



Agenda

Ordinary Meeting

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

Monday 19 April 2010

Commencing at 7:30:00 PM for the purpose of considering items included on the Agenda.

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

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

Seating Arrangements for Meetings

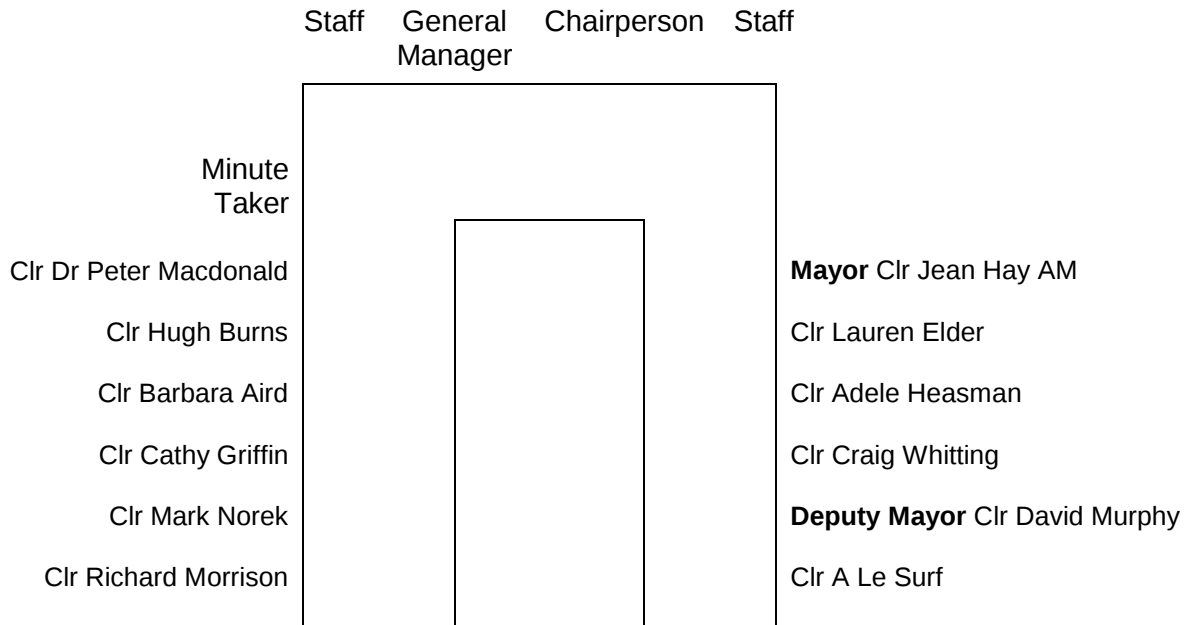


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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

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

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Civic and Urban Services Division Report No. 2

Tender No. T2010/02 - Plant Hire Rates *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

Environmental Services Division Report No. 9

Tender No 2009/23 – Mosman and Manly Councils Joint tender for the Supply of twice yearly Kerbside E Waste collection *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

General Managers Division Report No. 4

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

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

TO: Ordinary Meeting - 19 April 2010
REPORT: Notice of Motion Report No. 12
SUBJECT: Support for Emergency Service Workers re Alcohol Abuse
FILE NO:

Councillor Barbara Aird will move:

Manly Council calls on both Premier Keneally and Opposition Leader O'Farrell to:

1. Support the recent plea of a coalition of emergency service workers (the Police Association of NSW, Australia Medical Association (NSW), NSW Nurses Association and The Health Service Union (HSU) for tough new restrictions on the sale of alcohol at pubs and clubs across NSW.
2. Reject donations to their parties from hotels, clubs and the alcohol industry.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 12 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Notice of Motion Report No. 13
SUBJECT: Preserving the curtilage of the Manly Cemetery
FILE NO:

Councillor Adele Heasman will move:

That Council investigate a solution to preserving the curtilage of the Manly Cemetery, specifically on the Harland Street side from the caretaker's cottage west to Hill Street. This solution to be a combination of immediate (such as stone blocks) and long term (kerb and guttering with some off-street parking)."

