



Agenda

Ordinary Meeting

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

Monday 19 December 2005

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

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

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

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CLOSED SESSION

QUESTIONS WITHOUT NOTICE

MATTERS OF URGENCY

(In accordance with Clause 14 of the Local Government (Meetings) Regulations, 1993)

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

TO: Ordinary Meeting - 19 December 2005
REPORT: Notice of Rescission No. 13
SUBJECT: 40 Birkley Road, Manly - Notice of Rescission
FILE NO:

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

“That the Council’s decision of 5 December 2005 being Item ESD No. 64 in respect of 40 Birkley Road, Manly be and is hereby rescinded.”

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

That the application for Review of Determination of Development Application no. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly be approved with the following conditions in addition to standard conditions:

1. That provision be made for one car parking space in the rear of the yard (using semi-porous material, like turf pave);
2. That the ceiling height downstairs be lowered from 2.85m to 2.7m;
3. That a Colourbond roof be installed, with colour to compliment the existing roof;
4. That the cladding be weatherboard profile, with colour to match the existing building; and
5. That the study window be 1.6m or obscured glazing.

ATTACHMENTS

AT-1 AT-1 Rescission Motion - 40 Birkley Road Manly 1 page(s)

OM191205NR_1

***** End of Notice of Rescission No. 13 *****

Notice of Rescission Report No. 13
40 Birkley Road, Manly - Notice of Rescission
AT-1 Rescission Motion - 40 Birkley Road Manly



RESCISSION MOTION
(Code of Meeting Practice - Clause 34)

That the Council's decision of: 5/12/2005
being Item No: 64 in respect of _____
40 Birkley Rd
be and is hereby rescinded.

Date: 5/12/05

Councillor: DAVID MURPHY
RICHARD MORRISON
PAT DALEY

This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.

General Manager's note: The Notice of Rescission is in order in terms of Clause 34 of the Council's Code of Meeting Practice.

General Manager

TO: Ordinary Meeting - 19 December 2005
REPORT: Notice of Rescission No. 14
SUBJECT: 118 North Steyne, Manly
FILE NO:

Councillor Aird, Councillor Evans, and Councillor Lambert will move:

“That the Council’s decision of 5 December 2005 being Item ESD No. 69 in respect of 118 North Steyne be and is hereby rescinded.”

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

1. That Council receive and note the information contained in this report:
2. That Council continues to actively participate in the neutral evaluation process at the Land and Environmental Court with the intent of achieving a sympathetic design that respect the established significance of the cottage; and satisfies reasonable environmental requirements such as privacy, daylight access, security and other justifiable user needs.

ATTACHMENTS

AT-1 Rescission Motion - 118 North Steyne Manly 1 page(s)

OM191205NR_2

***** End of Notice of Rescission No. 14 *****

Notice of Rescission Report No. 14
118 North Steyne, Manly
Rescission Motion - 118 North Steyne Manly



SCANNED
DOC. No.

NOTICE OF RESCISSION

This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.

That the Council's decision of: 5.12.05

being Item No. REPORT 69 in respect of ~~REPORT~~ 69
118 NORTH STEYNE

be and is hereby rescinded.

Date: 5.12.05

- Councillor:
1. B. J. ...
 2. J. EVANS
 3. J. LANTIER

If the above Notice of Rescission is carried, it is proposed to move the following alternate motion -
AS PER STAFF RECOMMENDATION ENVIRONMENTAL SERVICES REPORT 69 (2.55)

- (A) That Council receive and note the information contained in this report;
- (B) That Council continues to actively participate in the neutral evaluation process at the Land and Environmental Court ^{with the intent of achieving} to ensure that a sympathetic design ~~is achieved~~ that respects the established significance of the cottage; and satisfies reasonable environmental requirements such as privacy, daylight access, security and other justifiable user needs.

Approved by General Manager, Manly Council

Date

TO: Ordinary Meeting - 19 December 2005
REPORT: Notice of Motion No. 39
SUBJECT: Broken Bottles Cleanup
FILE NO:

Councillor Norek will move:

That Council provide additional (manual) street cleaning through Ocean Beach, Corso, Little Manly and Fairy Bower Precinct streets for early morning removal of night activities refuse. Specifically beer bottles, broken glass and fast food refuse. This service required urgently during peak visitor season starting first week of December ending last week of April on Sunday and Monday mornings. Residents (mostly elderly) currently perform as much of this service as possible but increasingly require assistance.

