

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 19 November 2007

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 November 2007. The meeting commenced at 7:44 pm.

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
Ross Fleming, Divisional Manager Corporate Services/Chief Financial Officer
David Stray, Manager Development Control
Jennie Minifie, Branch Manager, Planning & Strategy
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. Michael Aitken

APOLOGIES

Apologies were tendered on behalf of the Mayor, Councillor Macdonald and Councillor Pedersen for absence.

MOTION (Hay / Murphy)

That the apologies received from the Mayor Councillor Macdonald and Councillor Pedersen, be accepted and leave be granted.

180/07 **RESOLVED: (Hay / Murphy)**

That the apologies received from the Mayor Councillor Macdonald and Councillor Pedersen, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Hay	Environmental Services Division Report No.77	Relative lives opposite subject property

CONFIRMATION OF MINUTES**MOTION (Heasman / Morrison)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 15 October 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.

181/07 **RESOLVED: (Heasman / Morrison)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 15 October 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

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

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 05 November 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

182/07 **RESOLVED: (Heasman / Lambert)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 05 November 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

MATTERS OF URGENCY**MATTER OF URGENCY**

Councillor Hay requested that she be allowed to introduce a Matter of Urgency in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

183/07 **RESOLVED: (Hay / Morrison)**

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to Councillor Norek being appointed as acting Mayor in the Mayor's absence be considered as a matter of urgency.

For the Resolution: Councillors Daley, Hay, Heasman, Morrison, Murphy and Norek

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

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

MOTION (Hay / Morrison)

That Council recommend to the Mayor that Councillor Norek be appointed as acting Mayor while the Mayor is absent from the Manly area for 22 days until 3rd December 2007.

184/07 **RESOLVED: (Hay / Morrison)**

That Council recommend to the Mayor that Councillor Norek be appointed as acting Mayor while the Mayor is absent from the Manly area for 22 days until 3rd December 2007.

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

MATTER OF URGENCY

Councillor Murphy requested that he be allowed to introduce a Matter of Urgency in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

185/07 **RESOLVED: (Murphy / Daley)**

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the Notice of Rescission submitted at the P&S meeting held 12 November 2007 be considered as a matter of urgency at the end of this meeting.

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

The voting being equal the item was recommitted.
Councillor Hay reaffirmed her interest and vacated the Chamber.

MOTION (Murphy / Daley)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the Notice of Rescission submitted at the P&S meeting held 12 November 2007 be considered as a matter of urgency at the end of this meeting.

186/07 **RESOLVED: (Murphy / Daley)**

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the Notice of Rescission submitted at the P&S meeting held 12 November 2007 be considered as a matter of urgency at the end of this meeting.

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

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

The Deputy Mayor ruled that the item was a Matter of Urgency and was to be considered at the end of the meeting.

Councillor Hay returned to the Chamber at 8.31pm.

MATTER OF URGENCY

Councillor Norek requested that he be allowed to introduce a Matter of Urgency in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

187/07 **RESOLVED: (Daley / Murphy)**

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the Hop Skip and Jump Bus service be considered as a matter of urgency at the end of this meeting.

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

Against the Resolution: Nil.

The Deputy Mayor ruled that the item was a Matter of Urgency and was to be considered at the end of the meeting.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Doug Price	Seaforth TAFE – request to debate with Mayor
Roy Deane	Acquisition of No.38 Stuart Street – supporting Council purchasing this property

NOTICES OF MOTION

Notice of Motion Report No. 24

Better Parking Options for Families

Councillor Norek moved:

That Council staff bring back a report to Council to investigate ways to better utilise Disabled parking zones in the Manly LGA for other special needs groups as families with children under the age of 2.

MOTION (Norek / Aird)

That:

1. Council staff bring back a report to Council to investigate ways to better address the parking/access options for families/carers with children under the age of 2
2. The report cover other special needs groups, including seniors
3. The report be referred to the Access Committee for comment.

188/07 **RESOLVED: (Norek / Aird)**

That:

1. Council staff bring back a report to Council to investigate ways to better address the parking/access options for families/carers with children under the age of 2
2. The report cover other special needs groups, including seniors
3. The report be referred to the Access Committee for comment.

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

Notice of Motion Report No. 22

Smoke-free Outdoor Areas outside Public Hospital Buildings

Councillor Aird moved:

That, in the interest of better community health and amenity, Council supports the Northern Sydney Central Coast Area Health Scheme in their smoke-free outdoor policy by banning smoking on Council land within ten (10) metres of any public hospital building or boundary”.

MOTION (Aird / Lambert)

That, in the interest of better community health and amenity, Council supports the Northern Sydney Central Coast Area Health Scheme in their smoke-free outdoor policy by banning smoking on Council land within ten (10) metres of any public hospital building or boundary”.

189/07 **RESOLVED: (Aird / Lambert)**

That, in the interest of better community health and amenity, Council supports the Northern Sydney Central Coast Area Health Scheme in their smoke-free outdoor policy by banning smoking on Council land within ten (10) metres of any public hospital building or boundary”.

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

The Motion was declared **CARRIED**.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 15

Items for Brief Mention

1. Reports:

- i) Response Letter from the Hon Tony Abbott, Federal Member for Warringah, regarding the Australian Federal Police Being Permanently Located on the Former school of Artillery Site.

