

Agenda

Planning and Strategy Committee

Notice is hereby given that a meeting of the Planning and Strategy Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 4 August 2014

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.

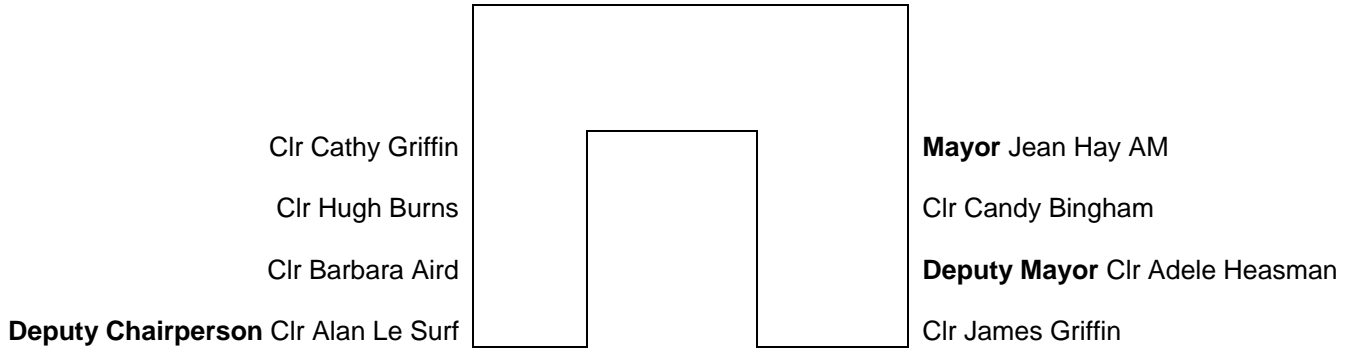
Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:

www.manly.nsw.gov.au



Seating Arrangements for Meetings

Executive Manager Minute Taker General Manager **Chairperson
Clr Steve
Pickering** Deputy General Manager Deputy General Manager



Press

Public
Addresses

Public Gallery

Chairperson: Clr Steve Pickering
Deputy Chairperson: Clr Alan Le Surf

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

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Item For Brief Mention Report No. 10
SUBJECT: Items For Brief Mention
FILE NO: MC/14/84987

1. Local Government NSW Conference

Council has registered the following delegates for the upcoming Local Government NSW Annual conference to be held in October in Coffs Harbour;

Mayor Hay AM
 Clr Bingham
 Clr Burns
 Clr Heasman
 Clr Pickering

Manly is entitled to four (4) voting delegates and must nominate these prior to their attendance to the conference.

2. Tabled Documents

Date	Author	Subject
1/7/14	Kerrie Mather Chief Executive Officer Sydney Airport Corporation	T2-T3 Ground Transport Access and Hotel preliminary draft Major Development Plan
10/7/14	Hakan Harman Chief Executive Officer Community Relations Commission	2013 Community Relations Report, Advancing Multiculturalism in NSW is now available at: http://web2.crc.nsw.gov.au/CRR2013
16/7/14	Mike Baird MP State Member for Manly	Container Deposit Legislation including response from the State Minister for the Environment.
24/7/14	Tony Abbott Prime Minister	Homelessness in the Manly local government area.

RECOMMENDATION

That Council:

1. Receive and note the report on Local Government Conference and nominate four voting delegates from those attending the Conference; and
2. Receive and note the tabled documents.

ATTACHMENTS

There are no attachments for this report.

PS04082014IBM_1.DOC

***** End of Item For Brief Mention Report No. 10 *****

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Report Of Committees Report No. 23
SUBJECT: Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature.
FILE NO: MC/14/86739

The following Special Purpose Advisory Committee meeting minutes are tabled at this meeting.

- i) Manly Sister Cities Advisory Committee 25 June 2014
- ii) Manly Scenic Walkway Advisory Committee 1 July 2014
- iii) Manly Local Traffic Committee 14 July 2014

RECOMMENDATION

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

- i) Manly Sister Cities Advisory Committee 25 June 2014
- ii) Manly Scenic Walkway Advisory Committee 1 July 2014
- iii) Manly Local Traffic Committee 14 July 2014

ATTACHMENTS

There are no attachments for this report.

PS04082014RC_1.DOC

***** End of Report Of Committees Report No. 23 *****

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Report Of Committees Report No. 24
SUBJECT: Minutes for notation - Human Services Planning & Policy Advisory Committee - 26 June 2014
FILE NO: MC/14/87703

This report was dealt with at the Human Services Planning & Policy Advisory Committee meeting of 26 June 2014 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting, together with the minutes for formal notation by Council.

ITEM 4 Presentation – Northern Beaches (NBs) Health Service Redevelopment Project by: Heather Gough, Operational Lead, Northern Sydney Local Health District, & Nicola Pellegrini, NBs Health Service Redevelopment Communications & Engagement Manager.

Ms Gough explained the NBs Health Service (NBHS) Redevelopment Project. Points of interest include:

- The project is larger than the development of a new Level 5 NBs Hospital (NBH) at Frenchs Forest, to open in 2018. It also includes:
 - new Northern Community Health Centre at Mona Vale Hospital
 - new Southern Community Health Centre at Brookvale – likely near Warringah Mall. The 2 centres will have drug & alcohol services, mental health, and other services.
 - Enhanced Child & Family Health services at Dalwood, Seaforth.
 - Reconfiguration of Mona Vale Hospital
- \$125 million was allocated in the recent state budget to Roads & Maritime Services for road improvements near the hospital.
- The NBH will deliver acute health services with subacute services, such as rehabilitation, being run from Mona Vale hospital.
- Operating model is a public/private partnership, with a 20 year contract for public patients and a 40 year contract for private patients.
- The hospital will look after as many public patients that present there, have a minimum of 423 beds, and will include outpatients' services such as Emergency Dept, Oncology, day surgery, etc.
- Manly Hospital site will still deliver health services, but which services is still to be determined – and advisory group has been set up.
- Manly East Wing acute mental health service will move new NBH, as well as NBs Health Promotion Unit.

Committee members asked:

- Where would the NGO run Phoenix Drug & Alcohol Unit and Parkhill Cottage, a Home & Community Care funded day care centre at Manly Hospital, relocate.

Also, concerns were raised about the lack of specific Sexual Health and Women's Health clinic services on the NBs:

- Clinic 16 on Pittwater Road, Manly, an outreach of Clinic 16 at RNSH, was for those aged 25 and under and run only one day per week. It is not adequate for older people and the more holistic needs of women's sexual health. And if this clinic were relocated from Manly, many young travellers would be disadvantaged.
- Medicare Local has been lobbied for expanded sexual health and women's health services.
- Ms Gough suggested a submission could be sent to the CEO of the Local Health District, as the redevelopment project would present opportunities for locating services.
- Concerns were also raised about lack of services for anorexia (Westmead being closest), and youth mental health & substance abuse services.

Report Of Committees Report No. 24 (Cont'd)

The meeting thanked Ms Gough and Ms Pellegrini for their informative presentation.

RECOMMENDATION

That the minutes of the Human Services Planning & Policy Advisory Committee meeting on 24 June 2014 be received and noted, included;

ITEM 4 Presentation – Northern Beaches (NBs) Health Service Redevelopment Project by: Heather Gough, Operational Lead, Northern Sydney Local Health District, & Nicola Pellegrini, NBs Health Service Redevelopment Communications & Engagement Manager.

The Committee recommends to the General Manager that:

Council or SHOROC writes a submission to the CEO of the Northern Sydney LHD advocating the need for expanded sexual health and women's health services on the Northern Beaches, given current services are inadequate for older people, the holistic needs of women's health, and the young traveller population of the Manly area.

