit an Acid Sulphate Management Plan from a suitably qualified Consultant regarding the implications of the proposed basement excavation on acid sulphate soils, prior to the issue of Construction Certificate. The Management Plan is to be prepared in accordance with the "Acid Sulphate Soils Assessment and Management Guidelines".

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA011

All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include measured lengths and Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

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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 \$10,000. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

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.

DA343

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

DA018

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

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

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

DA022

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

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.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common

boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

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

DA040

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

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA047

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

DA048

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

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.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyors details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060

On completion of the building structure a report from a Registered Surveyor is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

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.

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.

DA087

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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

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.

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

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

DA240

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

DA348

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

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.

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
Reinforced concrete slab X 2
Framework inspection X 2
Wet area moisture barrier
Drainage inspection
Pier holes inspection
Landscaping inspection
Final inspection

The cost of these inspections by Council is \$2,530 (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.

DA279

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

DA283

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

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

DA332

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

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made

available to Council officers on request.

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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

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

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.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be

permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

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

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

Against the Resolution: Nil.

Environmental Services Division Report No. 49

7-9 The Corso, Manly - DA175/08 (DA175/08)

Application Lodged: 27 March 2008
Applicant: Bresact Pty Ltd
Owner: Bresact Pty Ltd
Estimated Cost: \$40,000
Zoning: Manly Local Environmental Plan, 1988 – Business
Surrounding Development: The surrounding developments typically contain retail / commercial land uses
Heritage: 'The Corso, Manly (all numbers)' are listed in Schedule 4 of the Manly Local Environmental Plan 1988 as Items of Environmental Heritage with the site also located in the Town Centre Conservation Area.

SUMMARY:

1. THE DEVELOPMENT APPLICATION SEEKS APPROVAL TO UNDERTAKE ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AT NO. 7-9 THE CORSO MANLY COMPRISING A TRAFFICABLE AWNING OVER THE FOOTPATH AREA FORWARD OF THE SUBJECT PROPERTY.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS IN ADDITION TO NOTICES BEING PLACED IN THE MANLY DAILY. IN RESPONSE TWO (2) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM. AT THE TIME OF PREPARING THIS REPORT NO COMMENT / RESPONSE HAD BEEN RECEIVED.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 29 MAY 2008 WITH A RECOMMENDATION FOR REFUSAL.
5. THE DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD AND COUNCILLOR DALEY.
6. THE ACCESS COMMITTEE RESOLVED TO OPPOSE THE APPLICATION ON DISABILITY AND ACCESS GROUNDS.
7. THE HERITAGE COMMITTEE MET AND RESOLVED IT COULD NOT SUPPORT THE APPLICATION IN ITS CURRENT FORM.

8. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Nicholas Coombes

MOTION (Evans / Aird)

That Development Application No. 175/08, for alterations and additions to the existing building at No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **REFUSED** for the following reasons;

1. The proposed post supported trafficable awning will restrict pedestrian and vehicle movement in The Corso contrary to the objectives of the Development Control Plan for the Business Zone, having regard to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
2. The proposed post supported trafficable awning will result in adverse streetscape impacts, with negative impacts on the visual amenity of public and private land, having regard to Section 79C(1)(b), (c), and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is contrary to the provisions of The Corso Development Control Plan which prohibits trafficable awnings over the public land, having regard to Section 79C(1) (a)(iii) of the Environmental Planning and Assessment Act 1979.
4. The proposal will interrupt vistas available to the Ocean and Harbour from public land, having regard to Section 79 C(1) (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
5. Owners consent to lodge the application for works on Council land has not been obtained.
6. The proposal is contrary to the public interest, having regard to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

AMENDMENT (Murphy / Daley)

That Development Application No. 175/08, for alterations and additions to the existing building at No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **APPROVED**, subject to the following conditions:

ANSO1

The applicant to obtain an air space lease agreement from Council.

ANSO2

The awning and façade from first floor level must be a faithful reinstatement of the original.

ANSO3

Any ground floor improvements to the façade must be consistent with the original.

Plus standard conditions:

DA1

This approval relates to drawings/plans Nos. Sheets 1 to 6 in respect of covered balcony and awning only, by Robert J Shea & Associates undated and received by Council on the 27 March

2008.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,100. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA18

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.**

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.

DA343

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

DA21

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.

DA23

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.**

DA24

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.

DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during

construction from a registered surveyor certifying ground and finished ridge levels.

DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**

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.**

DA40

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

DA48

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

DA58

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.

DA59

Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA60

On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

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.**

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.

DA120

The building being erected in Type A construction for a Class 2, 5 & 6 building in accordance with

the Fire Resistance Provisions of the Building Code of Australia.

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.

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.

DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.
Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.
3. The hoarding shall be in place prior to the commencement of works on the site.
4. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed **without the prior approval of Council**.
5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

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
Framework inspection
Drainage inspection
Final inspection

The cost of these inspections by Council is \$1,150 (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.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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

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

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.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

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

Reasons for recommending approval:

1. the proposed trafficable awning will be a faithful reinstatement of the original facade
2. it is consistent with the pre-existing trafficable awning that exists on that side of The Corso
3. it will encourage foot traffic to a lesser used side of The Corso

For the Amendment: Councillors Cant, Daley, Hay, Murphy, Norek and Macdonald

Against the Amendment: Councillors Aird, Evans, Lambert and Pedersen

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

L110/08 **RESOLVED: (Murphy / Daley)**

That Development Application No. 175/08, for alterations and additions to the existing building at No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **APPROVED**, subject to the following conditions:

ANSO1

The applicant to obtain an air space lease agreement from Council.

ANSO2

The awning and façade from first floor level must be a faithful reinstatement of the original.

ANSO3

Any ground floor improvements to the façade must be consistent with the original.

Plus standard conditions:

DA1

This approval relates to drawings/plans Nos. Sheets 1 to 6 in respect of covered balcony and awning only, by Robert J Shea & Associates undated and received by Council on the 27 March 2008.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,100. The deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA18

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.**

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.

DA343

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

DA21

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.

DA23

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.**

DA24

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.

DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**

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.**

DA40

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

DA48

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

DA58

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.

DA59

Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA60

On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

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.**

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.

DA120

The building being erected in Type A construction for a Class 2, 5 & 6 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

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.

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.

DA262

7. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or **prior to the issue of the Construction Certificate**.
8. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.
Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.
9. The hoarding shall be in place prior to the commencement of works on the site.
10. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed **without the prior approval of Council**.
11. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.
12. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

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
Framework inspection
Drainage inspection
Final inspection

The cost of these inspections by Council is \$1,150 (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.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

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

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

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.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA323

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

Reasons for recommending approval:

1. the proposed trafficable awning will be a faithful reinstatement of the original facade
2. it is consistent with the pre-existing trafficable awning that exists on that side of The Corso
3. it will encourage foot traffic to a lesser used side of The Corso

For the Resolution: Councillors Cant, Daley, Hay, Murphy, Norek and Macdonald

Against the Resolution: Councillors Aird, Evans, Lambert and Pedersen

Note: A Rescission Motion was received on this item at the close of the meeting.