Council resolved at its Ordinary Meeting 15th October 2007 Notice of Motion Report No. 21:

“...to write to the Federal Member for Warringah, The Hon Tony Abbott; the Federal Minister for Justice & Customs, The Hon. David Johnston; the Federal Minister for the Environment & Water Resources, The Hon. Malcolm Turnbull; the Shadow Minister for Climate Change, the Environment & Heritage, Peter Garrett; and the Shadow Minister for Justice & Customs, Arch Bevis; seeking from each of them prior to the forthcoming Federal election a commitment to review the decision for a \$21 million redevelopment and expansion of the Australian Institute of Police Management facility at Spring Cove, and in its place to request the Australian Federal Police to put to the Sydney Harbour Federation Trust, a proposal for longer-term leasing of facilities at the former School of Artillery site.”

Letters were sent to the people noted in the resolution addressing the issue and outlining

Council's concerns. The response letter from the local Federal Member the Hon Tony Abbott MHR is attached.

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

- i) Early Childhood Health Centre and Parenting Facilities Working Group - 3 October 2007
- ii) Sister Cities Committee – 10 October 2007
- iii) Manly Meals on Wheels Service Committee – 10 October 2007
- iv) Manly Visitor and Community Board - 11 October 2007
- v) Manly Arts Festival Committee - 17 October 2007
- vi) Manly DCP Review Working Party – 3 October 2007

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

- i) Surf Club Liaison Working Group - 27 September 2007

a) Item 5.1 North Steyne Surf Lifesaving Club

Recommendation 1:

a. That North Steyne representatives request Council to investigate the reported conflict of user groups in the facility and report to the working group, in regard to access to the club rooms via the main hall.

b. That the income derived by hiring, the costs of cleaning, maintenance, security, insurance, be advised to the working group.

Recommendation 2:

The Working party recommend to Council that the budget allocation is varied in the December quarterly review to provide funding for all maintenance items as agreed between the Club representatives and Council, and for that maintenance to be undertaken in the year 2007-2008.

b) Item 5.2 Manly Lifesaving Club

Recommendation

- Working party needs to recognise the needs of one club as a major focus
- Supports North Steyne to have 1st Priority
- DA is being prepared to be lodged by end of 2007 with Council
- Issues associated with the DA preparation are easements, ownership of certain parcels of land by several government departments
- DA – when lodged needs access to Divisional staff at senior level with timely meetings and responses to facilitate DA progress – advised that due process and timing will occur with all DA's regardless of the applicant
- Council must be seen to process according to the normal system, however, access to advisory staff would be provided
- Club is seeking \$250,000 from Council per annum for 2 years totalling \$500,000 over 2 years to build Museum for club
- Grants from Federal sources being examined,
- Financial Business Plan is being prepared.

- Club must have financial support approved by Council prior to other Government departments approving funding grants.
 - Cost of Club to Council has reduced due to the maintenance of the inside of the clubhouse undertaken by club.
 - Need to ensure access for the club members and ensure that community groups can continue to use the facility
 - Solar Power with gas booster, club interested in upgrade of utility
 - Photovoltaic cells Club interested in installing and feed surplus energy to grid, (no space for battery backup)
 - Would consider wind turbines for roof collection of energy
 - Certain companies give accreditation to grants for solar systems to be installed
 - That a reserve be established to provide significant funding for the redevelopment of surf clubs through public contribution
 - Clubs to forward invoice to Council for the annual grant payments – to Manager Community Services
- Tour of the Club facility is offered to the working group on a Sunday morning, contact either Ben or Brendan to arrange

(c) Item 5.3 Queenscliff Surf Lifesaving Club

Recommendation

- A draft Plan was tabled showing the idea for additional space required. This plan would move Council's lifeguards from the club to a new extended office on the beachfront and a 1st aid room to be constructed in the existing boathouse located just south of the Queenscliff club.
- The extension of the boathouse would permit the dual use of the 1st aid room by both the club members and office for Council lifeguards.
- Clubhouse is not adequate for the needs of the club, the nippers membership is extensive with members drawn from across the Sydney region and as far as the Blue Mountains.
- Upstairs area in club would be used for major functions and the downstairs would be used for storage with new boards being delivered
- Queenscliff reported no structural problems, however,
- Windows and doors are stiff and difficult to open and close
- Security of the building is an ongoing problem
- Stella Maris use the facility regularly
- Architect is of considerable standing and the building is heritage listed
- Funding would be sought via Council's Recreation officer, from Capital Assistance grants and Council's budget.
- Sport and Recreation Lifesaving grants and Commonwealth Heritage Grants

(d) Item 6.2 Queenscliff Surf Lifesaving Club

Recommendation

North Steyne Club – to have priority of installation for showcasing on Ocean Care Day 2nd December 2007.

Divisional Manager Human Services and Facilities comment:

That Items 5.1, 5.2, 5.3 and 6.2 of the Surf Club Liaison Working Group reports on expenditure on these three clubhouses on Manly Beach for which there is no allocation in the 2007/2008 Council budget.

ii) Manly Community Safety Committee - 18 October 2007

a) Item 5 MANLY CEMETERYRecommendation

That this Committee supports the allocation of a budget of \$200,000 plus an amount for security and ongoing maintenance. This vote will cover the installation of signage, security fencing and gates at Manly Cemetery which will be locked at sunset and opened at sunrise.