ATTACHMENTS

There are no attachments for this report.

PS04082014RC_2.DOC

***** End of Report Of Committees Report No. 24 *****

TO: Planning and Strategy Committee - 4 August 2014
REPORT: General Managers Division Report No. 7
SUBJECT: Draft Unreasonable Complainant Conduct Policy
FILE NO: MC/14/85374

SUMMARY

The NSW Ombudsman has developed a Model Policy to guide government agencies and councils in the handling of *Unreasonable Complainant Conduct*.

This report recommends that Council adopt an *Unreasonable Complainant Conduct Policy* to support and enhance Council's existing Complaints Management Policy as developed by the NSW Ombudsman for public sector organisations in NSW.

REPORT

Council is committed to best practice in its complaint management systems and has developed a complaint handling framework which includes Council's Customer Service Charter, Code of Conduct and a Complaint Management Policy (C120).

The draft Unreasonable Complainant Conduct ('UCC') Policy is an additional component of this framework that follows the Model Policy developed by the NSW Ombudsman to provide clear and practical strategies to assist councils to manage their interactions with certain complainants whose conduct falls within the definition of the UCC Policy.

The purpose of the proposed Policy is to provide staff with a process that identifies those communications and behaviours that are unreasonable and unacceptable, as well as a formal process to properly manage them.

This Policy has adapted the '*NSW Ombudsman's Unreasonable Complainant Conduct Model Policy – February 2013*' and '*Managing Unreasonable Complainant Conduct Manual 2012*'.

RECOMMENDATION

That the draft Manly Council *Unreasonable Complainant Conduct Policy* be placed on public exhibition for 28 days and adopted thereafter.

ATTACHMENTS

AT-	Draft Unreasonable Complainant Conduct Proposed New Policy - Based on	12
1	NSW Ombudsman Model Policy	Pages

PS04082014GMO_1.DOC

***** End of General Managers Division Report No. 7 *****

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Policy:

Title: Unreasonable Complainant Conduct

Policy No: TBA

Keywords: Unreasonable Complainant, service restrictions, complaint

Responsible Officer: Manager Corporate Governance

PURPOSE AND AUTHORITY

This Policy sets out Council's approach to managing Unreasonable Complainant Conduct ('UCC').

POLICY STATEMENT

Council is committed to best practice in complaint management practices and has developed a complaint handling framework which includes Council's Customer Service Charter, Code of Conduct and a Complaint Management Policy (C120). This Policy is an additional component to this framework and has been developed to provide clear and practical guidance to assist staff in managing unreasonable complainant conducts.

This Policy has been developed in line with the 'NSW Ombudsman's Unreasonable Complainant Conduct Model Policy – February 2013' and 'Managing Unreasonable Complainant Conduct Manual 2012'.

PRINCIPLES

This Policy has been developed to assist staff to effectively manage UCC. Its aim is to ensure that staff:

- Feel confident and supported in taking action to manage UCC.
- Act fairly, consistently, honestly and appropriately when responding to UCC.
- Are aware of their roles and responsibilities in relation to the management of UCC and how this Policy will be used.
- Understand the circumstances where it may be appropriate to manage UCC by applying measures developed by the NSW Ombudsman.
- Have access to alternative dispute resolution means to deal with conflicts.
- Have access to and the use of legal means to protect themselves from threats, violence, intimidation or stalking.
- Have a clear understanding of the criteria for restricting a complainant's access Council services.
- Are aware of the processes that need to be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this Policy, including specific timeframes for review.

INDIVIDUAL'S RIGHTS AND MUTUAL RESPONSIBILITIES OF PARTIES TO A COMPLAINT

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Complainants have a right to expect a standard of service and behaviour from Council's staff. Council Staff also have a right to be treated with courtesy and respect and the ability to carry out the Council functions delegated to them.

UNREASONABLE COMPLAINANT CONDUCT

Most complainants who approach the Council act reasonably and responsibly in their interactions with staff. However, a very limited number of complainants do behave in ways that are inappropriate and unacceptable towards staff, including being verbally abusive, threaten harm, threats of violence, and sometimes by making unnecessary and excessive phone calls and emails to staff and/or making inappropriate demands on staff and Council resources.

UCC is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, our staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of cooperation;
- Unreasonable arguments; and
- Unreasonable behaviours.

Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on Council, its staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding Council/staff with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within Council and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

Unreasonable Demands

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Council, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how staff have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a Senior Manager or the General Manager personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis exists for expecting this.
- Demanding services that are of a nature or scale that Council cannot provide when this has been explained to them repeatedly.

Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with Council, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – (only relevant where the complainant is clearly capable of doing this).
- Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

Unreasonable Arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon Council, staff, services, time, and/or resources. Arguments are unreasonable when they:

- Fail to follow a logical sequence.
- Are not supported by any evidence and/or are based on conspiracy theories.
- Lead a complainant to reject all other valid and contrary arguments.
- Are trivial when compared to the amount of time, resources and attention that the complainant demands.
- Are false, inflammatory or defamatory.

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks.
- Harassment, intimidation or physical violence.
- Rude, confronting and threatening correspondence.
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- Stalking (in person or online).
- Emotional manipulation.

Manly Council has a **zero tolerance Policy** towards any harm, abuse or threats directed towards our organisation and/or council officials as defined in our Code of Conduct. Any conduct of this kind will be dealt with under this Policy and other appropriate policies of Council and in accordance with our duty of care and work health and safety responsibilities.

ROLES AND RESPONSIBILITIES

All Staff

Staff are responsible for familiarising themselves with this Policy and are encouraged to explain the contents of this document to all complainants particularly those who engage in UCC or exhibit the early warning signs for UCC. Staff are also encouraged to refer to any *Guidelines* issued by the General Manager in support of this Policy.

Manager Corporate Governance

The Manager Corporate Governance, in consultation with relevant staff and the General Manager, has the responsibility and authority to change or reasonably restrict a complainant's access to council services in the circumstances identified in this Policy.

When applying this Policy, the Manager Corporate Governance may reasonably maintain communication with the complainant to assess any changes to their circumstance.

The Manager Corporate Governance is also responsible for recording, monitoring and reviewing all UCC cases where this Policy is applied to ensure consistency, transparency and accountability for the application of this Policy.

Divisional / Executive Managers

Divisional / Executive Managers are responsible for supporting staff in the application of this Policy and to ensure that any staff affected by UCC are debriefed and assisted in a timely manner.

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Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

RESPONDING TO AND MANAGING UCC

Changing or restricting a complainant's access to our services

UCC incidents will generally be managed by limiting or adapting the ways that Council interact with and/or deliver services to complainants by restricting:

- Who they can contact in Council.
- What they can raise with Council.
- When they can have contact.
- Where they can make contact.
- How they can make contact.

When applying any restrictions from this Policy, Council recognises that some discretion will need to be exercised in the circumstance of complainants.

Contact through a representative only

In cases where Council does not wish to completely restrict a complainant contact with the Council, Council may also select to deal through the complainant's support person or representative.

Completely terminating a complainant's access to our services

In rare cases, and as a last resort, the Manager Corporate Governance may decide that it is necessary for Council to completely restrict a complainant's contact/access to our services. In such instances, the General Manager will be required to approve such an action.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – eg entrapping them in their home.
- Conduct that is otherwise unlawful.

In these cases the complainant will be notified in writing that their access has been restricted.