Background

Recently a number of vehicles (cars and boats on trailers) have been found to be parked extremely close to the north-west side of the Manly Cemetery. After investigation by Council Rangers and staff, it was found that the vehicles were not in fact encroaching onto the site of the Cemetery and therefore no action could be taken for removal of the vehicles (bar one which was unregistered).

As a heritage listed site, it should be of concern to Council that the graves of former members of our community not be intruded upon. We have a moral responsibility to ensure that our Cemetery's integrity is maintained.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 13 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Notice of Motion Report No. 14
SUBJECT: Development Approval Policy Issues
FILE NO:

Councillor Hugh Burns will move:

- A. That Council revise its DA lodgement check-list and DA lodgement policy and procedures to make it mandatory for any applicant in leased premises, or applicant in a strata plan, to provide signed owner's consent (via a Council template document) for any proposed works for which Council approval is sought, at the time the application is lodged.

That Council not consider or commence to process any development application where such owners consent is not provided at the time of application.

That any application for work to or within an existing strata development is not considered, further processed or is rejected by Council, if it becomes apparent to staff during the assessment that the application requires, or appears likely to require in the reasonable opinion of Council staff, related or associated works on common property or in/through another strata unit that has not been included/detailed in the submitted plans and/or for which owners consent has not been provided with the application.

That as part of the development approval process Council verify by means of site inspection and minuted direct telephone or correspondence contact, that owners consent provided is valid and such access is correctly and clearly indicated on the drawings submitted for Council approval.

- B) That Council enforce Development Application related issues, involving adjacent property owners, in the case of complaints of non-complying, or non approved or illegal building works or illegal access being carried out :-
- (a) on or onto adjacent premises to an approved development or
 - (b) onto or through adjacent strata units or common areas to an approved development in existing strata developments.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 14 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Notice of Motion Report No. 15
SUBJECT: Parking restrictions around Manly CBD
FILE NO:

Councillor Craig Whitting will move:

1. That Manly Council instruct the General Manager to withdraw all the half hour on-street parking restrictions recently introduced by the General Manager and revert to the former one hour parking restrictions around the Manly CBD that have provided for some years reasonable and appropriate parking for businesses, community and visitors.
2. That the General Manager also report to Council on the process followed by Council staff when they reviewed these parking controls; the extent of community consultation efforts undertaken, and how the decision was made to change the previous long term Manly CBD on-street 1 hour parking with half hour parking restrictions; and what process has been followed when Council has received complaints about the new restrictions and fines issued.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM190410NM_2.doc

***** End of Notice of Motion Report No. 15 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Notice of Motion Report No. 16
SUBJECT: Trailer and Boat Parking in Kenneth Road
FILE NO:

Councillor Craig Whitting will move:

1. That the General Manager report to Council as a matter of urgency on the concerns, potential danger and issues such as loss of temporary parking bays for users of Grahams Reserve and Manly 'Boy Charlton' Swimming Pool, relating to what has become over a period of time significant congestion and unsightliness of permanent or long term parking along Kenneth Road for Trailers, Horse Floats, Boat Trailers, Boats and other "vehicles".
2. That the report includes an assessment of the effectiveness of the existing parking restrictions and method of control and the advisability of replacing the present restrictions with short term parking restrictions along both sides of Kenneth Road. In particular the report is to consider a proposal to create a 10P (10 hour parking Restriction) 8am to 6pm, 7 days a week zone along that stretch of Kenneth Road.
3. That the report also address how Council may best engage a range of community views on this issue.
4. Further, that the General Manager provide a further report addressing the need or otherwise for on-street parking of Trailers, Horse Floats, Boat Trailers, and Boats and whether Council should consider a long term plan to accommodate these types of vehicles.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM190410NM_3.doc

***** End of Notice of Motion Report No. 16 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Notice of Motion Report No. 17
SUBJECT: Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality
FILE NO:

Councillor Hugh Burns will move:

That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense.

That such a report include but not be limited to the following items:

- Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria,
- Identification of any additional costs or savings from taking over these assets over say a 20 year term.
- Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change.
- Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage.
- Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.

Background

Previously, from the early part of the 20th Century, Manly Council's role included being the electricity supplier to the residents and businesses of the Manly Municipality.