Divisional Manager Human Services and Facilities comment:

That Item 5 of the Manly Community Safety Committee reports on financial expenditure for the Manly Cemetery for which there is no allocation in the 2007/2008 Council budget.

MOTION (Hay / Norek)

1. That Council receive and note the letter from the Hon Tony Abbott, Federal Member for Warringah, regarding the Australian Federal Police Being Permanently Located on the Former school of Artillery Site.
2. (a) That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i) to vi)**, be **adopted**.

(b) That 2ii) Sister City Committee be congratulated on winning two national awards, and that the former General Manager, Wayne Collins, be complemented for writing the Youth Project submission, and Elaine Kent, a Council staff member, be congratulated on the cultural exchange programme.
- 3 i) That the minutes of the Surf Club Liaison Working Group -27 September 2007 be **adopted**, including the following recommendations of a substantial nature:

a) Item 5.1 North Steyne Surf Lifesaving Club**Divisional Manager Human Services and Facilities recommendation:**

That the proposed expenditure identified in Item 5.1 North Steyne Surf Lifesaving Club be included in the budget bid process for 2008/2009.

b) Item 5.2 Manly Lifesaving Club**Divisional Manager Human Services and Facilities recommendation:**

That the proposed expenditure identified in Item 5.2 Manly Lifesaving Club be included in the budget bid process for 2008/2009.

c) Item 5.3 Queenscliff Surf Lifesaving Club**Divisional Manager Human Services and Facilities recommendation:**

That the proposed expenditure identified in Item 5.3 Queenscliff Surf Lifesaving Club be Included in the budget bid process for 2008/2009.

d) Item 6.2 Queenscliff Surf Lifesaving Club**Divisional Manager Human Services and Facilities recommendation:**

That the recommendation be received and noted.

- ii) That the minutes of the Manly Community Safety Committee - 18 October 2007 be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5 MANLY CEMETERY**

Divisional Manager Human Services and Facilities recommendation::

That the proposed expenditure identified in Item 5 Manly Cemetery be included in the budget bid process for 2008/2009.

190/07 **RESOLVED: (Hay / Norek)**

1. That Council receive and note the letter from the Hon Tony Abbott, Federal Member for Warringah, regarding the Australian Federal Police Being Permanently Located on the Former school of Artillery Site.
2. (a) That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i) to vi)**, be **adopted**.

(b) That 2ii) Sister City Committee be congratulated on winning two national awards, and that the former General Manager, Wayne Collins, be complemented for writing the Youth Project submission, and Elaine Kent, a Council staff member, be congratulated on the cultural exchange programme.
- 3 i) That the minutes of the Surf Club Liaison Working Group -27 September 2007 be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5.1 North Steyne Surf Lifesaving Club**

Divisional Manager Human Services and Facilities recommendation:

That the proposed expenditure identified in Item 5.1 North Steyne Surf Lifesaving Club be included in the budget bid process for 2008/2009.

b) **Item 5.2 Manly Lifesaving Club**

Divisional Manager Human Services and Facilities recommendation:

That the proposed expenditure identified in Item 5.2 Manly Lifesaving Club be included in the budget bid process for 2008/2009.

c) **Item 5.3 Queenscliff Surf Lifesaving Club**

Divisional Manager Human Services and Facilities recommendation:

That the proposed expenditure identified in Item 5.3 Queenscliff Surf Lifesaving Club be Included in the budget bid process for 2008/2009.

d) **Item 6.2 Queenscliff Surf Lifesaving Club**

Divisional Manager Human Services and Facilities recommendation:

That the recommendation be received and noted.

- ii) That the minutes of the Manly Community Safety Committee - 18 October 2007

be **adopted**, including the following recommendations of a substantial nature:

a) **Item 5 MANLY CEMETERY**

Divisional Manager Human Services and Facilities recommendation::

That the proposed expenditure identified in Item 5 Manly Cemetery be included in the budget bid process for 2008/2009.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 39

Schedule of Meetings - 1 January to 31 December 2008

SUMMARY

A schedule of proposed dates for Council and Principal Committees meetings from 1 January 2008 to 31 December 2008 is submitted to Council for adoption.

MOTION (Norek / Heasman)

That the Schedule of Meetings for the period 1 January to 31 December 2008, as outlined in this Report, be adopted.

191/07 **RESOLVED: (Norek / Heasman)**

That the Schedule of Meetings for the period 1 January to 31 December 2008, as outlined in this Report, be adopted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 26

Sale of Part of Bundoon Lane, off Kangaroo Street Manly

SUMMARY

Applications have been received from the owners of 69 and 71 Kangaroo Street Manly expressing an interest in purchasing the section of Bundoon Lane which adjoins the side boundaries of their respective properties.

MOTION (Evans / Lambert)

That:

1. Corporate Services Division Report No. 26 be **DEFERRED** until the next Ordinary Meeting, so that a full briefing can be provided on the proposed sale of part of Bundoon Lane, particularly its exact location.
2. A site meeting to be conducted during the next LUM site inspections on 3rd December 2007.