A complainant's access to Council's services and premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

ALTERNATIVE DISPUTE RESOLUTION

ATTACHMENT 1

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Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

If the Manager Corporate Governance and the General Manager determines that Council cannot terminate our services to a complainant in a particular case or that staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

However, staff recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its facts to determine the appropriateness of this approach.

PROCEDURE FOLLOWED WHEN CHANGING OR RESTRICTING A COMPLAINANT'S ACCESS TO OUR SERVICES

Consulting with relevant Staff

When the Manager Corporate Governance receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- The circumstances that gave rise to the UCC/incident.
- The impact of the complainant's conduct on Council, relevant staff, our time, resources, etc.
- The complainant's responsiveness to the staff member's warnings/requests to stop the behaviour.
- The actions the staff member has taken to manage the complainant's conduct, if any.
- The suggestions made by relevant staff on ways that the situation could be managed.

Criteria to be Considered

Following a consultation with relevant staff the Manager Corporate Governance will search Council's records system for information about the complainant's prior conduct and history with Council. They will also will consider the following criteria:

- Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- Whether the complainant's case has merit.
- The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
- Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood or dependents etc.
- Whether the complainant's personal circumstances have contributed to the behaviour? For example, the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
 - Homelessness;
 - physical disability;

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

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- illiteracy or other language or communication barrier;
- mental or other illness;
- personal crises; and
- substance or alcohol abuse.
- Whether the complainant's response/conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- Whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact/access to our services.

Once a Complainant's circumstances are properly assessed, the Manager Corporate Governance may then recommend an appropriate course of action to the responsible Deputy General Manager.

Providing a Warning Letter

Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Manager Corporate Governance will provide them with a written warning about their conduct in the first instance.

The warning letter will:

- Specify the date, time and location of the UCC incident.
- Explain why the complainant's conduct/ UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues.
- Provide clear and full reasons for the warning being given
- Include an attachment of Council's ground rules and / or briefly state the standard of behaviour that is expected of the complainant.
- Provide the name and contact details of a staff member who they can contact about the letter.
- Be signed by the Manager Corporate Governance.

Providing a Notification Letter

If a complainant's conduct continues after they have been sent a written warning, or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the Manager Corporate Governance has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning).

This notification letter will:

- Specify the date, time and location of the UCC incident(s).
- Explain why the complainant's conduct/UCC incident(s) is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the complainant.
- Provide clear and full reasons for this restriction.
- Specify the duration of the change or restriction imposed, **which will not exceed 12 months**.
- Indicate a time period for review.
- Provide the name and contact details of a senior officer who they can contact about the letter and/or request a review of the decision.
- Be signed by the General Manager.

ATTACHMENT 1

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Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Notifying relevant Staff about Access Changes/Restrictions

The Office of Corporate Governance will notify relevant staff, including Divisional / Executive Managers about any decisions to change or restrict a complainant's access to our services, in particular Council's Customer Service Centre in cases where a complainant is prohibited from entering our premises.

The Office of Corporate Governance will also update Council's records management system with a record outlining the nature of the restrictions imposed and their duration.

Continued Monitoring/Oversight Responsibilities

Once a complainant has been issued with a warning letter or notification letter the Office of Corporate Governance will review the complainant's record/restriction **every three months**, or on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure that they (the complainant) are complying with the restrictions/the arrangement is working.

If it is determined that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions or terminate the complainant's access to our services altogether.

APPEALING A DECISION TO CHANGE OR RESTRICT ACCESS TO OUR SERVICES

Complainants are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed off by the General Manager. The staff member will then refer any materials/records relating to the appeal to the Office of Corporate Governance to be kept in the appropriate file.

If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that staff have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

NON-COMPLIANCE WITH A CHANGE OR RESTRICTION ON ACCESS TO OUR SERVICES

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note in Council's official records management system and a copy forwarded to the Office of Corporate Governance who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

PERIODIC REVIEWS OF ALL CASES WHERE THIS POLICY IS APPLIED

Period for review

All UCC cases where this Policy is applied **will be reviewed every three months or six months** (depending on the nature of the service provided) **and not more than 12 months after** the service change or restriction was initially imposed or continued/upheld.

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Notifying the complainant of an upcoming review

The Office Corporate Governance will invite all complainants to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (i.e. further UCC). The invitation will be given and the review will be conducted in accordance with the complainant's access restrictions (e.g. if contact has been restricted to writing only then the invitation to participate will be done in writing).

Criteria to be considered during a review

When conducting a review consideration will be given to:

- Whether the complainant has had any contact with the Council during the restriction period.
- The complainant's conduct during the restriction period.
- Any information/arguments put forward by the complainant for review.
- Any other information that may be relevant in the circumstances.

The Office of Corporate Governance may also consult any staff members who have had contact with the complainant during the restriction period.

Notifying a complainant of the outcome of a review

The Manager Corporate Governance will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been taken into account during the review.
- Explain the decision/outcome of the review and the reasons for it.
- If the outcome of the review is to maintain or modify the restriction the review letter will also:
 - Indicate the nature of the new or continued restriction.
 - State the duration of the new restriction period.
 - Provide the name and contact details of the Office of Corporate Governance who the complainant can contact to discuss the letter.
 - Be signed by the General Manager.

Recording the outcome of a review and notifying relevant staff

Like all other decisions made under this Policy, the Office of Corporate Governance is responsible for keeping a record of the outcome of the review, updating Council's official records management system (TRIM) and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

MANAGING STAFF STRESS

Staff reactions to stressful situations

Dealing with complainants who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

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As an organisation, staff have a responsibility to support staff members who experience stress as a result of situations arising at work and staff will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this staff also need help of all Council staff to identify stressful incidents and situations. As a result, all staff have a responsibility to notify their direct supervisor or manager or human resources of UCC incidents and any stressful incidents that they believe require management involvement.

Debriefing

Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or human resources or as a team following a significant incident. Council encourage all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program – a free, confidential counselling service. To access this service contact Council's Human Resources department on 9976 1645.

Other Remedies

Council will ensure that all of our Staff and Officials are supported as appropriate and will follow the requirements as required under the Work Health and Safety Act 2011, Workplace Injury Management and Workers Compensation Act 1998 and any other relevant legislation and regulations.

Other Security Measures

If any security measures are necessary, Council will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

TRAINING AND AWARENESS

Manly Council is committed to ensuring that all staff are aware of and know how to use this Policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this Policy and on managing UCC on a regular basis in particular, on induction.

OMBUDSMAN MAY REQUEST COPIES OF OUR RECORDS

Manly Council will keep records of all cases where this Policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

SCOPE

This Policy applies to all persons who have contact with Manly Council as residents, ratepayers, business or community entities.

This Policy applies to Council officials as defined in Council's Code of Conduct.

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Nothing in this Policy restricts a person from access to information where Council is under a statutory responsibility to provide such information. However, Council reserves the right to determine how such access will be granted, in accordance with this Policy.

DEFINITIONS

Unreasonable Complainant Conduct	Any conduct by a complainant which because of its nature raises health, safety, or equity issues for the Council or has a disproportionate and unreasonable impact on Councillors, Council officers, services, time or resources.
Unreasonable persistence	Continued, incessant or unrelenting conduct by a complainant.
Unreasonable demands	Demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Councillors, Council officers, services times and/or resources.
Unreasonable lack of cooperation	An unwillingness and/or inability by a complainant to cooperate with Councillors, Council officers and/or Council's customer services processes.
Unreasonable complaints	Any complaints that are not based on reason or logic, incomprehensible, false or inflammatory, or trivial or vexatious.
Unreasonable behaviours	Conduct that comprises the health, safety and security of Councillors and/or Council officers including abuse, threats or harm directed towards them.

