

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 23 July 2007**

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



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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 23 July 2007. The meeting commenced at 7:40pm.

## PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided  
Deputy Mayor, Councillor B Pedersen  
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  
Councillor M Norek

## ALSO PRESENT

Henry T Wong, General Manager  
Jim Hunter, Executive Director, Major Projects  
Ross Fleming, Chief Financial Officer  
David Stray, Manager Development Control  
Stephen Clements, Divisional Manager, Environmental Services  
Jennie Minifie, Branch Manager, Planning & Strategy  
Elayne Becker, Minute Taker  
Liz Rich, Minute Taker

## OPENING PRAYER

The Opening Prayer was presented by Reverend Richard Harvey.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Murphy	Notice of Motion Report No 12	Member of family operates a Family Day Care

## CONFIRMATION OF MINUTES

### MOTION (Pedersen/Lambert)

That copies of the Minutes of the Ordinary Meeting held on Monday, 18 June 2007, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

96/07 **RESOLVED:** (Pedersen / Lambert)

That copies of the Minutes of the Ordinary Meeting held on Monday, 18 June 2007, having been

furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

## PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Mrs Laura Rupert	DCP – Child Care Centres
Mr Michael Darby	Street Mission's parking drop/off adjacent to Uniting Church West Promenade
Ms Penelope Wynne	Toddlers in Transit Action Group

\*\*\*\*\*

## MAYORAL MINUTE (Macdonald)

### Jim Hunter - More than 40 Years of Service to Manly Council and our Community.

It is with sincere gratitude that on behalf of my fellow Councillors and the community we represent that I bid farewell this evening to Mr Jim Hunter. Jim joins us tonight for his final Council meeting and it is fitting that we formally acknowledge the outstanding service and loyal commitment he has given so generously to this Council over the last 40 years.

In that time Jim has served under the following seventeen Mayors - Jim Paton, Bill Nicholas, Dicky Dein, David Hay, Bill Iles, Bill Manning, Frank Preacher, Joan Thorburn, Judy Mellows, Greg Smith, Joan Cooke, Michael Heraghty, Geoff Smith, Brian Hamer, Sue Sacker, Jean Hay and Myself. On behalf of each of them and the elected Councillors they served with, I would like to thank Jim for his professionalism, his dedication, his vision and his unwavering commitment to serve our community.

Jim has worked under four Town Clerks or General Managers – Lyn Whalan, Cec Menzies, Wayne Collins and Henry Wong. I'm sure they would agree he has been a loyal employee and the leadership, guidance and encouragement he has imparted onto all Council staff has been a true asset to this organisation.

There is no denying that Jim Hunter has left his mark on Manly. Throughout our suburbs, there will always be permanent reminders of the hard work and dedication Jim has put in over the years. Up in Seaforth, he played a leading role in the extension of the Burnt Bridge Creek Valley Park Cycleway and more recently, he steered the group that oversaw the beautification of the Seaforth Town centre. In Fairlight and Balgolwah one of Jim's biggest achievements was widening the Manly Scenic Walkway so this beautiful asset could be easily enjoyed by all. In the Fairy Bower area Jim was involved in establishing the link path over North Head from Shelly Beach to Collins Beach and here in the Manly CBD, the Library Building is a wonderful example of a community facility brought about by Jim's foresight and dedication. On the Ocean Beach Jim facilitated the replanting of the iconic Norfolk Palms after the extended ocean outfall was completed and he project managed the Ocean Beach Promenade upgrade which included the installation of the unique STAR project to utilise stormwater and ground water for irrigation purposes.

But there will also be less tangible reminders of Jim's work with Manly Council. From his role in devising the capital improvements programme for SHOROC parks and reserves to his involvement in improving the operational and logistic aspects of Council's garbage and recycling initiatives in the early 1990s. Jim has also initiated many of Council's energy and water saving projects and he has brought about numerous financial windfalls for the organization, particularly through his

success in applying for Government grants over the years.

It has been my privilege to work alongside Jim on numerous Council committees and on many significant projects. I have appreciated his dedication and am constantly impressed by his enthusiasm and his willingness to meet with people directly, particularly with members of the public he serves.

Next year Manly Council will be marking its 130<sup>th</sup> Anniversary and by that time Jim will no doubt be enjoying his much deserved retirement. But it is with heartfelt gratitude that we acknowledge the fact that for nearly one third of this Council's existence, Jim Hunter has been working hard behind the scenes to serve our community. That type of loyalty and commitment is almost unheard of and it will be sorely missed.

I wish Jim and Elizabeth all the very best for the adventures that lie ahead in their retirement and I extend to Jim a heartfelt thanks from a grateful community.

**97/07 RESOLVED: (Macdonald)**

1. That this Mayoral Minute be noted and Council's gratitude for more than 40 years of dedicated service be formally conveyed to Jim Hunter.
2. That Council staff begin the process of investigating a fitting permanent commemoration for Jim Hunter's outstanding service to the community.

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

**Against the Resolution:** Nil.

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## NOTICES OF MOTION

Notice of Motion Report No. 11

### **Random Illegal Drug Tests for Councillors**

Councillor Daley moved:

That Council:

1. Introduce a policy of random illegal drug tests for all elected councillors at least four times a year. We also call on the Police to focus more on the law enforcement of the drug laws in Manly and across the state.
2. Take to the local government conference as appropriate motion which calls on all councils in NSW to adopt the same policy.