192/07 **RESOLVED:** (Evans / Lambert)

That:

1. Corporate Services Division Report No. 26 be **DEFERRED** until the next Ordinary Meeting, so that a full briefing can be provided on the proposed sale of part of Bundoon Lane, particularly its exact location.
2. A site meeting to be conducted during the next LUM site inspections on 3rd December 2007.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 41

Report on Council Investments as at 31 October 2007

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 (Heasman / Lambert)

That the statement of Bank Balances and Investment Holdings as at 31 October, 2007 be received and noted.

193/07 **RESOLVED:** (Heasman / Lambert)

That the statement of Bank Balances and Investment Holdings as at 31 October, 2007 be received and noted.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 49

Manly Development Control Plan for the Residential Zone - draft Amendment 1

SUMMARY

The original report relating to this matter was withdrawn from Council's Planning and Strategy meeting of the 12th November 2007. This is the replacement report following further consideration by Council's planning staff.

This report summarises the proposed changes to the Manly Development Control Plan for the Residential Zone 2007 – draft Amendment 1 (the draft amendment), following the public exhibition of the document. This report includes further review of the recommended wording of the draft amendment regarding the application of the floorspace ratio control. It recommends the Council adopt the revised amendment to the Manly Development Control Plan for the Residential Zone 2007.

MOTION (Murphy / Evans)

A. That Council adopt draft amendment 1 to Manly Development Control Plan (DCP) for the Residential Zone 2007, as circulated to Councillors under separate cover, and which incorporates the following changes:

1. retention of the existing floorspace ratios and the insertion of a new clause providing 'assessment considerations' for the DCP;
2. insertion of a transitional clause;
3. support of the recommendation to undertake further review of the plan to commence as soon as possible and to be completed prior to the next Council elections in 2008; and
4. deletion of the clauses in relation to 'heritage assessment' of buildings constructed prior to 1940.

In addition:

B. Staff to be given training on how to use the interim document correctly, in particular staff be advised on the resolution from the DCP review meeting on how the new interim document should be implemented.

C. The following amendment to Planning and Strategy Division Report No.49, Manly Development Control Plan for the Residential Zone – draft Amendment 1, be made:

In the third last line of the second 'Assessment Conditions' paragraph on P.25 of the Manly Development Control Plan for the Residential Zone – draft Amendment 1: the words "can also be demonstrated.." replaced by "needs to be demonstrated.."

194/07 RESOLVED: (Murphy / Evans)

A. That Council adopt draft amendment 1 to Manly Development Control Plan (DCP) for the Residential Zone 2007, as circulated to Councillors under separate cover, and which incorporates the following changes:

1. retention of the existing floorspace ratios and the insertion of a new clause providing 'assessment considerations' for the DCP;
2. insertion of a transitional clause;
3. support of the recommendation to undertake further review of the plan to commence as soon as possible and to be completed prior to the next Council elections in 2008; and
4. deletion of the clauses in relation to 'heritage assessment' of buildings constructed prior to 1940.

In addition:

B. Staff to be given training on how to use the interim document correctly, in particular staff be advised on the resolution from the DCP review meeting on how the new interim document should be implemented.

C. The following amendment to Planning and Strategy Division Report No.49, Manly Development Control Plan for the Residential Zone – draft Amendment 1, be made:

In the third last line of the second 'Assessment Conditions' paragraph on P.25 of the Manly Development Control Plan for the Residential Zone – draft Amendment 1: the words "can also be demonstrated.." replaced by "needs to be demonstrated.."

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 7

Community and Cultural Group Subsidies Allocation of 2007/08 Grants**SUMMARY**

The allocation of financial donations and subsidies to community and cultural groups for 2007/08 is the subject of this report.

This report requests Council's endorsement of the allocation of financial donations and subsidies to the successful organizations.

MOTION (Heasman / Hay)

That Council:-

1. Award the 2007/08 Community Grants of the recommended amounts to the following organisations:

Organisation	Recommended Amount
3. Peninsular Senior Citizens Toy Repair Group Inc	\$500
7. Northern Beaches Mental Health Consumer Network	\$1200
13 Northern Beaches Interchange	\$1200
22 Northern Beaches Community Mens Shed	\$1200
28 Manly Warringah Pittwater Community Transport. Kain	\$1200
29 Manly Warringah Media Co operative, (Radio Northern Beaches)	\$1200
5. Aboriginal Support Group – Manly Warringah Pittwater	\$550
6. Northern Beaches Multiple Birth Club	\$750
15 Literacy Network Manly Warringah Inc	\$750
2. Northern Beaches Neighbourhood Service Inc Easy Care	\$800
27 1st Balgowlah Scout Group. Tom Miles	\$750
1. Cubby House Toy Library Inc	\$500
4. Lone Parent Family Support Service	\$400
10. Northside Enterprise Inc	\$500
12. Lifestart Northern Beaches (Early Childhood Intervention Service)	\$500
TOTAL	\$12,000

2. Award the 2007/08 Cultural Grants of the recommended amounts to the following organizations:-

Organisation	Recommended
1. Manly District Band	\$1,200 operational
2. Northern Beaches Eisteddfod	\$1,200 operational
3. Sydney Vocal Arts Centre	\$1,200 operational
4. Manly Warringah Choir Inc	\$1,200 operational
5. Soundwaves Productions	\$1,200 capital
Total	\$6,000

3. In light of special circumstances, the Manly Music Club be allocated a special grant of \$1,000.

195/07 **RESOLVED:** (Heasman / Hay)