Background

It is one of Councils most basic core responsibilities. Ratepayers pay for this, and expect that the service be provided. Broken bottles shouldn't be left to the elderly to clean-up. Council needs a cleaning plan with consideration to when and where needs are greatest- After the Corso, Ocean Beach, Little Manly and Fairy Bower are the next most heavily impacted precincts for late night bottle dumping & rubbish (takeaway). Regular scheduled street sweeping does not capture this rubbish.

Staff Notation

Even if it were possible (which is doubtful) to roster additional staff on to deal with the request in the Motion, the cost of resourcing it would be disproportionately high relative to other priorities. Further, it is submitted that this labour intensive request could not be justified given the relatively low severity and frequency of the problem cited.

It is further submitted that the requested action is already being managed on an "on-demand" basis.

ATTACHMENTS

There are no attachments for this report.

OM191205NM_1

***** End of Notice of Motion No. 39 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Notice of Motion No. 40
SUBJECT: Blitz on Beach Littering
FILE NO:

Councillor Aird will move:

That in view of the significant and disgraceful beach littering that has occurred in association with the "end of academic year" weekday visitations that Manly Council conducts an immediate summer school-holiday-long public awareness anti-litter campaign backed up by visible and pro-active enforcement, particularly on the beach at the ocean end of the Corso and area around ceremonial steps.

ATTACHMENTS

There are no attachments for this report.

OM191205NM_3

***** End of Notice of Motion No. 40 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Notice of Motion No. 41
SUBJECT: Manly Council Submission to the State Government's Department of Gaming and Racing
FILE NO:

Councillor Aird will move:

That Manly Council compile and lodge a detailed submission outlining our objections to the Liquor Bill 2005 and Liquor & Gaming Court Bill 2005.

Note: This detailed submission (to be lodged by 20.1.06) to include input from the relevant sections within Council and Council's legal advisors.

ATTACHMENTS

AT-1 AT-1 Background notes on Manly Council submission to State Government's Department of Gaming and Racing 1 page(s)

OM191205NM_4

***** End of Notice of Motion No. 41 *****

Notice of Motion Report No. 41

Manly Council Submission to the State Government's Department of Gaming and Racing
AT-1 Background notes on Manly Council submission to State Government's Department of
Gaming and Racing

Background notes re Notice of Motion from
Cr. Barbara Aird

Call for a Manly Council submission to the State Government's Department of
Gaming and Racing

On November 28th, 2005 the State Government unveiled a raft of changes to the NSW Liquor laws, with the Department of Gaming and Racing releasing the draft *Liquor Bill 2005* and the draft *Liquor and Gaming Court Bill 2005*.

By the Department's own admission, these two bills represent a complete rewrite of the NSW licensing laws and if adopted, will bring about significant changes to the regulatory framework in particular.

The key areas addressed by the amendments are:

- The proposed abolition of the Liquor Administration Board;
- The retention of the Licensing Court as the Liquor and Gaming Court;
- Standardisation of liquor trading hours;
- Restricted alcohol sales allowed at B&Bs and farm-stay accommodation; and
- Social Impact Assessments extended to all licence applications.

The Government claims that the reforms "support their program to reduce alcohol-related harm, and promote a culture of responsible service and consumption of alcohol" while also helping "to promote the sustainability and integrity of the liquor and club industries".

However, community groups across the State have criticised the draft amendments, taking particular exception to the abolition of the Liquor Administration Board. The sentiment expressed by many is that more emphasis has been placed on promoting the sustainability of the hospitality industry at the expense of neighbourhood amenity, sacrificing the rights of objectors to liquor license applications.

The Government is calling for submissions to be lodged by January 20th 2006 and with the significant number of licensed premises in the Manly area, there is potential for adverse impacts to be felt as a result on the local community. It is therefore right and proper that Manly Council, representing that community that will be affected by these laws, compile a submission outlining our concerns with the draft bills.