At 9.06pm Councillors Aird and Murphy reaffirmed their interest in Planning and Strategy Division Report No.'s 21 and 22, Comprehensive Heritage Review and Development Control Plan for the Residential Zone 2007, and left the Chamber.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 21

**Comprehensive Heritage Review:
Exhibition of proposed Conservation Areas**

SUMMARY

The final report of the Comprehensive Heritage Review, entitled "*Manly's Sustainable Heritage – A Review of Heritage Strategy and Statutory Planning Controls Under the Environmental Planning Act*", prepared by Clive Lucas Stapleton and Partners, was submitted to the Council Ordinary meeting of 17 March 2008. Council resolved to place the consultant's report and five of the six proposed Conservation Areas on public exhibition.

It is recommended that Council not proceed with the Conservation Areas proposed, but include Special Character Area provisions for all the six conservation areas to protect their identified character and include these provisions in the Residential DCP and consolidated DCP; and to continue to progress the assessment of the individual heritage items identified in the Heritage Review and report to Council when assessment is finalised.

PUBLIC ADDRESSES

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

Against the Recommendation: Stephen Drylie

MOTION (Hay / Macdonald)

That Item 1 from P.66 of the agenda be deferred from discussion on this report and be included in the debate on Planning and Strategy Division Report No.22, Development Control Plan for the Residential Zone 2007.

111/08 **RESOLVED: (Hay / Macdonald)**

That Item 1 from P.66 of the agenda be deferred from discussion on this report and be included in the debate on Planning and Strategy Division Report No.22, Development Control Plan for the Residential Zone 2007.

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

Against the Resolution: Nil.

MOTION (Lambert)

It is recommended that Council:

1. Proceed with the proposed Conservation Areas of Ashburner Street, Bower Street and Eustace Street; and
2. Proceed with the process of finalising the assessment of potential individual heritage items identified in the Heritage Review, and report to Council upon completion.

The Motion **LAPSED** due to a lack of a seconder.

MOTION (Hay / Norek)

It is recommended that Council:

1. Not proceed with the proposed Conservation Areas of Ashburner Street, Bower Street and Eustace Street; and
2. Proceed with the process of finalising the assessment of potential individual heritage items identified in the Heritage Review, and report to Council upon completion.

AMENDMENT (Lambert / Evans)

It is recommended that Council:

1. Proceed with the proposed Conservation Areas of Ashburner Street, Bower Street and Eustace Street; and
2. Proceed with the process of finalising the assessment of potential individual heritage items identified in the Heritage Review, and report to Council upon completion.

For the Amendment: Councillors Cant, Evans, Lambert and Pedersen

Against the Amendment: Councillors Daley, Hay, Norek and Macdonald

With the voting being equal, the Mayor used his casting vote and voted against the Amendment, which was declared **LOST** and the Motion was put.

112/08 **RESOLVED: (Hay / Norek)**

It is recommended that Council:

1. Not proceed with the proposed Conservation Areas of Ashburner Street, Bower Street and Eustace Street; and
2. Proceed with the process of finalising the assessment of potential individual heritage items identified in the Heritage Review, and report to Council upon completion.

For the Resolution: Councillors Daley, Hay, Norek and Macdonald

Against the Resolution: Councillors Cant, Evans, Lambert and Pedersen

With the voting being equal, the Mayor used his casting vote and voted in favour of the Motion, which was declared **CARRIED**.

Planning And Strategy Division Report No. 22

Development Control Plan for the Residential Zone 2007 - Amendment 2 for Special Character Area Guidelines

SUMMARY

This report recommends appropriate DCP guidelines arising out of Council's consideration of the Comprehensive Heritage Review, entitled "*Manly's Sustainable Heritage – A Review of Heritage Strategy and Statutory Planning Controls Under the Environmental Planning Act*", prepared by Clive Lucas Stapleton and Partners. The Council placed the Consultant's report and five of the six proposed Conservation Areas on public exhibition. The Council previously resolved not to continue with three of the conservation areas, but to investigate other controls to protect the character of these areas. An alternative approach modelled on the Hornsby DCP was recommended to be pursued to protect the local character of these areas and to strengthen the guidelines.

This report recommends special character controls as part of the Development Control Plan for the Residential Zone based on the above mentioned approach, to be exhibited for public comment before being reported back to Council. Further review of guidelines for heritage and streetscape is also recommended with the preparation of the consolidating Manly DCP.

MOTION (Macdonald / Hay)

That Council:

1. Refer Planning and Strategy Division Report No. 22, Development Control Plan for the Residential Zone 2007 - Amendment 2 for Special Character Area Guidelines, to the DCP/LEP Committee, and let the incoming Council make the relevant decisions
2. Supports the preservation of retaining existing allotment sizes and sub-division patterns and discourages unit developments, as a core objective within the new LEP document currently being prepared consistent with the new State Government Planning reforms.

AMENDMENT (Evans / Lambert)

It is recommended that Council:

1. Exhibit draft amendments to the Development Control Plan for the Residential Zone 2007

(Amendment 2) which insert Special Area provisions for the six areas into Part 5 as described in this report. These areas are Ivanhoe Park, Manly Flat and Palmerston Place; Eustace Street, Ashburner St/Victoria Parade and Bower Street; and

2. Strengthen guidelines to protect heritage and streetscape across the LGA in its preparation of the draft Consolidating Development Control Plan.

For the Amendment: Councillors Evans, Lambert and Pedersen

Against the Amendment: Councillors Cant, Daley, Hay, Norek and Macdonald

The Amendment was declared **LOST**.

FORESHADOWED AMENDMENT (Norek)

That Council no longer pursue this amendment to the DCP for Special Character Areas.

The Foreshadowed Amendment **LAPSED** due to a lack of a seconder and the Motion was put.

113/08 **RESOLVED: (Macdonald / Hay)**

That Council:

1. Refer Planning and Strategy Division Report No. 22, Development Control Plan for the Residential Zone 2007 - Amendment 2 for Special Character Area Guidelines, to the DCP/LEP Committee, and let the incoming Council make the relevant decisions
2. Supports the preservation of retaining existing allotment sizes and sub-division patterns and discourages unit developments, as a core objective within the new LEP document currently being prepared consistent with the new State Government Planning reforms.

For the Resolution: Councillors Cant, Daley, Hay, Pedersen and Macdonald

Against the Resolution: Councillors Evans, Lambert and Norek

At 10.00pm Councillors Aird and Murphy returned to the Chamber.

RESUMPTION OF STANDING ORDERS (Evans / Lambert)

That Standing Orders be resumed.