IMPLEMENTATION

This Policy will be implemented without delay once adopted by Council. Upon adoption this Policy will be entered into Council's Policy Register, made available online and provided to all staff and other people directly affected by this Policy.

All staff will be provided training on this Policy and its application.

Council and/or the General Manager may, during a civil emergency only, set aside any Policy terms to ensure public safety.

MONITORING AND BREACHES

Regular monitoring of compliance with this Policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this Policy.

Breaches of this Policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

REPORTING

A report will be provided to the General Manager every **six (6)** months on complainants / customers who have been determined or listed as UCC's during the reporting period and those UCC who are still on restrictions.

POLICY REVIEW

This Policy is subject to regular review at a maximum interval of two (2) years.

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this Policy to ensure it remains current and aligned to best practice policies.

RELEVANT REFERENCES & LEGISLATION

Anti-Discrimination Act 1977,

Local Government Act 1993 and Regulations,

Crimes Act 1900,

Crimes (Domestic and Personal Violence) Act 2007

Government Information (Public Access) Act 2009

Work Health and Safety Act 2011,

Workplace Injury Management and Workers Compensation Act 1998.

NSW Ombudsman's Unreasonable Complainant Conduct Model Policy – February 2013

NSW Ombudsman's – Managing Unreasonable Complainant Conduct - Practice Manual (2nd edition)

RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct – February 2013

Manly Council Complaint Management Policy – 2010

Manly Council Work Health & Safety Policy - 2012

Manly Council Complaint Handling Procedure

Manly Council Complaints Register

Manly Council Customer Service Charter

Manly Council Procedures for Misconduct Complaints

Manly Council Unreasonable Complainant Conduct Guidelines – November 2013

REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
	July 2014	Draft completed	Manager Corporate Governance	In-house Solicitor
	July 2014	Consulted with SMM	Manager	

ATTACHMENT 1

General Managers Division Report No. 7.DOC - Draft Unreasonable Complainant Conduct Policy

Draft Unreasonable Complainant Conduct Proposed New Policy - Based on NSW Ombudsman Model Policy

			Corporate Governance	

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Environmental Services Division Report No. 24
SUBJECT: Market Lane - Waste Management
FILE NO: MC/14/78824

SUMMARY

Council at its Ordinary meeting of 12 May 2014 resolved that:

1. *Council staff investigate and prepare a report on how garbage collection times in the shared pedestrian areas of Market lane could be restricted to prevent garbage trucks servicing the area in busy pedestrian times; and*
2. *Council consult with property owners and business in relation to this matter.*

Background

Market Lane is transitioning from a traditional service area and vehicular access way, to a tourist/high pedestrian precinct with shop fronts and an emerging cafe and dining culture.

This revitalisation combined with a desire to maximise commercial floor space, often through the removal of designated waste storage areas within buildings and individual shop premises, has resulted in the permanent storage of bins on, and adjacent to, the laneway in the public view.

The permanent storage of bins in this location, the times which they are serviced, and the resultant dumping of waste, has impacted on the amenity of this emerging vibrant space.

REPORT

To determine the service levels for individual tenancies, a survey was forwarded to 145 tenants and owners. A copy of the survey is Attachment 1.

Twenty (20) submissions were received. The majority of these submissions provided information on the type and frequency of deliveries and services. Seven submissions (7) nominated bin storage as a concern and of these, four (4) requested a communal waste storage space. Two (2) submissions related to collection times, vehicle access, congestion and concerns for safety in shared zones. One submission (1) sought continued access for deliveries and one (1) submission indicated that the weekend markets impeded access and disrupted their business.

Access

Negotiations with commercial waste collection contractors have in the main been successful, with most garbage collections occurring prior to 9.30am. Recycling collections, possibly due to their frequency and relatively low volumes, when shared between several commercial service providers, are less punctual and discussions are ongoing to seek better compliance. Collections for many businesses occur daily due to the volume of waste generated and minimal provision for on-site storage of bins.

Deliveries of goods occur during business hours. Small food preparation areas, a lack of storage and high turnover necessitate daily deliveries for many businesses.

Trades may access the shared zones in Market Lane up until 11.00am.

This access is restricted by Council's Rangers through the daily removal and re-installation of temporary bollards.

Four (4) submissions relate to access, specifically:

Environmental Services Division Report No. 24 (Cont'd)

- maintaining access for deliveries; and
- market stall holders obstructing access on weekends.

Two (2) submissions nominate safety as a concern, arising from:

- congestion, ad hoc parking, poor signage, and inconsistent policing; and
- conflict with pedestrians, many of whom are children.

The shared pedestrian and vehicle zones are highly trafficked from 7.00am and in the case of vehicles up until access is physically restricted. Negotiating the shared zones often requires the larger vehicles to reverse amidst parked vehicles and pedestrians. Loss of amenity arising from the noise of vehicles and the odour of waste collection trucks impacts on the enjoyment of this space.

Restricting access to Market Lane on nominated days during the week e.g. Monday, Tuesday and Wednesday would be less successful in terms of managing potential user conflict than say implementing tighter controls on access times for vehicles over seven days.

Tighter controls for vehicle access in the shared zones will place greater demand on short-term parking (loading zones) for vehicles servicing the area.

Bin storage

Negotiations with tenants and owners over the past 18 months have resulted in significant improvements in Market Lane and Market Place with bins being retrieved promptly and stored within premises.

Currently only three (3) tenants / owners have refused to take responsibility for the on-site management of their waste. All have the capacity to effectively manage their waste either within their premises or common areas. Council is pursuing compliance through punitive measures.

Of the 145 surveys forwarded to owners and tenants of properties in the vicinity of Market Lane, only four (4) submissions were received from owners / tenants calling for communal garbage storage spaces.

Locations suggested include the Whistler Street car park, an area adjacent to the library in place of the existing external stairwell (to be relocated) and in the pedestrian zones.

Currently there is no suitable location for a centralised waste storage area that would have the capacity to collectively house waste and recycling generated by the commercial and residential premises.

Conclusion

Given the constraints that exist, in the short term Council would need to manage the shared zones of Market Lane through tighter access controls for vehicles. In the longer term, any future redevelopment of the Market Lane precinct should incorporate onsite waste management solutions. This would promote integrated design principles, technologies and enabling strategies. This would also maximise compatibility between commercial frontages and pedestrian activity, and would minimise the amenity impacts associated with communal storage and collection of waste.

RECOMMENDATION

That Council:

1. Restrict vehicular access to Market Lane from 6.30 am to 8.00 am daily;
2. notify commercial waste collection contractors in writing regarding the new vehicle

Environmental Services Division Report No. 24 (Cont'd)

restrictions; and

3. staff continue to seek compliance with respect to the on-site storage of waste and recycling in the area of Market Lane.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 24 *****

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Environmental Services Division Report No. 25
SUBJECT: Report on options to amend Manly LEP 2013 in relation to noise mitigation measures for Manly Cove and other areas.
FILE NO: MC/14/63035

SUMMARY

This report presents two (2) options available to Council to amend the Manly Local Environmental Plan 2013 in regards to mitigating noise impacts around Manly Cove and other areas. The preferred option is option one (1) as presented in this report.