TO: Ordinary Meeting - 19 December 2005

REPORT: Item For Brief Mention No. 11

SUBJECT: Items for Brief Mention

FILE NO:

1. Minutes Of Meetings:

- (i) ACCESS COMMITTEE MINUTES OF MEETING HELD ON 17 NOVEMBER, 2005
- (ii) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 15 NOVEMBER, 2005
- (iii) MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 9 NOVEMBER, 2005
- (iv) MANLY COMMUNITY SAFETY COMMITTEE MEETING HELD 17 NOVEMBER, 2005
- (v) THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 2 NOVEMBER 2005
- (vi) MANLY PUBLIC ART COMMITTEE - MINUTES OF A MEETING HELD ON 23 NOVEMBER 2005.
- (vii) MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD 12 OCTOBER, 2005
- (viii) MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 26 OCTOBER 2005
- (ix) MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 24 NOVEMBER 2005

RECOMMENDATION

That the recommendations of **Minutes of Meetings, as listed in item 1**, being (i) to (ix) as listed above be **adopted**.

THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:

2. (v) Community Safety Committee Minutes of Meeting held 17 November, 2005.

Item Number 3.1 - Late Night Takeaways

The Recommendation of the Committee was that:

Mayor read the Council motion of 7 November meeting re late night takeaway trading hours.

There was general concern that a subsequent report in Manly Daily gave the impression that Council would be "turning a blind eye to trading hours of these businesses".

The General Manager was in attendance and advised the committee that despite Council's resolution he is still statutorily required to enforce current operating approvals. It therefore still remains incumbent on businesses to operate within their approved hours. He stated that Council will not tolerate trading activities that may have potential to give rise to anti-social behaviour in the CBD. Police and Council are working co-operatively in managing the issues in The Corso.

Item For Brief Mention No. 11 (Cont'd)

Details of specific permissible uses are:

Trader	Approved Trading Hours Notes
102 The Corso	1.30am close
2 Sydney Road	Midnight Close
96 The Corso	8.00pm close
Oporto	Midnight close
Garlo's	2.00am close
SeaKing	10.00 pm close
Corso Bakery	4.00am start 2.00am start Sunday

The GM will ensure each business will be regulated on a case by case basis. If it is problematic decisive action will be taken, if it is not then appropriate attention will be given.

Other points noted in the ensuing discussions: Denise Keen raised concern about businesses trading outside their authorised hours and the implications this may have for insurance coverage if a serious incident was to occur on the premises and any liability that may then be incurred to Council in lieu of the business

It was further proposed that signage may assist warning public that they are not covered if anything happens to them in a shop that is trading out of hours. Further advice will be taken in this matter by staff.

Concern was expressed regarding the messages sent to the wider community that they don't have to obey Council.

The committee was keen to learn how Council could consolidate closing times between 1am and 2am so they all can close at the same time and the system was fair to all traders.

It was suggested that Council needs to hear the concerns and representations of the Safety Committee so all Councillors are given the same level of background and information to help inform any future debates.

The following recommendations were moved by Max Humphries and seconded by David Glading. Recommendation adopted except one objection citing a concern that this conflicts with the previous stance of the same committee that encouraged business to open at night, several years ago.

RECOMMENDATION

1. That the Committee support and upholds Council's previously stated policy that shops comply with approved trading hours.
 2. That the committee fully supports the General Manager and staff in their legal obligations and the enforcement of compliance of late trading shops.
 3. That the General Manager seek legal advice regarding the insurance ramifications of both shop and Council when trading out of approved hours.
3. **(ix) Manly Visitor and Community Board Committee Minutes of Meeting held 24 November, 2005.**

Item Number 7 - Chamber Of Commerce Report

Item For Brief Mention No. 11 (Cont'd)

Bob Smith, Chamber of Commerce President reported that at the last Chamber meeting the Sea Change for Sustainable Tourism presentation was well received.

Jim Hunter, Council's Executive Director Major Projects had given a presentation on The Corso upgrade.

A Tourism sub committee had been formed and the first meeting would concentrate on developing the Trade Shows program and present its recommendations to the February meeting of the Board.

The new Centre Manager, Megan Clancy, had been appointed and would take up the position on 28th November. It was agreed that Megan should be invited to be a member of the Board.

RECOMMENDATION

That Megan Clancy, newly appointed Centre Management of Manly Mainstreet Centre Management Limited, be invited to become a member of the Manly Visitor and Community Board.

ATTACHMENTS

There are no attachments for this report.

OM191205IBM_1

***** End of Item For Brief Mention No. 11 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Corporate Services Division Report No. 29
SUBJECT: Accounts – Report on Council Investments as at 30 November, 2005
FILE NO:

SUMMARY

Latest accounting statements for the period to 30 November, 2005.

1. Statement showing general fund bank account balance as at 30 November, 2005.
2. Cash investments as at 30 November 2005.

