

Agenda

Ordinary Meeting

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

Tuesday 6 October 2015

Commencing at 7.30pm for the purpose of considering items included on the Agenda.

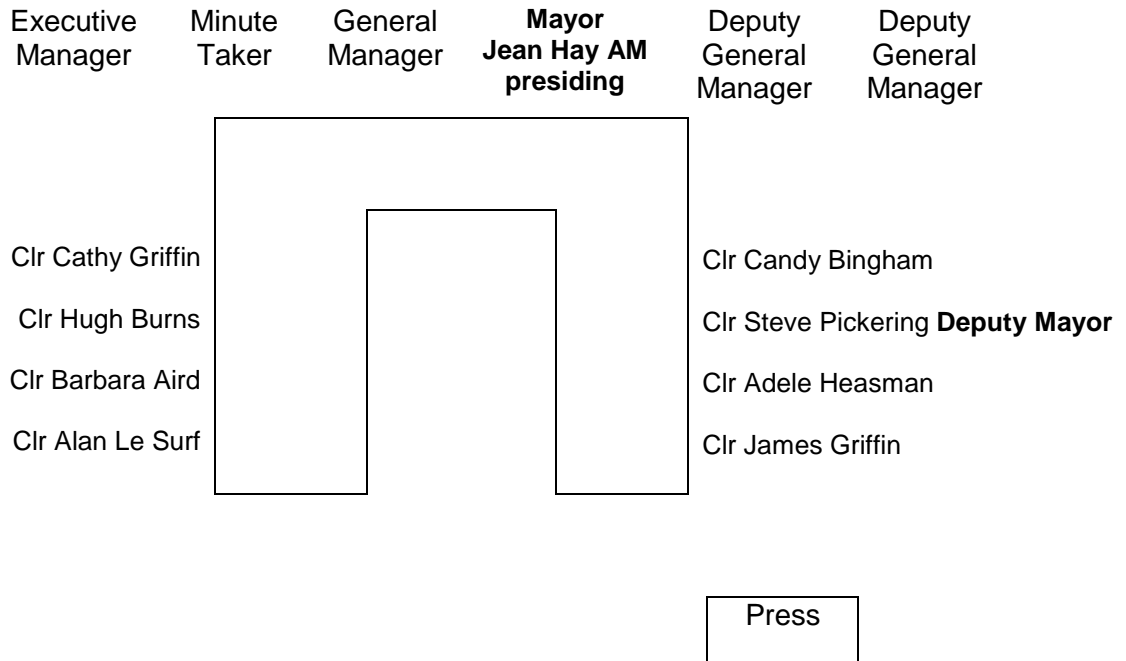
Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes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

Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:

www.manly.nsw.gov.au



Seating Arrangements for Meetings



Public
Addresses

Public Gallery

Chairperson: The Mayor, Clr Jean Hay AM
Deputy Chairperson: Clr Steve Pickering

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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

(In accordance with Clause 241 of the Local Government (General) Regulations, 2005)

CLOSED SESSION

TO: Ordinary Meeting - 6 October 2015
REPORT: Corporate Services Division Report No. 15
SUBJECT: Election of Deputy Mayor
FILE NO: MC/15/5220

SUMMARY

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of the Mayor.

The election for Deputy Mayor will be held at the Ordinary Meeting of Council on 6 October 2015.

REPORT

The Council is required to conduct an election to fill this position for the forthcoming term.

Term

Section 231(2) of the *Local Government Act, 1993* states that the person may be elected for the Mayoral term or a shorter term.

As Council is aware the current Mayoral term at Manly Council will be for 4 years. However, the practice has been to elect the Deputy Mayor for a one year term only.

Procedure

Clause 394 of the Local Government (General) Regulation 2005 provides that the Deputy Mayor is to be elected in accordance with Schedule 7 of the Regulation. The provisions of the Schedule are summarised as follows:-

1. A nomination for the Office of Deputy Mayor is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is **not valid unless** the nominee has indicated consent to the nomination **in writing**.

There is no prescribed form of "nomination paper". However, for convenience, "nomination papers" have been prepared and **distributed**.

2. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:-
 - (a) Preferential Ballot.
 - (b) Ordinary Ballot.
 - (c) Open Voting.

(Note: It has been Manly Council long-standing practice to have Open Voting.)

3. If the method is by Preferential or Ordinary Ballot, it shall be by secret vote.

Corporate Services Division Report No. 15 (Cont'd)

4. The General Manager (or a person appointed by the General Manager) is the Returning Officer.

The primary difference between Ordinary Ballot/Open Voting and Preferential Ballot is:-

- (i) Preferential Ballot - **Only one ballot is taken** and Councillors are to mark their votes by placing the numbers "1", "2", "3" and so on, against the various names so as to indicate the order of their preference for the candidates. Preferences must be shown for all candidates (Clause 9 of Schedule 7).

The formality of a ballot paper under this part is to be determined in accordance with Clause 345 (1) (b) and (c) and (5) of the Local Government (General) Regulation, 2005. In essence, the ballot paper must:-

- (a) Be completed in accordance with the directions for the showing of preferences.
- (b) Be initialled by the Returning Officer or an Electoral Officer.
- (c) Not contain a mark or writing which would enable the voter to be identified.

If a candidate has an absolute majority of first preference votes (i.e. more than one half of the number of formal ballot papers), that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and that candidate's votes transferred to that candidate's second preferences. This procedure continues until a candidate receives an absolute majority.

- (ii) Ordinary Ballot/Open Voting - Separate and continuing ballots/votes are taken to exclude the candidate with the lowest vote.

When there are two candidates remaining, a ballot/vote is taken **to elect** the candidate with the higher number of votes.

Tied Candidates (Choosing by Lot)

If, on any count of votes, the number of votes cast for two candidates are equal and:-

- (a) those candidates are the only candidates in, or remaining in the Election - the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected; or
- (b) those candidates are the ones with the lowest number of votes on the count of the votes - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

If on any count the number of votes cast for three or more candidates are equal and the lowest number of votes on the count of the vote - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Summary of Procedure

A summary of the procedure is as follows:-

- (a) Councillors will be called upon by the Returning Officer to submit their nomination papers (in writing signed by two or more Councillors and with nominees written consent) **before 7pm on Tuesday, 6 October 2015.**

Corporate Services Division Report No. 15 (Cont'd)

- (b) Nominations received will be read to the Meeting by the Returning Officer and he will ask if any of the candidates so nominated wish to withdraw.
- (c) If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2005 as outlined above, and Councillors will be requested to resolve whether the election is to proceed by Preferential Ballot, by Ordinary Ballot or by Open Voting.
- (d) (i) If a Preferential or Ordinary ballot is required, ballot papers will be prepared and distributed to Councillors for marking:-
 - Upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted.
- When the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the Returning Officer will announce the result to the meeting.
 - (ii) If the election is by Open Voting, then votes **to exclude candidates (if more than two)** and, where there are two candidates, votes to elect a candidate will be taken by show of hands.

When one candidate has a majority of votes the Returning Officer will declare this Councillor duly elected.

RECOMMENDATION

That:

1. Council determine the method of voting for the election of Deputy Mayor for the subject term; and
2. Council elect a Deputy Mayor for the next 12 month period (pending confirmation/ announcement of the next NSW Local Government Election).

ATTACHMENTS

There are no attachments for this report.

OM12102015CSD_2.DOC

***** End of Corporate Services Division Report No. 15 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Corporate Services Division Report No. 16
SUBJECT: Appointment of Chairperson and Deputy Chairperson for Planning & Strategy Committee
FILE NO: MC/15/5218

SUMMARY

The purpose of this report is to appoint the Chairperson and Deputy Chairperson of the Principal Committee of Planning and Strategy for the next twelve month period (pending confirmation/announcement of next NSW Local Government election).

REPORT

The Council has only one Principal Committee; the Planning and Strategy Committee. It meets in Committee-of-the-Whole (membership consists of all councillors) and on a monthly cycle.

Under the *Local Government Act*, the Mayor is ex-officio Chairperson of all committees established by Council.

However it is the practice of Manly Council for the roles of Chair and Deputy Chair of this Principal Committee to be delegated to other Councillors.

RECOMMENDATION

That:

1. Council determine the voting method regarding the election of the Deputy Mayor report; and
2. Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the subject period.

ATTACHMENTS

There are no attachments for this report.

OM12102015CSD_1.DOC

***** End of Corporate Services Division Report No. 16 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Corporate Services Division Report No. 17
SUBJECT: Financial Statements for the Year Ended 30 June 2015
FILE NO: MC/15/5222

SUMMARY

Presentation of the Audited General Purpose and Special Purpose Financial Statements for the financial year ended 30 June 2015.

REPORT

Council is required to present its Audited General Purpose and Special Purpose Financial Statements for the financial year ended 30 June 2015, together with the Auditor's Report, at a meeting of Council within 5 weeks of receipt of the Auditor's Report.

At Council's Ordinary Meeting of 14 September 2015, the draft Financial Statements for the period 1 July 2014 to 30 June 2015 were referred to Council's Auditors, Hill Rogers Spencer Steer for audit.

The signed Auditor's Report has now been received, and is included in the General Purpose and Special Purpose Financial Statements for the Year ended 30 June 2015.

In accordance with the requirements of the Local Government Act, a notice was published in the SMH advising that the Financial Statements are available for inspection at Council, and that they would be formally presented to Council at its Meeting to be held on Tuesday 6 October 2015.

As required by legislation, a copy of the annual Financial Statements was forwarded to the Office of Local Government on 2 October 2015.

A copy of the Financial Statements has also been circulated separately to all Councillors, and will be tabled at the meeting.

A representative from Council's Auditors has been invited to be in attendance at the meeting to present their report and to answer any questions.