REPORT

BACKGROUND

Council at its Ordinary Meeting on 12 May 2014 considered a Notice of Motion (Report no.20) in relation to noise mitigation measures for Manly Cove and resolved as follows:

66/14 RESOLVED: (C Griffin / Heasman)

1. That Manly Council request:
 - a. TMG and RMS to fund a consultant's report to determine the extent of the problem regarding noise impact on residents around Manly Cove and recommend noise mitigation strategies for the existing premises on Manly Wharf, for any future developments on the wharf, as well as the operations of the public ferries/jet cats.
 - b. RMS to develop a masterplan for the Manly Wharf precinct that will include a capacity study for the entire wharf; and
2. Council investigate the installation and use of a noise analyser to monitor noise activities at Manly Cove, Eastern Hill at a time that is appropriate, taking into account activity, climatic and atmospheric conditions;
3. Council write to the local State MP, Mike Baird seeking support for the above actions;
4. The General Manager take whatever immediate steps are possible to ensure noise (especially bass sound) from any licensed premises on Manly Wharf is not at a level that can be heard in any residents homes and therefore in breach of condition of consent or other statutory limits.
5. Council consider an amendment to the LEP to assist with the issues raised; and
6. Council be provided with an update on this matter within 3 months.

This report is prepared for Council's consideration in regards to part 5 (five) of Council's resolution in amending the LEP to assist with the issues raised.

In relation to options presented, consideration has been given to ensure there is no inconsistency with *State Environmental Planning Policy (Sydney Harbour Catchment) 2005*.

Council will need to confirm the viability of a planning proposal with the Department of Planning and Environment prior to submitting any planning proposal for an LEP amendment in regards to local noise provisions.

Environmental Services Division Report No. 25 (Cont'd)**Potential Opportunities for LEP Amendments**

It is considered that there are two (2) options available to Council in amending the Manly LEP 2013.

Option 1 – A Specific Local LEP Provision for noise impacts from licensed premises

This option proposes an additional local clause in Part 6 of the LEP which requires additional considerations in relation to 'licensed premises'. This clause would require that in determining any development applications for licensed premises, considerations must be given to noise impacts on any residential accommodation in the vicinity.

The term 'licensed premises' does not appear in the LEP Dictionary, therefore the meaning under the *Liquor Act 2007* will need to be referenced under this local provision.

Inserting this clause into the LEP would require statutory consideration of noise impacts in relation to any licensed premises irrespective of which zone they are in. This includes land that is unzoned and outside the LEP Land Application Map such as Manly Wharf and other foreshore buildings.

The proposed draft text is as follows:

6.21 Noise impacts - licensed premises

- (1) *The objective of this clause is to ensure that development applications for licensed premises consider noise impacts on any residential accommodation in the vicinity.*
- (2) *Before determining a development application involving the use of land as licensed premises, the consent authority must consider any impact of the proposed development in relation to noise nuisance on any residential accommodation in the vicinity.*
- (3) *In this clause:
licensed premises has the same meaning as it has in the Liquor Act 2007*

The consideration of noise impacts would apply to any development proposal involving licensed premises in Manly where a development application is required. The land to which the clause applies does not need to be mapped as the clause would apply on any land where licensed premises are permissible with development consent.

Currently the assessment of noise impacts arising from licensed premises is a common matter of consideration, particularly in relation to impacts on existing residential accommodation within the vicinity.

This amendment supports paragraph 4.2.5.6 – Late Night Venues, of the Manly DCP 2013.

Other LEPs with a similar clause

No other NSW Metropolitan LEPs are referenced in relation to this option. However it is noted that *clause 6.5 'Public safety – licensed premises'* of the *Newcastle LEP 2012* provides for similar considerations required for licensed premises but is in relation to 'public safety' rather than noise.

Newcastle LEP 2012 states:

6.5 Public safety—licensed premises

- (1) *The objective of this clause is to ensure that development applications for licensed premises consider any impact on public safety.*

Environmental Services Division Report No. 25 (Cont'd)

- (2) *Before granting consent for development involving the use of land as licensed premises, the consent authority must consider any impact of the proposed development on public safety.*
- (3) *In this clause:*
licensed premises means a hotel within the meaning of the [Liquor Act 2007](#) or a registered club.

Option 1 for a local Manly LEP provision has been drafted similar to the existing Newcastle LEP 2012 local provision.

Option 2 – Amendment to Manly LEP Clause 6.13 – Design Excellence

This option utilises the existing Manly LEP *clause 6.13 'Design excellence.'* This clause requires that development exhibits design excellence (considering a range of matters) at specific sites.

6.13 Design excellence

- (1) *The objective of this clause is to deliver in Manly the highest standard of architectural and urban design of buildings and public spaces.*
- (2) *This clause applies to development involving the erection of a new building or external alterations to an existing building:*
 - (a) *on land in Zone B2 Local Centre, and*
 - (b) *on land to which clause 6.19 applies.*
- (3) *Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) *In considering whether development exhibits design excellence, the consent authority must give consideration to whether the development:*
 - (a) *contains buildings that consist of a form, bulk, massing and modulation that are likely to overshadow public open spaces, and*
 - (b) *is likely to protect and enhance the streetscape and quality of the public realm, and*
 - (c) *clearly defines the edge of public places, streets, lanes and plazas through separation, setbacks, amenity, and boundary treatments, and*
 - (d) *minimises street clutter and provides ease of movement and circulation of pedestrian, cycle, vehicular and service access, and*
 - (e) *encourages casual surveillance and social activity in public places, streets, laneways and plazas, and*
 - (f) *is sympathetic to its setting, including neighbouring sites and existing or proposed buildings, and*
 - (g) *protects and enhances the natural topography and vegetation including trees, escarpments or other significant natural features, and*
 - (h) *promotes vistas from public places to prominent natural and built landmarks, and*
 - (i) *uses high standards of architectural design, materials and detailing appropriate to the building type and location, and*
 - (j) *responds to environmental factors such as wind, reflectivity and permeability of surfaces, and*
 - (k) *coordinates shared utility infrastructure to minimise disruption at street level in public spaces.*

While these considerations include a range of amenity issues, particular reference to noise impacts is not currently included.

Environmental Services Division Report No. 25 (Cont'd)

Council may propose an additional consideration at sub clause (4) stating that the Council must give consideration to whether the development is likely to protect residential accommodation in the vicinity from significant adverse noise impacts, particularly in the evening.

To ensure the design excellence clause applies to relevant sites around Manly Cove, it is proposed the sites are placed on the LEP Key Sites Map. The clause would then be amended under sub clause (2) to include land to which the LEP Key Sites Map applies, in addition to Zone B2 Local Centre and *clause 6.19 'Development in St Patrick's Estate'*.

As such, the consideration of noise impacts would also apply to Manly's Local Centres (Manly, Balgowlah and Seaforth) where development assessment regularly deals with the impacts of noise (generally) on residential uses. The amelioration of potential noise impacts in the design of buildings would be recognised as part of design excellence.

This amendment supports paragraph 4.2.5.6 – Late Night Venues, of the Manly DCP 2013.

Other LEPs with a similar clause

The addition of this sub clause is referenced in various City of Sydney LEPs, Randwick LEP and Leichhardt LEP, which include consideration of 'acoustical privacy' and/or 'noise' as matters of consideration in determining design excellence.

In drafting such an amendment the current application to 'new buildings or external alterations' may also be reviewed to include internal alterations that may effectively provide design excellence including minimising amenity impacts such as noise nuisance.

CONCLUSION

This report presents two options to amend the Manly LEP 2013 in relation to noise mitigation measures. Council will need to confirm the viability of a planning proposal with the Department of Planning and Environment prior to submitting any planning proposal for an LEP amendment in regards to local noise provisions.