Manly Council's electricity undertaking eventually ended up in the Mackellar County Council which was absorbed by Sydney Electricity (now Energy Australia) around 1980. The Mackellar County Council was set up to provide electricity to the current Council areas of Manly, Warringah and Pittwater.

In addition to supply of electricity to home and businesses, the County Council was responsible for provision and maintenance of all the electricity supply infrastructure in the in the area. Part of this infrastructure included all the street lighting. This included often shared poles, the light fittings, wires and control equipment, and maintenance of same.

Currently Energy Australia has control over this street lighting infrastructure, and charges local Councils for providing and maintaining this equipment. Currently the electricity itself for the lights is obtained via a contract with another supplier.

Many local Councils have expressed concern at the recent major increases in charges sort by and received by Energy Australia for providing street lighting services to local communities.

Faced with criticism for such action, Energy Australia have recently publicly offered local Councils the ability to conduct their own street lighting if they are of the view they can do it in an improved or

Notice of Motion Report No. 17 (Cont'd)

in a more cost effective manner. Possible improvements would include updating old light fittings to more energy efficient types (such as high intensity LED technology).

Due to its extensive public reserves and plazas Manly Council has extensive experience in operating and maintaining its own street/public lighting. This experience particularly includes an understanding of the economics involved.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 17 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Item For Brief Mention Report No. 2
SUBJECT: Items for Brief Mention

1. Warringah Bike Plan 2010 - 2015

Manly Council's Sustainable Transport Committee has made a submission to the Warringah Bike Plan 2010-2015 Exhibition. A copy of the Committee's submission is attached for consideration and adoption of this wording as the official Manly Council response.

2. Cabbage Tree Bay Aquatic Reserve: Draft Fisheries Management (Aquatic Reserve) Regulation 2009 – On Public Exhibition

Cabbage Tree Bay Aquatic Reserve was declared on 22 March 2002.

The Department of Environment, Climate Change and Water (DECCW) has released the *Cabbage Tree Bay Aquatic Reserve: draft Fisheries Management (Aquatic Reserve) Regulation 2009 and Implementation Strategy* for public exhibition from 12 March until 30 April 2010 (attached). The draft document can be viewed at DECCW's website and is available for public viewing at the Council Chamber, MEC, and Manly Library.

A bound copy of the draft document will be circulated separately to Councillors and can be downloaded via the following web link:

<http://www.environment.nsw.gov.au/resources/parkmanagement/10088ctbardraftreg.pdf>

Salient features include:

- Will continue ban on taking, or wilfully and recklessly damaging, fish and marine vegetation.
- DECCW will provide moorings for public use.
- NSW Maritime will implement a 4-knot speed limit.
- NSW Maritime will implement a seasonal restriction (closure) on the beaching of motorised vessels on Shelly Beach.
- DECCW will consider introducing licenses for commercial tour operators.
- DECCW and Manly Council will consider to develop a scuba divers' Code of Conduct.
- DECCW will install offshore marker buoys around the perimeter of the reserve to define the external boundary.
- DECCW, I&I NSW and Manly Council will cooperate to provide training in aquatic reserve regulations for Manly Council rangers.

RECOMMENDATION

1. That the submission by the Sustainable Transport Committee Manly Council to the Warringah Bike Plan 2010-2015 be adopted as the official Manly Council response.
2. That the report be received and noted.

ATTACHMENTS

AT- 1	STC Submission to Warringah Bike Plan 2010-2015	2 Pages
AT- 2	Letter from Minister for Climate Change	1 Page

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***** End of Item For Brief Mention Report No. 2 *****

WARRINGAH BIKE PLAN 2010 - 2015

Submission by the Sustainable Transport Committee of Manly Council

■ The Committee are pleased to see such a comprehensive document (and plan) prepared that if implemented properly will encourage the continued growth of cycling in all its forms on the Northern Beaches - for leisure, commuting and as a functional mode of transport.

■ Our comments on the plan are mainly in 2 categories :-

- 1) Comments relating to specific network locations, concentrating mainly on those that have linkage to the Manly LGA;
- 2) Other implementation-related comments that come from our experiences in implementing the Manly Bike Plan.