In accordance with Section 420 of the Local Government Act, any person may make a submission to Council within seven (7) days after the Statements are presented to the Council.

Financial Results:

For the year ended 30 June 2015, Council recorded an Operating Surplus of \$4.675 million from Ordinary Activities before Capital Amounts. Operating result after Capital Amounts - Grant & Contributions is a surplus of \$6.211 million.

A summary of the Financial Statements is provided below:

	2015	2014
	\$'000	\$'000
Income Statement		
Total Income from Continuing Operations	67,863	64,273
Total Expenses from Continuing Operations	61,652	59,681
Operating Result from Continuing Operations	6,211	4,592
Net Operating Result for the year	6,211	4,592
Net Operating Result before Grants & Contributions provided for Capital Purposes	4,675	1,976

Statement of Financial Position		
Total Current Assets	50,428	36,877
Total Current Liabilities	(27,502)	(20,864)
Total Non Current Assets	782,113	699,257
Total Non Current Liabilities	(35,773)	(27,727)
Total Equity	769,266	687,543
Other Financial Information		
Operating Performance Ratio (%)	5.3%	3.4%
Own Source Operating Revenue Ratio (%)	89.8%	90.0%
Unrestricted Current Ratio	2.44 : 1	2.75 : 1
Debt Service Cover Ratio (%)	304%	346.9%
Rates & Annual Charges Outstanding Ratio (%)	2.04%	2.8%
Cash Expense Cover Ratio (times)	9.68 x	7.0 x

Summary

All Councils are required to have their annual financial statements prepared and audited by 31 October each year, and a copy lodged with the Office of Local Government by 31 October 2015. A copy of Council's General Purpose and Special Purpose Financial Statements for the Year ended 30 June 2015 with the Auditor's Report has been forwarded to the Office of Local Government.

In summary, on the consolidated basis (including joint ventures), Council's financial statements show:

1. An increase in Net Assets for the year of \$81.723 million to \$769.266 million (\$687.543 million previous year). Due to the Net Operating Result for the year and the Roads and Stormwater Infrastructure Revaluation this year.
2. Expenses from ordinary operations amounted to \$61.652 million (\$59.681 million).
3. Revenues from Ordinary Activities including capital grants and contributions amounted to \$67.863 million (\$64.273 million).
4. Operating result from Ordinary Activities before capital items of \$4.675 million surplus (\$1.976 million previous year).
5. Net Operating result after capital grants and contributions \$6.211 million surplus (\$4.592 million previous year).
6. Operating Revenues (before capital grants & contributions) increased by \$4.670 million and there was an increase in Operating Expenses of \$1.971 million resulting in a net surplus before capital income increase of \$2.699 million.
7. The Unrestricted Current Ratio is 2.44:1 (2.75:1 previous year).
8. Operating performance Ratio is 5.3% (3.4% previous year).
9. Percentage of rates, annual and extra charges collected was 97.96% (97.2%).
10. Available Working Capital at 30 June 2015 was \$0.946 million (\$1.035 million in 2014). Cash and Investments held at 30 June 2015 were \$46.269 million (\$33.338 million in 2014). Of this amount \$9.216 million (\$8.008 million) is externally restricted; \$30.392 million (\$23.616 million) is internally restricted; and \$6.661 million (\$1.714 million) is unrestricted.

RECOMMENDATION

That:

1. The General Purpose and Special Purpose Financial Statements for the Year Ended 30 June 2015 together with the Auditors Reports be received; and
2. Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

ATTACHMENTS

There are no attachments for this report.

OM12102015CSD_3.DOC

***** End of Corporate Services Division Report No. 17 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Notice of Rescission Report No. 3
SUBJECT: Notice of Rescission
FILE NO: MC/15/122846

Councillor Barbara Aird, Councillor Cathy Griffin, and Councillor Hugh Burns will move:

“That the Council’s decision of 14 September 2015 being Notice of Motion No. 40 in respect of Progress Report on Manly Swim Centre Redevelopment be and is hereby rescinded.”

The resolution passed on 14 September 2015 was in the terms of:

That financial details relating to the Manly Swim Centre development and associated projects be provided by way of monthly updates contained in the General Manager’s monthly report to Councillors.

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

In the interest of accountability, openness and transparency, that the General Manager provides a report to the next Ordinary Meeting of Council including:

All variations/amendments to original DA177/2013 approved December 2013.

Details in relation to each of the four "packages" adopted by Council on 11/8/14, viz.

- 1. Swim Centre redevelopment*
- 2. Amenities L. M. Graham Reserve*
- 3. Co Gen and Energy Centre*
- 4. Extra works and provision for remediation*

of:

*Original budget;
Amounts spent to date;
Related expenditure for Kenneth Road (numerous changes to traffic conditions);
Amounts committed;
Agreed variations;
Total estimated cost to complete;
Actual/revised budget;
Estimated date of completion; also
Council to provide an ongoing monthly financial and progress report.*

RECOMMENDATION

That the Rescission Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM06102015NR_1.DOC

***** End of Notice of Rescission Report No. 3 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Notice of Motion Report No. 45
SUBJECT: Waiver of Lane Fees for Amateur Swimming Clubs
FILE NO: MC/15/123173

Councillor Candy Bingham will move that:

Further to Council's resolution in 2010, and subsequent resolution giving a waiver of lane hire fees to amateur swimming clubs, that Council continue to waive lane hire fees for a further four years for the Manly Amateur Swimming Club, Manly LAA Swimming Club and Manly Diggers Swimming Club.

Background

Three amateur swimming clubs are an important part of the community use at the Manly Boy Charlton Swim Centre. They are the Manly Amateur Swimming Club established in 1905, Manly LAA Swimming Club, which is the oldest swimming club on the Northern Beaches, and the Manly Diggers Swimming Club.

During the season, these clubs meet weekly at the Manly Swim Centre, with members paying full entry fees.

They are all not-for-profit groups that operate on a shoe-string, but none the less provide a steady income to the facility.

These clubs are not financially able to meet the proposed lane hire fees and are likely to close down should Council pursue these charges. However, the waiving of the fees will ensure the continuation of these clubs, and their contribution to the Swim Centre community.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM06102015NM_3.DOC

***** End of Notice of Motion Report No. 45 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Notice of Motion Report No. 46
SUBJECT: Concerns over Redevelopment of Circular Quay Ferry Wharves
FILE NO: MC/15/123131

Councillor Hugh Burns will move:

That Manly Council writes to the local member and premier the Hon Michael Baird, and the Minister for Transport and the minister overseeing the *Sydney Harbour Foreshore Authority*, to express strong concerns about the nature of the wharf redevelopment currently being proposed for Circular Quay. Council notes that:-

1. Council notes Manly and its community has a major interest in Circular Quay due to it being a gateway for the ferry journey to Manly, which is used by about 6 million residents and visitors a year. In fact around half of all Sydney ferry passengers use wharf 3 at Circular Quay.
2. Council outlines its concerns that the changes will make the Circular Quay wharves less efficient for passengers, and mode interchange connection efficiency will be slowed, and thus there is a great potential to undermine the continued successful operation of this long standing public service.
3. Council raises specific concerns and objection to any redevelopment that increases the travel distance from the buses and trains to the ferry boarding points or similarly increases the distance between disembarkation and embarkation points for passenger changing ferries on different wharves.
4. Council seeks a specific commitment that the plans will allow the existing larger Manly Ferries to continue to be berthed at Circular Quay with passenger loading access to both decks, without restriction, and that suitable overrun collision protection will be included.
5. That Council also notes the mix of retail and licensed premises proposed at Circular Quay is similar to what is already at Manly Wharf, and this has demonstrably degraded the efficiency and operation of this heritage structure as a public ferry wharf for passenger amenity and a bus/ferry transport interchange, since it was modified 25 years ago. Issues include internal congestion due to narrowed walkways, and continuing loss of public spaces and walkways to "creep" maximisation of income by the lessee. Most of the buses are now located too far from the wharf. There are also safety concerns about access by emergency vehicles to the building due to narrow access ways.
6. Council seeks a specific commitment from our local member that the government will conduct proper informed community consultation with all ferry users, including Manly commuters, before making any changes to the existing Circular Quay precinct.

Background

The state government has announced an intention to sell leased property to apparently fund the major redevelopment of Circular Quay ferry wharves to make the precinct more of a leisure and commercial venue rather than just the transport interchange role that it currently has.

There are plans to intensify the scale of the existing ferry wharf structures to two storey structures, containing more retail and licensed premises, and apparently move the actual berthing areas further north – i.e. away from the buses in Alfred Street and the trains at Circular Quay Railway Station – effectively making tight mode interchange connections virtually impossible. Note the closeness of the ferry boarding areas to the railway station is a key part of the existing design.

Notice of Motion Report No. 46 (Cont'd)

For some further information see the ABC's report of the announcement at the following web address: <http://www.abc.net.au/news/2015-09-28/nsw-govt-sells-off-hotels-to-fund-circular-quay-upgrade/6809564>

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM06102015NM_1.DOC

***** End of Notice of Motion Report No. 46 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Notice of Motion Report No. 47
SUBJECT: Urgent Sprinkler Fire Protection for All Public Schools in the Manly LGA
FILE NO: MC/15/123142

Councillor Hugh Burns will move:

That Manly Council writes to the local member and Premier the Hon Michael Baird, and the Minister for Education seeking a commitment to commit resources to this solution with funding in the next annual State budget to immediately begin installing sprinkler systems in all public infants and high schools in the Manly LGA area.

Background

The current incidence of fires in schools seems much higher than the normal risks of fire in other public and state owned buildings. This suggests there are elements of higher fire risk in State school classrooms, including both arson and from electrical equipment left on in the buildings.

The latest fire at Seaforth public school is a disaster for the school and the community, that could have easily been prevented or significantly reduced in scale of impact, with better fire equipment.