REPORT

1. Statement Showing General Fund Bank Account Balance as at 30 November 2005.

Limit of overdraft arranged with bank	\$400,000.00 Dr
Bank Balance as at 30 November, 2005 (1)	\$740,316.55 Cr

2. Details of Council Investments Pursuant to the General Regulation as at 30 November, 2005.

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

For the information of Councillors, the following cash investments were held by Council as at 30 November, 2005.

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
15/07/02	15/07/07	HSBC	1826	6.35	1,000,000.00	15,862.49(2)
15/08/02	15/07/07	HSBC	1795	6.35	2,008,481.93	31,724.99(2)
30/07/02	12/12/06	Bendigo Bank	1596	7.64	510,200.00	9,545.87(3)
14/10/02	12/12/06	Bendigo Bank	1520	7.64	504,476.45	9,545.87(3)
08/08/02	08/08/07	Bank of Qld	1826	6.94	1,000,000.00	17,341.49(4)
02/09/02	28/09/06	Suncorp Metway	1487	6.75	1,005,210.00	33,750.00(5)
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00(6)
02/04/04	02/04/09	Adelaide Bank	1826	6.59	500,000.00	8,231.25(7)
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.66	700,000.00	11,654.99(8)
15/12/04	15/12/09	Aust Central C/U	1826	6.82	1,000,000.00	17,041.75(9)
25/10/05	25/10/06	Emu Structured Note	365	7.00	500,000.00	35,000.00(11)
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38(10)
11/10/05	09/01/06	Aust Central C/U	90	5.88	1,000,000.00	14,498.63
11/10/05	09/01/06	IMB	90	5.75	1,250,000.00	17,722.60
11/11/05	13/12/05	Bank West	32	5.65	3,000,000.00	14,860.27
11/10/05	09/01/06	BankWest	90	5.68	2,000,000.00	28,010.96
		LGFS Ethical Fund	@CALL	5.90	1,007,570.71	
		IMB	@CALL	5.45	1,600,000.00	
		CBA	@CALL	5.45	<u>3,072,421.87</u>	
					23,378,238.12	

- 1) Balances \$500,001 to \$750,000 earn RBA cash rates less 0.75%pa
- 2) Interest to 15 January, 2006 only
- 3) Interest to 12 December, 2005 only
- 4) Interest to 8 February, 2006 only

Corporate Services Division Report No. 29 (Cont'd)

- 5) Interest to 28 March, 2005 only
- 6) Interest to 18 February, 2006 only
- 7) Interest to 2 January, 2006 only
- 8) Interest to 3 March, 2006 only
- 9) Interest to 15 December, 2005 only
- 10) Interest to 21 May, 2006
- 11) Interest calculated at the guaranteed interest floor of 7.00%pa for the first year

Except for (5), (6), (10) and (11) interest is calculated at a floating rate, fixed for the duration of each subsequent quarter, based on the prevailing interest rates at the quarterly reset date(s).

Investment Performance	Council	Benchmark*	90 day BBSW**
Returns - November 2005 [%pa]:	6.07	5.86	5.61

* benchmark is 90day BBSW plus 0.25%pa

** 90 day BBSW is the average 90 day bank bill rate for the month.

Certification – Responsible Accounting Officer

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

RECOMMENDATION

1. That the statement of General Fund Bank Account balance as at 30 November, 2005 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 30 November, 2005 be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM191205CSD_1

***** End of Corporate Services Division Report No. 29 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Corporate Services Division Report No. 30
SUBJECT: Code of Conduct - Councillors Giving Evidence at Court Proceedings
FILE NO:

SUMMARY

Council's Code of Conduct sets out the requirements for councillors and staff in the performance of their duties.

While a councillor is not prevented by legislation from appearing for an appellant on a matter on which Council has already resolved, a councillor placed in this position would need to ensure that there is no potential for a conflict of interest.

Council may wish to give consideration to a policy that Councillors not appear for an appellant where the Council has already voted on a matter

REPORT

Councillors Role

The role of elected Councillors, as part of the governing body of a Council, is to:

- take an active part in reviewing matters before their Council and debating issues and in Councils' decision making processes;
- review Councils' objectives and policies to ensure that they are appropriate for the local area; and to
- review Councils' resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery.

Councillors play a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The policy framework and the strategic management plans endorsed by Councils provide the direction for the ongoing management and operation of Council activities.

Councillors can only make decisions and act through a majority vote decision of the Council or committee. Individual Councillors do not have the authority to act or make decisions independently.