114/08 **RESOLVED: (Evans / Lambert)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 14

IHAP (Independent Hearing and Assessment Panel)

Councillor Jo Evans moved:

- That Manly Council delegate authority for all DAs to an Independent Hearing and Assessment Panel.
- That the Panel consist of experts and members of the public as adopted in Warringah and based on their experience of IHAP implementation over the last 8 years. This consists of:
 - A specialist in environment law,
 - An urban design specialist
 - An environment expert
 - A member of the public rotated from a pool of 4 people.

MOTION (Evans / Pedersen)

That:

1. Manly Council delegate authority to the General Manager for all DAs meeting the referral criteria to an Independent Hearing and Assessment Panel.
2. The Panel consist of experts and members of the public as adopted in Warringah and based on their experience of IHAP implementation over the last 8 years. This consists of:
 - A specialist in environment and planning law,
 - An urban design specialist
 - An environment expert
 - A member of the public rotated from a pool of 4 people.
3. Councillors make the final determination at the outset as to what the criteria for referrals to IHAP are, based on staff recommendations.
4. Three Councillors can call up a matter to the IHAP, but will not after that be involved in the decision.

AMENDMENT (Murphy / Macdonald)

That Council bring back a report on the use of IHAP as suggested in the Motion.

For the Amendment: Councillor Murphy

Against the Amendment: Councillors Aird, Cant, Evans, Hay, Lambert, Norek, Pedersen and Macdonald

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

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

FORESHADOWED AMENDMENT (Aird / Lambert)

That:

1. Manly Council delegate authority to the General Manager for all DAs meeting the referral criteria to an Independent Hearing and Assessment Panel.
2. The Panel consist of experts and members of the public as adopted in Warringah and based on their experience of IHAP implementation over the last 8 years. This consists of:
 - A specialist in environment and planning law,
 - An urban design specialist
 - An environment expert
 - A member of the public rotated from a pool of 4 people.

3. Councillors make the final determination at the outset as to what the criteria for referrals to IHAP are, based on staff recommendations, but once the referrals are made, Councillors have no further input into the system.

For the Foreshadowed Amendment: Councillors Aird, Cant, Hay, Lambert and Norek
Against the Foreshadowed Amendment: Councillors Evans, Murphy, Pedersen and Macdonald

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

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

115/08 **RESOLVED: (Aird / Lambert)**

That:

1. Manly Council delegate authority to the General Manager for all DAs meeting the referral criteria to an Independent Hearing and Assessment Panel.
2. The Panel consist of experts and members of the public as adopted in Warringah and based on their experience of IHAP implementation over the last 8 years. This consists of:
 - A specialist in environment and planning law,
 - An urban design specialist
 - An environment expert
 - A member of the public rotated from a pool of 4 people.
3. Councillors make the final determination at the outset as to what the criteria for referrals to IHAP are, based on staff recommendations, but once the referrals are made, Councillors have no further input into the system.

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

Against the Resolution: Councillor Murphy

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

Notice of Motion Report No. 15

Manly Council Becoming Carbon Neutral
Councillor Judy Lambert moved:

Building on work already done within Manly Council's Climate Change Working Group and by staff, and following the lead provided by the City of Sydney, Manly Council commit to becoming carbon neutral in its operations and service delivery by not later than December 2010, with carbon neutrality being achieved through a combination of reduced demand for energy and products, energy efficiency, increased use of renewable energy and offsetting of emissions that cannot otherwise be avoided.

MOTION (Lambert / Aird)

Building on work already done within Manly Council's Climate Change Working Group and by staff, and following the lead provided by the City of Sydney, Manly Council commit to becoming carbon neutral in its operations and service delivery by not later than December 2010, with carbon neutrality being achieved through a combination of reduced demand for energy and products, energy efficiency, increased use of renewable energy and offsetting of emissions that cannot

otherwise be avoided.

AMENDMENT (Norek / Daley)

That prior to Council's consideration of this matter, Council provides the cost of this aim to become carbon neutral.

For the Amendment: Councillors Daley and Norek

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

Councillor Murphy was not in the chamber when the voting took place.

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

116/08 **RESOLVED: (Lambert / Aird)**

Building on work already done within Manly Council's Climate Change Working Group and by staff, and following the lead provided by the City of Sydney, Manly Council commit to becoming carbon neutral in its operations and service delivery by not later than December 2010, with carbon neutrality being achieved through a combination of reduced demand for energy and products, energy efficiency, increased use of renewable energy and offsetting of emissions that cannot otherwise be avoided.

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

Against the Resolution: Councillors Daley and Norek

Councillor Murphy was not in the chamber when the voting took place.

Councillor Cant retired from the Chamber at 11.10pm.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 12

Revised Model Code of Conduct

SUMMARY

The Department of Local Government has issued a revised Model Code of Conduct. This results in the need for Council to make appropriate amendments to reflect the changes in legislation, associated processes and performance standards.

This report seeks to amend Council's existing Code of Conduct to reflect the changes in the Model Code and recommends that a new Draft Code of Conduct to be adopted as the new Code of Conduct.

MOTION (Lambert / Pedersen)

That subject to the General Manager seeking clarification from the Department of Local Government in respect of the Council's charter of political reform and integrating it into the Code of Conduct, Council:

1. Adopt the Draft Code of Conduct, and that prior to formal adoption, Council put in place policies and procedures enabling the interaction of Councillors chairing committees with staff servicing Council committees, to enable normal operating procedures for these committees.

2. Bring the model Code of Conduct to the next Ordinary Meeting, with charter principles and charter requirements integrated into the next Code of Conduct.
3. The General Manager ensures the charter is fully implemented in the period up to the next Council elections in September.

117/08 **RESOLVED: (Lambert / Pedersen)**

That subject to the General Manager seeking clarification from the Department of Local Government in respect of the Council's charter of political reform and integrating it into the Code of Conduct, Council:

1. Adopt the Draft Code of Conduct, and that prior to formal adoption, Council put in place policies and procedures enabling the interaction of Councillors chairing committees with staff servicing Council committees, to enable normal operating procedures for these committees.
2. Bring the model Code of Conduct to the next Ordinary Meeting, with charter principles and charter requirements integrated into the next Code of Conduct.
3. The General Manager ensures the charter is fully implemented in the period up to the next Council elections in September.

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

Against the Resolution: Nil.

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

General Managers Division Report No. 13

Number of Councillors

SUMMARY

On 21 April 2008 Manly Council resolved to make application to the Minister for Local Government to reduce the number of councillors to 9.