### **Background**

In recent years Manly Council has been focusing on the issue of alcohol abuse and tobacco. There is no doubt that the abuse of alcohol particularly amongst young people is generating wide community concern and actions taken by Council in recent years regarding these issues have been appropriate and they have my full support.

I believe the issue of illegal drugs has been pushed to one side by council. By introducing random illegal drug tests for Councillors we will be elevating the issue of illegal drugs and in so doing send a clear message to the community that we are serious about combating this menace.

Police, airline pilots and some sportsmen to mention but a few have to undergo regular drug tests, why not local government councillors who are required to make very important decisions on behalf of the community.

With the introduction of the so called safe injecting room at Kings Cross and other harm minimisation strategies, I believe the Police are confused about illegal drug law enforcement. I also believe that if illegal mind-altering drugs such as heroin, ice and marijuana are normalised or decriminalised there will be much more harm caused than that caused by alcohol which is a legal substance.

I am aware of the devastation caused by illegal drugs on the individual and families. It is time all councils took a stand regarding the illegal drug menace which is doing so much damage in society. Local Government should lead the way in adopting the policy outlined in my motion and so doing set an example for other levels of Government across Australia.

### **PUBLIC ADDRESSES**

The following persons addressed the meeting in relation to Notice of Motion Report No 11 Random Illegal Drug Tests for Councillors

Against: Mr Tom Shanahan

In Favour: Mr Ian Jameson

### **MOTION (Daley / Aird)**

That Council:

1. Introduce a policy of random illegal drug tests for all elected councillors at least four times a year. We also call on the Police to focus more on the law enforcement of the drug laws in Manly and across the state.
2. Take to the local government conference an appropriate motion which calls on all councils in NSW to adopt the same policy.

### **AMENDMENT (Hay / Heasman)**

That Manly Council donate \$5000 to the Manly Drug Education and Counselling Centre to support a localised communication campaign, such as their "Parents Prepared" Programme.

**For the Amendment:** Councillors Aird, Cant, Evans, Hay, Heasman, Lambert, Morrison, Pedersen and Macdonald

**Against the Amendment:** Councillors Daley, Murphy and Norek

The Amendment was declared **CARRIED** and became the **MOTION**.

### **98/07 RESOLVED: (Hay / Heasman)**

That Manly Council donate \$5000 to the Manly Drug Education and Counselling Centre to support a localised communication campaign, such as their "Parents Prepared" Programme.

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

**Against the Resolution:** Councillor Norek

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### **SUSPENSION OF STANDING ORDERS (Macdonald / Pedersen)**

That Standing Orders be **suspended** to allow for consideration of: Notice of Motion Report No 10 – Funding for the Seaforth Community TAFE Development Action Group; Notice of Motion Report

No 12 – Review of Road Conditions near childcare Centres and Kindergartens; General Managers Division Report No.26 – Seaforth (Former TAFE Site) – Progress Report – Following community reference Group (CRG) meeting held on 20<sup>th</sup> June 2007; Environmental Services Division Report No 40 – 87 Clontarf Street – DA477/06.

99/07 **RESOLVED:** (Macdonald / Pedersen)

That Standing Orders be **suspended** to allow for consideration of: Notice of Motion Report No 10 – Funding for the Seaforth Community TAFE Development Action Group; Notice of Motion Report No 12 – Review of Road Conditions near childcare Centres and Kindergartens; General Managers Division Report No.26 – Seaforth (Former TAFE Site) – Progress Report – Following community reference Group (CRG) meeting held on 20<sup>th</sup> June 2007; Environmental Services Division Report No 40 – 87 Clontarf Street – DA477/06.

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

**Against the Resolution:** Nil.

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Notice of Motion Report No. 10

### **Funding for the Seaforth Community TAFE Development Action Group**

Councillor Morrison moved:

That Council allocate an appropriate source of funds for the “Seaforth Community TAFE Development Action Group” in their quest to bring forward an alternative design plan for the Seaforth TAFE site.

### **Background**

This funding is being sought in response to the Council Resolution of 18 December 2006 especially point 6 of the resolution which called for Council to “Take the Initiative...to progress more appropriate urban design outcomes for the site”. It is important that councillors recognise that the Action Group has a petition of some 3300 local residents who have voiced an opposition to option 3.

As this development is the largest that will occur in Seaforth and profoundly alter the shape of the suburb I feel we owe it to the residents to ‘take a step back’ and let the Group come up with a proposal. This can only fairly proceed if funding is made available.

### **PUBLIC ADDRESSES**

The following person addressed the meeting in relation to Notice of Motion Report No 10 Funding for the Seaforth Community TAFE Development Action Group

In Favour: Mr George Citer

### **MOTION ( Morrison / Norek)**

Subject to Section 356 considerations under the 1993 Local Government Act, Council invite submission and consider request for funding to develop options for the TAFE site, up to an amount of \$10,000.

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

**Against the Motion:** Councillors Aird, Cant, Evans, Lambert, Pedersen and Macdonald

With voting being equal the Mayor exercised his casting vote against the motion and declared it

**LOST.**

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At 9.55pm Councillor Murphy reaffirmed his interest in this item and left the Chamber.