The financial social cost of school fires is high – with major disruptions to school operation and impacts on both teachers and their students. In addition when schools are operating with no spare capacity (as our local schools are) the impacts are even more pronounced. The fires also often lead to loss of significant heritage buildings in the school grounds.

For many years there has clearly been an elevated risk of fires in schools that governments have been slow to address. The thinking seems to be that by just erecting taller fences no-one will enter the grounds and there is simply a hope fires just won't happen.

The most obvious way to control the risk is to fit fire brigade monitored sprinkler systems to all classrooms and school facilities. Sprinklers both act as fire detection and fire suppression equipment. They principally stop fires spreading.

Most fires in sprinklered buildings only set off one or just a few sprinkler heads as they rapidly extinguish small fires before they spread and whole buildings are lost. The end result in schools would be fire damage generally contained to only one room.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM06102015NM_2.DOC

***** End of Notice of Motion Report No. 47 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Item For Brief Mention Report No. 13
SUBJECT: Items For Brief Mention
FILE NO: MC/15/114882

1. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
130/15	14 Sept	Notice of Motion Report No. 41 - Progress Report on Balgowlah and Pittwater Roads Pedestrian Access and Management Plan	That the General Manager provides a report to next Ordinary Meeting of Council on the progress to date following Council's resolution of 9th March, 2015	Works on PAMP installation now commenced and due for completion 9 October.
129/15	14 Sep	Notice of Motion Report No. 40 - Progress Report on Manly Swim Centre Redevelopment	That financial details relating to the Manly Swim Centre development be provided by way of monthly updates in the GM's monthly report to Councillors.	Subject of Rescission Motion
128/15	14 Sep	Notice of Motion Report No. 39 - Completion of Manly Plaza, Short Street	The General Manager prepares a report to Council setting out when the Manly Plaza is expected to be completed and works outstanding	Report in progress and to be provided to Public Domain Committee
123/15	14 Sep	Notice of Motion Report No. 37 - Smoke Free Zone – Market Place & Market Lane	That the General Manager prepare a report investigating the possibility of Market Place & Market Lane becoming a designated "Smoke-Free Zone".	Report in progress
114/15	10 Aug	Notice of Motion Report No. 35 - 2014/2015 Performance of Council's car parks	The General Manager prepare and make available as soon as practicable an updated report to Council on the performance of Council's car parks.	Report in progress for Nov P&S
112/15	10 Aug	Notice of Motion Report No. 33 - Lagoon Park Lighting	Trial installation at the Pittwater Road end of Lagoon Park, two solar powered lights as a possible solution to illuminate the entire path.	Trial lighting initiative progressing, report on progress to Community Safety Committee
93/15	13 July	Notice of Motion 32 – Clearing of Former Tramway Reservation from Terminus to Manly road for a Public Walking Track	Council sufficiently clear the former tramway line right-of-way from the Spit Terminus near Manly Road to enable the public to walk and inspect the route, including interpretive signage.	Item referred to two committees.
55/15	11 May	Notice of Motion No. 19 – Community Art Project	Report on developing and supporting a Manly Community Art Project.	Draft policy completed and recommendations received for discussion of options.
25/15	9 Mar	Notice of Motion No. 13 - Digitisation of Manly Council Minutes/ Agendas	Council to progressively digitise its Council Meeting papers between 1960 and 2004.	Project expected to be delivered in coming weeks

Item For Brief Mention Report No. 13 (Cont'd)

2. Tabled Documents

Date	Author	Subject
2 Sep 15	Ben Taylor SHOROC Executive Director	SHOROC Board Meeting Minutes - 2 September 2015
14 Sep 15	Marcia Doheny Chief Executive Office of Local Government	Circular 15-32 Responsible Pet Ownership Grants Program – Successful Applicants in Year Two
14 Sep 15	Mike Baird MP State Member for Manly	Response from Sydney Harbour Federation Trust regarding accessible parking at North Fort Kiosk, North Head
18 Sep 15	Keith Rhoades, AFSM President Local Government NSW	LGNSW Annual Report 2014/15
25 Sep 15	Marcia Doheny Chief Executive Office of Local Government	Circular 15-33 Review of Swimming Pool Barrier Requirements
2014/15	Pecuniary Interest Register	Council's 2014/15 Return is tabled.

RECOMMENDATION

1. That the IFBM reports 1, 2 and 3 be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM12102015IBM_1.DOC

***** End of Item For Brief Mention Report No. 13 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Report Of Committees Report No. 26
SUBJECT: Minutes for Notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature
FILE NO: MC/15/118028

That the following Special Purpose Advisory Committee meetings are tabled at the meeting, for formal notation.

1. Manly Ferry & Wharf Monitoring Working Party – 15 September 2015
2. Manly Scenic Walkway Committee – 15 September 2015
3. Manly Local Traffic Committee – 14 September 2015
4. Community Safety & Place Management – 10 September 2015
5. Community Garden Advisory Committee – 9 September 2015
6. Meals on Wheels Advisory Committee – 9 September 2015
7. Sister Cities Advisory Committee – 26 August 2015
8. Sports & Recreational Facilities Advisory Committee – 7 August 2015
9. Economic Development & Tourism Advisory Committee – 6 August 2015
10. Manly Lagoon Catchment Coordinating Committee – 30 July 2015
11. Surf Club Liaison Working Group – 21 July 2015

RECOMMENDATION

That the minutes of the following Special Purpose Advisory Committee meetings be noted.

1. Manly Ferry & Wharf Monitoring Working Party – 15 September 2015
2. Manly Scenic Walkway Committee – 15 September 2015
3. Manly Local Traffic Committee – 14 September 2015
4. Community Safety & Place Management – 10 September 2015
5. Community Garden Advisory Committee – 9 September 2015
6. Meals on Wheels Advisory Committee – 9 September 2015
7. Sister Cities Advisory Committee – 26 August 2015
8. Sports & Recreational Facilities Advisory Committee – 7 August 2015
9. Economic Development & Tourism Advisory Committee – 6 August 2015
10. Manly Lagoon Catchment Coordinating Committee – 30 July 2015
11. Surf Club Liaison Working Group – 21 July 2015

ATTACHMENTS

There are no attachments for this report.

OM06102015RC_1.DOC

***** End of Report Of Committees Report No. 26 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Report Of Committees Report No. 27
SUBJECT: Minutes for Notation by Council - Community Environment Advisory Committee
- 9 September 2015
FILE NO: MC/15/122884

These reports were dealt with at the Community Environment Advisory Committee meeting of 9 September 2015 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal notation by Council.

1. ITEM 9 Management of Sharks in New South Wales Waters

The Investment, Industry and Regional Development Committee will inquire into and report on the management of sharks and the economic impact of shark attacks on communities in NSW. It will consider the impact of shark attacks on tourism and related industries, changes in shark numbers, behaviour or habitat, adequacy of management strategies and measures to prevent shark attacks.

Comments are invited until 23 October, 2015.

2. ITEM 10 Event to celebrate the 25th Anniversary of Community Environment Advisory Committee (summarised)

The Committee discussed various options/ideas for the event.

3. ITEM 14 Street Tree Management Plan – Pallets of Trees Offered by Consultant (summarised).

The Committee would like to see the brief that went to the Consultant.

RECOMMENDATION

That the minutes of the Community Environment Advisory Committee meeting on 9 September 2015 be received and noted, including the following items:

1. ITEM 9 Management of Sharks in New South Wales Waters

The Council's Community Environment Committee has advised that the Investment Industry and Regional Development Committee will:

1. inquire into and report on the management of sharks and the economic impact of shark attacks on communities in NSW.
2. will consider the impact of shark attacks on tourism and related industries, changes in shark numbers, behaviour or habitat, adequacy of management strategies and measures to prevent shark attacks.

The Environment Committee recommends that Manly Council and the MEC make submissions by 23 October, 2015.

Report Of Committees Report No. 27 (Cont'd)**2. ITEM 10 Event to Celebrate the 25th Anniversary of Community Environment Advisory Committee**

A project sheet for the event as discussed should be prepared so that the budget can be determined by the next Community Environment Committee meeting.

3. ITEM 14 Street Tree Management Plan – Pallets of Trees Offered by Consultant

Due to community concern, the Committee requests to see the Briefing Document and Terms of Reference for the Consultant as well as the draft Report to Council before it is presented to Council for formal adoption.

ATTACHMENTS

There are no attachments for this report.

OM06102015RC_2.DOC

***** End of Report Of Committees Report No. 27 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Environmental Services Division Report No. 36
SUBJECT: List of LEC Appeals October 2015 relating to DAs
FILE NO: MC/15/122847

SUMMARY

A list of appeals relating to Development Applications currently listed with the Land and Environment Court.

REPORT

DA#	LEC Reference	House #	Address	Date lodged	Firm	Status
DA 233/2014	Class 1 10607/2015	38	Frenchs Forest Road	10/07/2015	Marsdens	Hearing on 11&12 /11/15
DA 243/2014	Class 1 10797/2015	138-139 30	North Steyne Bonner Avenue	09/09/2015	Pikes	Directions on 07/10/15
DA 154/2015	Class 1 10830/2015	52-56	Darley Road	17/09/2015	HWL Ebsworth	Directions on 15/10/15

RECOMMENDATION

That the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM06102015ESD_3.DOC

***** End of Environmental Services Division Report No. 36 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Environmental Services Division Report No. 37
SUBJECT: Development Applications Processed for the month of September 2015
FILE NO: MC/15/119770

SUMMARY

Development applications being processed during September 2015.