The role of a Councillor as an individual elected member is to represent the interests of residents and ratepayers. This role requires them to provide community leadership and guidance, and to facilitate communication between the community and Council.

Conduct of Councillors

Section 440 of the Local Government Act 1993, requires that Council must adopt a Code of Conduct, to be observed by Councillors, members of staff and delegates of the council.

Manly Council's Code of Conduct was adopted at the Planning and Strategy Committee Meeting held 11 April 2005.

Corporate Services Division Report No. 30 (Cont'd)

This Code of Conduct is based on the following key principles:

Integrity
Leadership
Selflessness
Objectivity
Accountability
Openness
Honesty
Respect

Clause 4.1 of the Code provides that a councillor, member of staff or delegate must:

- not act contrary to the law;
- not act unreasonably, unjustly or oppressively or in a discriminatory manner;
- deal with like situations in a like manner, but treating each matter on its merits;
- take all relevant information into consideration and must not take any irrelevant information or opinions into consideration;
- take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained;
- treat members of the public fairly and equitably and with respect, courtesy, compassion and sensitivity;
- refrain from any form of conduct, in the performance of his or her public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or partial performance of his or her public or professional duties;
- not act on improper or irrelevant grounds; and not act in a manner that would bring council or its officers into disrepute;
- When dealing with development matters, ensure that decisions are properly made and that parties involved in the development process are dealt with fairly. He or she must avoid impropriety and avoid any occasion for suspicion and any appearance of improper conduct.;
- When dealing with development matter, ensure that he or she is highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means he or she must ensure that no action, statement or communication between himself or herself and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment.

Use of Council Information

Due to the position that a councillor holds within council, they will, from time to time, have access to confidential information not ordinarily available to members of the public. The Local Government Act and the Code of Conduct, provides penalties for disclosing information discussed in closed committees of Council without the prior authority of Council.

Clause 4.4 of the Code dealing with use of information provides that a councillor, member of staff or delegate must:

- not use confidential information gained by virtue of his or her official position for the purpose of securing a private benefit for himself or herself or for any other person; and
- not without lawful authority, disclose otherwise than to the council, a councillor, or a member of staff entitled to know, information concerning any matter referred to in section 10A(2)(a)-(g) of the Act.
- not misuse any information that is confidential or could reasonably be construed as being confidential or sensitive or likely to lead to further Council action (including litigation or the

Corporate Services Division Report No. 30 (Cont'd)

fulfilment of a Statutory function) provided always that such confidentiality is properly claimed or claimable pursuant to section 10 of the Local Government Act and not used simply as a means of covering up facts or circumstances which may be required to be aired in the public interest or which if disclosed publicly may simply be embarrassing to Council, Councillors or Council Staff because of some failure or indiscretion on their part.

Conflicts of Interest

The Code deals with Conflicts of Interest and provides that a councillor, member of staff or delegate must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.

A conflict of interests exists when a councillor, member of staff or delegate could be influenced, or a reasonable person would perceive that they could be influenced by a personal interest when carrying out one's public duty.

Councillors appearing for an appellant

The Local Government Act 1993 and the Code of Conduct does not contain any provisions expressly excluding a Councillor from appearing as a witness in a court of law. There may be a variety of reasons as to why a person holding a position on council would be a witness – they could be appearing in their capacity as a private individual; they could be subpoenaed to appear; they may be considered an “expert” witness; they could be called on to provide evidence.

However where a councillor appears as a witness for a appellant on a matter where council has already voted on a decision, this could give rise to a potential conflict of interest, or may result in embarrassment to the council.

A conflict could arise for example if Council considers a further report on a matter where a councillor has represented or acted as a witness for an appellant. In those circumstances it is considered that the councillor may be required to declare a conflict of interest.

Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on a councillor, member of staff or delegate to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of his or her public duty.

It may therefore be prudent for Council to give consideration to adopting a policy that Councillors not appear for an appellant where the Council has already voted on a matter, in order to provide clear guidance to councillors in this situation.

RECOMMENDATION

Submitted for Council's determination.

ATTACHMENTS

There are no attachments for this report.

OM191205CSD_2

***** End of Corporate Services Division Report No. 30 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Corporate Planning and Strategy Division Report No. 74
SUBJECT: Development Control Plans (DCPs) for Telecommunications and Radiocommunications Facilities, The Corso and Late Night Venues
FILE NO:

SUMMARY

- New legislative changes gazetted on 9 December 2005 provide transitional arrangement for DCP preparation.
- This report seeks Council resolution for adoption of three DCPs.

