

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 18 June 2007**

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



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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 18 June 2007. The meeting commenced at 7:50pm.

## PRESENT

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

## ALSO PRESENT

Henry T Wong, General Manager  
Jim Hunter, Executive Director, Major Projects  
Ross Fleming, Chief Financial Officer  
Dave Stray, Manager Development Control  
Stephen Clements, Divisional Manager, Environmental Services  
Elayne Becker, Minute Taker

## OPENING PRAYER

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

## APOLOGIES

Apologies were tendered on behalf of Councillor S Cant for non-attendance.

## MOTION (Pedersen / Heasman)

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

**80/07RESOLVED: (Pedersen / Heasman)**

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

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Pedersen	Notice of Rescission 5 ES Report No. 30, 31 Boyle St	The applicant has a financial relationship with a member of his family

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 21 May 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

81/07 **RESOLVED:** (Pedersen / Lambert)

That copies of the Minutes of the Ordinary Meeting held on Monday, 21 May 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**CONFIRMATION OF MINUTES (Extraordinary Meeting)****MOTION (Pedersen / Daley)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 04 June 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

82/07 **RESOLVED:** (Pedersen / Daley):

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 04 June 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**CONFIRMATION OF MINUTES (Extraordinary Meeting)****MOTION (Aird / Lambert)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Tuesday, 12 June 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

83/07 **RESOLVED:** (Aird / Lambert)

That copies of the Minutes of the Extraordinary Meeting of Council held on Tuesday, 12 June 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
Peter Lavac	Drunk and disorderly behaviour of pub patrons moving from The Corso to Pittwater Rd and congregating outside Vinnies (cnr Raglan St & Pittwater Rd) foul & obscene language, very noisy, often urinating on footpath - 3.00-3.30am Saturday & Sunday mornings.
Tom Shanahan	The retirement of Jim Hunter congratulations for many years of service to Manly Council and ask Council to ensure that the process to find a replacement is open and transparent.
Doug Price	Seaforth TAFE is very much needed in the community.

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**NOTICES OF RESCISSION**

Notice of Rescission Report No. 4

**Mayoral Minute Report No. 11 - Installation of Bike Racks in The Corso**

Councillor Pedersen, Councillor Morrison, and the Mayor Councillor Macdonald moved:

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

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

**PUBLIC ADDRESSES**

The following person addressed the meeting in relation to the Rescission Motion.

In Favour: Mr Richard Green

**MOTION (Pedersen / Morrison)**

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

**84/07 RESOLVED: (Pedersen / Morrison)**

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

**For the Resolution:** Councillors Aird, Evans, Hay, Heasman, Lambert, Morrison, Norek, Pedersen and Macdonald

**Against the Resolution:** Councillors Daley and Murphy

**MOTION (Pedersen / Morrison)**

That:

1. The LMUD and Bicycle Committees liaise to investigate possible suitable locations to Council for the installation of bike racks, in relation to both Stage 1 and 2 of The Corso redevelopment and on the periphery.
2. The Committees consider opportunities for bike racks on the Corso.
3. The matter be brought back to Council for further consideration.

**AMENDMENT (Evans / Aird)**

1. The LMUD and Bicycle Committees liaise to investigate possible suitable locations to Council for the installation of bike racks on the periphery of The Corso, in positions and with signage which encourage a "dismount and park here" message to cyclists entering the Corso.
2. The matter be brought back to Council for further consideration.

**For the Amendment:** Councillors Aird, Evans, Hay and Macdonald

**Against the Amendment:** Councillors Daley, Heasman, Lambert, Morrison, Murphy, Norek and Pedersen

The **AMENDMENT** was declared **LOST**

**FORESHADOWED AMENDMENT (Daley / Murphy)**

1. The LMUD and Bicycle Committees liaise to investigate possible suitable locations to Council for the installation of bike racks on the periphery of The Corso, in positions and with signage which encourage a "dismount and park here" message to cyclists entering the Corso.
2. The matter be brought back to Council for further consideration.
3. In view of safety and access issues and possible liability implications for Council, would Council ensure that the current culture of cyclists chaining bikes to trees, poles and seats is urgently addressed, including placing brightly coloured stickers on these bikes advising that this presents safety and litigation issues and that bikes may be impounded.