REPORT

DA#	Year	Site	Proposal
482	2004	1-9 Spring Cove Avenue;106 Darley Road	Section 96 Modification - Part 11
409	2007	11 Oyama Avenue	Section 96 Modification - Part 3
89	2009	25 Maretimo Street	Section 96 Modification - Part 3
134	2011	16 Augusta Road	Section 96 Modification - Part 3
142	2011	Wharves and Jetties	Section 96 Modification - Part 2
161	2011	468 Sydney Road	Section 96 Modification - Part 3
171	2011	72 Fairlight Street	Section 96 modification - Part 2
165	2012	8 Avona Crescent	Section 96 Modification - Part 2
234	2012	92 The Corso	Section 96 Modification - Part 5
45	2013	3 Mulgowrie Crescent	Section 96 Modification - Part 2
203	2013	3 Ogilvy Road	Section 96 Modification - Part 2
217	2013	30A Castle Circuit	Section 96 Modification - Part 2
19	2014	18 Raglan Street	Section 96 Modification - Part 3
13	2014	46 Lewis Street	Section 96 Modification - Part 2
54	2014	550 Sydney Road	Section 96 Modification - Part 4
108	2014	44 Alma Street	Alterations and additions to an existing dwelling house including first floor addition, lower ground and ground floor rear addition, terrace, access stairs and retaining walls
133	2014	34 Ponsonby Parade	Section 96 Modification - Part 2
149	2014	The Corso	Construction of a permanent kiosk – on Council land adjacent to 90 The Corso, Manly
153	2014	37 Pittwater Road	Section 96 Modification - Part 2
225	2014	119-120 North Steyne	Section 96 to modify approved Alterations and additions to existing Residential Flat Building including new windows to the southern and western sides of Unit 8 – involving raising the height of approved window located to existing deck area – Part 2
21	2015	68 Bower Street	Alterations and additions to an existing dwelling house including lower ground floor additions, internal and external alterations
28	2015	4 Dalwood Avenue	Demolition of existing dwelling house, construction of a new (2) storey dwelling house with decks, swimming pool, driveway, front fence and landscaping

Environmental Services Division Report No. 37 (Cont'd)

DA#	Year	Site	Proposal
35	2015	131A Woodland Street	Two (2) Lot Torrens Title Subdivision, amendment to the existing Strata Subdivision, alterations and additions including new double carport, stairs, front fence, demolition of a garage and laundry
36	2015	46 West Street	Alteration and additions to existing dual occupancy (attached) including addition of decks, privacy screens, new spa, lawn areas, boundary fence, infilling of an existing swimming pool, vergola and modification to the existing Strata Plan
63	2015	27 Adelaide Street	Alterations and additions to an existing dwelling house including first floor addition with balconies, new double garage, new windows, new doors, internal alterations and landscaping
62	2015	17 Monash Crescent	Section 96 to Modifications Part 2
88	2015	133 Balgowlah Road	Removal of an existing rear hardstand area and construction of a double carport with new driveway and new front fence
97	2015	244 Sydney Road	Alterations and additions to an existing dwelling house including internal alterations, extension of an existing first floor rear deck, carport, driveway, swimming pool and vergola, demolition of garden shed, new front fence with gates and landscaping
103	2015	36 Beatrice Street	Two(2) Torrens Title subdivision and driveway
105	2015	14 Osborne Road	Demolition of existing garage building, laundry and brick walls, construction of a parking garage for seven (7) vehicles, new hardstand area and new driveway to an existing Residential Flat Building
105	2015	14 Osborne, Road	Demolition of existing garage building, laundry and brick walls, construction of a parking garage for seven (7) vehicles, new hardstand area and new driveway to an existing Residential Flat Building
117	2015	132 Sydney Road	Alterations and additions to existing shop top housing including the addition of balconies, external stairs, firewall at the rear, internal alterations, changes to windows and doors
123	2015	2 Moore Street	Demolition of an existing dwelling house, construction of a new three (3) level dwelling house with swimming pool and landscaping
132	2015	402 Sydney Road	Alterations and additions to an existing building including changes to the existing ground floor commercial level, addition of new shop top housing at rear with ground floor commercial, two (2) storeys above comprising of four (4) residential units, tree removal, stairs and landscaping
133	2015	37 Boyle Street	Alterations and additions to an existing dwelling house including a first floor addition, enclosure of an existing ground floor deck with a new deck, pergola and privacy screens

Environmental Services Division Report No. 37 (Cont'd)

DA#	Year	Site	Proposal
139	2015	559 Sydney Road	Demolition of existing structures, construction of a four level building containing a three (3) level basement with forty-one (41) car parking spaces, retail/ commercial arcade with ten (10) tenancies, shop top housing with twenty-two (22) residential units and landscaping
143	2015	151 Darley Road	Alterations to additions to an existing hospice including enclosure of first floor balcony, relocations of water tanks, new roof, air conditioning works and car parks exhaust - Bear Cottage
147	2015	31 Lodge Street	Demolition of existing structures, construction of a two (2) storey dual occupancy (attached) with basement garages, rear first floor balconies and Torrens Title Subdivision
151	2015	Rignold Street	Demolition of existing structures, construction of a three (3) storey dwelling house with a double carport, decks, above ground swimming pool and landscaping.
152	2015	6 Ocean Road	Demolition of existing rear structures, construction of rear three (3) levels addition, internal alterations, swimming pool, detached garage and landscaping
154	2015	52 Darley Road	Alterations and Additions to an existing boarding house to contain thirty-seven (37) boarding rooms and (1) manager accommodation
155	2015	2 Boyle Street	Alterations and additions to an existing dwelling house including an addition of an attic level with a dormer window and balcony, internal reconfiguration, new garage, new roof, new swimming pool and landscaping
157	2015	74 The Corso	Change of use to a Takeaway Food and Drink Premises and fitout - Roll N Sizzle - Shop 1
158	2015	9-15 Central Avenue	Change of Use to a massage and Beauty Premises(Business Premises), fitout and signage - Manly Gasorn Thai Remedial Massage and Beauty - shop 9
160	2015	10 Vista Avenue	Alterations and additions to an existing dwelling house including first floor internal reconfiguration, new windows and new roof.
161	2015	16 Parkview Road	Alterations and additions to an existing dwelling house including rear ground floor additional with deck, additions of a detached two (2) storey structure with secondary dwelling above and double garage below.
162	2015	7 North Harbour Street	Removal of existing sea wall and reconstruction of a sea wall with a balustrade, new stairs and landscaping
166	2015	33 Upper Clifford Avenue	Alterations and additions to an existing dwelling house including redevelopment of an existing double garage, awnings, balconies, deck, swimming pool with spa, internal reconfiguration, addition of rooftop garden and landscaping
169	2015	67 Kangaroo Street	Alterations and additions to an existing dwelling house including first floor addition, internal reconfiguration and an extension to existing garage

Environmental Services Division Report No. 37 (Cont'd)

DA#	Year	Site	Proposal
170	2015	27 Gurney Crescent	Alterations and additions to an existing dwelling house including first floor and rear additions, internal reconfiguration, double carport and deck
173	2015	65 Griffiths Street	Demolition of existing structures, construction of a two (2) storey dual occupancy (attached) with single car garage for each, new driveway, and landscaping
174	2015	53 East Esplanade	Change of use to a food and drink premises, shop fitout and signage – KFC – Lot 18
178	2015	19 Vista Avenue	Alterations and additions to an existing dwelling house including first floor addition, internal alterations and extension to an existing garage
181	2015	15 Bungaloe Avenue	Alterations additions to an existing dwelling house including a pergola, retaining wall, swimming pool and landscaping
182	2015	2 Hayes Street	Alterations and additions to existing and approved building to consolidate them into one (1) building including an extension to connect the buildings, modification to façade, internal modifications, signage and consolidation of the lots
184	2015	103 Pittwater Road	Alterations and additions to an existing dwelling house including first floor addition
186	2015	59 Baranbali Avenue	Alterations and additions to an existing dwelling house including first floor addition
189	2015	1 Harland Street	Alterations and additions to an existing dwelling house including second floor addition
190	2015	8 Waterview street	Installation of an inclinor along the eastern boundary
191	2015	45 Fisher Road	Construction of a detached two (2) storey dwelling house with double garage and landscape for approved Lot 1 under
192	2015	1 The Corso	Establishment of use as a restaurant, new entry and business identification sign
193	2015	50 Pacific Parade	Alterations and additions to an existing dwelling house including a new first floor addition, rear extension with deck, fence, driveway and hardstand area
194	2015	18 Glenside Street	Alterations and additions to an existing dwelling house including rear extensions, new front deck, swimming pool, new fence and landscaping
195	2015	55 Castle Circuit	Demolition of an existing detached garage, construction of a new detached double garage, alterations and additions to existing driveway, courtyard wall, stairs, shade sail and lower level storage area
196	2015	54 Bungaloe Avenue	Alterations and additions to an existing dwelling house including new single carport, replacement of existing front fence, new planter box and landscaping
198	2015	55 Darley Road	Alterations and additions to an existing dwelling house including rear extension and new flat roof to an existing carport
199	2015	42 Kirkwood Street	Alterations and additions to an existing dwelling house including front and rear extension on first floor

Environmental Services Division Report No. 37 (Cont'd)