1) Network comments

- a. We note that Manly Council have built good bike paths up to the border with Warringah at the following locations :-

- i. Greycliffe St (Queenscliff)
- ii. Pittwater Road (at Manly Lagoon)
- iii. Addiscombe Road, off Kenneth Road; and
- iv. Burnt Bridge Creek deviation

Given the high usage of the 1st three for Warringah residents accessing Manly, particularly for access to the ferry, and the last for city/North Sydney commuters, we encourage high prioritisation of improvements to the Warringah side of these links.

We strongly support the classification of Queenscliff Rd - Queenscliff Bridge (Bridge Rd) and Pittwater Road (Manly - Warringah Mall) as priority 1.

We note however that the north - south links between Warringah and either Condamine Street or Burnt Bridge Creek Deviation cycle path for city commuters are shown only as a priority 4. Warringah to Spit Bridge (for North Sydney & the city) is a heavily used route and given the path Manly have built alongside the Burnt Bridge Deviation, we recommend that linkage from Warringah to this path be prioritised higher.

We note and support the proposed stair ramps at Queenscliff headland (Queenscliff Rd - Crown Rd and Bridge Road - Greycliff St).

We would however like to make a further detailed suggestion, relating to the on-road Priority 1 route from Queenscliff Rd to Queenscliff Bridge. In May 2008, the Committee (in its previous guise as the Manly

Item For Brief Mention Report No. 2 - Items for Brief Mention
STC Submission to Warringah Bike Plan 2010-2015

Bicycle Committee) made the suggestion to Warringah Council of using the service/access road on the SW corner of the Bridge Rd/Greycliffe St junction as an off-road alternative for uphill riders on the lower part of Greycliffe St, which is dangerously narrow & windy. We were advised by Joe Zappavigna on 10th July 2008 that Greycliffe St & Queenscliff Bridge were not part of the existing Warringah Bike Plan and that our suggestion was therefore not appropriate to be implemented. As it now appears that this route is part of the proposed bike network, we would like to raise this issue again as we feel that it is a low-cost alternative to a dangerous piece of road that can probably not be made a suitable on-road route (on the uphill, at least). As it is such a specific suggestion, members of our Committee would be happy to forward photos or meet on-site to explain our suggestion further.

b. Wakehurst Parkway

This is obviously a heavy used route and given the heavy traffic and narrow road, the opportunities for implementing a safe on-road route may be limited. Given this, we would like to reaffirm our previous suggestion that Warringah Council give consideration to an off-road path being constructed along the firetrail adjacent to the Wakehurst between Seaforth and Bantry Bay Road.

2) Implementation matters

- a. It should become Council policy that existing footpaths that are to be completely overhauled/renewed and all new footpaths should be made shared usage facilities unless there are specific reasons why it is not appropriate/practicable. There are cases in the Manly LGA where new footpaths have been constructed and, though the location has maybe not previously been considered as part of the bicycle network, it turns out that a shared path would have been a logical construction that would not have costed that much more than the footpath on its own.
- b. As projects are ultimately implemented, the Bike Committee (if there is one in Warringah) should be kept abreast of the progress. We have found over time that the timely involvement of committee members as paths are implemented can help avoid some mistakes being made (for example, incorrect signage) and it is a frustrating and time-consuming exercise when oversights have to be retrospectively fixed.
- c. The Committee would be welcoming of the opportunity to have regular liaison with the Bike Committee or Bike Office of Warringah.

ATTACHMENT 2

Item For Brief Mention Report No. 2 - Items for Brief Mention Letter from Minister for Climate Change

Hon Frank Sartor AO MP

Minister for Climate Change and the Environment
Minister Assisting the Minister for Health (Cancer)



DOC09/54617

Councillor Jean Hay AM
Mayor
Manly Council
PO Box 82
MANLY NSW 1655



Dear Councillor Hay

I am pleased to advise that a draft Management Plan Regulation and Implementation Strategy for the Cabbage Tree Bay Aquatic Reserve will be publicly exhibited from 12 March until 30 April 2010. I have enclosed a copy of the draft Management Plan Regulation and Implementation Strategy for your information.