This report advises on the progress of that application and as suggested by the Department, recommends the holding of a constitutional referendum at the Local Government elections on 13 September 2008

MOTION (Hay / Aird)

That Council, consistent with its resolution of the 21 April 2008:

1. Determine under section 224(2) of the *Local Government Act* to reduce the total number of Councillors to 9, and
2. Conduct a constitutional referendum on the question of reducing its numbers in accordance with section 224(3) and other relevant section of the *Local Government Act* and *Local Government (General) Regulation 2005*

118/08 **RESOLVED: (Hay / Aird)**

That Council, consistent with its resolution of the 21 April 2008:

1. Determine under section 224(2) of the *Local Government Act* to reduce the total number of Councillors to 9, and
2. Conduct a constitutional referendum on the question of reducing its numbers in accordance with section 224(3) and other relevant section of the *Local Government Act* and *Local Government (General) Regulation 2005*

For the Resolution: Councillors Aird, Daley, Evans, Hay, Norek and Macdonald

Against the Resolution: Councillors Lambert, Murphy and Pedersen

At 11.36pm, Councillor Murphy declared a Conflict of Interest in the following item, and left the Chamber.

At 11.39pm, Councillor Evans retired from the Chamber.

General Managers Division Report No. 14

Ivanhoe Park Permit Parking Scheme - Extension

SUMMARY

The residents of Francis Street submitted a petition to the Ivanhoe Park Precinct Committee in December 2007 seeking the extension of the permit parking scheme into their street. The Precinct at their meeting in February 2008 endorsed the proposal and requested Council to conduct a survey of residents.

A survey of the wider area was conducted in March - April 2008 and based on the results of the survey it is recommended that the Ivanhoe Permit Parking Scheme be extended to incorporate only Francis Street at this time with continuing monitoring of the area following the implementation, especially between 14-26 Griffiths Street and 2-14 Daintrey Street, where half the respondents were supportive of the scheme and the other half of respondents opposed.

This report presents the outcome from the survey and recommends a staged implementation of the extended permit scheme.

MOTION (Lambert / Hay)

That:

1. The Report on the Extension of the Ivanhoe Park Permit Parking Scheme be **DEFERRED**, with in principle support, for consultation with residents on Herbert Street and Arthur Street.
2. Council undertake a review of usage occupancies of current Residents Parking Scheme areas.

119/08 **RESOLVED: (Lambert / Hay)**

That:

1. The Report on the Extension of the Ivanhoe Park Permit Parking Scheme be **DEFERRED**, with in principle support, for consultation with residents on Herbert Street and Arthur Street.
2. Council undertake a review of usage occupancies of current Residents Parking Scheme areas.

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

Against the Resolution: Nil.

Councillor Murphy returned to the Chamber at 11.45pm.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 10

Item For Brief Mention

1. Reports:

i) Addiscombe Road, Manly Vale

In response to Manly and Warringah Council's long term negotiations concerning Warringah Council's commitment to the remediation of Addiscombe Road Manly Vale, Warringah Council has considered the matter as an Administrator's Minute to the Council meeting of 24th June 2008. Correspondence has been received from Warringah Council advising of the subsequent resolution which, in summary, is as follows: that Council not provide a financial contribution to remediation of the land; not provide a financial contribution; commit an additional \$500,000 to improve the condition and management of Manly Lagoon and its catchment.

This correspondence is attached (refer to Attachment 1 of this Report) for the information of the Council. It is recommended that this information be received and noted.

ii) Allocation of funds from Spit Bridge Widening Project Budget - Response from Minister for Roads

At its Ordinary meeting held on the 21st May 2007 Council resolved [66/07] *inter alia* as follows:

"That:

1. *Manly Council does not support the funds from Spit Bridge budget to be spent on an interchange at the Wakehurst Parkway and Warringah Road intersection.*
2. *This council believes these funds should be quarantined for environmentally sustainable public transport solutions that have a broad community support.*
3. *This council believes the Northern beaches needs a holistic plan focussed on integrated public transport funded directly from the \$59M identified for the now abandoned upgrade to the Spit Bridge."*

A letter was sent to the Minister for Transport informing him of The Council's resolution and attaching a "wish list" of public transport improvement projects developed by SHOROC.

A response from the Parliamentary Secretary for Transport was received and reported to Council at its meeting held on 21st April 2008, which Council noted and resolved [47/08] to make further representations to the Minister for Roads on this matter.

A response has now been received from the Office of the Minister for Roads (refer to Attachment 2 of this Report) informing The Council of the formation of a Working Group to investigate initiatives to improve traffic flow in the Spit Road and Military Road corridor. Further, that the "RTA has been requested to consider the public transport improvement projects developed by SHOROC as part of the Working Group's

investigations on the Spit Road and Military Road corridor.”

It is recommended that this information be received and noted.

iii) Response from Department of Planning re Local Infrastructure Contributions

At its meeting held on 12 May 2008 Council received a report on the gazettal of *State Environmental Planning Policy (Infrastructure) 2007* and the implications for Manly. Council resolved [PS47/08] interalia to “write to the Minister for Planning and the Premier expressing grave concern at the further erosion of Local Government capacity to act on behalf of its community and to protect the character and amenity of the Manly LGA.”

A response has been received from the Department of Planning dated 3 June 2008, outlining the background to the new legislation and the framing of the infrastructure contributions, and enclosing a copy of the NSW Minister for Planning’s communication to Councils dated 19 February 2008. Refer to Attachment 3 of this Report.

It is recommended that this information be received and noted.

iv) Responses from State and Federal Ministers re redevelopment of AIPM, North Head

At its Ordinary Meeting held on 17th March 2008 Council resolved as follows:

32/08 **RESOLVED: (Pedersen / Lambert)**

*“2 ii) That the following recommendations of a substantial nature from the **Manly Community Environment Committee – 21 February 2008** be adopted:*

c) Item 8.2 Australian Institute of Police Management Redevelopment

- i) Acknowledges the hard work which Council staff put into their excellent submission (see www.manly.nsw.gov.au).*
- ii) Requests Council write urgently to Ministers Garrett, Debus and Sartor requesting a further site visit, where building lines and height templates are erected and the 20 trees to be removed on the site and further clearing in the adjoining national park are marked, in accordance with the normal planning processes in Manly.*
- iii) In view of significant information not being provided by AIPM prior to past decisions being made in this matter, Council to urgently request Minister Garrett to make AIPM replies to outstanding matters publicly available prior to his making his decision.”*

In accordance with the adopted recommendation, Council subsequently wrote to The Hon Bob Debus MP, Minister for Home Affairs, Mr Peter Garrett MP, and the NSW Minister for Planning Mr Frank Sartor MP, as well as The Hon Jenny Macklin MP, Minister for Indigenous Affairs, and The Hon Lindsay Tanner MP, Minister for Finance, expressing concern about the process of approval for the proposed redevelopment of the Australian Institute of Police (AIPM) site at Collins Beach, North Head, Manly.