DA#	Year	Site	Proposal
200	2015	22 Spring Cove	Construction of a new in-ground swimming pool and landscaping
201	2015	2A Coral Street	Construction of a new four (4) storey dwelling house, in-ground swimming pool and landscaping
202	2015	1 Abernethy Street	Alterations and additions to an existing dwelling house including internal alterations, new staircase, new external walls and landscaping (AKA: 10 Sangrado Street, Seaforth)
203	2015	24A Darley Road	Change of use to a Hairdressing Salon, shop fitout and signage – John Azzi Hairdressers
204	2015	51 Hope Street	Alterations and additions to an existing dwelling house including first floor addition, demolition of an existing garage and construction of a double garage
205	2015	23 Thornton Street	Alterations and additions to an existing semi-detached dwelling including first floor addition, rear ground floor rear deck extension and internal alterations
206	2015	14 Laurence Street	Alterations and additions to an existing dwelling house including new first floor addition with deck
207	2015	83 Condamine Street	Alterations and additions to an existing dwelling house including first floor addition, rear extension, internal reconfiguration, new driveway, extension to an existing garage, new fence, swimming pool and landscaping
208	2015	5 Beaconview Street	Conversion of an existing carport to a garage
210	2015	19 Beatty Street	Alterations and additions to an existing dwelling house including second floor addition, new first floor front balcony, new doors, windows and internal stairs
211	2015	68 Ponsonby Parade	Alterations and additions to an existing dwelling house including new first floor addition with deck, new double garage, new driveway, swimming pool and landscaping
212	2015	68 Curban Street	Construction of a two (2) storey dwelling house with double garage and new driveway
213	2015	14 Spring Cove	Construction of an in-ground swimming pool and landscaping
214	2015	75 The Corso	Change of use of part of the premises as a café (Gelato Bar/ Coffee Shop) and a Shop (Bottle Shop) - Steyne Hotel
215	2015	4 Sheridan Place	Construction of a new driveway, retaining walls, tree removal and landscaping
216	2015	151 Darley Road	Replacement of existing signage to the Darley Road entrance for International College of Management

Environmental Services Division Report No. 37 (Cont'd)

The following applications are with Lodgement & Quality Assurance for advertising, notification and referral to relevant parties

19/2014 18 Raglan St, MANLY 2095

LEC - Section 96 to Modify approved Demolition of existing structures and construction of a three (3) storey Mixed Use development containing a funeral home, five (5) residential apartments and eleven (11) car parking spaces - involving the deletion of condition no's 2(b) in regard to use of roof as terrace, 6(a) in regard to level internal access, 6(b) requiring sliding door to adaptable unit 3, 7(b) in regard to locating letterboxes in foyer, 7(c) requiring front entrance to include automatic door, 40 to amend awning height, 61 requiring face brickwork to walls within 600mm of side boundaries and the addition of a vergola to northern facing balconies – Part 4

176/2015 47 Beatty St, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling house including attached secondary dwelling, addition of new garage, decks, swimming pool, new driveway and landscaping

197/2015 8 Upper Gilbert St, MANLY 2095

Alterations and additions to existing dual occupancy (attached) including deck extension and external lifts

153/2012 25 Eurobin Av, MANLY 2095

Section 96 to modify approved construction of an arbour over the existing driveway, masonry wall with water feature at the rear, installation of above ground portable spa with pergola and access stairs - involving an above ground spa with 1.8m high feature wall and open pergola – involving deletion of approved walls, reduction in height of water feature, replacement of masonry wall with wooden fence and erection of planter box- Part 3

217/2015 49 Stuart St, MANLY 2095

Alterations and additions to an existing Residential Flat Building including the addition of a vergola to the north western side of the existing ground floor - Unit 1

218/2015 151 Darley Rd, MANLY 2095

Torrens Title Subdivision into three (3) lots - St Patrick's Estate

91/2015 Sandy Bay Rd, CLONTARF 2093

Section 96 to modify approved Alterations and additions to an existing restaurant, café, takeaway food and drink premises including partial demolition, internal fit-out, removal of trees, landscaping and signage — involving reduction in kitchen/kiosk area, change to roof form, enclosure of restaurant area and addition of outdoor seating beneath eaves - Part 2 - Clonnys at Clontarf

219/2015 9 The Crescent, MANLY 2095

Alterations and additions to an existing Residential Flat Building including the removal of rear external stairs, installation of rear lift and partial enclosure of front balcony – Unit 5

220/2015 49 Gordon St, CLONTARF 2093

Alterations and additions to an existing dwelling house including additions at rear, demolition of rear sunroom and balcony, replacement with new sunroom, balconies and stairs, changes to roof and skylights at rear, changes to windows and door, new swimming pool and landscaping

224/2015 15 Bolingbroke Pde, FAIRLIGHT 2094

Alterations and additions to an existing Residential Flat Building changes to ground floor opening and addition of timber access stairs– Unit 1

Environmental Services Division Report No. 37 (Cont'd)

225/2015 20 Smith St, MANLY 2095

Alterations and additions to an existing semi-detached dwelling house including a first floor addition with dormer window

226/2015 92 Frenchs Forest Rd, SEAFORTH 2092

Alterations and additions to an existing dwelling house including first floor addition, rear extension, attached garage and decks

227/2015 4 Kamiri St, SEAFORTH 2092

Alterations and additions to an existing dwelling house including first floor addition and replacement of carport

221/2015 169 Pittwater Rd, MANLY 2095

Alterations and additions to an existing Shop Top housing development including demolition of existing garage and in ground swimming pool , construction of new storey rear addition and loft addition, internal alterations, new car parking for 5 (five) cars and One (1) loading bay area and Strata Subdivision

223/2015 92 The Corso, MANLY 2095

Installation of two (2) business identification signs to an existing shop front – Volcom

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM06102015ESD_1.DOC

***** End of Environmental Services Division Report No. 37 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Environmental Services Division Report No. 38
SUBJECT: Proposed Amendment to Manly Development Control Plan 2013
FILE NO: MC/15/120707

SUMMARY

This report recommends various amendments to be made to the Manly Development Control Plan (DCP) 2013 to introduce new principles in relation to designing for safety. It is recommended that Council exhibit the draft amendments as supported by the Manly LEP/DCP Working Group at its meeting on 22nd September 2015.

REPORT

It is proposed to review Manly DCP 2013 at Part 3 Principles of Development to introduce new principles in relation to designing for safety.

Background

On 22nd September 2015, draft DCP amendments were considered and approved by the LEP/DCP Working Group at which time it was recommended that the reported amendments to the DCP be forwarded to Council's Planning and Strategy Committee for adoption and for Council's resolution to proceed to a public exhibition.

The proposed amendments arise following the receipt of correspondence distributed by Young Shire Council earlier this year in relation to DCP policy suggestions for driveway and garage safety. In response to the particular issues raised and suggestions made in this letter, consideration has been given to the issues of safety as a general principle in the Manly DCP.

Justification for Amendment

Part 3 of the Manly DCP contains General Principles for Development including streetscape, townscape, heritage, landscaping, amenity, sustainability, accessibility etc. While consideration in relation to safety are broadly referenced throughout the DCP such as at paragraphs on casual street surveillance, late night venues, requirements for Social Impact Assessment and design of corner splays; there is no single section of the DCP dealing particularly with the important principle of safety, incorporating it as a principle into the design and development assessment process.

In Australia (also in the UK and US) many non-governmental organizations have been established to support safety in design aims. Within Europe, construction designers are legally bound to design out risks during design development to reduce hazards in the construction and end use phases under various directives.

Details for Proposed DCP Amendment

Paragraphs on Safety are proposed to be inserted at Part 3 General Principles of Development of the Manly DCP. These new guidelines are proposed to explain and promote the principle of 'safety in design', particularly in relation to the design and assessment of DAs.

The draft text that is proposed for inserting into the Manly DCP 2013 document under this proposed DCP Amendment is detailed as an attachment to this report.

Environmental Services Division Report No. 38 (Cont'd)

Proposed objectives in relation to safety are to ensure that all developments are safe and secure for all residents, occupants and visitors, to minimize risks and to contribute to the safety and security of the public domain.

The draft DCP Amendment proposes guidelines for vehicular access to be designed and located to achieve safety. The proposed guidelines are based on existing NSW Government policy for improving the design of residential flat development (under State Environmental Planning Policy No 65) and are considered in this matter to be applicable in relation to development generally. The proposed guidelines involve locating car park entry and access on secondary streets or lands where available; minimising the number and width of vehicle access points; providing clear sight lines at pedestrian and vehicular crossings; and separating pedestrian and vehicular access.

In relation to safety and security in the public domain it is proposed that existing DCP paragraphs in relation to security and casual street surveillance at paragraph 3.4.2 Privacy and Security be moved into the proposed new paragraphs (as attached) with particular provision for safety and security principles. Paragraph 4.4.4 Awnings is also proposed to be amended and generally edited to also provide for lighting under awnings for pedestrian safety.

It is also proposed to reference a range of other paragraphs in the DCP which deal with safety and security (including other related minor amendments proposed in other locations throughout the DCP) as detailed attached and in summary as follows:

- DA Lodgment requirements including Context and Site Analysis and construction site management requirements including protective fencing and managing site stability.
- Assessment of Tree Permits including where a tree is a risk to human life or property.
- Fire Safety and Maintenance references in relation to legislation for Accessibility.
- Swimming Pools and Spas.
- Late Night Venues promoted in the DCP as a safe place for all the community late at night and including Social Impact Assessments detailing appropriate responses for reducing alcohol related harm in relation to licensed premises.
- Child Care Centers requiring additional considerations of child safety.
- Flood Controls concerning the management of flood risks.
- Provision of splayed setbacks at street corners for pedestrian and traffic safety.

Reference is to be made in the proposed DCP Amendment to the Work Health Safety Act 2011 (NSW) which at Section 22 (WHS Act) sets out the Duty of Designers to ensure that designed plant substance or structure is without risk to Health & Safety of persons who use, construct and maintain the 'product'/ development. Similarly, the NSW Codes of Practice for ensuring the Safe Design of Structures (2012) and the Draft Code of Practice for Safe Design, Manufacture, Import and Supply of Plant (2011) are also to be referenced.

Conclusion

The proposed draft DCP amendments are reported to Council's Planning and Strategy Committee following the considerations and support from the Manly LEP/DCP Working Group.

The complete drafting of the proposed amendments is attached. In summary, the proposed DCP amendments introduce new principles in relation to designing for safety.