Cabbage Tree Bay Aquatic Reserve is a popular and scenic location with high environmental and heritage values. The reserve was gazetted in 2002 to protect marine biodiversity and habitats. All forms of extractive activity are currently prohibited within the reserve.

A draft management plan has been developed in response to issues raised by Council and members of the Manly community about improving protection of the environmental values of the reserve and the resolution on recreational use conflicts.

The draft plan was developed in close consultation with Industry and Investment NSW, Manly Council, the local community and representatives of relevant stakeholder groups and other government agencies. The Department invited public submissions to identify issues to be included in the draft management plan regulation, which sets out the plan, and undertook observational research to determine use patterns within the reserve. Random and targeted community surveys were also undertaken to identify community values, use and issues associated with the management of the reserve.

I would like to thank Manly Council for its assistance and support in the development of this draft plan and to encourage further involvement of your Council in finalising and implementing the plan. If you or your staff require further information regarding this issue, Mr Andrew Read, Manager Operations, Aquatic Protected Areas Section, can be contacted on 4916 3922.

Yours sincerely

Frank Sartor MP

Encl.

Level 35, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000
Telephone: +61 2 9228 5811 Facsimile: +61 2 9228 5499

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 11
SUBJECT: Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature
FILE NO:

The minutes of the following Special Purpose Committee meetings are tabled at this meeting.

Minutes of Meetings for adoption without recommendations of a substantial nature.

- i) Art and Culture Committee – 16 February 2010
- ii) Sustainable Economic Development and Tourism Committee – 18 February 2010
- iii) Human Services Planning Policy Committee – 23 February 2010
- iv) Sustainable Transport Committee – 25 February 2010
- v) Manly Scenic Walkway – 2 March 2010
- vi) Manly Warringah Pittwater Local Emergency Management Committee – 4 March 2010
- vii) Traffic Committee – 8 March 2010
- viii) Meals on Wheels Committee – 10 March 2010
- ix) Community Safety Committee – 11 March 2010
- x) Waste Committee – 17 March 2010

RECOMMENDATION

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Art and Culture Committee – 16 February 2010
- ii) Sustainable Economic Development and Tourism Committee – 18 February 2010
- iii) Human Services Planning Policy Committee – 23 February 2010
- iv) Sustainable Transport Committee – 25 February 2010
- v) Manly Scenic Walkway – 2 March 2010
- vi) Manly Warringah Pittwater Local Emergency Management Committee – 4 March 2010
- vii) Traffic Committee – 8 March 2010
- viii) Meals on Wheels Committee – 10 March 2010
- ix) Community Safety Committee – 11 March 2010
- x) Waste Committee – 17 March 2010

ATTACHMENTS

There are no attachments for this report.

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***** End of Report Of Committees Report No. 11 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 12
SUBJECT: Minutes for adoption by Council - Sister Cities Committee - 24 February 2010
FILE NO:

This report was dealt with at the Sister Cities meeting of 24 February 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 REPORT – VIRTUAL EXCHANGE, STUDENT EXCHANGE PROGRAMME AND 20TH ANNIVERSARY WITH ODAWARA IN JAPAN

Virtual Exchange

An email, providing an update on arrangements for the first virtual exchange to be held on Monday 22nd March 2010, received from Vanessa Briggs, Japanese Language Teacher at Balgowlah Boys Campus, was read to the Committee.

Students will be asked to go to the school at 3pm in the Balgowlah Boys Campus Library for a practice run, then pizza and refreshments, before the link with Odawara at 5.00pm Australian time (3.00pm Japanese time).

The Committee thanked Vanessa for her co-ordination of this programme and agreed to cover the costs involved on the day.

The Committee would like the 2009 students, who have indicated they will participate in the 2010 exchange, to receive a letter advising them of the Virtual Exchange details and that it is essential for them to attend.

The Committee would like the students who are chosen to be interviewed for the 2010 exchange to have information about the virtual exchange included in their correspondence, with the invitation to attend as highly recommended.

The Committee would also like included in the letters to the 2009 and 2010 students the fact that during the virtual exchange they will get to meet the students and people they will be liaising with in Odawara during the student exchange programme.

Committee members Trevor Schwab and Chaperones John and Sue O'Brien have indicated they will attend the virtual exchange.