Notice of Motion Report No. 12

**Review of Road Conditions near Childcare Centres and Kindergartens**

Councillor Heasman moved:

That Manly Council's Traffic Committee be asked to undertake a review of road conditions adjacent to all childcare centres and kindergartens in the Manly Local Government Area.

That Manly Council request the Roads and Traffic Authority to undertake a review of their policy of not allowing reduced speed limits outside childcare centres and kindergartens that are not adjacent to schools.

**Background**

Recommendations of a review by the Traffic Committee could take the form of an upgrade of children warning signage, line marking and an increase of 'no stopping' zones.

Currently the RTA only allow 40km signage outside primary and secondary schools in NSW. Local Councils have no jurisdiction to reduce speed limits outside childcare centres and kindergartens.

**PUBLIC ADDRESSES**

The following person addressed the meeting in relation to Notice of Motion Report No 12 Review of Road Conditions near Childcare Centres and Kindergartens

In Favour: Mr Ron Delezio

**MOTION (Heasman / Hay)**

1. That Manly Council's Traffic Committee be asked to undertake a review of road conditions adjacent to all childcare centres and kindergartens in the Manly Local Government Area beginning with the Seabreeze kindergarten.
2. That Manly Council staff (the Road Safety Officer or other) follow-up the RTA's Kids and Traffic Workshops (specifically for our family Day Care)
3. That Manly Council request the Roads and Traffic Authority to:
  - a) Undertake a review of their policy of not allowing reduced speed limits outside childcare centres and kindergartens that are not adjacent to schools
  - b) Widening the NSW Road Safety (New) Education program to include pre-schoolers at childcare centres and kindergartens.

**100/07 RESOLVED: (Heasman / Hay)**

1. That Manly Council's Traffic Committee be asked to undertake a review of road conditions adjacent to all childcare centres and kindergartens in the Manly Local Government Area beginning with the Seabreeze kindergarten.
2. That Manly Council staff (the Road Safety Officer or other) follow-up the RTA's Kids and Traffic Workshops (specifically for our family Day Care)
3. That Manly Council request the Roads and Traffic Authority to:



a) Undertake a review of their policy of not allowing reduced speed limits outside childcare centres and kindergartens that are not adjacent to schools

b) Widening the NSW Road Safety (New) Education program to include pre-schoolers at childcare centres and kindergartens.

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

**Against the Resolution:** Nil.

Councillor Murphy took no part in the voting having declared a conflict of interest.

At 10.20pm Councillor Murphy returned to the Chamber.

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## GENERAL MANAGERS DIVISION

General Managers Division Report No. 26

**Seaforth (Former TAFE Site) - Progress Report - Following Community Reference Group (CRG) meeting held on 20th June, 2007**

### SUMMARY

- Following Council's resolution of 18th December, 2006, Landcom was asked to respond to the various matters raised in community consultation following exhibition of the Draft Urban Design Guidelines for the Seaforth centre.
- The Community Reference Group (CRG) was reconvened with an expanded membership to consider the Landcom feedback on 20th June, 2007.
- This report outlines the CRG response to the presentations from Landcom and reports on matters arising, particularly in relation to the activities and initiatives of the Seaforth Community TAFE Development Action Group.

**Note:** Council will be given a briefing as per the presentation to the CRG on 20th June, 2007 to acquaint them with the current form of the Option 3 proposal, following on Council's guidance from the December resolution.

### PUBLIC ADDRESSES

The following persons addressed the meeting in relation to General Manager's Division Report No 26 Seaforth (Former TAFE Site) – Progress Report

Against: Mr Doug Price

In Favour: Mr Peter Fysh, Chairman Seaforth Community TAFE Development Action Group

### MOTION (Morrison / Hay)

That Landcom be advised in the following terms:-

Option 3:-

1. The community has overwhelmingly rejected the Draft Urban Design Guidelines, which effectively sought to justify exemption of Option 3 from the Council's DCP provisions for the Seaforth village centre.
2. The result of the letterbox survey carried out in regard to the "Extended" TAFE site proposal was that many of the responses were generally negative, the critical issues being height,

- traffic and parking.
3. Community concern regarding aspects of the proposal was also evidenced by the subsequent submission of a petition with three thousand three hundred signatures.
  4. The proposal does not comply with the Seaforth DCP provisions relating to maximum permissible floor space, ratio, height, setbacks, open space and landscaping.
  5. Therefore, if Council were to support Option 3, there would be one set of rules for the "Extended" TAFE site, and another for the rest of Seaforth.
  6. This is an unsustainable position, because it would make it impossible for Council to make soundly based, consistent decisions on future redevelopment proposals in Seaforth or to defend them in the Land and Environment Court.
  7. Option 3 is deficient in required off-street parking. In other words, it will create more demand for parking than it provides.
  8. In addition, it will remove existing on-street parking.
  9. Therefore the proposal will have a permanent detrimental effect on the availability of public parking in Seaforth, with no alternatives available now or in the future.
  10. Option 3 also creates additional traffic problems for local residents and for through traffic.
  11. Under these circumstances, Council is not willing to participate in further exploration of Option 3, or to cooperate in any land transfers, traffic re-routing or other contingencies of that option.