The proposed amendments to the DCP are now recommended for exhibition as reported. Following a 28 day exhibition period any submissions are to be reviewed and reported back to Council.

Environmental Services Division Report No. 38 (Cont'd)

RECOMMENDATION

That:

1. Council resolve to amend Manly Development Control Plan 2013; and
2. Council exhibit the proposed amendments as reported for a period of twenty-eight (28) days.

ATTACHMENTS

AT- 1 Details Of Proposed Amendments to Manly Development Control Plan 2 Pages

OM06102015ESD_2.DOC

***** End of Environmental Services Division Report No. 38 *****

ATTACHMENT 1

Environmental Services Division Report No. 38.DOC - Proposed Amendment to Manly Development Control Plan 2013

Details Of Proposed Amendments to Manly Development Control Plan

ATTACHMENT - DETAILS OF PROPOSED AMENDMENTS TO MANLY DEVELOPMENT CONTROL PLAN 2013

Part 3 General Principles of Development

3.10 Safety and Security

Relevant DCP objectives to be met in relation to these paragraphs include the following:

Objective 1) To ensure all development are safe and secure for residents, occupants and visitors.

Objective 2) To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.

Objective 2) To contribute to the safety and security of the public domain.

- See also paragraph 2.1.2.2 Context and Site Analysis for considerations which influence design.
- See also paragraphs 2.1.10 – 13 for construction site management including safety.
- See also paragraph 2.3.2.1.c for considerations of when a tree is a risk to human life or property.
- See also paragraph 3.6.3.8 for Fire Safety in relation to legislation for Accessibility.
- See also paragraph 4.1.9 Swimming Pools and Spas referencing the Swimming Pool Act 1992
- See also paragraph 4.4.6 Child Care Centres require additional considerations of safety.
- See also paragraph 5.4.3 Flood Control Lots primarily concerns the management of flood risks.
- See also paragraphs 4.1.4.2.f and 4.2.3.d providing for splayed setbacks at street corners for safety.
- See also paragraphs 4.2.5.6 and 2.1.16 regards Late Night Venues promotes Manly Town Centre entertainment precinct as a safe night place.
- See also the Work Health Safety Act 2011 (NSW) which at Section 22 (WHS Act) sets out the Duty of Designers to ensure that designed plant substance or structure is without risk to Health & Safety of persons who use, construct and maintain the 'product'/ development. See also the associated NSW Codes of Practice for ensuring the Safe Design of Structures (2012) and the Draft Code of Practice for Safe Design, Manufacture, Import and Supply of Plant (2011).

Note: Safety in Design refers to the integration of design principles and control measures early in the design process to eliminate or, if this is not reasonable practicable, minimise risks to health and safety throughout the life of the structure being designed and assessed. Safety in Design is part of a wider set of design objectives, including practicability, aesthetics, cost and functionality.

ATTACHMENT 1

Environmental Services Division Report No. 38.DOC - Proposed Amendment to Manly Development Control Plan 2013

Details Of Proposed Amendments to Manly Development Control Plan

3.10.1 Safety

The principle of 'safety in design', is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.

- a) Vehicular Access is to be designed and located to achieve safety by:
 - i) locating car park entry and access on secondary streets or lands where available;
 - ii) minimising the number and width of vehicle access points;
 - iii) providing clear sight lines at pedestrian and vehicular crossings; and
 - iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.

3.10.2 Security (Casual Surveillance)

In order to promote safety and security, all developments are to be designed to maximise opportunities for passive surveillance of public and communal areas by:

- a) orientating some rooms to the street;
- b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;
- c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and
- d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.

And also at Part 4 in relation to controls in relation to awnings the following:

4.4.4.1 Awnings in all LEP Business Zones

Continuous footpath awnings must be provided on all street frontages generally in accordance with the following guidelines:

- ...e) lighting under the awnings should be provided for pedestrian safety.

TO: Ordinary Meeting - 6 October 2015
REPORT: Environmental Services Division Report No. 39
SUBJECT: Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 light Industrial, to Zone B6 Enterprise Corridor - Studies Conducted
FILE NO: MC/15/122848

SUMMARY

This report summarises the outcome of studies conducted in relation to Council's resolution to rezone the Manly Industrial Estate from Zone IN2 Light Industrial, to Zone B6 Enterprise Corridor. All studies conclude that the rezoning of the subject area is consistent with all required planning and policy legislation. This report recommends Council proceed to exhibit the planning proposal to rezone the area.

REPORT

At Council's Ordinary Meeting of 20th April 2015, Council resolved the following:

Council prepare to make a Planning Proposal to amend the Manly LEP 2013 to rezone land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor at the Manly Industrial Estate, Balgowlah.

A Planning Proposal to this affect was prepared by Council officers and submitted to the Department of Planning and Environment. On 19th June Council received its Gateway Determination from the Department. Council also received delegation to make the amending LEP.

As a condition of the Gateway Determination, prior to public exhibition, Council were required to conduct four (4) specific studies to justify and support the Planning Proposal. External consultants were contracted to carry out the required studies. The following four studies have now been conducted and completed:

- Economic Impact Assessment (Urbis)
- Flood Risk Management Plan (BMT WBM)
- Land Contamination Report (DLA)
- Transport and Active Transport Assessment (Christopher Hallam)

SUMMARY OF STUDIES

Economic Impact Assessment

This study addresses economic and employment impacts due to the proposed rezoning of land. The study concludes that the planning proposal is consistent with all planning policy, instruments and Section 117 Directions. The proposed rezoning has the potential to increase the employment yield on the subject area from 405 to 609 jobs (an uplift of 204 jobs).

Flood Risk Management Plan

This study addresses the flood risks associated with the land, and the effects of the proposed rezoning (e.g. increases in density, etc.). The study concludes that the planning proposal is consistent with all relevant Section 117 Directions. This is due to Council's existing studies, plans and policies, and the nature of the land (i.e. it is already developed).

Land Contamination Study

The Land Contamination Study was conducted in two stages:

Stage I

Environmental Services Division Report No. 39 (Cont'd)

This study was conducted to satisfy the objectives of *State Environmental Planning Policy 55 – Remediation of Land*. The study concluded that the subject area is suitable for the intended and continued land uses associated with industrial/commercial uses. The study also identified 9 (nine) potential areas of environmental concern. Prior to redevelopment on any of these 9 sites, a more detailed site investigation would be required at the Development Application stage. The identification of these 9 sites does not affect the Planning Proposal. The information regarding the 9 sites will be incorporated into a future amendment of Council's Development Control Plan, separate to the Planning Proposal.

Stage II – 8 Roseberry St

The second stage of the study conducted a detailed site investigation at 8 Roseberry St, Balgowlah (Lot 4 DP1142282). Currently this is a vacant block of land owned by Council. The site was chosen to allow easy access for the consultants to conduct detailed research. The second stage of the study concluded that due to the Health Screening Level (HSL) and Groundwater Investigation Level (GIL) exceedances in both soil and groundwater it is considered that if the site were to be redeveloped a remediation action plan would be required in order to address the ongoing potential vapour issues. If redevelopment of the site does not occur a soil vapour assessment may be required to ensure that ongoing residual vapours do not affect the health of potential future land users.

Transport and Active Transport Assessment

This study conducted extensive traffic observations, modelling and analysis along the roads and junctions in and around the subject area. The study concluded that the proposed rezoning is not likely to result in sudden and major change to more traffic-intensive land uses. Many of the existing industrial users will remain, where there is likely to be a more gradual change over time.

It is recommended that as the area is redeveloped over time, traffic management and infrastructure be improved. However, based on the traffic analysis undertaken in the study, these are not a prerequisite for the proposed rezoning, and do not have to be undertaken in the short-term.

All the required studies (as conditioned by the Gateway Determination) have now been completed and support the Planning Proposal to rezone the Manly Industrial Estate from Zone IN2 Light Industrial, to Zone B6 Enterprise Corridor. Council can now proceed with exhibiting the Planning Proposal for 28 (twenty-eight) days, together with the associated studies, as per the requirement of the Gateway Determination

RECOMMENDATION

That:

Council publically exhibit the Planning Proposal to amend the Manly LEP 2013 to rezone land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor at the Manly Industrial Estate, Balgowlah, incorporating the relevant associated studies, as per the Gateway Determination

ATTACHMENTS

AT- 1 Reports will be tabled at the Council Meeting Tabled

OM06102015ESD_4.DOC

***** End of Environmental Services Division Report No. 39 *****

TO: Ordinary Meeting - 6 October 2015
REPORT: Corporate Services Division Report No. 18
SUBJECT: Report on Council Investments as at 30 September 2015
FILE NO: MC/15/5226

SUMMARY

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

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

REPORT

Council is required to report on a monthly basis, all invested funds which have been made in accordance with the Local Government Act 1993, The Local Government (General) Regulation 2005, and Council's Investment Policy.

Attached is the report of the bank balances and investment performance for **September 2015**.

Legislative & Policy Implications

Manly Council Investment Policy
Section 625 Local Government Act 1993
Clause 212 Local Government (General) Regulation 2005
DLG Circular 11-01 – Ministerial Investment Order dated 12 January 2011
DLG Circular 10-11 – Investment Policy Guidelines

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached reports 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.

Investment Performance

The Investment Report shows that Council has total Investments of \$45,599,974 comprising a Commonwealth Bank Balance of \$577,280 and Investment Holdings of \$45,022,694 directly managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 2.87% (*Council Benchmark = 2.17% - benchmark is 90 day average BBSW*).

The investment with Emu Note (Dresdner Bank) is not paying interest coupons and initiating capital guarantee mechanisms to protect the investment. The average rate of return for investments paying interest is 2.92%.