REPORT

Background

The State Government planning reform package has imposed new requirements for the preparation of LEPs and DCPs in NSW. In terms of DCPs, the latest legislation provided that only one DCP can be prepared by each planning authority (either Council or the Director General) for each parcel of land. To comply with this requirement, a planning authority may prepare one DCP for the whole LGA, or one for each precinct, or one for a site (and exclude that site from the area to which other DCPs apply). This contrasts to the old legislation which did not restrict the number of DCPs produced by each council.

New transitional arrangements for DCP preparation were gazetted on 9 December 2005. Council can continue to amend existing DCPs or make new DCPs under the old legislation until 30 April 2006. After that any amendment or new DCPs must be in compliance with the new legal provisions.

This report seeks Council's resolution to adopt the following DCPs:

- Telecommunications and Radiocommunications Facilities (Telco)
- The Corso
- Late Night Venues

The three DCPs are tabled, and proposed changes are highlighted.

Public Exhibition of the Three DCPs

The three DCPs were on exhibition on various dates and awaiting adoption by Council under the old legislation. The following table shows the details of the exhibition:

	Telco DCP	The Corso	Late Night Venues
Council resolution for exhibition	8 August 2005	18 July 2005	16 May 2005
Exhibition Period	5/9/05 to 3/10/05	10/9/05 to 10/10/05	28/8/05 to 28/9/05
Exhibition Venues	<ul style="list-style-type: none"> • Council Chambers • Council library • Council's website • Notice in Precinct Newsletter 	<ul style="list-style-type: none"> • Letter to the Chamber of Commerce advising the exhibition • Letters to all property owners of The Corso • Notice in the Precinct Newsletter • A marquee to launch the exhibition during 	<ul style="list-style-type: none"> • Council Chambers • Council library • Council's website • Notice in Precinct Newsletter

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		the 150 th year anniversary	
Number of Submissions	Nil	10	None relating to the DCP
Consideration of submissions	NA	See following section	NA
Proposed Changes after exhibition	Nil	See following section	Changes were proposed and adopted by Council on 15/8/05. These changes are incorporated into the DCP.

The Corso DCP

Approximately 200 people visited the marquee on the 150th year celebration. A range of comments were expressed:

- Great interest in the old and new streetscape comparison.
- Great interest in the historical photos.
- Interest in the future landscape masterplan.
- Positive feedback for Council's efforts to preserve the built form of The Corso.
- Concerns over amenity issues such as noise, the number of pubs and the public domain.

10 written submissions were received. The following table analyses the submissions.

Grounds of Objection	Comments
The appointment of a 'Flag Marshall' to co-ordinate the flying of Australian flags.	This is not a DCP issue. The submission was referred to the responsible officer.
Objection to Clause 5.10 - Arcades should not be opened for 24 hours due to the antisocial behaviour in early hours. There are also suggestions on the design of arcades	Antisocial behaviour in late hours was addressed in the Manly after Midnight Committee report. The final report did not raise concerns over existing arcades. Arcade design is covered in the Manly Town Centre Urban Design Guidelines. The current provisions are considered satisfaction.
Objection to Clause 5.11 which prohibits trafficable balconies because these structures are visually impressive.	Due to the limited public space in The Corso, trafficable balconies and post supported awnings will restrict pedestrian movement and will intrude on the final amenity of The Corso.
Require a provision to regulate what can and cannot be put on the roofs	This is beyond the power of a DCP. The DCP can control the design of the roof, but cannot regulate and enforce what can or cannot be put on the roofs by occupants of the building.
Objection to Clause 5.4 which regulates height and setback of new additional floor level through parapet design.	Clause 5.4 intends to establish a 'visual catchment' to The Corso so that a new roof structure or new floor level will not obscure the view of the parapets and roofs against the sky

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	by pedestrians in The Corso. This requirement will ensure a generally low scale streetscape along The Corso. New development where it is permitted will be set back from The Corso.
The DCP does not contain provisions relating to the public domain.	These are contained in the current Manly Town Centre Urban Design Guidelines.
Submission from Council's heritage planners suggesting some changes to the heritage aspect of the DCP.	The changes include: <ul style="list-style-type: none"> • Under Table 1, replace the word 'redevelopment' by 'redevelopment subject to heritage impact assessment'. This change is relevant to properties No. 17, 23, 25, 31, 37, 53-55, 59-61, 74-78 and 8-24. • Clause 1 Introduction, first sentence: <i>The Corso is an important Sydney public space</i> – replace Sydney by Manly.