Option 1 (one) is the preferred option in regards to considering noise impacts on neighbouring residential accommodation from licenced premises. It is a stand-alone clause that would be distinct and separate from the exhaustive list of design excellence requirements. This would reduce the likelihood of being overlooked or marginalised by any applicant. Option 1 will also capture all developments (including change of use), whereas Option 2 will not.

RECOMMENDATION

That Council:

1. Note the above report and concur with the findings of the report including the proposed preferred Option 1 – Specific Local LEP Provision for noise impacts from licensed premises;
2. Agree for staff to approach the Department of Planning and Environment with the report, enabling the Department to review the proposal in preparation for drafting a local provision for the MLEP 2013; and
3. on receipt of the Department's agreement in principle, Council submit a Planning Proposal to the Department of Planning and Environment for a Gateway Determination, enabling Council to make the LEP under delegation.

ATTACHMENTS

There are no attachments for this report.

Environmental Services Division Report No. 25 (Cont'd)

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***** End of Environmental Services Division Report No. 25 *****

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Environmental Services Division Report No. 26
SUBJECT: Development Applications Being Processed During August 2014
FILE NO: MC/14/84983

SUMMARY

Development applications being processed during August 2014.

REPORT

The following applications are with the Town Planners for assessment:

684	1999	1-15 Central Avenue	Section 96 Modification - Part 5
185	2001	Wharves and Jetties	Section 96 Modification - part 3 (change to basement carpark)
482	2004	106 Darley Road	Section 96 Modification - Part 8
372	2005	11 Fairlight Crescent	Section 96 Modification - Part 5
18	2007	11 Scales Parade	Section 96 Modification - Part 2
409	2007	11 Oyama Avenue	Section 96 Modification - Part 3
51	2008	114 Frenchs Forest Road	Section 96 Modification - Part 3
215	2009	57 Beatrice Street	Section 96 Modification - Part 2
14	2010	1 Barrabooka Street	Section 96 Modification - Part 4
367	2010	46 Victoria Parade	Section 96 Modification - Part 3
375	2010	116 Griffiths Street	Section 96 Modification - Part 2
126	2011	4 West Street	LEC - Amended Plans - Section 96(8) Modification - Part 2
337	2011	2A Gilbert Street	Section 96 Modification - Part 3
103	2012	7 Gurney Crescent	Section 96 Modification - Part 2
105	2012	385 Sydney Road	Section 96 Modification - Part 2
170	2012	10 Bligh Crescent	Section 96 Modification - Part 3
178	2012	7 Montpelier Place	Section 96 Modification - Part 2
185	2012	37 The Corso	Section 96 Modification - Part 4
192	2012	45 Kangaroo Street	Section 96 Modification - Part 3
62	2013	27 Gurney Crescent	Section 82A Review - Part 2
66	2013	63 Griffiths Street	Section 96 Modification - Part 2
105	2013	112 Sydney Road	Section 96 Modification - Part 2
178	2013	17 Allenby Street	Section 96 Modification - Part 2
179	2013	5 Bower Street	Demolition of structure, construction of a three (3) storey dwelling including garage, front terrace, balcony, rear patio, driveway and landscaping
233	2013	Wharves and Jetties	Outdoor seating for Hugo's Restaurant to the existing public wharf along the south-western-side area including three (3) umbrellas, thirty-six (36) seats, alterations to the stairs and enclosure of area
243	2013	197-215 Condamine Street	Section 82A Review of determination of refused Construction and use of a car wash facility located on the entry level of the retail car park – Balgowlah Village Shopping Centre – Part 2
253	2013	16 Bareena Drive	Section 96 Modification - Part 2

Environmental Services Division Report No. 26 (Cont'd)

255	2013	76 Condamine Street	Alterations and additions to an existing dwelling including rear addition to lower ground floor level with terrace, ground floor side and rear addition with decks, new upper floor level with elevated double carport, new crossover and landscaping
262	2013	62 Pittwater Road	Demolition of existing building, construction of an eighteen (18) unit RFB including twenty (20) basement car spaces
2	2014	81 Castle Circuit	Alterations and additions to an existing dwelling including ground floor front addition, first floor front and rear addition, rear deck with pergola and front patio
6	2014	8 Cliff Street	Alterations and additions to an existing semi-detached dwelling including a front extension to the first floor
10	2014	63 Collingwood Street	Alterations and additions to an existing dwelling including partial rear demolition, construction of a rear two (2) storey addition, internal alterations to the ground floor, addition of a shed and landscaping
13	2014	46 Lewis Street	Alterations and additions to an existing dwelling rear addition to the lower ground floor and second floor, rear courtyards, rear deck, driveway and double carport
19	2014	18 Raglan Street	Demolition of existing structures, construction of a three (3) storey mixed use development containing the reconstruction of the funeral parlour/ chapel on ground floor level, and five (5) new residential apartments above with a rooftop terrace and eleven (11) car parking spaces
21	2014	47 Castle Circuit	Alterations and additions to an existing dwelling including demolition of existing carport, construction of a double carport, new upper floor addition with decks, extension of the lower ground floor and ground floor, lift, new driveway and crossover
22	2014	7 Herbert Street	Section 82A Review - Part 2
25	2014	10 Seaforth Crescent	Alterations and additions to an existing dwelling including two (2) storey side addition and rear covered balcony with vergola
30	2014	36 Sydney Road	Demolition of existing buildings, construction of a five (5) storey Mixed Use Development with commercial and retail premises on the ground floor and part of level one (1), boarding rooms on levels one (1) to level four (4) and a two (2) level basement car park
31	2014	80 West Esplanade	Alterations and additions to an existing Residential Flat Building including new attic addition and balcony - Unit 7
32	2014	39 Peronne Avenue	Alterations and additions to an existing dwelling including second floor addition, rear terrace, deck, elevated swimming pool, landscaping, ground floor and lower ground floor extensions
43	2014	3 Abbott Street	Alterations and additions to an existing dwelling including extend the rear balconies and replace the pergola on the front balcony
47	2014	28 Lodge Street	Demolition of existing dwelling, construction of a new two (2) storey dwelling with attached garage, covered deck, new driveway, new crossover and landscaping

Environmental Services Division Report No. 26 (Cont'd)

48	2014	30 Adelaide Street	Alterations and additions to an existing dwelling including front and rear decks, modified driveway and landscaping
49	2014	6 Acacia Road	Alterations and additions to the existing two (2) detached dwellings with a first floor addition to the primary dwelling with carport and vestibule and extensions to the secondary dwelling and semi detached terrace with storage rooms underneath
50	2014	94 Condamine Street	Alterations and additions to an existing dwelling including a first floor addition
51	2014	25 Cutler Road	Alterations and additions to an existing dwelling including changes at basement level, at mid level, addition of new deck, new entry and an addition on the northern upper level with a new roof
54	2014	550 Sydney Road	Alterations and additions to the former Seaforth TAFE building to create a Residential Health Services Facility for persons, with age related health issues, Community Centre and Café
55	2014	36 Gordon Street	Alterations and additions to an existing dwelling including additions at basement, ground and first floor level, new double garage, lift, terrace, tree removal and landscaping
56	2014	35 Jamieson Avenue	Alterations and additions to an existing detached dual occupancy including strata redistribution, additions at rear at both levels, new attic level addition, external staircase, new double carport, fence and landscaping
57	2014	3A Northcote Avenue	Alterations and additions to an existing duplex including the addition of a bedroom with a bathroom in the attic and the installation of (7) seven skylight windows to the existing roof
58	2014	24B Bungaloe Avenue	Alterations and additions to an existing dwelling including demolition of existing garage, addition of new storage, laundry, new swimming pool and landscaping
59	2014	243 Pittwater Road	Alterations and additions to the existing building (Harris Farm Markets) including a wash down area with a roof, signage and tree removal
60	2014	14 Pine Street	Alterations and additions to an existing dwelling including demolition of laundry to create courtyard, internal alterations and first floor addition above the existing garage
61	2014	63 Seaforth Crescent	Alterations and additions to provide a new inclinor on the eastern side of the property
62	2014	51 Hope Street	Alterations and additions to an existing dwelling including demolition of the existing garage, construction of a new double garage with study above, pergola and swimming pool
64	2014	142 Pittwater Road	Alterations and additions to an existing Residential Flat Building including rendering of the building and construction of a new entry portico