Corporate Services Division Report No. 18 (Cont'd)**Movements in Investments for the Month of September 2015****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
CBA	Term Deposit	\$1,000,000
CBA	Term Deposit	\$1,000,000
Rural Bank	Term Deposit	\$1,000,000

Investments Matured

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Bendigo and Adelaide Bank	Term Deposit	\$1,000,000	\$1,000,000
Bendigo and Adelaide Bank	Term Deposit	\$1,000,000	\$1,000,000

RECOMMENDATION

That: the statement of Bank Balances and Investment Holdings as at 30 September 2015 be received and noted.

ATTACHMENTS

AT- 1 Investment Report September 2015 4 Pages

OM12102015CSD_4.DOC

***** End of Corporate Services Division Report No. 18 *****

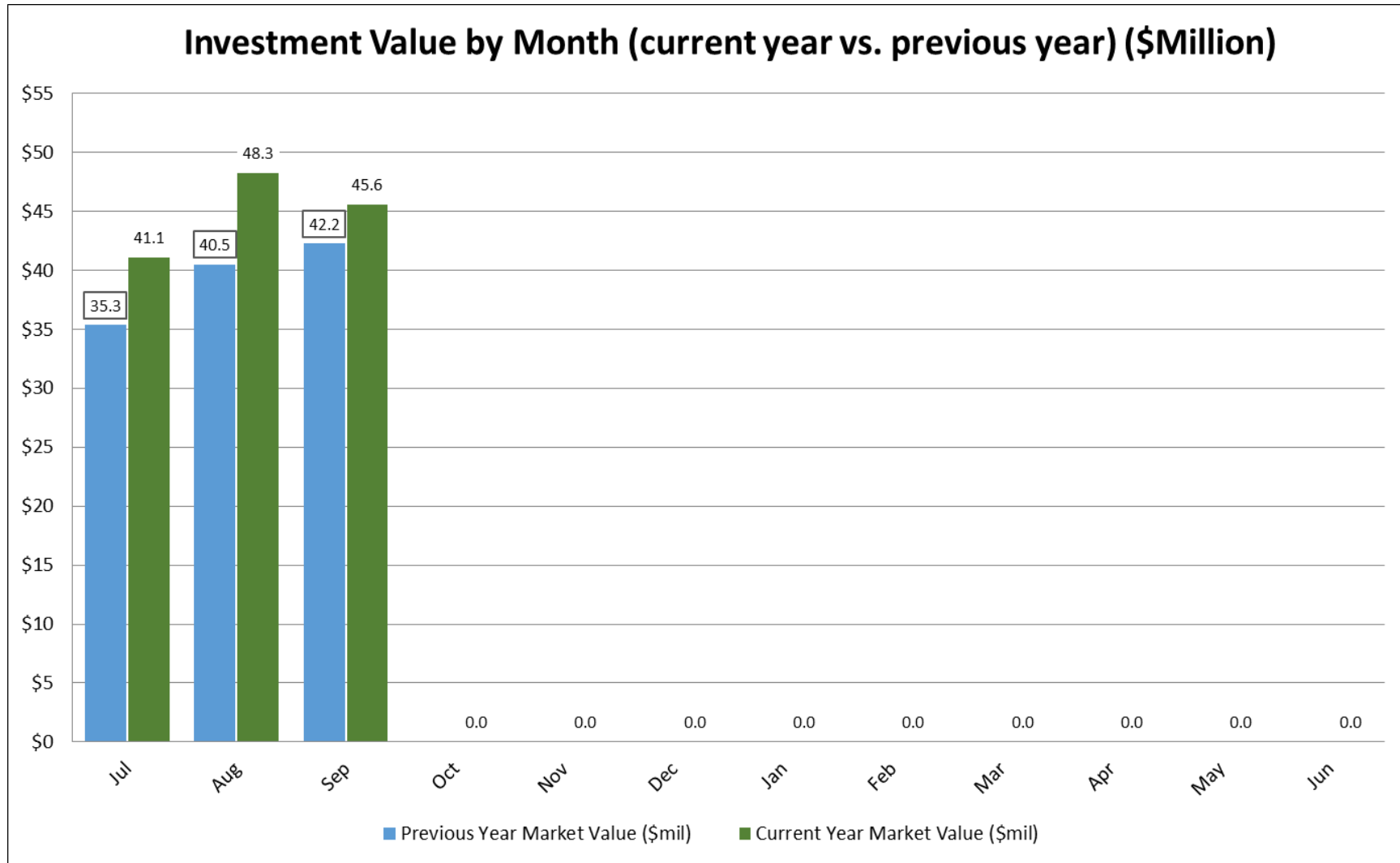
ATTACHMENT 1

Corporate Services Division Report No. 18.DOC - Report on Council Investments as at 30 September 2015 Investment Report September 2015

MANLY COUNCIL INVESTMENT PORTFOLIO as at 30 September 2015								Interest Rate	Interest	
Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	YTD		Sep 2015	
Directly Managed Funds										
Trading Account										
CBA	Cash Trading Account	577,280	577,280	1.27%	AA-			0.3% ⁽²⁾	9,258	3,619
Others										
CBA	At Call	3,433,842	3,433,842	7.53%	AA-	At Call	At Call	1.90%	19,869	6,924
AMP	At Call	3,071,936	3,071,936	6.74%	A+	At Call	At Call	2.55%	21,123	6,438
Macquarie Bank	At Call	61,704	61,704	0.14%	A	At Call	At Call	1.90%	295	96
AMP	TD	1,000,000	1,000,000	2.19%	A+	04/08/2015	02/02/2016	2.90%	4,529	2,384
AMP	TD	1,000,000	1,000,000	2.19%	A+	04/08/2015	02/02/2016	2.90%	4,529	2,384
Bank of Queensland	TD	1,000,000	1,000,000	2.19%	A-	17/08/2015	15/02/2016	2.85%	3,436	2,342
Bank of Queensland	TD	1,000,000	1,000,000	2.19%	A-	17/08/2015	15/02/2016	2.85%	3,436	2,342
Bank of Queensland	TD	1,000,000	1,000,000	2.19%	A-	02/06/2015	30/11/2015	2.95%	7,436	2,425
Bank of Queensland	TD	1,000,000	1,000,000	2.19%	A-	02/06/2015	30/11/2015	2.95%	7,436	2,425
Bankwest	TD	1,000,000	1,000,000	2.19%	AA-	01/06/2015	30/11/2015	2.90%	7,310	2,384
Bankwest	TD	1,000,000	1,000,000	2.19%	AA-	01/06/2015	30/11/2015	2.90%	7,310	2,384
Bankwest	TD	1,000,000	1,000,000	2.19%	AA-	04/06/2015	01/12/2015	2.90%	7,310	2,384
Bankwest	TD	1,000,000	1,000,000	2.19%	AA-	07/07/2015	07/01/2016	2.90%	6,753	2,384
Bendigo and Adelaide Bank	TD	235,335	235,335	0.52%	A-	06/08/2015	09/08/2016	2.85%	1,011	551
CBA	TD	1,000,000	1,000,000	2.19%	AA-	26/08/2015	22/02/2016	2.76%	2,647	2,268
CBA	TD	1,000,000	1,000,000	2.19%	AA-	05/08/2015	01/02/2016	2.79%	4,281	2,293
CBA	TD	1,000,000	1,000,000	2.19%	AA-	05/08/2015	01/02/2016	2.79%	4,281	2,293
CBA	TD	1,000,000	1,000,000	2.19%	AA-	31/08/2015	29/12/2015	2.85%	2,342	2,342
CBA	TD	1,000,000	1,000,000	2.19%	AA-	31/08/2015	29/12/2015	2.85%	2,342	2,342
CBA	TD	1,000,000	1,000,000	2.19%	AA-	03/09/2015	01/02/2016	2.84%	2,101	2,101
CBA	TD	1,000,000	1,000,000	2.19%	AA-	03/09/2015	01/02/2016	2.84%	2,101	2,101
ME Bank	TD	1,000,000	1,000,000	2.19%	A2	24/08/2015	22/02/2016	2.80%	2,838	2,301
ME Bank	TD	1,000,000	1,000,000	2.19%	A2	24/08/2015	22/02/2016	2.80%	2,838	2,301
ME Bank	TD	1,000,000	1,000,000	2.19%	A2	07/07/2015	07/10/2015	2.95%	6,870	2,425
ME Bank	TD	1,000,000	1,000,000	2.19%	A2	07/07/2015	07/10/2015	2.95%	6,870	2,425
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	24/08/2015	22/02/2016	2.90%	2,940	2,384
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	24/08/2015	22/02/2016	2.90%	2,940	2,384
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	26/08/2015	22/02/2016	2.88%	2,762	2,367
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	31/08/2015	29/02/2016	2.88%	2,367	2,367
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	04/08/2015	02/02/2016	2.90%	4,529	2,384
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	04/06/2015	04/12/2015	2.93%	7,385	2,408
National Bank	TD	1,000,000	1,000,000	2.19%	AA-	07/07/2015	07/01/2016	3.00%	6,986	2,466
National Bank	TD	719,877	719,877	1.58%	A+	07/07/2015	07/07/2016	3.00%	5,029	1,775
Rural Bank	TD	1,000,000	1,000,000	2.19%	A-	03/09/2015	02/03/2016	2.85%	2,108	2,108
Suncorp Bank	TD	1,000,000	1,000,000	2.19%	A+	25/05/2015	23/11/2015	2.90%	7,310	2,384
Suncorp Bank	TD	1,000,000	1,000,000	2.19%	A+	26/05/2015	23/11/2015	2.90%	7,310	2,384
Suncorp Bank	TD	1,000,000	1,000,000	2.19%	A+	03/06/2015	30/11/2015	2.95%	7,436	2,425
Suncorp Bank	TD	1,000,000	1,000,000	2.19%	A+	27/08/2015	26/02/2016	2.84%	2,645	2,645
Suncorp Bank	TD	1,000,000	1,000,000	2.19%	A+	31/08/2015	29/02/2016	2.85%	2,342	2,342
Westpac	TD	1,000,000	1,000,000	2.19%	AA-	07/07/2015	07/10/2015	2.79%	6,497	2,293
Westpac	TD	1,000,000	1,000,000	2.19%	AA-	07/07/2015	07/10/2015	2.79%	6,497	2,293
Westpac	TD	1,000,000	1,000,000	2.19%	AA-	04/08/2015	04/11/2015	2.80%	4,373	2,301
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	496,950	1.10%	A	25/10/2005	30/10/2015	0.00%	-	-
	Total	45,022,694	45,019,644	98.73%						
Total Directly Managed Funds		45,599,974	45,596,924	100%						
Retired Investments									79,637	818
TOTAL PORTFOLIO		45,599,974	45,596,924	100%				2.87%	311,642	107,186
BENCHMARK⁽¹⁾									2.17%	
Notes:										
1 Benchmark is 90 day BBSW as at 30 Sept 2015										
2 CBA Trading account not included in the monthly portfolio return calculation										
3 Market Value as at 31 August 2015										