Conclusion

The Corso Development Control Plan (DCP), is intended to provide for more detailed provisions to supplement The Corso Conservation Area. It has been the subject of extended consultation with owners, the community, and the Heritage Committee, and is recommended for adoption.

The new legislative changes provide transitional arrangement for DCP preparation until 30 April 2006. The above three DCPs can therefore be adopted as exhibited and amended.

The next step is to incorporate all Manly DCPs into a framework that conforms with the State planning reforms.

RECOMMENDATION

1. That Council adopts the Telecommunications and Radiocommunications DCP as exhibited.
2. That Council adopts The Corso DCP as exhibited subject to the following amendments:
 - Table 1: for those sites that were identified for redevelopment, the provisions be changed to "redevelopment possible subject to heritage impact assessment".
 - Clause 1: Introduction, first sentence: replace Sydney by Manly
3. That Council adopts the Late Night Venues DCP as exhibited and subsequently amended by Council at its meeting on 15 August 2005.
4. That Council writes to all people who made a submission informing them of its decision.

ATTACHMENTS

There are no attachments for this report.

OM191205CPSD_1

***** End of Corporate Planning and Strategy Division Report No. 74 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Corporate Planning and Strategy Division Report No. 75
SUBJECT: Sydney Road, Balgowlah – Installation of 'Mail Zone'
FILE NO:

SUMMARY

The following report has been prepared by RTA representative, Mr James Suprain, requesting that the existing 'Mail Zone' on the western side of Condamine Street, Balgowlah, north of Sydney Road, be relocated to the northern side of Sydney Road, Balgowlah, between Condamine Street and Boyle Street. The proposed relocation will allow the servicing of the Australia Post Office at its new location in Balgowlah Plaza.

REPORT

Australia Post will be relocating its Office from the current site in the Totem Complex to a shop within Balgowlah Plaza, located on the north side of Sydney Road between Condamine Street and Boyle Street, Balgowlah.

As a consequence, the existing mailboxes will require relocation to a site near the new Australia Post office, together with the installation of a Mail Zone.

In order to provide adequate access for their vehicles, Australia Post requires a minimum Mail Zone length of approximately (8) metres. Additionally, the Zone must be within close proximity to their Office to aid with the loading/unloading of heavy/bulky items.

A site investigation revealed the most appropriate location for this Mail Zone is flanking the current Loading Zone (8.30am-6.00pm Mon-Fri).

This placement has the following benefits:

- Permits uninterrupted access for Postal vehicles due to its proximity to the Loading Zone.
- An existing pram ramp at the rear of the proposed Mail Zone will aid the cartage of heavy/bulky goods to/from the Office.
- The rear of this proposed Mail Zone is adjacent to the entry of the Plaza.
- The proposal will not divide the One Hour Parking zones, which would make parking manoeuvres difficult and time consuming – thus interfering with traffic flow along Sydney Road.

It is envisaged the introduction of the Mail Zone will require the removal of approximately (2) on-street parking spaces currently signposted as (1 Hour Parking 8.30am-6.00pm Mon-Fri, 8.30am-12.30pm Sat).

Since Australia Post has requested the installation of signposting before Christmas, concurrence is required from the voting members. (Australia Post representatives have acknowledged recent discussions with Council regarding this matter, and apparently Council concurs with the proposal.)

Corporate Planning and Strategy Division Report No. 75 (Cont'd)**RECOMMENDATION**

1. That an 8 metre length of '1P 8.30am – 6pm Mon – Fri 8.30am – 12.30pm Sat' on the northern side of Sydney Road, Balgowlah, immediately west of the existing 'Loading Zone' outside of No. 306, be converted to 'Mail Zone'.
2. That the existing 8 metre length of 'Mail Zone' on the western side of Condamine Street, Balgowlah, opposite No. 126, be converted to '1P 8.30am – 6pm Mon – Fri 8.30am – 12.30pm Sat'.
3. That the Balgowlah Chamber of Commerce be notified of the above prior to the works being implemented.

ATTACHMENTS

There are no attachments for this report.