Responses have been received from The Hon Bob Debus MP, Minister for Home Affairs, The Hon Jenny Macklin MP, Minister for Indigenous Affairs, The Hon Lindsay Tanner, MP Minister for Finance, and Frank Sartor MP, NSW Minister for Planning. Refer to Attachments 4, 5 6 and 7 of this Report.

It should be noted that the request for a further site visit and height templates to be erected has been declined by the Minister for Home Affairs, Mr Bob Debus.

It is recommended that this information be received and noted.

v) Response to Waste Free Elections

In March 2008 Council resolved to call upon the State Electoral Office, the Australian Electoral Commission and Government Ministers to prohibit the canvassing for votes and dissemination of electoral material within 100 meters of a polling place during polling times.

Responses have been received from Senator the Hon John Faulkner, Special Minister of State, the Hon Robert McClelland MP, Attorney-General, the Hon Anthony Albanese MP, Minister for Local Government, the Hon Paul Lynch MP, Minister for Local Government, the Hon Greg Hunt MP, Shadow Minister for Climate Change and Environment, Pru Goward MP, Shadow Minister for Climate Change and Environment, Warren Truss MP, Leader of the Nationals and Colin Barry, NSW Electoral Commissioner; eight in total. Refer to Attachment 8 of this Report.

It is recommended that this information be received and noted.

vi) Australian Paralympic Committee – Donation 2008 Paralympics Games Beijing

Letter from Australian Paralympic Committee seeking a donation of \$500 from Manly Council to assist with sending the Australian Paralympics Team to the 2008 Paralympics Games in Beijing. Refer to Attachment 9 of this Report.

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

- i) Waste Management Committee – 23 April 2008
- ii) Sister Cities Committee - 11 June 2008
- iii) Manly Bicycle Committee – 12 June 2008
- iv) Manly Community Safety Committee – 17 June 2008
- v) Manly Meals on Wheels Service Committee – 18 June 2008
- vi) Manly Harbour Foreshores Management Committee – 24 June 2008
- vii) Manly Social Plan Implementation Committee – 24 June 2008
- viii) Waste Management Committee – 25 June 2008
- ix) Joint Services Committee – 30 June 2008
- x) Manly Traffic Committee – 30 June 2008
- xi) Sister Cities Committee – 9 July 2008

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

- i) **Heritage Committee – 4 June 2008**

a) Item 8 Heritage ReviewRecommendation

1. The Heritage Committee fully supports the conservation areas proposed in the Heritage Review.
2. That should Council decide not to proceed with some or all of the conservation areas, then the Heritage Committee recommends that at minimum, strong heritage provisions should be incorporated in the DCP in preparation.

b) Item 12.4 Manly Police StationRecommendation

The Heritage Committee recommends that Manly Police Station, a listed building should be retained and that future renovations should respect the fabric of the existing building.

ii) Manly Sports Facilities Committee – 6 June 2008**a) Item 6 Keirle Park Manly Roos Clubhouse**Recommendation

The committee recommends that Council commences building works of the Keirle Park Manly Roos Clubhouse, once a certificate of Construction is completed.

b) Item 9 2008/09 Project Budget EstimatesRecommendation

The Manly Sports Facilities Committee is disappointed at the level of funding being reduced from \$85,000 in 2007/08 to just \$70,000 in the 2008/09 budget. The committee request that the level of funding in 2008/09 be reviewed, and increased to \$85,000, to enable grounds to be kept in a condition that meets all safety standards for training and competition sports.

iii) Manly Sustainability Strategy Management Committee – 10 June 2008**a) Item 7 Fair Trade Community Update**Recommendation

The Manly Sustainability Strategy Management Group recommends that the following community representatives be appointed to the Fair Trade Working Group:

- i. Alex Slatter – Active Manly resident, Graphic Designer;
- ii. Timothy Trumbull, Treasurer, Manly Life Saving Club;
- iii. Andreas Lombardozzi & Carol Alder (to share one vote) – Nui Fair Trade Business;
- iv. Dinah Johanson – Council's initial Fair Trade Coordinator, Fairlight Resident;
- v. Juliana Collins – Council's previous Fair Trade Coordinator, Current Waste Minimisation Education Officer;
- vi. Linda Green – Belrose Church & Fair Trade Advocate;
- vii. Malin Frick – Experienced Fair Trade advocate & Manly resident;
- viii. Mark Bingham – Manly Parish Youth Leader, Manly resident;

- ix. Melanie Blankenstein – Fair Trade Volunteer for Council; and
- x. Murray Sharp – Manly Ambassador and a World Vision *Don't Trade Lives* Campaign advocate.

Divisional Manager's note:

The Fair Trade Working Group aims to provide a forum for discussion and recommendation on issues relevant to the promotion of Fair Trade, ensuring continued commitment of Manly Council to our Fair Trade Community status. The Working Group is intended to generate ideas for events, media and other promotional opportunities throughout the year. The Working Group is also required as part of the Fair Trade certification process, to ensure the objectives of the program are upheld.

iv) Manly Community Environment Committee – 19 June 2008

a) Item 4 Environment Levy – Climate Change Poll of Electors

Recommendation

1. In view of the fact that the \$150,000 has been identified, there is no need to proceed at this stage with the proposed climate change levy.
2. The proposal for a climate change referendum should be withdrawn.

Divisional Manager's note:

Council may wish to **note** rather than **adopt** this resolution, as it is contrary to a previous resolution by Council on 16th June 2008 on this matter, as reproduced below:

94/08 **RESOLVED: (Lambert / Aird)**

1. That Council put to the electors of the Manly LGA the following Poll Question at the 13 September 2008 Local Government Elections:

Do you support a 4.4% Climate Change Levy to minimize the impact of climate change on Manly?

2. That the Climate Change Working Party be requested to prepare the "For" and "Against" cases for the Poll Question.

v) Heritage Committee – 2 July 2008

a) Item 10.1 North Head Public Meeting

Recommendation

- i. The Heritage Committee recommends that Council call on the Commonwealth Minister for the Environment to overturn on environmental and heritage grounds the plans for the AIPM.
- ii. The Heritage Committee calls for Council to support the inclusion of North Head in any proposed listing of Sydney Harbour for World Heritage protection.

vi) Manly Visitor and Community Board – 5 June 2008

a) Item 8.2 Food and Wine Report

Recommendation

- i. That the Food and Wine Festival organiser invite restaurants, caterers, coffee mobiles and dessert providers from outside the Manly LGA to participate at the festival.
- ii. That celebrity chefs be invited to participate at the festival.
- iii. That the liquor licence area be extended to allow the consumption of alcohol in Sydney Road/Market Lane.

vii) Manly Access Committee – 19 June 2008**a) Item 4.2 Disabled Parking Cheats**Recommendation

- i. Given continued abuse of MPS permit regulations by people parking in the Whistler Street accessible parking bays when not transporting a person with a disability, the Committee continues to request that signage be erected stating the MPS regulations and relevant contact numbers to report misuse.
- ii. That the Councillors on the Committee take up this matter at a Council meeting.

b) Item 6.1 Pedestrian safety along Whistler Street and Market LaneRecommendation

- i. That the safety issues at the entry and exits to the Whistler Street car park be dealt with urgently by painting line markings so it is clear that pedestrians have right-of-way.