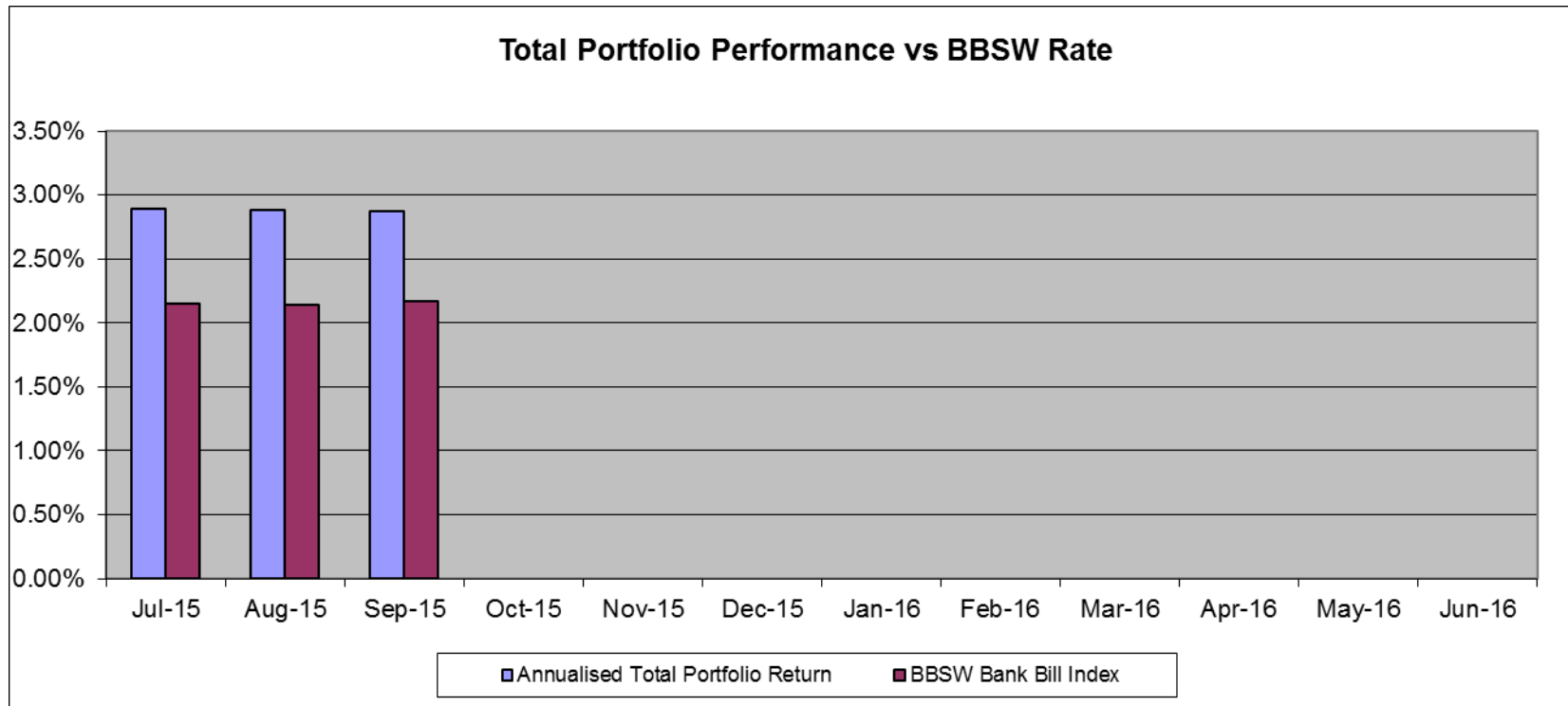
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Investment Report September 2015

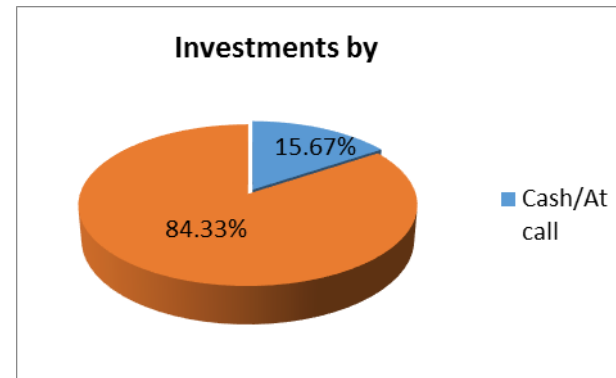


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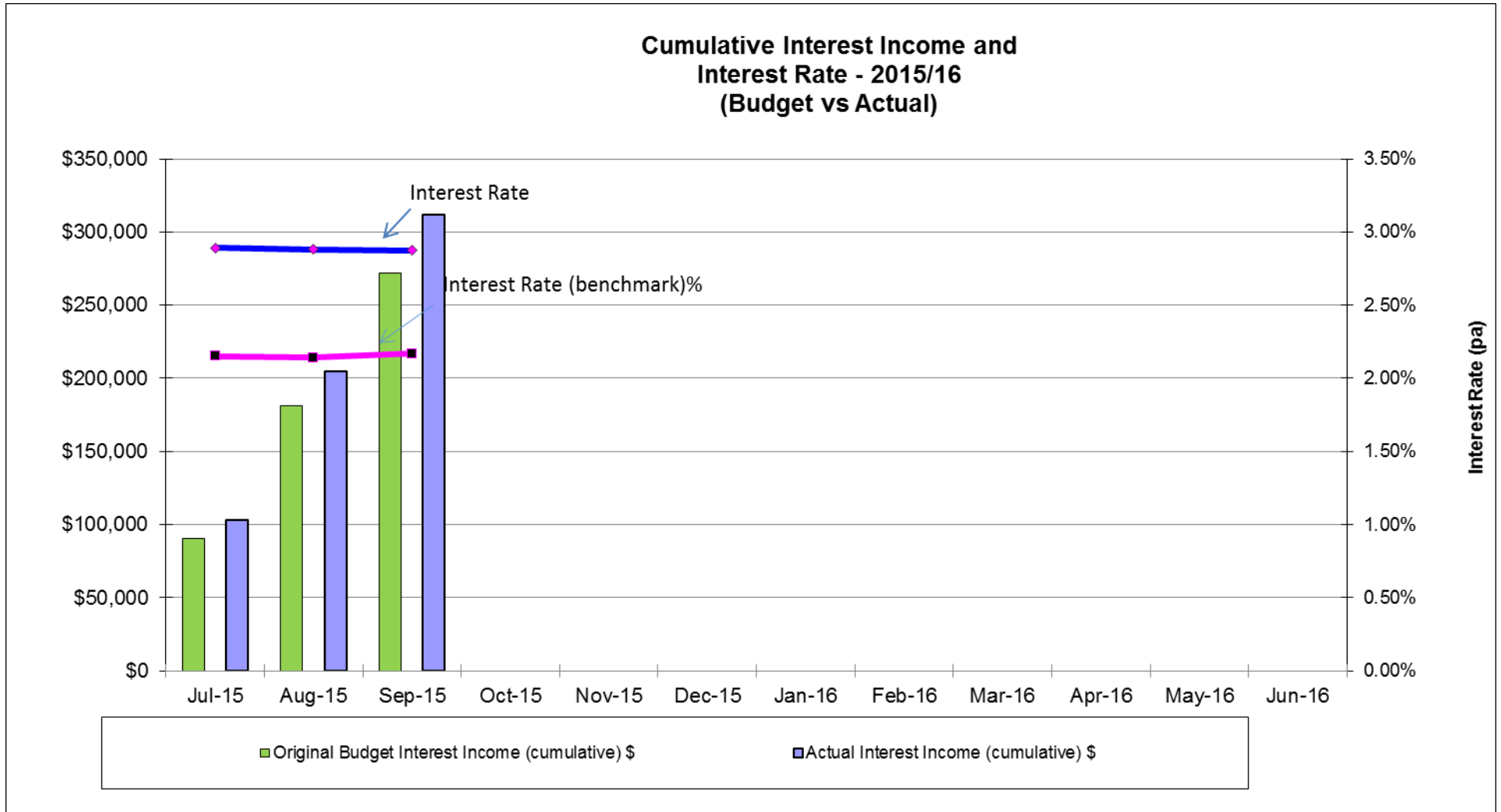


Summary by Credit Rating		No.
AA-	54.85%	23
A+	23.67%	9
A-	11.48%	6
A	1.23%	2
A2	8.77%	4
	100.00%	44



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Investment Report September 2015**



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September 2015
Investment Report September 2015**

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