Committee members thought it would be good if another virtual exchange is arranged about May or June to further acquaint the students with each other before the programme and home stay in each other's countries begin.

Teachers will be asked to advise the Sister Cities Co-ordinator of numbers attending from their school for catering purposes.

Student Exchange Programme

Interviews Sunday 21 March 2010 at Manly Council

As, in the past, interviews will be held at Manly Council with one interview panel in the Councillors Room and one in The Cove Room. Interviews will commence at 9.00am and be held in 15 minute intervals with a 20 minute break for morning tea.

The following interview panels were chosen:

Report Of Committees Report No. 12 (Cont'd)**Boys**

John O'Brien
Cr Alan Le Surf (Chair)
David Freeman

Girls

Sue O'Brien
Yoko Sullivan
Elise Gilet

A member of Council's catering staff (in the absence of the Sister Cities Co-ordinator) will assist on the day. Morning tea, lunch and refreshments will be provided for the judging panel members, students and their families. Council will be open by 8.30am.

Assisting on the day will be Judi Mudge and Liberty Campbell who will meet and greet the students to be interviewed and their families, and document uniform sizes for each student and their relevant passport information.

Important information:

- Thursday 29th April 2010 confirmed as the date for the Welcome Orientation at Council for students and their families.
- Students will be asked to pay their student contribution rate of \$1,600.00 on the evening of the Welcome Orientation.
- The offer from Balgowlah Boys Campus to host Preparation Meetings is gratefully accepted.
- Chaperone John O'Brien will advise number of Preparations Meetings to be held and confirm dates to the Sister Cities Co-ordinator.
- Committee thought it advisable to contact the Department of Health for advice on requirement of having H1N1 vaccination prior to travel.
- Committee recommended that the 2010 Itinerary in Manly be based on the 2009 schedule.
- A home party was offered by the O'Brien's and dinner at St Patrick's will be investigated for Thursday 5th August 2010.
- One uniform top will be given to each student.
- Uniform tops this year will have '20th Anniversary' under the logo.
- Additional tops will be purchased for chaperones.
- The bus quote from Sydney Tourism will be accepted.
- John O'Brien will contact Balgowlah Bowling Club to seek permission to use their car park again for bus pick up and drop off of students on the exchange.
- The Committee agreed it is important for the Chairman to go to Odawara this year to assist with the student exchange if 25 students are chosen and as it is the important 20th Anniversary of Manly and Odawara's Friendship City Relationship it is a show of respect as Mayor Kato is visiting Manly in August for this very reason.
- The Committee was informed that a former member expressed their interest in visiting Odawara this year if a group were going for the 20th Anniversary. The Committee noted the proposal.
- Sister Cities Committee members be asked for their expressions of interest to visit Japan this year, at their own expense, as a celebration of the 20th Anniversary.

RECOMMENDATION

That:

1. ITEM 4 REPORT – VIRTUAL EXCHANGE, STUDENT EXCHANGE PROGRAMME AND 20TH ANNIVERSARY WITH ODAWARA IN JAPAN

The Committee recommends to Council that the Chairperson go to Odawara to assist the student exchange due to the importance of the 20th Anniversary of Manly and Odawara's

Report Of Committees Report No. 12 (Cont'd)

Friendship City Relationship.

ATTACHMENTS

There are no attachments for this report.

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***** End of Report Of Committees Report No. 12 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 13
SUBJECT: Minutes for adoption by Council - Sports Committee - 5 March 2010.
FILE NO:

This report was dealt with at the Sports Committee meeting of 5 March 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 Replacement of the lower level Grand stand seating Manly Oval

The existing low level grand stand type seating at Manly oval alongside the bowling green has become degraded and now dangerous. The obvious course of action is to replace the seating, this will of course be based on budget.

The Chair of the Committee, noted the recent proposed development of the Mountie's Club (Licensees of the Diggers on the Park Club) plans to install umbrellas, to enhance the area near the seats, which are the subject of this report. Currently the bowling greens have permanent outdoor umbrellas on two of their greens.

It was suggested by the Committee, that if the Council and Mountie's worked together on this project a better result would be possible. Any new seating would then gain the benefit of afternoon shading from the western sun.