Environmental Services Division Report No. 26 (Cont'd)

65	2014	33 Gurney Crescent	Alterations and additions to an existing dwelling including partial demolition of ground floor with a new addition, new fireplace with metal flue, new roof over existing front terrace, new entry stairs with path, new pool fence with seat, new privacy screens, changes to windows and doors
66	2014	12 Clifford Avenue	Alterations and additions of an existing duplex including construction of a new deck - Unit 1
67	2014	99 Balgowlah Road	Subdivision of the existing lot into two (2) Torrens Title lots, the addition of a ground floor and first floor deck and hardstand area to the existing dwelling on the side
69	2014	9 Monash Crescent	Alterations and additions to an existing dwelling including first floor extension, rear extension, new roof and decks
70	2014	28 Francis Street	Alterations and additions to an existing dwelling including new first floor level, alterations to ground floor level, new windows and doors
71	2014	39 White Street	Alterations and additions to an existing dwelling including carport, deck and crossover
72	2014	36 Gurney Crescent	Change of use of a secondary dwelling within the existing dwelling house
73	2014	65 Cutler Road	Alterations & Additions to an existing Dwelling including partial demolition with extension at rear on middle level and internal modifications on middle and upper levels
78	2014	81 Birkley Road	Alterations and additions to an existing dwelling including construction of timber deck with stairs, installation of new doors to replace existing window and door to rear façade
79	2014	2 Gurney Crescent	Alterations & Additions to an existing Dwelling including removal of carport roof and the addition of a new bedroom above
80	2014	49 Pacific Parade	Torrens Title Subdivision of the existing lot into two (2) lots
82	2014	28 Addison Road	Alterations and additions to an existing Residential Flat Building including partial demolition, construction of a new basement level, ground floor extension, addition of a third level, roofed barbeque area, new deck and new roof extensions – Unit 3
83	2014	8 Fairlight Crescent	Alterations and additions to an existing Residential Flat Building including demolition and construction of laundry (outbuilding), internal alterations, new door and new fence – Unit 1
84	2014	114 Bower Street	Alterations and additions to an existing Residential Flat Building including extension of an existing balcony with privacy screens, internal renovations, changes to windows and doors - Unit 2
85	2014	110-112 The Corso	Change of use with fitout from Retail shop to Cafe on ground floor, Restaurant/ Bar on Levels 1 and 2, alterations and additions to the existing building to including trafficable awning balcony at level 1, replace existing canopy at level 2 and outdoor seating along South Steyne

Environmental Services Division Report No. 26 (Cont'd)

86	2014	49-52 North Steyne	Extension of the hours of the operation until midnight seven (7) days per week of the existing cafe – Fresh at Manly – Shop 1
87	2014	14 Kangaroo Street	Demolition of existing structures, construction of a part two (2) and three (3) storey dwelling including double carport, spa, landscaping and removal of trees
88	2014	21 Dalwood Avenue	Development of a new Child & Family Health Services Building for Dalwood Children's Home
89	2014	30A Beatty Street	Alterations and additions to an existing dwelling including first floor addition, additions of a gym, lift and deck to the rear of the existing garage, internal alterations to the lower ground floor and ground floor levels
90	2014	23 Cliff Street	Alterations and additions to an existing dwelling including extension of an existing carport and entry and addition of a deck to the rear
91	2014	183 Pittwater Road	Change of use from ancillary dwelling to shop top housing for mixed use development
92	2014	2 Craig Avenue	Alterations and additions to an existing Residential Flat Building including addition of a study room, new paving, landscaping, new outdoor bath on new deck and outdoor shower – Unit 2 B
93	2014	36 Beatty Street	Alterations and additions to an existing dwelling including demolition of the existing rear deck, construction of new deck with new lounge area underneath, new retaining walls, internal excavation and alterations at basement and ground floor levels
94	2014	32 Kirkwood Street	Construction of a new two (2) storey dwelling with attached double garage, new driveway, new crossover and landscaping
95	2014	1 Fairlight Crescent	Alterations and additions to an existing Residential Flat Building including demolition of the two (2) existing sets of access stairs, construction of new access stairs, addition of two (2) new terraces on the north and south of each unit and new pergola to Unit 2
96	2014	123 Sydney Road	Seventeen (17) Lot Strata Subdivision of an existing Residential Flat Building
98	2014	183 Balgowlah Road	Alterations and additions to an existing Residential Flat Building including second floor addition with balcony, new window openings to Unit 1 and internal alterations with extension of the existing study within Unit 1 and 2
99	2014	35 Bower Street	Alterations and additions to an existing dwelling including ground floor extension, first floor extension with new terrace, roofing and cladding
100	2014	39 Golf Parade	Alterations and additions to an existing semi-detached dwelling including rear extension with terrace and pergola; new roof, glazed doors and automatic door to an existing garage
101	2014	181 Sydney Road	Construction of a new double garage within the front setback and associated landscaping

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102	2014	113 Woodland Street	Alterations and additions to an existing dwelling including double carport within the front setback, replacement of the rear balcony, enclosure of a sub-floor storage area and internal modifications
103	2014	4 Linkmead Avenue	Alterations and additions to an existing dwelling house including first floor extension and rear pergola
104	2014	57 Castle Circuit	Construction of a new vergola to the rear level three (3) terrace of an existing dwelling house
105	2014	14 Margaret Street	Demolition of existing carport and construction of garage forward of the building line with a deck above
106	2014	200 Pittwater Road	Alterations and additions to an existing retail premises with shop top housing including front extension, additional unit, outdoor dining, and new entry way
107	2014	77 Fairlight Street	Alterations and additions to an existing dual occupancy including first floor extension and rear decks - Unit 2
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
110	2014	19 Hilltop Crescent	Alterations and additions to an existing dwelling including first floor addition, front extension and decks
111	2014	179 Condamine Street	Two (2) Lot Strata Subdivision of an existing duplex building
112	2014	9 Birkley Road	Construction of hard stand at the rear of the existing semi-detached dwelling
113	2014	19 Moore Street	Construction of a carport forward of the building line
114	2014	92 Addison Road	Alterations and additions to an existing semi-detached dwelling including modifications to windows

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

21/2014 47 Castle Cct, SEAFORTH 2092

Alterations and additions to an existing dwelling including demolition of existing carport, construction of a double carport, new upper floor addition with decks, extension of the lower ground floor and ground floor, lift, new driveway and crossover

86/2014 49-52 North Steyne, MANLY 2095

Extension of the hours of the operation until midnight seven (7) days per week of the existing cafe – Fresh at Manly – Shop 1

142/2011 Wharves and Jetties, MANLY 2095

Section 96 to modify approved Construction of a first floor addition to the existing Manly Wharf structure including two (2) restaurant tenancies and changes to the ground floor including two (2) new retail tenancies – involving modifications to the approved first floor addition, addition of new lifts, new stairs, increase to floor area of two (2) restaurant tenancies, addition of outdoor seating areas and modification to conditions 1 in relation to the architectural plans, 3 in relation to provision of outdoor seating, 90 in relation to outdoor eating area and deletion of condition 86 in relation to addition doors - Manly Wharf