That Council:-

1. Award the 2007/08 Community Grants of the recommended amounts to the following organisations:

Organisation	Recommended Amount
3. Peninsular Senior Citizens Toy Repair Group Inc	\$500
7. Northern Beaches Mental Health Consumer Network	\$1200
13 Northern Beaches Interchange	\$1200
22 Northern Beaches Community Mens Shed	\$1200
28 Manly Warringah Pittwater Community Transport. Kain	\$1200
29 Manly Warringah Media Co operative, (Radio Northern Beaches)	\$1200
5. Aboriginal Support Group – Manly Warringah Pittwater	\$550
6. Northern Beaches Multiple Birth Club	\$750
15 Literacy Network Manly Warringah Inc	\$750
2. Northern Beaches Neighbourhood Service Inc Easy Care	\$800
27 1st Balgowlah Scout Group. Tom Miles	\$750
1. Cubby House Toy Library Inc	\$500
4. Lone Parent Family Support Service	\$400
10. Northside Enterprise Inc	\$500
12. Lifestart Northern Beaches (Early Childhood	\$500

Intervention Service)	
TOTAL	\$12,000

2. Award the 2007/08 Cultural Grants of the recommended amounts to the following organizations:-

Organisation	Recommended
1. Manly District Band	\$1,200 operational
2. Northern Beaches Eisteddfod	\$1,200 operational
3. Sydney Vocal Arts Centre	\$1,200 operational
4. Manly Warringah Choir Inc	\$1,200 operational
5. Soundwaves Productions	\$1,200 capital
Total	\$6,000

3. In light of special circumstances, the Manly Music Club be allocated a special grant of \$1,000.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Norek / Heasman)

That Standing Orders be suspended to consider matters of urgency declared earlier in the meeting, these being the Notice of Rescission on Environmental Services Division Report No.77, 2 Bower St Manly, and the Notice of Motion on the Hop Skip and Jump Bus.

196/07 **RESOLVED: (Norek / Heasman)**

That Standing Orders be suspended to consider matters of urgency declared earlier in the meeting, these being the Notice of Rescission on Environmental Services Division Report No.77, 2 Bower St Manly, and the Notice of Motion on the Hop Skip and Jump Bus.

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

Against the Resolution: Nil.

At 10.10pm Councillor Hay having previously declared an interest in this item left the Chamber.

NOTICE OF RESCISSION

Environmental Services Division Report No. 77 - 2 Bower St Manly DA78/07

This item was declared as a matter of urgency at the beginning at the meeting. Councillor Heasman, Councillor Murphy, and Councillor Daley moved:

"That the Council's decision of 12 November 2007 being Item 77 in respect of 2 Bower Street, Manly - DA78/07 be and is hereby rescinded."

MOTION (Murphy / Daley)

That the Council's decision of 12 November 2007 being Item 77 in respect of 2 Bower Street,

Manly - DA78/07 be and is hereby **RESCINDED**.

197/07 **RESOLVED: (Murphy / Daley)**

That the Council's decision of 12 November 2007 being Item 77 in respect of 2 Bower Street, Manly - DA78/07 be and is hereby **RESCINDED**.

For the Rescission Motion: Councillors Daley, Heasman, Morrison, Murphy and Norek

Against the Rescission Motion: Councillors Aird, Cant, Evans, and Lambert

The Rescission Motion was declared **CARRIED**.

The following motion was moved:-

MOTION (Murphy / Heasman)

That Development Application No. 78/2007 for internal and external alterations and additions to the existing dwelling including the installation of a new lift, lap pool, spa and associated decking at 2 Bower Street, Manly be approved subject to the following conditions.

DA1

This approval relates to Drawing / Sheet No 1 of 10 to 8 of 10 (inclusive), all being Job No D25003 and dated January, 2007 (with the exception of Sheet No 7 of 10 which is Job No D25003A and dated 3 May 2007 and Sheet 2 of 10 which is dated January, 2006) as prepared by Hodgkins & Laverick Pty Ltd and received by Council on 10 May 2007 and Drawing Nos LPDA 07-142 / 2C, LPDA 07 – 142 / 1B and LPDA07 – 142 / 3C dated January 2007 as prepared by Conzept Landscape Architects and received by Council on 14 March, 2007 except where amended by Drawing / Sheet No 1 of 10 Job No D25003A, No 4 of 10 Job No D25003A, No 5 of 10 Job No D25003A, No 6 of 10 Job No D25003A all dated January 2007 and received by Council on 25 September 2007, No 7 of 10 Job No D25003A dated 3 May 2007 and received by Council on 25 September 2007 and No 8 of 10 Job No D25003A dated January 2007 and received by Council on 25 September 2007 all as prepared by Hodgkins & Laverick Pty Ltd and Drawing Nos LPDA 07-142 / 2D and LPDA 07 – 142 / 3D dated September 2007 as prepared by Conzept Landscape Architects and received by Council on 25 September 2007.

ANS01

The overall height of the dwelling (including the parapet level, the roof level, the lift shaft/overrun, etc) must not exceed an RL of 25.12 to minimise the impact on views from public land and comply with the Crown of the Road provisions of the Residential Development Control Plan. Details shall be contained on the plans submitted with the Construction Certificate.