MOTION (Hay / Lambert)

- 1. i) That the correspondence from Warringah Council regarding Addiscombe Road, Manly Vale be received and noted.

120/08 **RESOLVED: (Hay / Lambert)**

- 1. i) That the correspondence from Warringah Council regarding Addiscombe Road, Manly Vale be received and noted.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Murphy / Pedersen)

- 1. ii) That the information from the Office of the Minister for Roads regarding allocation of funds from Spit Bridge Widening Project Budget, be received and noted.

121/08 **RESOLVED: (Murphy / Pedersen)**

- 1. ii) That the information from the Office of the Minister for Roads regarding allocation of

funds from Spit Bridge Widening Project Budget, be received and noted.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Lambert / Aird)

1. iii) That the information from the Department of Planning, regarding Local Infrastructure Contributions, be received and noted.

122/08 **RESOLVED: (Lambert / Aird)**

1. iii) That the information from the Department of Planning, regarding Local Infrastructure Contributions, be received and noted.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Pedersen / Lambert)

1. iv) That the responses from State and Federal Ministers re redevelopment of Australian Institute of Police Management, North Head, be received and noted.

123/08 **RESOLVED: (Pedersen / Lambert)**

1. iv) That the responses from State and Federal Ministers re redevelopment of Australian Institute of Police Management, North Head, be received and noted.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Lambert / Aird)

1. v) That:
 - a) responses to Council's resolution of March 2008 concerning Waste Free Elections be received and noted
 - b) prior to the forthcoming local elections on 13 September 2008, Council seek support of the State Electoral Office for both re-use and re-cycling of How-to-Vote leaflets, and that Chief Returning Officers at each booth be instructed accordingly.

124/08 **RESOLVED: (Lambert / Aird)**

1. v) That:
 - a) responses to Council's resolution of March 2008 concerning Waste Free Elections be received and noted
 - b) prior to the forthcoming local elections on 13 September 2008, Council seek support of the State Electoral Office for both re-use and re-cycling of How-to-Vote leaflets, and that Chief Returning Officers at each booth be instructed accordingly.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Aird)

1. vi) That Council approve the granting of a donation of \$500 to the Australian Paralympic Committee for the Australian Paralympics Team to compete at the 2008 Paralympics Games in Beijing. The donation to be in accordance with S356 of the Local Government Act 1993.

125/08 **RESOLVED: (Hay / Aird)**

1. vi) That Council approve the granting of a donation of \$500 to the Australian Paralympic Committee for the Australian Paralympics Team to compete at the 2008 Paralympics Games in Beijing. The donation to be in accordance with S356 of the Local Government Act 1993.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Murphy)

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i) to 2(xi)**, be **adopted**.

126/08 **RESOLVED: (Hay / Murphy)**

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **2(i) to 2(xi)**, be **adopted**.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Lambert / Hay)

- 3 i) That the minutes of the **Heritage Committee -4 June 2008** be **adopted**, except the following recommendation of a substantial nature, which should be **noted**:
 - a) **Item 8 Heritage Review**
 1. The Heritage Committee fully supports the conservation areas proposed in the Heritage Review.
 2. That should Council decide not to proceed with some or all of the conservation areas, then the Heritage Committee recommends that at minimum, strong heritage provisions should be incorporated in the DCP in preparation.

127/08 **RESOLVED: (Lambert / Hay)**

- 3 i) That the minutes of the **Heritage Committee -4 June 2008** be **adopted**, except the following recommendation of a substantial nature, which should be **noted**:
 - a) **Item 8 Heritage Review**
 1. The Heritage Committee fully supports the conservation areas proposed in the Heritage Review.

2. That should Council decide not to proceed with some or all of the conservation areas, then the Heritage Committee recommends that at minimum, strong heritage provisions should be incorporated in the DCP in preparation.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Lambert)

- 3 i) That the following recommendation of a substantial nature from the **Heritage Committee - 4 June 2008** be adopted:

- b) **Item 12.4 Manly Police Station**

The Heritage Committee recommends that Manly Police Station, a listed building should be retained and that future renovations should respect the fabric of the existing building.

128/08 **RESOLVED: (Aird / Lambert)**

- 3 i) That the following recommendation of a substantial nature from the **Heritage Committee - 4 June 2008** be adopted:

- b) **Item 12.4 Manly Police Station**

The Heritage Committee recommends that Manly Police Station, a listed building should be retained and that future renovations should respect the fabric of the existing building.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Hay / Lambert)

- 3 ii) That the minutes of the **Manly Sports Facilities Committee -6 June 2008** be adopted, including the following recommendations of a substantial nature:

- a) **Item 6 Keirle Park Manly Roos clubhouse**

The committee recommends that Council commences building works of the Keirle Park Manly Roos Clubhouse, once a certificate of Construction is completed.

- b) **Item 9 2008/09 Project Budget Estimates**

That Manly Sports Facilities Committee is disappointed at the level of funding being reduced from \$85,000 in 2007/08 to just \$70,000 in the 2008/09 budget. The committee request that the level of funding in 2008/09 be reviewed, and increased to \$85,000, to enable grounds to be kept in a condition that meets all safety standards for training and competition sports.

The recommendation will be subject to the Quarterly Budget Review Process.

129/08 **RESOLVED: (Hay / Lambert)**

- 3 ii) That the minutes of the **Manly Sports Facilities Committee -6 June 2008** be adopted,

including the following recommendations of a substantial nature:

a) **Item 6 Keirle Park Manly Roos clubhouse**

The committee recommends that Council commences building works of the Keirle Park Manly Roos Clubhouse, once a certificate of Construction is completed.

b) **Item 9 2008/09 Project Budget Estimates**

That Manly Sports Facilities Committee is disappointed at the level of funding being reduced from \$85,000 in 2007/08 to just \$70,000 in the 2008/09 budget. The committee request that the level of funding in 2008/09 be reviewed, and increased to \$85,000, to enable grounds to be kept in a condition that meets all safety standards for training and competition sports.