#### Options 1&2:-

1. Should Landcom or the DET wish to pursue Options 1 or 2, as previously identified in the public consultation process, with proposed development being strictly confined to the site they own, Council wishes to make it clear that:-
  - a. Council acknowledges the right of the owner to obtain a fair commercial return from the redevelopment of the site, and will not seek to extract additional benefits on the grounds that the property is government-owned, or on grounds related to its past use
  - b. Council does, however, require that the owner respect the DCP controls that apply in Seaforth, in particular those controls that relate to maximum permissible floor space ratio, height, setbacks, open space and landscaping
  - c. Notwithstanding Part b. above, should the owner choose to pursue a beneficial re-use of the existing buildings, or parts thereof, whether for residential, commercial and/or community purposes, and providing the objectives of the DCP controls are addressed, Council may consider some variations to the quantitative provisions of the DCP.
2. In any case, Council will seek a contribution of money or equivalent public benefit in lieu of the S94 contribution that would be forthcoming from a private developer in the same situation, except that, if the redevelopment is carried out by the DET or by Landcom on behalf of the DET, Council will deduct the \$230,000 spent on the project to date.

#### AMENDMENT (Lambert / Evans)

1. That Council defer further consideration for a period of up to **90 days** during which time Landcom would be asked to assess and comment on the Seaforth Community TAFE Development Action Group proposals in terms of urban design and satisfaction of previously identified stakeholder **objectives** and economic feasibility.
2. That CRG reconvene with Landcom at the earliest possible opportunity, to agree follow-up actions and a timetable. That this includes the options to be considered, including the plans being put forward and any action to confirm or improve a traffic study such as exists.
3. That Council commission an independent traffic study to provide the best possible advice on all traffic reconfiguration options for the CRG to use in its consideration of the various development options.

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

With voting being equal the Mayor exercised his casting vote for the Amendment. The Amendment became the Motion.

101/07 **RESOLVED:** (Lambert / Evans)

1. That Council defer further consideration for a period of up to **90 days** during which time Landcom would be asked to assess and comment on the Seaforth Community TAFE Development Action Group proposals in terms of urban design and satisfaction of previously identified stakeholder **objectives** and economic feasibility.
2. That CRG reconvene with Landcom at the earliest possible opportunity, to agree follow-up actions and a timetable. That this includes the options to be considered, including the plans being put forward and any action to confirm or improve a traffic study such as exists.
3. That Council commission an independent traffic study to provide the best possible advice on all traffic reconfiguration options for the CRG to use in its consideration of the various development options.

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

With voting being equal the Mayor exercised his casting vote for the Resolution and declared it **CARRIED**.

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## ENVIRONMENTAL SERVICES DIVISION

### 87 Clontarf Street, Seaforth - DA477/06 (DA477/06)

**Application Lodged:** 13 September 2006  
**Applicant:** Greenfield DA Services  
**Owner:** Henning and Tatiana Muller  
**Estimated Cost:** \$217,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
 Manly Residential Development Control Plan 2001,  
 Amendment 1 Sub Zone: 5  
 Within the Foreshore protection Area: No  
**Surrounding Development:** Residential  
**Heritage:** N/A

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING DWELLING, CONSTRUCTION OF A NEW TWO-STOREY DWELLING AND DECK; REMOVAL OF EXISTING DRIVEWAY/CROSSOVER AND CONSTRUCTION OF NEW; AND REMOVAL OF THREE TREES.
2. THE PROPOSAL WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO SEAFORTH NORTH PRECINCT COMMUNITY FORUM AND COMMENTS WERE RECEIVED.
4. AMENDED PLANS WERE RECEIVED ON 7 MARCH 2007 AND WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD.

6. THE APPLICATION WAS DEFERRED FROM THE JULY LUM MEETING AT THE REQUEST OF THE APPLICANT.
7. A SITE INSPECTION IS RECOMMENDED.
8. DEFERRED COMMENCEMENT CONSENT IS RECOMMENDED.

### SITE INSPECTIONS

#### DA477/06 – 87 Clontarf Street, Seaforth

Demolition of Existing Dwelling, Construction of New Two (2) Storey Dwelling

Inspected by Councillors A Heasman, J Lambert, P Macdonald and D Murphy

#### Recommendation:

**Staff recommendation generally supported with deletion of Draft Condition A1 and further consideration being given to the proposed ground floor rear deck with a view to reducing its impact on the amenity of the adjoining property to the south.**

### PUBLIC ADDRESSES

The following persons addressed the meeting in relation to Environmental Services Division Report No. 40, 87 Clontarf St Seaforth DA477/06

Against: Mr Richard Covington, on behalf of Mr Thompson, neighbour

In Favour: Mr Henning Muller, Owner

### MOTION (Murphy / Daley)

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 477/06 for a “demolition and construction of a dwelling house.” at 87 Clontarf Street, Seaforth, be **approved** but shall not operate until the applicant has submitted amended plans showing:-

- A1. Deleted
- A2. The proposed dwelling reduced in height by a minimum of 250mm to comply with the Wall Height provisions of the Residential Development Control Amendment 1, 2001 and 2007 and minimise amenity impacts on adjoining properties.
- A3. The family, lounge/dining reduced by 1.0m from the rear extension to achieve closer compliance with the Floor Space Ratio requirements of Council's Residential Development Control Plan Amendment 1, 2001 and 2007 and minimise amenity impacts on adjoining properties.
- A4. The retaining wall on the south side having a minimum of 900mm setback from the boundary to minimise amenity impacts on adjoining property.
- A5. The roof over the rear deck lowered by 300mm to reduce overshadowing impact on the adjoining property.