ANS02

The conclusions and recommendations of the Bushfire Risk Assessment undertaken by Fire Base Consulting Pty Ltd (dated September 2005) are to be implemented / satisfied with details being provided on the plans submitted with the Construction Certificate.

ANS03

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006.

ANS04

Construction shall comply with AS3959 – 1999 Level 1 'Construction of Buildings in Bushfire Prone Areas'.

ANS05

Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a flammability index of less than or equal to 5.

ANSO6

The building is to be used solely as a single family dwelling and not adapted or used as multiple occupancies, without the prior approval of Council.

ANS09

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

ANS07

Threatened Species of Critical Habitat Management Measures:-

- Works be undertaken in accordance with Conzept's Landscape Plan for Proposed Pool and Landscaping dated January 2007.
- Building and construction of the spa and pool is to be undertaken during daylight hours between 7:30am and 4:30pm.
- Fence the spa/pool construction areas to prevent Bandicoots from entering.
- Bandicoot access through the remainder of the site is to be provided.
- Install devices to prevent run-off and sedimentation.
- Any path being constructed or altered should be a continuous slope for the full length (no steps) and must not impede Bandicoot movement.
- The palm at the beginning of the terraced section of the rear garden is to remain.
- Avoid works that will cause any permanent change to the current structure of nesting areas.
- Avoid removal/thinning of vegetation as much as possible.
- Removal of weed species from the rear garden must be staged and coincide with the replacement of native species.
- Incorporate a significant amount of low, dense native vegetation to improve Long-nosed Bandicoot habitat.
- The existing gap under the northern boundary fence is to remain to allow Bandicoot access.
- All fences must have a gap at the base every 3 metres. These "access spaces" should be 300mm long and 120mm high and are not to be obstructed. Alternatively, the entire length of the fence should be raised 120mm off the ground.
- Any water body (e.g. pond or pool) must have a ramp or an edge that is level with the water to allow escape should a Bandicoot enter the water.
- Any gates installed along the side passage of the house must have a gap of dimensions 300mm long and 120mm high so as not to obstruct Bandicoot access. Alternatively, the length of the fence should be raised 120mm off the ground.
- No retaining walls higher than 20cm tall should be built to impede movement. Slopes or ramps are preferable.
- No lighting or motion detectors are to be installed to illuminate the lower terraced area of the rear garden as this will discourage Bandicoot occupation. A modest amount of low lighting, acceptable for safety purposes only, can be installed in the upper terraced section (in the vicinity of the pool) of the rear yard
- Dog/s that currently live on the property must be kept indoors at night and be de-sexed, if they are not already. Any cats kept on this property are to be kept indoors, at all times or in a sealed cat run and de-sexed. When the current cat/s and/or dog/s that live on the property no longer reside on the property they must not be replaced by new dogs or cats.

DA010

No portion of the proposed building or works, including gates and doors during opening and closing operations are to encroach upon any road reserve or other public land.

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 \$2,200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

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 Certifier 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.

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 4

Framework inspection

Wet area moisture barrier

Drainage inspection

Retaining walls inspection

OSD Tank inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling
Final inspection

The cost of these inspections by Council is \$3,450 (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 analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

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.

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA313

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate. Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA317

Spa pools or the like are to be provided with approved-type safety outlet covers in accordance with Australian Standard 2610 (Spa Pools), and details of the outlet areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

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.

Note: The applicant is further advised of the following:-

Threatened Species Critical Habitat Management Measures:-

- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Garden insects will be kept in low number if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Deceased Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation Office on 9977 6732.
- Care should be used when driving in the North Head Long-nosed Bandicoot habitat area.

198/07 **RESOLVED: (Murphy / Heasman)**

That Development Application No. 78/2007 for internal and external alterations and additions to the existing dwelling including the installation of a new lift, lap pool, spa and associated decking at 2 Bower Street, Manly be approved subject to the following conditions.

DA1

This approval relates to Drawing / Sheet No 1 of 10 to 8 of 10 (inclusive), all being Job No D25003 and dated January, 2007 (with the exception of Sheet No 7 of 10 which is Job No D25003A and dated 3 May 2007 and Sheet 2 of 10 which is dated January, 2006) as prepared by Hodgkins & Laverick Pty Ltd and received by Council on 10 May 2007 and Drawing Nos LPDA 07-142 / 2C, LPDA 07 – 142 / 1B and LPDA07 – 142 / 3C dated January 2007 as prepared by Conzept Landscape Architects and received by Council on 14 March, 2007 except where amended by Drawing / Sheet No 1 of 10 Job No D25003A, No 4 of 10 Job No D25003A, No 5 of 10 Job No D25003A, No 6 of 10 Job No D25003A all dated January 2007 and received by Council on 25 September 2007, No 7 of 10 Job No D25003A dated 3 May 2007 and received by Council on 25 September 2007 and No 8 of 10 Job No D25003A dated January 2007 and received by Council on 25 September 2007 all as prepared by Hodgkins & Laverick Pty Ltd and Drawing Nos LPDA 07-142 / 2D and LPDA 07 – 142 / 3D dated September 2007 as prepared by Conzept Landscape Architects and received by Council on 25 September 2007.

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The overall height of the dwelling (including the parapet level, the roof level, the lift shaft/overrun, etc) must not exceed an RL of 25.12 to minimise the impact on views from public land and comply with the Crown of the Road provisions of the Residential Development Control Plan. Details shall be contained on the plans submitted with the Construction Certificate.