The recommendation will be subject to the Quarterly Budget Review Process.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Lambert)

3 iii) That the minutes of the **Manly Sustainability Strategy Management Committee -10 June 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 7 Fair Trade Community Update**

The Manly Sustainability Strategy Management Group recommends that the following community representatives be appointed to the Fair Trade Working Group:

- b. Alex Slatter – Active Manly resident, Graphic Designer.
 - i. Timothy Trumbull, Treasurer, Manly Life Saving Club;
 - ii. Andreas Lombardozzi & Carol Alder (to share one vote) – Nui Fair Trade Business;
 - iii. Dinah Johanson – Council's initial Fair Trade Coordinator, Fairlight Resident;
 - iv. Juliana Collins – Council's previous Fair Trade Coordinator, Current Waste Minimisation Education Officer;
 - v. Linda Green – Belrose Church & Fair Trade Advocate;
 - vi. Malin Frick – Experienced Fair Trade advocate & Manly resident;
 - vii. Mark Bingham – Manly Parish Youth Leader, Manly resident;
 - viii. Melanie Blankenstein – Fair Trade Volunteer for Council; and
 - ix. Murray Sharp – Manly Ambassador and a World Vision *Don't Trade Lives* Campaign advocate.

130/08 **RESOLVED: (Aird / Lambert)**

3 iii) That the minutes of the **Manly Sustainability Strategy Management Committee -10 June 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 7 Fair Trade Community Update**

The Manly Sustainability Strategy Management Group recommends that the following community representatives be appointed to the Fair Trade Working Group:

- b. Alex Slatter – Active Manly resident, Graphic Designer.
 - i. Timothy Trumbull, Treasurer, Manly Life Saving Club;

- ii. Andreas Lombardozzi & Carol Alder (to share one vote) – Nui Fair Trade Business;
- iii. Dinah Johanson – Council's initial Fair Trade Coordinator, Fairlight Resident;
- iv. Juliana Collins – Council's previous Fair Trade Coordinator, Current Waste Minimisation Education Officer;
- v. Linda Green – Belrose Church & Fair Trade Advocate;
- vi. Malin Frick – Experienced Fair Trade advocate & Manly resident;
- vii. Mark Bingham – Manly Parish Youth Leader, Manly resident;
- viii. Melanie Blankenstein – Fair Trade Volunteer for Council; and
- ix. Murray Sharp – Manly Ambassador and a World Vision *Don't Trade Lives* Campaign advocate.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Lambert)

3 iv) That the minutes of the **Manly Community Environment Committee -19 June 2008** be **adopted**, except for the following recommendation of a substantial nature, which should be **noted**:

a) **Item 4 Environment Levy – Climate Change Poll of Electors**

- 1. In view of the fact that the \$150,000 has been identified, there is no need to proceed at this stage with the proposed climate change levy.
- 2. The proposal for a climate change referendum should be withdrawn.

131/08 **RESOLVED: (Aird / Lambert)**

3 iv) That the minutes of the **Manly Community Environment Committee -19 June 2008** be **adopted**, except for the following recommendation of a substantial nature, which should be **noted**:

a) **Item 4 Environment Levy – Climate Change Poll of Electors**

- 1. In view of the fact that the \$150,000 has been identified, there is no need to proceed at this stage with the proposed climate change levy.
- 2. The proposal for a climate change referendum should be withdrawn.

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

Against the Resolution: Councillor Norek

MOTION (Lambert / Hay)

3 v) That the minutes of the **Heritage Committee -2 July 2008** be **adopted**, except for the following recommendation of a substantial nature, which should be **noted**:

a) **Item 10.1 North Head Public Meeting**

- i. The Heritage Committee recommends that Council call on the Commonwealth Minister for the Environment to overturn on environmental and heritage grounds the plans for the AIPM.

- ii. The Heritage Committee calls for Council to support the inclusion of North Head in any proposed nomination of Sydney Harbour for World Heritage protection.

132/08 **RESOLVED: (Lambert / Hay)**

- 3 v) That the minutes of the **Heritage Committee -2 July 2008** be **adopted**, except for the following recommendation of a substantial nature, which should be **noted**:

a) **Item 10.1 North Head Public Meeting**

- i. The Heritage Committee recommends that Council call on the Commonwealth Minister for the Environment to overturn on environmental and heritage grounds the plans for the AIPM.
- ii. The Heritage Committee calls for Council to support the inclusion of North Head in any proposed nomination of Sydney Harbour for World Heritage protection.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Norek / Lambert)

- 3 vi) That the minutes of the **Manly Visitor and Community Board - 5 June 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 8.2 Food and Wine Report**

- i. That the Food and Wine Festival organiser invite restaurants, caterers, coffee mobiles and dessert providers from outside the Manly LGA to participate at the festival.
- ii. That celebrity chefs be invited to participate at the festival.
- iii. That the liquor licence area be extended to allow the consumption of alcohol in Sydney Road/Market Lane.

133/08 **RESOLVED: (Norek / Lambert)**

- 3 vi) That the minutes of the **Manly Visitor and Community Board - 5 June 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 8.2 Food and Wine Report**

- i. That the Food and Wine Festival organiser invite restaurants, caterers, coffee mobiles and dessert providers from outside the Manly LGA to participate at the festival.
- ii. That celebrity chefs be invited to participate at the festival.
- iii. That the liquor licence area be extended to allow the consumption of alcohol in Sydney Road/Market Lane.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

MOTION (Aird / Hay)

3 vii) That the minutes of the **Manly Access Committee – 19 June 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.2 Disabled Parking Cheats**

- i. Given continued abuse of MPS permit regulations by people parking in the Whistler Street accessible parking bays when not transporting a person with a disability, the Committee continues to request that signage be erected stating the MPS regulations and relevant contact numbers to report misuse.
- ii. That the Councillors on the Committee take up this matter at a Council meeting.

b) **Item 6.1 Pedestrian Safety along Whistler Street and Market Lane**

1. That the safety issues at the entry and exits to the Whistler Street car park be dealt with urgently by painting line markings so it is clear that pedestrians have right-of-way.

134/08 **RESOLVED: (Aird / Hay)**

3 vii) That the minutes of the **Manly Access Committee – 19 June 2008** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.2 Disabled Parking Cheats**

- i. Given continued abuse of MPS permit regulations by people parking in the Whistler Street accessible parking bays when not transporting a person with a disability, the Committee continues to request that signage be erected stating the MPS regulations and relevant contact numbers to report misuse.
- ii. That the Councillors on the Committee take up this matter at a Council meeting.

b) **Item 6.1 Pedestrian Safety along Whistler Street and Market Lane**

1. That the safety issues at the entry and exits to the Whistler Street car park be dealt with urgently by painting line markings so it is clear that pedestrians have right-of-way.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 18

Local Government Association of New South Wales - Annual Conference 2008

SUMMARY

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from 25 - 29 October 2008 at Broken Hill.

2. The purpose of this report is to seek nominations for delegates from observers to attend the Conference, and to call for Motions to be submitted on behalf of Council to the Conference.