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

Evidence of Items A1 to A5 are to be submitted within a period of three (3) months pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

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

Pursuant to the Building Code of Australia, the building is a Class 1a building. Council determined this application and has granted consent subject to the conditions described below:

DA1

This approval relates to drawings/plans Nos. 10341 Drawings 1, 9 – 13 dated 16 May 2007 and received by Council on the 21 May 2007 and Landscape Plan L-01 dated 18 August 2006 and received by Council on the 13 September 2006 and as modified by deferred commencement conditions.

ANS01

A 1600mm high privacy screen is to be provided to the southern side of the rear deck, to reduce overlooking of adjoining property, plans being amended accordingly prior to the issue of the Construction Certificate.

ANS02

The air-conditioning unit is to be suitably selected and housed to minimize noise impacts on adjacent properties.

ANS03

Window 13 on the southern ground floor elevation is to be either an awning window in translucent glass or have a minimum sill height of 1600mm above finished floor level to minimize privacy impacts on the adjoining property, plans being amended accordingly prior to the issue of the Construction Certificate.

DA009

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

DA010

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

DA011

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

DA012

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

DA013

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the

Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA341**

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils Depot.

**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.

## 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.

## 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.

**DA077**

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

**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.

**DA084**

Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

**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

**DA088**

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

**DA095**

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) plan showing Work as Executed (WAE) details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for Stormwater Drainage and On-site Stormwater Management 2003.

**DA100**

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

**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.

## DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

## DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

## DA239

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

## DA240

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

## DA348

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

## DA261

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

## DA269

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

## DA270

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

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

Pier holes inspection

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2,070 (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.

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

Building operations such as 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.

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".

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.

102/07 **RESOLVED: (Murphy / Daley)**

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 477/06 for a "demolition and construction of a dwelling house." at 87 Clontarf Street, Seaforth, be **approved** but shall not operate until the applicant has submitted amended plans showing:-

A1. Deleted

A2. The proposed dwelling reduced in height by a minimum of 250mm to comply with the Wall Height provisions of the Residential Development Control Amendment 1, 2001 and 2007 and minimise amenity impacts on adjoining properties.

A3. The family, lounge/dining reduced by 1.0m from the rear extension to achieve closer compliance with the Floor Space Ratio requirements of Council's Residential Development Control Plan Amendment 1, 2001 and 2007 and minimise amenity impacts on adjoining properties.

A4. The retaining wall on the south side having a minimum of 900mm setback from the boundary to minimise amenity impacts on adjoining property.

A5. The roof over the rear deck lowered by 300mm to reduce overshadowing impact on the adjoining property.

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

Evidence of Items A1 to A5 are to be submitted within a period of three (3) months pursuant to

Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

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

Pursuant to the Building Code of Australia, the building is a Class 1a building.

Council determined this application and has granted consent subject to the conditions described below:

#### DA1

This approval relates to drawings/plans Nos. 10341 Drawings 1, 9 – 13 dated 16 May 2007 and received by Council on the 21 May 2007 and Landscape Plan L-01 dated 18 August 2006 and received by Council on the 13 September 2006 and as modified by deferred commencement conditions.

#### ANS01

A 1600mm high privacy screen is to be provided to the southern side of the rear deck, to reduce overlooking of adjoining property, plans being amended accordingly prior to the issue of the Construction Certificate.

#### ANS02

The air-conditioning unit is to be suitably selected and housed to minimize noise impacts on adjacent properties.

#### ANS03

Window 13 on the southern ground floor elevation is to be either an awning window in translucent glass or have a minimum sill height of 1600mm above finished floor level to minimize privacy impacts on the adjoining property, plans being amended accordingly prior to the issue of the Construction Certificate.

#### DA009

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

#### DA010

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

#### DA011

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

#### DA012

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

#### DA013

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA341

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils Depot.

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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

**DA048**

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

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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.

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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.

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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.

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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.

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An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

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

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

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Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

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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

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A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

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A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) plan showing Work as Executed (WAE) details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for Stormwater Drainage and On-site Stormwater Management 2003.

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A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

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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.

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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.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

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All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

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

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

DA348

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

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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.

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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

Framework inspection

Wet area moisture barrier

Drainage inspection

Pier holes inspection

Landscaping inspection

Final inspection



The cost of these inspections by Council is \$2,070 (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.

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

Building operations such as 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.

## 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".

## DA323

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

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

**Against the Resolution:** Nil.

\*\*\*\*\*

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

That Standing Orders be **Resumed**.

103/07 **RESOLVED:** (Macdonald / Pedersen)

That Standing Orders be **Resumed**.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 9

#### **Utilisation of CCTV Equipment**

Councillor Daley moved:

That Council form a sub-committee of the Safety Committee with the specific task of expediting the full

utilisation of the CCTV equipment which has been installed on The Corso to monitor criminal activity and anti- social behaviour.