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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 Certifier 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.

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 4

Framework inspection

Wet area moisture barrier

Drainage inspection

Retaining walls inspection

OSD Tank inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$3,450 (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 analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per

million) for receiving waters.

- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

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.

DA300

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

DA301

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA306

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

DA313

A railing or other safety measures or devices are to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Council/Accredited Certifier prior to issue of the Construction Certificate. Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

DA314

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

DA315

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

DA316

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

DA317

Spa pools or the like are to be provided with approved-type safety outlet covers in accordance with Australian Standard 2610 (Spa Pools), and details of the outlet areas are to be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA318

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

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.

Note: The applicant is further advised of the following:-

Threatened Species Critical Habitat Management Measures:-

- Bandicoots and other native animals should never be fed.
- Feral cats or foxes should never be fed or have access to food – e.g. rubbish bins without lids or pet food bowls.
- The use of insecticides, fertilisers, or snail baits should be avoided on the property. Garden insects will be kept in low number if Bandicoots are present.
- When the North Head Long-nosed Bandicoot Recovery Plan is released it should be implemented where relevant.
- Deceased Long-nosed Bandicoots should be reported by phoning Manly Council on 9976 1744 or Department of Environment and Conservation Office on 9977 6732.
- Care should be used when driving in the North Head Long-nosed Bandicoot habitat area.

For the Resolution: Councillors Daley, Heasman, Morrison, Murphy and Norek

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

The Motion was declared **CARRIED**.

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

Councillor Hay returned to the Chamber at 10.25pm.

NOTICE OF MOTION

Hop Skip and Jump Bus

This item was declared as a matter of urgency at the beginning of the meeting.

PUBLIC ADDRESSES

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

In Favour: Mr Charles Wynne

MOTION (Norek / Aird)

That a report be prepared by staff and audited by the internal auditors on the Hop Skip and Jump Bus Service, to be reported to this Council at the next Ordinary meeting on 17/12/2007.

A

The report is to examine the following:

1. Cost of running the services as it is currently being run (including cost per passenger);
2. Review of timetable, to ensure maximum passenger numbers;
3. Estimated cost of having the service tendered out;
4. What is the current sponsorship program, and what program has/should be implemented to expand the sponsorship;
5. As indicated with the initial proposal that a gold coin donation was to be implemented, what collection has been made, if the donations had been collected?
6. Look into ways of further reducing the carbon footprint for running this service.

B

In preparing the report, staff take account of:

- i) the effect of the introduction of a gold coin donation by passengers since accreditation of the service
- ii) the savings to the environment and the social benefits to the elderly and other users.
- iii) look at expanding the bus service and making it more equitable to all ratepayers who contribute to it.
- iv) exploring the opportunity for Ministry of Transport funding.

199/07 **RESOLVED: (Norek / Aird)**

That a report be prepared by staff and audited by the internal auditors on the Hop Skip and Jump Bus Service, to be reported to this Council at the next Ordinary meeting on 17/12/2007.

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The report is to examine the following:

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- i) the effect of the introduction of a gold coin donation by passengers since accreditation of the service
- ii) the savings to the environment and the social benefits to the elderly and other users.
- iii) look at expanding the bus service and making it more equitable to all ratepayers who contribute to it.
- iv) exploring the opportunity for Ministry of Transport funding.

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Norek / Heasman)

That Standing Orders be resumed.

200/07 **RESOLVED:** (Norek / Heasman)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN75/07 Councillor Hay - Residents' concern at cost of fixing driveway on Hilltop Crescent

I've received some correspondence from residents at 4-8 Hilltop Crescent, who are concerned with the extortionate amount they have been quoted from a council-recommended company for fixing their driveway. Is there any way Council can do the work instead?

At the request of the deputy Mayor, the General Manager advised that if Council has the available resources there should be no issue with that, but he would take the question on notice.

QWN76/07 Councillor Heasman - Manly Art Gallery registered under Government's cultural gift program

Is there any way that Manly Art Gallery could be registered under the Australian Government's Cultural Gifts Program? It appears that other galleries have the same program.

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

QWN77/07 Councillor Heasman - Off-street parking off Raglan Street Manly

A blitz by rangers on this area in June appeared to be successful. Unfortunately, ratepayers have reported a reinstatement of the original illegal parking situation. Is it possible to ask our rangers to carry out a blitz (similar to the earlier one) in order to alert car drivers that 4 hours in any one day is the limit for car parking?

At the request of the deputy Mayor, the General Manager advised that yes that would be possible.

QWN78/07 Councillor Lambert - Current water pollution/quality issues affecting Shelly Beach.

Has one of our water cycle team been assigned to work with Sydney Water to try and trace the sources of pollution?

Will any such member of staff be attending the North Head STP Consultative Committee meeting on 21st November?

What actions will be taken to try and trace and overcome the problem before we get to the peak of the summer season?

At the request of the deputy Mayor, the General Manager advised that Mr Lee Lau and Mr Michael Galloway are our two scientists who were involved in the water sampling program that alerted the issue which was then subsequently reported in the press. We use another accredited laboratory for the growing of the cultures in question and both of them are fully aware of which of the outlets carries the most concentrations in terms of faecal chloroforms counts. While Sydney Water are more sceptical about the data, the data speaks for itself, and we are working with the Department of Environment and the Climate Change working group on water quality compliance issues, as well as EPA.