**For the Foreshadowed Amendment:** Councillors Aird, Daley, Evans and Murphy

**Against the Foreshadowed Amendment:** Councillors Hay, Heasman, Lambert, Morrison, Norek, Pedersen and Macdonald

The **FORESHADOWED AMENDMENT** was declared **LOST** and the **MOTION** was put.

85/07 **RESOLVED:** (Pedersen / Morrison)

That:

1. The LMUD and Bicycle Committees liaise to investigate possible suitable locations to Council for the installation of bike racks, in relation to both Stage 1 and 2 of The Corso redevelopment and on the periphery.
2. The Committees consider opportunities for bike racks on the Corso.
3. The matter be brought back to Council for further consideration.

**For the Resolution:** Councillors Evans, Heasman, Lambert, Morrison, Norek, Pedersen and Macdonald

**Against the Resolution:** Councillors Aird, Daley, Hay and Murphy

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Having previously declared an interest, Councillor Pedersen left the chamber at 8.45pm

Notice of Rescission Report No. 5

**Environmental Services Division Report No. 30 - 31 Boyle St, Manly**

The Mayor Councillor Macdonald, Councillor Aird, and Councillor Evans moved:

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

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

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

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

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

*(in addition to Standard Conditions)*

**PUBLIC ADDRESSES**

The following persons addressed the meeting in relation to Environmental Services Division Report No.30

Against: Mr Neil Davis

In Favour: Mr Danny Paris, Applicant

**MOTION (Macdonald / Evans)**

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

**86/07 RESOLVED: (Macdonald / Evans)**

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

**For the Notice of Rescission:** Councillors Aird, Evans, Lambert and Macdonald  
**Against the Notice of Rescission:** Councillors Daley, Hay, Heasman, Morrison, Norek, and  
Murphy

The Notice of Rescission was declared **LOST**

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Councillor Pedersen returned to the Chamber at 9.28pm

## **SUSPENSION OF STANDING ORDERS**

### **MOTION (Macdonald / Pedersen)**

That Standing Orders be suspended to allow for consideration of items of public interest being Corporate Services Division Report No.19, Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008, and General Managers Division Report No.24, Adoption of the Manly Council Management Plan 2007 – 2010.

**87/07 RESOLVED: (Macdonald / Pedersen)**

That Standing Orders be suspended to allow for consideration of items of public interest being Corporate Services Division Report No.19, Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008, and General Managers Division Report No.24, The 2007/2010 Draft Management Plan.

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

**Against the Resolution:** Nil.

### **MOTION (Pedersen / Morrison)**

That Corporate Services Division Report No. 19 Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008 and General Managers Division Report No. 24 Adoption of the Manly Council Management Plan 2007 – 2010 be dealt with together.

**88/07 RESOLVED: (Pedersen / Morrison)**

That Corporate Services Division Report No. 19 Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008 and General Managers Division Report No. 24 Adoption of the Manly Council Management Plan 2007 – 2010 be dealt with together.

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

**Against the Resolution:** Councillor Norek

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Corporate Services Division Report No. 19

## **Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008 SUMMARY**

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

### **PUBLIC ADDRESSES**

The following person addressed the meeting in relation to Corporate Services Division Report No.19

Against: Doug Price

### **RECOMMENDATION**

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

#### **A Ordinary Rates**

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

accordance with Section 548 of the Local Government Act, 1993 of **\$622.90 (\$611.07)**.

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

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

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

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

**D Interest**

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

**E Domestic Waste Management Services**

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

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

**F Stormwater Management Service Charge**

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

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

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General Managers Division Report No. 24

**Adoption of the Manly Council Management Plan 2007 - 2010****SUMMARY**

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

**MOTION (Norek / Murphy)****GM Division Report No.24 - Adoption of the Manly Council Management Plan 2007 - 2010**

That Council:

1. Adopt the Manly Council Management Plan 2007/2010 and the 2007/2008 Schedule of Fees and Charges, pursuant to Section 406 and Section 610F of the *Local Government Act, 1993*; subject to the following amendments:
  - i) Many Oval – major users MWDCC and MWFC charge per month to be increased by CPI only.
  - ii) Fee for dinghy storage at Forty Baskets Beach be set at \$50.00 per annum.
2. Council look for additional savings of \$400,000
3. Council conduct an external audit of all Council expenditure
4. Write to the parties who made submissions to the Management Plan, thanking them for their comments and providing a response to the points raised by them.