### **Background**

Council staff under the direction and guidance of the General Manager has installed excellent CCTV equipment on The Corso. However as documented in recent Safety Committee minutes this equipment is still not being utilised to anywhere near its full potential.

With extra security being required in greater Sydney for the upcoming APEC summit it is essential that this security be operating at its maximum potential as soon as possible. Also with drug and alcohol related crime still occurring on The Corso it is essential that CC TV be used **fully** to both deter and prevent all forms of crime.

The above motion is moved as matter of urgency to help with the safety and protection of both the local and wider community.

### **MOTION (Daley / Murphy)**

That Council form a sub-committee of the Safety Committee with the specific task of expediting the full utilisation of the CCTV equipment which has been installed on The Corso to monitor criminal activity and anti-social behaviour.

The Motion was **withdrawn** by Councillor Daley.

\*\*\*\*\*

### **ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 7

#### **Items for Brief Mention**

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

- i) Sister Cities Committee – 4 April 2007
- ii) Sister Cities Committee – 9 May 2007
- iii) Sister Cities Committee – 13 June 2007
- iv) Manly Arts Festival Committee – 6 June 2007
- v) Manly Meals On Wheels Service Committee – 13 June 2007
- vi) Manly Visitor And Community Board – 14 June 2007
- vii) Manly Youth Council – 18 June 2007
- viii) Access Committee - 21 June 2007

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

- i) Manly Community Safety Meeting – 21 June 2007**
  - a) Item 5.1 Manly After Midnight and Code of Respect report**

#### Recommendation

That a report be prepared on Late Night Strategies, the expenditure by Council

including transport funding to be tabled at the next Community Safety Committee meeting.

**b) Item 5.2 Late Night Strategies Transport Effectiveness**

Recommendation

1. That the CCTV cameras located on Council's property are monitored through funding a dedicated security position on a *trial basis* for 3 to 6 months from October 2007 long weekend, on both Friday and Saturday nights.
2. That a report is presented to the Committee at the next meeting stating the parameters of the trial including the cost of a dedicated security resource.
3. The *trial* is "without prejudice" to submit the costs and the outcomes to the State government with the funding to be provided through State government, by requesting the Local Member Mr Mike Baird, to present the matter on behalf of the Manly residents and the Community Safety Committee.

**c) Item 6.6 Late Night Food operator – Ser-bar Kebab, Mr Sidar Demirbag is interested in a position on the Committee Late Night Strategies Transport Effectiveness**

Recommendation

1. That Councillors Cant and Norek names are removed from the membership list.
2. That the Council invite Councillors to nominate & to appoint replacement Councillors to the Community Safety Committee.
3. That the Chamber of Commerce be invited to send a representative to the Committee meetings.
4. That all Community representatives be reconfirmed
5. That Precinct and Community representatives be invited through an Expression of Interest to join the Community Safety Committee by advertising the positions in the Saturday Manly Daily page and on the Council's website.

Divisional Manager Human Services & Facilities Note:

Point 2 of the recommendation is drawn to the attention of Council to nominate and appoint replacement councillors to the Manly Community Safety Committee.

**d) Item 7.4 Provision of a Pedestrian Cyclist Shared Zone - along Market Lane - Mayoral Minute resolution 56/07**

Recommendation

"In view that this area is already a Shared Zone, the Community Safety Committee supports the shared zoned for Cycles – as a 12 months trial."

**MOTION (Heasman / Evans)**

1. That the recommendations of **Minutes of Meetings**, as listed in **item 1, being 1 i) to 1 viii)**, be **adopted**.
2. i) That the minutes of the **Manly Community Safety Meeting 21 June 2007** be **adopted**, including the following recommendations of a substantial nature, with the exception of Item 6.6, which should be **noted**:
  - a) **Item 5.1 Manly After Midnight and Code of Respect report**

That a report be prepared on Late Night Strategies, the expenditure by Council including transport funding to be tabled at the next Community Safety Committee meeting.

b) **Item 5.2 Late Night Strategies Transport Effectiveness**

1. That the CCTV cameras located on Council's property are monitored through funding a dedicated security position on a *trial basis* for 3 to 6 months from October 2007 long weekend, on both Friday and Saturday nights.
2. That a report is presented to the Committee at the next meeting stating the parameters of the trial including the cost of a dedicated security resource.
3. The *trial* is "without prejudice" to submit the costs and the outcomes to the State government with the funding to be provided through State government, by requesting the Local Member Mr Mike Baird, to present the matter on behalf of the Manly residents and the Community Safety Committee.

c) **Item 6.6 Late Night Food operator – Ser-bar Kebab, Mr Sidar Demirbag is interested in a position on the Committee Late Night Strategies Transport Effectiveness**

1. That Councillors Cant and Norek names be removed from the membership list.
2. That the Council nominate and appoint the following replacement Councillors to the Community Safety Committee:  
Councillor Hay and Councillor Daley
3. That the Chamber of Commerce be invited to send a representative to the Committee meetings.
4. That all Community representatives be reconfirmed
5. That Precinct and Community representatives be invited through an Expression of Interest to join the Community Safety Committee by advertising the positions in the Saturday Manly Daily page and on the Council's website.

d) **Item 7.4 Provision of a Pedestrian Cyclist Shared Zone – along Market Lane-Mayoral Minute resolution 56/07**

"In view that this area is already a Shared Zone, the Community Safety Committee supports the shared zoned for Cycles – as a 12 months trial."