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277/2011 374-378 Sydney Rd, BALGOWLAH 2093

Section 96 to modify approved Demolition of a retail building and the construction of a mixed use development consisting of a retail area on the ground floor, twenty four (24) residential apartments, and two (2) levels of basement car parking with twenty-five car parking spaces – involving conversion of the approved ground floor non-residential floor area into two (2) x one (1) bedroom apartments, internal modifications and relocation of commercial/ retail garbage bin storage area to make more accessible – Part 5

358/2008 30 Kitchener St, BALGOWLAH 2093

Section 96 to modify approved Demolition of the existing improvements, the construction of 2 x 2 storey dwellings and the Torrens Title Subdivision – involving Juliet balconies at the rear on first floor and amendments – Part 2

109/2014 Wharves and Jetties, MANLY 2095

Alterations and additions to an existing commercial tenancy - Shop 11 – “Max Brenner”, including internal fitout, new shopfront to the western and southern sides and signage – Manly Wharf

115/2014 197-215 Condamine St, BALGOWLAH 2093

Change of use to a Cafe, within Kiosk 2, seating area and fitout – Balgowlah Village Shopping Centre

117/2014 2 Audrey St, BALGOWLAH 2093

Alterations and additions to an existing dwelling including demolition of existing carport, construction of new single garage, extension of driveway and new entry to the dwelling

116/2014 7 Margaret St, FAIRLIGHT 2094

Alterations and additions to an existing dwelling including the construction of a tandem garage beneath the front verandah and crossover

118/2014 37 Lauderdale Av, FAIRLIGHT 2094

Alterations and additions to an existing dwelling including vergola above existing second floor terrace with privacy screens

119/2014 7 Gurney Cr, SEAFORTH 2092

Alterations and additions to an existing dwelling including a double carport and landscaping

120/2014 42 Wood St, MANLY 2095

Alterations and additions to an existing dwelling including new raised timber carport, new driveway, crossover, access ramp and gate

121/2014 68 Addison Rd, MANLY 2095

Alterations and additions to an existing Residential Flat Building including pergola to existing roof terrace – Unit 6

122/2014 4 Russell St, CLONTARF 2093

Alterations and additions to an existing dwelling house including front terrace, new garage doors, new front windows, new roof and two (2) storey rear side addition

123/2014 109 Pittwater Rd, MANLY 2095

Alterations and additions to an existing dwelling house including new first floor addition, internal alterations to existing ground floor, swimming pool and front fence

153/2010 89 Addison Rd, MANLY 2095

Section 96 to modify approved Alterations and additions to semi-detached dwelling house including second floor addition, decks, front fence and landscaping – involving changes to privacy screens, windows, carport, driveway and pool deck – Part 3

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25/2013 114 Griffiths St, BALGOWLAH 2093

Section 96 to modify approved Demolition of existing structures and construction of a two storey and terrace dwelling house including single garage, rear porch, front and rear balconies – involving rear extension, increase in height and internal modifications – Part 2

9/2014 13 Daintrey St, FAIRLIGHT 2094

Section 82A Review of Determination of refused Subdivision of two (2) existing lots into three (3) lots, demolition of the existing dwelling on 11 Daintrey Street with the construction of two (2) x two (2) storey semi-detached dwellings and a rear two (2) storey addition to the existing dwelling on 13 Daintrey Street - Part 2

124/2014 602 Sydney Rd, SEAFORTH 2092

Alterations and additions to an existing mixed use premises including change of use and conversion of the ground floor level into two (2) residential units

127/2014 92 Pittwater Rd, MANLY 2095

Change of use from an existing retail premises to a restaurant and new signage

134/2011 16 Augusta Rd, MANLY 2095

Section 96 to modify approved Alterations and additions to an existing semi-detached dwelling including internal alterations, rear deck, pergola extension, external stairs, basement expansion and modification to roof terrace – involving modifications to privacy screen to the ground floor deck– Part 3

125/2014 6 Bolingbroke Pde, FAIRLIGHT 2094

Change of use of part of the dwelling as an Acupuncture Practice

126/2014 42 Seaforth Cr, SEAFORTH 2092

Alterations and additions to an existing dwelling house including decks, swimming pool, access stairs and landscaping

128/2014 7 North Harbour St, BALGOWLAH 2093

Construction of a sea wall, plunge pool, deck, retaining walls and landscaping

129/2014 38-42 The Corso, MANLY 2095

Alterations and additions to an existing restaurant including a new rear store room – Firebird - Shop 8

130/2014 325 Sydney Rd, BALGOWLAH 2093

Demolition of existing buildings, construction of a four (4) storey residential flat building and boarding house with basement car parking, containing fourteen (14) boarding rooms and ten (10) units and Strata Subdivision of the Residential Units

131/2014 197-215 Condamine St, BALGOWLAH 2093

Use of a portable coffee cart within the Balgowlah Village Shopping Centre

385/2010 23 Gurney Cr, SEAFORTH 2092

Section 96 to modify approved Alterations and additions to an existing dwelling including rear extension and deck – involving internal modifications, increase of the deck size, amendments to rear roof and modification to external cladding – Part 2

132/2014 1 Plant St, BALGOWLAH 2093

Demolition of an existing dwelling house, construction of a new two (2) storey dwelling house with double garage, new driveway and landscaping

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133/2014 34 Ponsonby Pde, SEAFORTH 2092

Alterations and additions to an existing dwelling house including double garage forward of the building line

331/2011 20 East Esp, MANLY 2095

Section 96 to modify approved Alterations and additions to attached dwelling including rear second floor addition, internal alterations, rear pergola and garage facade – involving internal alterations at all levels, new windows and enlargement of lift – Part 4

134/2014 137 Seaforth Cr, SEAFORTH 2092

Alterations and additions to an existing dwelling house including construction of a double garage at street level on the existing hardstand

There was no Manly Independent Assessment Panel (MIAP) Meeting in July.

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 26 *****

TO: Planning and Strategy Committee - 4 August 2014
REPORT: Environmental Services Division Report No. 27
SUBJECT: List of LEC Appeals Relating to Development Applications during August 2014
FILE NO: MC/14/84984

SUMMARY

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

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Co.	Current Status
ACTIVE						
DA 21/2012	Class 1 10289/14	46	White Street	5/5/2014	Pikes	To be set down for hearing.
DA 19/2014	Class 1 10239/14	18	Raglan Street	23/4/2014	HWL	Section 34 conference adjourned to 28 July 2014
DA 20/2014	Class 1 10225/14	6	Fairlight Crescent	14/4/2014	HDO	Set down for hearing on 4 & 5 September 2014.
DA 280/2012	Class 1 10916/13	17 & 19	Central Avenue	26/11/2013	Marsdens	Set down for final two (2) days of hearing on 11 and 12 August 2014
Judgement/Awaiting Judgement						
DA 203/2013	Class 1 10236/14	3	Ogilvy Road	22/4/2014	Pikes	Appeal upheld, section 34 agreement entered into. Stairway moved and eaves reduced to reduce overshadowing over neighbour's property and deck reduced and roof over deck height reduced to protect riparian zone.
BC 2/2013	Class 1 11004/13	10 & 10A	Addison Road	18/12/2013	Marsdens	Awaiting judgement
Order to Demolish	Class 1 10915/13	10 & 10A	Addison Road	26/12/2013	Marsdens	Awaiting judgement

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 27 *****