**AMENDMENT (Morrison / Daley)****GM Division Report No.24 - Adoption of the Manly Council Management Plan 2007 - 2010**

1. Adopt the Manly Council Management Plan 2007/2010 and the 2007/2008 Schedule of Fees and Charges, pursuant to Section 406 and Section 610F of the *Local Government Act, 1993*; subject to the following amendments:

- i) Many Oval – major users MWDCC and MWFC charge per month to be increased by CPI only.
  - ii) Fee for dinghy storage at Forty Baskets Beach be set at \$50.00 per annum.
2. Include the outcomes of the community consultation process in an application to the Minister for Local Government for approval of a 2% Special Variation increase in Council's Ordinary Rates, pursuant to Section 508(2) of the *Local Government Act, 1993*; and
  3. Write to the parties who made submissions to the Management Plan, thanking them for their comments and providing a response to the points raised by them.

Council further resolves that the Performance and Audit Committee meet with the General Manager and senior staff throughout the year to investigate and provide recommendations to Council in regard to:

- The long term sustainability of the anticipated cash flows for infrastructure expenditure
- Integration of the Management Plan and the Budget, and
- Continuous review of the Management Plan and the Budget

### **CS Division Report No.19 - Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008**

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

#### **A Ordinary Rates**

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

- (iii) An Ordinary Rate – Business - Other of **0.449500 (0.440600)** cents in the dollar be made for the year 2007/2008 on the land value of all rateable land categorised Business in accordance with S.518 of the Local Government Act 1993, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$622.90 (\$611.07)**.

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

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

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

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

**D Interest**

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

**E Domestic Waste Management Services**

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

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

**F Stormwater Management Service Charge**

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

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

**For the AMENDMENT:** Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Pedersen and Macdonald

**Against the AMENDMENT:** Councillor Norek

The **AMENDMENT** was declared **CARRIED** and became the **MOTION**

89/07 **RESOLVED: (Morrison / Daley)**

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

1. Adopt the Manly Council Management Plan 2007/2010 and the 2007/2008 Schedule of Fees and Charges, pursuant to Section 406 and Section 610F of the *Local Government Act, 1993*; subject to the following amendments:
  - i) Many Oval – major users MWDCC and MWFC charge per month to be increased by CPI only.
  - ii) Fee for dinghy storage at Forty Baskets Beach be set at \$50.00 per annum.
2. Include the outcomes of the community consultation process in an application to the Minister for Local Government for approval of a 2% Special Variation increase in Council's Ordinary Rates, pursuant to Section 508(2) of the *Local Government Act, 1993*; and
3. Write to the parties who made submissions to the Management Plan, thanking them for their comments and providing a response to the points raised by them.

Council further resolves that the Performance and Audit Committee meet with the General Manager and senior staff throughout the year to investigate and provide recommendations to Council in regard to:

- The long term sustainability of the anticipated cash flows for infrastructure expenditure
- Integration of the Management Plan and the Budget, and
- Continuous review of the Management Plan and the Budget

**CS Division Report No.19 - Adoption of Management Plan and Budget and Fixing of Rates and Charges for 2007-2008**

1. The detailed draft Estimates of Income and Expenditure of the General Fund, for the period 1 July 2007 to 30 June 2008, were considered by Council on 8 May 2007, and

having given public notice in accordance with S.405 of the Local Government Act, 1993, of the Draft Management Plan to allow public submissions on or before 12 June 2007, and whereas the Management Plan and Estimates of Income and Expenditure for the period 1 July 2007 to 30 June 2008, were adopted by Council at the meeting of 18 June 2007, and having considered any matters concerning the Management Plan in accordance with S.406 of the Local Government Act, 1993, Council hereby resolve:

2. That the Schedule of Fees and Charges 2007-2008 including any amendments and tabled with the 2007-2010 draft Management Plan be adopted;
3. That the draft 2007-2008 draft Budget as amended and tabled to the meeting but subject to Ministerial approval of Council's Application for Special Variation to General Income for the proposed 2% Infrastructure Levy be adopted;
4. That Council now make the following Rates and Charges for the year 1 July 2007 to 30 June 2008. (In the event that the Minister does not approve the 2% Infrastructure Levy the amounts in brackets are to apply):

#### **A Ordinary Rates**

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

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

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

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

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

**D Interest**

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

**E Domestic Waste Management Services**

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

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

**F Stormwater Management Service Charge**

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

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

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

**Against the Resolution:** Councillor Norek

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**RESUMPTION OF STANDING ORDERS****MOTION (Macdonald / Pedersen )**

That Standing Orders be resumed.

**90/07 RESOLVED: (Macdonald / Pedersen)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

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Notice of Rescission Report No. 6

**General Manager's Division Report No. 15 - Tender for Supply of Materials and Services - The Corso Stage 2**

Councillor Daley, Councillor Norek, and Councillor Murphy moved:

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

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

“That Council:

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

**MOTION (Daley /Norek)**

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

**91/07 RESOLVED: (Daley / Norek)**

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

**For the Notice of Rescission:** Councillors Daley, Morrison, Murphy and Norek

**Against the Notice of Rescission:** Councillors Aird, Evans, Hay, Heasman, Lambert, Pedersen and Macdonald

The Notice of Rescission was declared **LOST**

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 5

**Items for Brief Mention****1. Minutes of Meetings without recommendations of a substantial nature:**

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

**2. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:****i) Manly Community Safety Committee – 17 May 2007****Item 7.1 Bureau of Crime Statistics Summary**Recommendation

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

**ii) Manly Art Gallery & Museum Liaison Committee – 16 May 2007****Item 8 Collection & Acquisitions**Recommendation

That this report be received and noted.

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

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

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

**MOTION (Pedersen / Lambert )**

That:

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

**Item 7.1 Bureau of Crime Statistics Summary**

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

**Item 8 Collection & Acquisitions**

That this report be received and noted.

92/07 **RESOLVED: (Pedersen / Lambert)**

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

**Item 7.1 Bureau of Crime Statistics Summary**

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

**Item 8 Collection & Acquisitions**

That this report be received and noted.

**For the Resolution:** Councillors Aird, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald  
**Against the Resolution:** Nil.

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Item For Brief Mention Report No. 6

**Items for Brief Mention (deferred from Ordinary Meeting of 21 May 2007)**

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

**1. Minutes of Meetings:**

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

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

**Manly Community Safety Committee - 19 April 2007****i) Item 5.1 Manly After Midnight and Code of Respect report**Recommendation:

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

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

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

**MOTION (Aird / Evans )**

That:

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

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

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

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

The Community Safety Committee, recommended as follows:

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

93/07 **RESOLVED: (Aird / Evans)**

That:

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

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

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

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

The Community Safety Committee, recommended as follows:

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

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

**Against the Resolution:** Nil.

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## **CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 18

**Accounts - Report on Council Investments as at 31 May 2007**

### **SUMMARY**

Latest accounting statements for the period to 31 May 2007

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

### **MOTION (Pedersen / Lambert)**

1. That the statement of General Fund Bank Account balance as at 31 May, 2007 be received and noted.
2. That the certification by the Chief Financial Officer be noted.

3. That details of Council's cash investments as at 31 May, 2007 be received and noted.

94/07      **RESOLVED:      (Pedersen / Lambert)**

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

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

**Against the Resolution:**      Nil.

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## ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 29

**270 Pittwater Road, Manly - DA63/07 (DA63/07)**

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

### **SUMMARY:**

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

### **MOTION (Evans / Aird )**

That Development Application No. 63/07 for a new first floor level deck at the rear of the existing club at 270 Pittwater Road, Manly be **DEFERRED** for a site inspection and to allow further consultation to take place for the following reasons:

The smoking balcony is close to residential development with noise, light, smoke-drift and privacy impact on the neighbours.