104/07 **RESOLVED: (Heasman / Evans)**

1. That the recommendations of **Minutes of Meetings**, as listed in **item 1, being 1 i) to 1 viii)**, be **adopted**.
2. i) That the minutes of the **Manly Community Safety Meeting 21 June 2007** be **adopted**, including the following recommendations of a substantial nature, with the exception of Item 6.6, which should be **noted**:

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

That a report be prepared on Late Night Strategies, the expenditure by Council including transport funding to be tabled at the next Community Safety Committee meeting.

b) **Item 5.2 Late Night Strategies Transport Effectiveness**

1. That the CCTV cameras located on Council's property are monitored through

funding a dedicated security position on both Friday and Saturday nights on a *trial basis* to commence as soon as possible and funding be sourced from federal and state governments.

2. That a report is presented to the Committee at the next meeting stating the parameters of the trial including the cost of a dedicated security resource.
3. The *trial* is "without prejudice" to submit the costs and the outcomes to the State government with the funding to be provided through State government, by requesting the Local Member Mr Mike Baird, to present the matter on behalf of the Manly residents and the Community Safety Committee.

c) **Item 6.6 Late Night Food operator – Ser-bar Kebab, Mr Sidar Demirbag is interested in a position on the Committee Late Night Strategies Transport Effectiveness**

1. That Councillors Cant and Norek names be removed from the membership list.
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Councillor Hay and Councillor Daley
3. That the Chamber of Commerce be invited to send a representative to the Committee meetings.
4. That all Community representatives be reconfirmed
5. That Precinct and Community representatives be invited through an Expression of Interest to join the Community Safety Committee by advertising the positions in the Saturday Manly Daily page and on the Council's website.

d) **Item 7.4 Provision of a Pedestrian Cyclist Shared Zone – along Market Lane- Mayoral Minute resolution 56/07**

"In view that this area is already a Shared Zone, the Community Safety Committee supports the shared zoned for Cycles – as a 12 months trial."

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

**Against the Resolution:** Nil.

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## CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 24

**Accounts - Report on Council Investments as at 30 June 2007**

### SUMMARY

Latest accounting statements for the period to 30 June 2007

1. Statement showing general fund bank account balance as at 30 June 2007.
2. Cash investments as at 30 June 2007.

### MOTION (Lambert / Morrison)

1. That the statement of General Fund Bank Account balance as at 30 June, 2007 be received and noted.

2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 June, 2007 be received and noted.

**105/07 RESOLVED: (Lambert / Morrison)**

1. That the statement of General Fund Bank Account balance as at 30 June, 2007 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 June, 2007 be received and noted.

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

**Against the Resolution:** Nil.

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**CIVIC SERVICES DIVISION**

Civic Services Division Report No. 2

**Reappointment of Local Controller, Manly SES****SUMMARY**

The State Emergency Service (SES) seeks Council's input/concurrence with the reappointment of Mark Simpson as Local Controller, Manly SES.

**MOTION (Heasman / Cant)**

That:

1. The attached letter from the SES be received and noted.
2. Council concur with the reappointment of Mr Simpson to the position of Local Controller, Manly SES, effective 1<sup>st</sup> August 2007.
3. The SES Region Controller be notified accordingly.
4. A letter of congratulations be forwarded to Mr Simpson on his reappointment to the position of Local Controller, Manly SES.

**106/07 RESOLVED: (Heasman / Cant)**

That:

1. The attached letter from the SES be received and noted.
2. Council concur with the reappointment of Mr Simpson to the position of Local Controller, Manly SES, effective 1<sup>st</sup> August 2007.
3. The SES Region Controller be notified accordingly.
4. A letter of congratulations be forwarded to Mr Simpson on his reappointment to the position of Local Controller, Manly SES.

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

**Against the Resolution:** Nil.

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**QUESTIONS WITHOUT NOTICE****QWN38/07 Councillor Hay** – Development Application - New Ocean Beach Toilets

Now that submissions for the new ocean toilet block are closed, will a DA be coming to a LUM Meeting?

At the request of the Mayor, the General Manager advised that while he had not seen the application per se, when an assessment is completed, it will go through the DAU process and will come to a LUM meeting.

**QWN39/07 Councillor Hay** - Reinstate two parking spots at Fairlight shops

When will the two parking spots at Fairlight shops be reinstated, as discussed at 16<sup>th</sup> July P&S meeting?

At the request of the Mayor, the General Manager advised he would give this matter urgent attention.

**QWN40/07 Councillor Heasman** - Merging of adjacent precincts

What is council's policy with regard to the "merging of adjacent precincts"? For example, if Balgowlah is closed, it can't put a motion up to merge with Ivanhoe for example.

At the request of the Mayor, the General Manager advised that he would speak with Beth Lawsen and the matter would be progressed.

**QWN41/07 Councillor Cant** - Does L90+0db(A) mean no appreciable noise?

Does L90+0db(A) mean the same as no appreciable noise?

At the request of the Mayor, the General Manager advised that yes it did.