As far as the STP Consultative Committee meeting goes, the General Manager will ensure that a competent member of staff attends the meeting.

QWN79/07 Councillor Lambert - Completion date for access ramp at eastern end of East Esplanade?

I have had a number of representations from people on Eastern Hill as to where we're up to with the planning for the access ramp/path for the foreshore at the eastern end of East Esplanade? Do we have a timeline for those works? If not, can we inform the community of where we're up to and can we particularly advise the Little Manly precinct and any others who have directly expressed an interest?

At the request of the deputy Mayor, the General Manager advised that he was not aware of the current status of the ramp, but he did know that the design has encountered some difficulties in the amount of land it needs to take up in order for it to be facilitated, and there are also questions of the costs involved in the proposal. Staff are working with each of the precincts to finalise their plan for the budget. The General Manager will take it on notice to find out that the current status. It probably won't

happen this year, but given the high priority the precinct has given to this ramp, and if Council supports it, we can probably build it next year.

QWN80/07 Councillor Murphy - DAs for Watervue and Cristals

Are the DAs submitted for Cristals and Watervue complete enough to assess, and if not, has Council advised them of their deficiencies?

At the request of the deputy Mayor, the General Manager advised that both DAs are in a state to be fully assessed. There was a delay in relation to the submission of certain environmental statements involving one of the applicants, but all is in order now.

QWN81/07 Councillor Murphy - Target date for Cristals and Watervue DAs to go to the DAU

When is the target date for the Cristals and Watervue DAs to go to the DAU and as such, when can the two restaurants expect to be back trading in front of their respective premises?

At the request of the deputy Mayor, the General Manager advised that he would take that on notice, as one of the DAs is still out for public comments, but the moment it comes off public exhibition the DAs can go to the DAU as they are already being assessed.

QWN82/07 Councillor Morrison - Seaforth TAFE plebiscite

With regard to the Seaforth TAFE plebiscite, are we going to have a workshop? Will it involve relevant members of the community? Is there any report being assembled for Councillors to consider on how to frame the 3 alternatives that are going to be put in the plebiscite?

At the request of the deputy Mayor, the General Manager advised that Council has already decided on the questions for the plebiscite. There are 3 questions, with the second question in 2 parts. The first question will relate to maintaining the site as an educational institution, and the second question is about developing the site. It has 2 parts; part 1 relates to option 2, with the development totally contained within the TAFE site it currently occupies, and part 2 relates to Landcom option 3. The timing for the plebiscite came from the electoral office. With regards to public involvement, a report will come back to Council in the New Year on the timing for the plebiscite and in terms of the words for the yes and no case. The plebiscite won't happen until March, so there is enough time for engaging Council, precincts and the Community Reference Group (CRG) in the preparation process.

QWN83/07 Councillor Morrison - Can Council engage with Mosman Council who are considering restricting trailer parking.

Can Council engage with Mosman Council, who at the moment are doing some work regarding the parking of trailers, both boat and car, and box trailers on residential streets? Has there been any communiqué between the two areas, as I believe Mosman are moving on it now?

At the request of the deputy Mayor, the General Manager advised that he was not aware of what Mosman Council was doing. We do have a problem with box trailers parking on residential streets in Manly, but as long as they are properly registered, we have no way of moving them on. The traffic committee might consider a proposal to put a time restriction on half hour parking between 10-11.30am, and the rangers could go

down during that period and enforce parking without the scattering of resources.

QWN84/07 Councillor Evans - Approval for wording for Seaforth TAFE plebiscite

You said earlier that the wording for the Seaforth TAFE plebiscite will be presented to Council in the first meeting of next year. That will be February, isn't that a bit late?

At the request of the deputy Mayor, the General Manager advised that he didn't mean the wording for the plebiscite, but the wording for the yes and no cases.

Councillor Evans then asked what was meant by the "yes" and "no" cases.

At the request of the deputy Mayor, the General Manager advised that for each question, there will be a yes and no case developed to guide electors in their thinking, as to how to make their own choices.

Councillor Evans asked if the wording of the plebiscite was to be distributed to Councillors.

At the request of the deputy Mayor, the General Manager advised that he would reissue the minutes of the meeting which had the wording in them.

QWN85/07 Councillor Norek - Levels of e-coli at Shelly Beach

What levels of e-coli bacteria are acceptable in order for Shelly Beach to be reopened? Will it be shut for the next 6 months?

At the request of the deputy Mayor, the General Manager advised that the Public Health standard, as published by Beach Watch, is 600 counts per 100ml. That is considered to be safe. During the height of the pollution, there were e-coli counts of up to 350,000 per 100ml. That is why Council had to close the facility.

QWN86/07 Councillor Norek - Out fall pipes on Ocean Beach

What is the current status for the removal of the out fall pipes on Ocean Beach?

At the request of the deputy Mayor, the General Manager advised that there is no plan at present for the pipe on Raglan Street. For Pine Street, it is going through an independent assessment at present, and it will be reported back to the Scientific Committee/Coastal Hazards Committee before it comes back to Council. The General Manager is hopeful it will be back in the committee process by February next year.

CLOSE

The meeting closed at 11.19pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 17th December 2007.

MAYOR

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