OM191205CPSD_2

***** End of Corporate Planning and Strategy Division Report No. 75 *****

TO: Ordinary Meeting - 19 December 2005
REPORT: Corporate Planning and Strategy Division Report No. 76
SUBJECT: Australian Institute of Police Management (AIPM) - Redevelopment stakeholders briefing
FILE NO:

SUMMARY

Council received an invitation to attend a briefing by the AIPM on the Master Plan and proposed future development of the site by AIPM. This report summarises the information provided at the briefing on 16 November 2005.

REPORT

Background:

In 2003 the Australian Institute of Police Management (AIPM) held consultations before meetings with representatives of local community groups and relevant government agencies to preparing a Master Plan for the site. This Plan has been prepared by consultants and accepted by the AIPM Board of Control and approved by the Australian Federal Police. The Federal Government has provided capital budget funding for the project and detailed implementation planning has commenced. A review and finalisation of the Master Plan has commenced as part of the detailed planning process and part of this involves the briefing of key project stakeholders and seeking their input into this review.

The briefing occurred on 16 November 2005 on site and was attended by staff and Councillor representatives, as well as representatives from the local community and government agencies (such as National Parks and the local community precinct).

Overview of the site:

An overview into the current operations carried out on the site was provided as follows:

Police training has been operating from this site for approximately 50 years and the core business is leadership and executive development of officers in Australia and New Zealand and other overseas countries. The AIPM provides multi agency and international executive programs and workshops, such as preparing for major incidents. The AIPM has an international reputation with programs involving the FBI and Solomon Islands.

The current facilities accommodate 70 people in the classroom and dining room facilities. There is currently accommodation for 30 people on site. There is pressure for more accommodation to be provided and accommodation for 60 people is now being proposed. It was advised that there is no capacity to go beyond accommodation for 60 people. Transport is mainly by public transport as most people come from interstate and overseas.

The AIPM guiding principle is respect for the site's location and concerns of the community. The goal is to only use the site for police training and the site plays a role in the future security of Australia and building ties with other countries and police forces.

Master Plan:

It was advised that the Master Plan proposed removal of an existing building on the foreshore (now the existing accommodation block) and new accommodation buildings to be located at the back of the site behind the current classroom and library areas. Ecological sustainability issues have been taken into account such as penguins, bandicoots, exotic plants, native vegetation, natural water paths and the like.

The planning and approval stage has commenced and construction stage is proposed to commence in mid 2006. The construction stages include the accommodation and landscaping;

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refurbishment of classrooms and finalisation of works by mid 2008. It is proposed to find suitable accommodation nearby during the construction to enable police training to continue during the construction phases.

It is proposed to comply with Commonwealth government approval requirements and parliamentary committee approval is also required prior to actual construction. It is proposed to consult key local stakeholders and comply with local and state planning requirements. It was advised that bushfire consultants had been commissioned and their advice has been used to determine the setback and location of the new buildings on site. An environment and heritage assessment had been prepared and BCA requirements are proposed to be complied with. It is envisaged that a project manager will be employed for the redevelopment project.

Detailed Plans:

The project architect explained the proposed plans in some detail and highlighted the bushfire protection zones, the retention of a large cheese tree and melaleuca. Three building zones were identified totalling an approximate area of 3,450 square metres. It is proposed to retain the harbour cottage on the foreshore, and build new accommodation for 60 plus facilities.

A new administration area is to be built with better views of the entrance area, two levels are proposed including space for academic offices and staff common room. Accommodation is proposed over two levels, with the rear block being three levels, with a maximum height set at the ridge of the library buildings. It is proposed to design new buildings which blend into the bushland behind and retain the presence of the existing main buildings.

Projected staff numbers are 36 and a total of 48 car parking spaces are proposed. It was also advised that an environmental management plan is to be developed for the ongoing management of the site.

The briefing ended at approximately 7pm and time was available for discussion and questions.

Conclusion

Discussion focussed on car parking, the possibility of open days and/or interpretation signage; heritage studies; the approval process; ownership of the site and whether council could be provided with a summary of the briefing. It was advised that the AIPM would be 'happy to talk to Council at anytime' regarding the redevelopment.

RECOMMENDATION

1. Thank the AIPM for the opportunity to take part in the stakeholders briefing on the Master Plan and proposed future development of the AIPM site, and,
2. Receive and note the advice.

ATTACHMENTS

There are no attachments for this report.

OM191205CPSD_4

***** End of Corporate Planning and Strategy Division Report No. 76 *****