**AMENDMENT (Murphy / Hay)**

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

## ANS07

No staff be allowed to enter the Outdoor Smoking Area while people are smoking.

## DA1

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

## ANS01

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

## ANS02

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

## ANS03

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

## ANS04

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

## ANS05

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

## ANS06

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$600.00. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

## DA017

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

## DA342

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

## DA018

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

## DA021

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

## DA023

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

## DA024

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

## DA39

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

## DA048

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

## DA058

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

## DA357

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



## DA065

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

## DA109

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

## DA111

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

## DA119

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

## DA121

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

## DA230

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

## DA255

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

## DA261

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

## DA267

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

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Framework inspection

Final inspection

The cost of these inspections by Council is \$920.00 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA289

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

DA323

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

**For the Amendment:** Councillors Daley, Hay, Morrison, Murphy and Macdonald

**Against the Amendment:** Councillors Aird, Evans, Heasman, Lambert, Norek and Pedersen

The **AMENDMENT** was declared **LOST**

#### **FORESHADOWED AMENDMENT (Norek)**

That Development Application No. 63/07 for a new first floor level deck at the rear of the existing club at 270 Pittwater Road, Manly be **DEFERRED** to enable the Development Application to be discussed by the Precinct Committee and a site visit be undertaken by Council at a LUM meeting.

The Foreshadowed Amendment **LAPSED** for lack of a seconder

95/07 **RESOLVED:** (Evans / Aird)

That Development Application No. 63/07 for a new first floor level deck at the rear of the existing club at 270 Pittwater Road, Manly be **DEFERRED** for a site inspection and to allow further consultation to take place for the following reasons:

The smoking balcony is close to residential development with noise, light, smoke-drift and privacy impact on the neighbours.

**For the Resolution:** Councillors Aird, Evans, Heasman, Lambert, Norek and Pedersen

**Against the Resolution:** Councillors Daley, Hay, Morrison, Murphy and Macdonald

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#### **QUESTIONS WITHOUT NOTICE**

**QWN31/07 Councillor Hay - Feeding Stray Cats - is it illegal**

At the request of the Mayor, the General Manager advised that it was not illegal to feed stray cats.

**QWN32/07 Councillor Hay** - Legal Action between Watervue & Cristals

There has been a report done which is for the LUM meeting – is this correct

At the request of the Mayor, the General Manager advised that the question would be taken on notice.

**QWN33/07 Councillor Lambert** - No Smoking in Outdoors areas - enforcement

Manly Council showed significant leadership in introducing No-smoking initiatives in various public spaces including Outdoor Eating Areas. However, I am receiving a growing number of representations from residents concerned at the lack of enforcement in Outdoor Eating Areas.

What actions are staff taking to ensure that No Smoking in Outdoor Eating Areas is being enforced and what, if any, infringement notices or warning have been issued?

At the request of the Mayor, the General Manager advised that this will be reviewed with the relevant officer and also these policies need the cooperation of the licensees.

**QWN34/07 Councillor Aird** – Safety Issues regarding Cyclists

In view of safety and access issues and possible liability implications for Council, would Council ensure that the current culture of cyclists chaining bikes to trees, poles and seats is urgently addressed, including placing brightly coloured stickers on those bikes advising that this practice presents safety and litigation issues and that bikes may be impounded.

At the request of the Mayor, the General Manager advised that this question would be taken on notice.

**QWN35/07 Councillor Norek** - How much are the Salsa lessons costing

At the request of the Mayor, the General Manager advised that the Salsa lessons are not costing anything.

**QWN36/07 Councillor Norek** - Why were the Hop Skip & Jump buses purchased second hand

At the request of the Mayor, the General Manager advised that was the only way Manly Council could acquire the buses.

**MATTERS OF URGENCY**

Nil.

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**CLOSE**

The meeting closed at 12.32am

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 23 July 2007.

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**MAYOR**

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