**QWN42/07 Councillor Murphy** - The Corso outdoor seating licences

The Mayor's column 14/7/07 states "I support the staff position to tender out this space; it is a requirement under the Local Government Act to do so." Is it a requirement under the LGA that we must tender the area currently occupied by Watervue and Cristals, and if so does this make Councillor Morrison's motion to not tender this area ever again illegal?

At the request of the Mayor, the General Manager advised that it is a requirement to tender an area where the income derived is greater than \$150,000/annum.

**QWN43/07 Councillor Murphy** – The Corso Stage 2 upgrade - tendering outdoor seating areas

Will the Council now be tendering the areas with outdoor seating in The Corso Stage 2 upgrade, such as Baccino, Scoozime etc, if it is a requirement of the Local Government Act?

At the request of the Mayor, the General Manager advised that there is not another comparable area in terms of size or scale, and that a tender is only required under the Local Government Act for revenues greater than \$150,000 per annum.



**QWN44/07 Councillor Morrison** - Vandalised toilets in Seaforth

The automatic toilets in Seaforth are constantly vandalised. Is it possible to lock them at 6pm?

At the request of the Mayor, the General Manager advised that the toilets can be programmed to shut at a particular time and he agreed to follow this up.

**QWN45/07 Councillor Pedersen** - Bike lanes on Darley Road

Can the General Manager assure Council that the bike committee's recommendation for a bike lane up and not down Darley Road be actioned?

At the request of the Mayor, the General Manager advised that Council has needed to abide by the Warrants of the RTA in this matter, but that he understands the matter has now been resolved and the RTA might not contest the Council's position in relation to not marking it up.

**QWN46/07 Councillor Aird** - Planter boxes outside Baccino

Now the Stage 2 upgrade of The Corso is not going ahead for 12 months, can the two ugly planter boxes on the footpath outside Baccino be addressed/improved?

At the request of the Mayor, the General Manager advised that plants previously in these have constantly been vandalised, so with the agreement of the shop owners, planks have been placed across them to use them as seats for now. When the Stage 2 upgrade happens, they will be removed.

**QWN47/07 Councillor Norek** - Purchase of Hop Skip and Jump buses.

Were the Hop Skip and Jump buses purchased second hand and were they costed more than new ones for each of them?

At the request of the Mayor, the General Manager advised that yes they were bought second hand, new ones were not available at the time and as it was only for a trial period, it was not thought suitable to spend Council funds on new buses. Each bus cost approximately \$40,000 each, with all four costing \$170,000. New buses would cost \$110,000 each.

**QWN48/07 Councillor Norek** - Installation of surveillance cameras on RTA and electric poles

Are there cameras installed on RTA and electric poles without the public knowing about it? Who is monitoring the cameras installed on the beach and why were they installed there?

At the request of the Mayor, the General Manager advised that the cameras were installed on poles after the 2005 Cronulla riots, and were installed with the authority of the various utilities, and appropriate warning signs are posted.

**QWN49/07 Councillor Norek** - Purchase of PCs for charity

Were 30 PCs, complete with all software bought to be sent to a charity, and if so which charity?

At the request of the Mayor, the General Manager advised that 20 obsolete, second hand PCs were given to "Aid 4", an NGO which the council assisted in starting and they were sent to Malabo in Aceh to the Aid 4 school which Council has supported. The computers were without software, screens or keyboards.

**QWN50/07 Councillor Macdonald** - Boundary issue at 95 Lauderdale Avenue

When will the boundary issue at 95 Lauderdale avenue be sorted out?

At the request of the Mayor, the General Manager advised that the Council had initiated action, the developer had put up an insubstantial fence, and Council asked him 3 weeks ago to erect a more permanent fence. Mr Pearson is on the case and Council will follow it up.

As a supplementary to this, Councillor Murphy mentioned that the owner had asked that Council look at damage to his property caused by the recent storms, and nothing yet had happened.

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

**MATTERS OF URGENCY**

Nil

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Corporate Services Division Report No. 20

**Appointment of Auditor for the period 1 July 2007 to 30 June 2013**

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

The Chairperson asked if any members of the public gallery objected to this matter being heard in Closed Session.

It is noted that no representations were received from the public gallery.

**CLOSED SESSION****MOTION (Macdonald / Pedersen)**

That the meeting move into Closed Session to consider the above item.

107/07 **RESOLVED: (Macdonald / Pedersen)**

That the meeting move into Closed Session to consider the above item.

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

**Against the Resolution:** Nil.

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**OPEN COUNCIL RESUMED**

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

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Corporate Services Division Report No. 20

**Appointment of Auditor for the period 1 July 2007 to 30 June 2013**

108/07 **RESOLVED: (Daley / Cant)**

1. That pursuant to Section 422 of the Local Government Act 1993, that Spencer Steer and Associates be offered appointment as Council's Auditor for the period 1 July 2007 to 30 June 2013, based both on the total Group Audit Tender Fee of \$36,500, and the quality and depth of audit experience in the supply of Audit services to Council;
2. The engagement of the firm of Spencer Steer and Associates is to be covered by a letter of appointment making reference to Council's tender specification and the tender document provided by the firm.
3. That all tenderers be advised of Council's decision.

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**CLOSE**

The meeting closed at 1.00am on 24<sup>th</sup> July 2007.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 20 August 2007.

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**MAYOR**

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