MOTION (Hay / Murphy)

1. That Council be represented at the Local Government Association of New South Wales 2008 Annual Conference in Broken Hill from 25-29 October 2008 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That the determination of councillor delegates and observers to attend the conference be referred to the first meeting of the new Council.
3. That Council submit the following Motions for consideration by and inclusion on the 2008 LGSA Conference's Business Paper:
 - a) Review of Road Conditions near childcare Centres and Kindergartens
 - b) Carbon neutrality

135/08 **RESOLVED: (Hay / Murphy)**

1. That Council be represented at the Local Government Association of New South Wales 2008 Annual Conference in Broken Hill from 25-29 October 2008 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That the determination of councillor delegates and observers to attend the conference be referred to the first meeting of the new Council.
3. That Council submit the following Motions for consideration by and inclusion on the 2008 LGSA Conference's Business Paper:
 - a) Review of Road Conditions near childcare Centres and Kindergartens
 - b) Carbon neutrality

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

Corporate Services Division Report No. 19

Report on Council Investments as at 30 June 2008**SUMMARY**

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.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

MOTION (Murphy / Pedersen)

That the statement of Bank Balances and Investment Holdings as at 30 June, 2008 be received and noted.

136/08 **RESOLVED:** **(Murphy / Pedersen)**

That the statement of Bank Balances and Investment Holdings as at 30 June, 2008 be received and noted.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 23

Renaming of Queenscliff Bridge

SUMMARY

At its Ordinary Meeting held on 21 April 2008 Council resolved that the renaming of the Queenscliff Bridge to "Stuart Somerville Bridge" be jointly undertaken with Warringah Council's input and agreement. The proposed renaming was advertised for a period of 28 days. This report considers the submissions received and recommends that the bridge be renamed "Stuart Somerville Bridge".

MOTION (Hay / Daley)

That Council:

1. Endorse the renaming of the Queenscliff Bridge to the "Stuart Somerville Bridge";
2. Notify the Geographical Names Board and Warringah Council of the Council's resolution; and
3. In conjunction with Warringah Council, arrange for suitable signage to be installed at each end of the bridge to be followed by a renaming ceremony to be held within the term of the current Council.

137/08 **RESOLVED:** **(Hay / Daley)**

That Council:

1. Endorse the renaming of the Queenscliff Bridge to the "Stuart Somerville Bridge";
2. Notify the Geographical Names Board and Warringah Council of the Council's resolution; and
3. In conjunction with Warringah Council, arrange for suitable signage to be installed at each end of the bridge to be followed by a renaming ceremony to be held within the term of the current Council.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN36/08 Councillor Hay - Seaforth Oval lights**

I believe there's been a delay with the switching on of the lights at Seaforth Oval, with Energy Australia holding things up?

At the request of the Mayor, the General Manager advised he would take that on notice, as he was not aware of any hold-ups.

QWN37/08 Councillor Murphy - Return of park bench at Griffiths St park

There is a little park on the northern side of Griffiths St in front of Council land that used to be used to grow plants for Council. The swing set was recently replaced or restored which the locals are grateful for. They would like to know when their seat/park bench will return. It was very popular with a lot of people, especially the elderly. Please advise.

At the request of the Mayor, the General Manager advised that he would make sure the bench would be replaced quickly.

QWN38/08 Councillor Murphy - Regulations governing building of internal walls in roof spaces

If you live in a semi and the common or party wall does not extend all the way to under the ridge, can you build an internal wall on your own land (ie just inside the boundary) without the need for a DA? Such a wall would be entirely in the roof space and entirely on the applicants' footprint and on top of the party wall.

At the request of the Mayor, the Deputy General Manager advised that if it was in the roof space, that would be a compliant development.

Councillor Murphy then asked if that meant there would be no need for paperwork, and the Deputy General Manager advised there is a Compliant Development application form, and a Compliant Development Certification is issued within 7 days, with a \$50 minimum cost.

QWN39/08 Councillor Pedersen - Removal of 50km speed limit signs

I've been lobbied to suggest to the General Manager that Council proactively removes 50km speed limit signs, as it's now a national standard speed limit and there is no need for the signs.

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

QWN40/08 Councillor Aird - Access Committee's concerns about access/disability thoroughfare at the Cenotaph

The Access Committee has raised major concerns with the access/disability thoroughfare that's now between the flagpoles at The Cenotaph. The Committee is really concerned about the width for wheelchairs and prams. Can it be looked at?

At the request of the Mayor, the General Manager advised that he is happy to look at the area, but given the area's geographical position, and the requirement for 3 flagpoles to be erected, there is limited opportunity for greater spacing. There is an alternative path to the right of The Cenotaph.

QWN41/08 Councillor Aird - Disabled parking signage

Following up from the Items for Brief Mention tonight, with regard to disabled parking cheats, the Access Committee have seen enough on-going abuse of these parking spots, and really want signage erected to warn against illegitimate use of these spots, with a phone number on the signs for people to report misuse.

At the request of the Mayor, the General Manager advised that he would look into the issue of signage.

QWN42/08 Councillor Norek - Costings of recent Council trip to East Timor

How much did it cost for the Mayor's secretary to travel to East Timor, with a consultant, as part of the process to establish a sister city relationship?

At the request of the Mayor, the General Manager advised that the Mayor's secretary went through a selection process, which included 12 Council staff, to represent the General Manager at a conference in East Timor, consistent with Council's resolution to establish a friendship city relationship with Oecusse. The work the staff did brought about the recent visit to Manly from President Jose Ramos-Horta. She did not travel with a consultant, but with another member of Council staff. Council paid around \$1000 for airfares. The rest of the cost of travel was met by the East Timorese government.

QWN43/08 Councillor Norek - Payment of Mayor's court costs

Did Council pay for the Mayor's court costs in the defamation case against Penelope Wynne?

At the request of the Mayor, the General Manager advised that he is not privy to the arrangement, but he can advise that the costs were borne by Council's insurers.

MATTERS OF URGENCY**MATTER OF URGENCY (Pedersen / Aird)**

Councillor Pedersen requested that he be allowed to introduce a Matter of Urgency regarding an information session on the Cardno report to be held in August 2008, in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

MOTION (Pedersen / Aird)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the information session on the Cardno report in August 2008, be considered as a matter of urgency.

138/08 RESOLVED: (Pedersen / Aird)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the information session on the Cardno report in August 2008, be considered as a matter of urgency.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

The Mayor ruled that the item was a Matter of Urgency and the matter proceeded to debate.

MOTION (Pedersen / Aird)

That Council hold an information session in August 2008, on the Cardno report, Climate Change Actions for Manly LGA 2008-2038, prior to the poll question on the climate change levy in the Local Elections on 13 September.

139/08 **RESOLVED: (Pedersen / Aird)**

That Council hold an information session in August 2008, on the Cardno report, Climate Change Actions for Manly LGA 2008-2038, prior to the poll question on the climate change levy in the Local Elections on 13 September.

For the Resolution: Councillors Aird, Daley, Hay, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.10am on 22 July 2008.

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

MAYOR

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