The Committee supports option 1 to replace the seating in its entirety, the seating should be constructed in aluminium material similar to seats in the grandstand. This material disperses the heat, allowing spectators to sit comfortably, even on the hottest of days.

It was also requested that top row of seats have backs again similar to those in the grandstand for people with back issues.

RECOMMENDATION

That:

1. ITEM 4 Replacement of the lower level Grand stand seating Manly Oval

The Committee recommend to the General Manager and the Council that:

- i) The existing wooden seating be removed and replaced in its entirety with aluminum seating, with the inclusion of back rest for the back row of seats.
- ii) The Committee supports any planned proposal from Mountie's Group to enhance the area behind Councils seating. (Possible plans include the installation of permanent umbrellas' similar to the those already located on the greens, to provide shade to bowlers, but could also provide shade from the west to the Council seating discussed in this report).

ATTACHMENTS

There are no attachments for this report.

OM190410RC_3.doc

***** End of Report Of Committees Report No. 13 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 14
SUBJECT: Minutes for adoption by Council - Sustainability & Climate Change Committee - 9 March 2010
FILE NO:

This report was dealt with at the Sustainability & Climate Change Committee meeting of 9 March 2010 and was listed as a Recommendation in those minutes. This item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 7 Biodiversity Corridor Brainstorm

The Committee discussed Manly's biodiversity corridors as recommended at the February Working Group of the Committee. This has been identified as the main priority for the preparation of the Manly biodiversity strategy.

Key corridors and stepping stones within the LGA were discussed and were identified and outlined on an aerial photograph provided by staff (preliminary identification).

RECOMMENDATION

That:

1. ITEM 7 Biodiversity Corridor Brainstorm

- i) The Committee recommends that Committee members Judy Lambert and Jan Ritchie, on behalf of the Committee, work together to prepare an initial working draft biodiversity strategy for the consideration of Council staff, including the identification of biodiversity corridors.
- ii) The Committee recommends that, as an education project, schools within the LGA be approached to prepare a biodiversity strategy as part of their Senior Geography Project, or other, with a prize incentive awarded to the school/school project team for the best strategy (prize amount of \$2,000 was recommended).

ATTACHMENTS

There are no attachments for this report.

OM190410RC_4.doc

***** End of Report Of Committees Report No. 14 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 15
SUBJECT: Minutes for adoption by Council - Community Environment Committee - 10 March 2010
FILE NO:

These reports were dealt with at the Community Environment Committee meeting of 10 March 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 5.1 Penguin Report (c) Penguin nest under Bathers' Pavilion walkway

The committee discussed the boardwalk currently leased by Council from the western side of the Pavilion boardwalk to the steps at Federation Point. This area is not in designated critical habitat, however the Penguins nesting there are still considered part of the endangered colony and are therefore protected under the NSW Threatened Species Act.

The boardwalk forms part of the penguin nest 'roof' and a solution to avoid damage to this nest is required. A suggestion has been made that a new boardwalk be constructed over the current boardwalk leaving it intact. This of course would require a plan and funding.

2. ITEM 5.3 Australian Institute of Police Management Development

A significant rockfall has taken place on the foreshore and it is believed that a geotechnical study will now be carried out prior to construction commencing. Concern is expressed about potential impacts from construction on nearby rockshelters containing items of aboriginal heritage and penguin nests.

RECOMMENDATION

1. ITEM 5.1 Penguin Report (c) Penguin nest under Bathers' Pavilion walkway

That Council prepares a plan and estimate of the cost for consideration in the upcoming budget.

2. ITEM 5.3 Australian Institute of Police Management Development

- i) The Committee requests Council to:
 - a) inform the Aboriginal Heritage Office of the rockfall and seek further advice as to the impact and potential loss of heritage significance
 - b) Review the 1986 Heritage Study against the DECC Site Register to ensure that all known places are identified for protection
 - c) Seek advice regarding the potential hazard risk on the foreshore when construction of the approved redevelopment of the site commences shortly.
 - d) Work has started on the site but there is no indication on the gate of the name and contact details of the Private Certifier.
- ii) The Committee requests that Council write to the Department of Planning to ensure that the equivalent of the PCA be advertised on the Australian Institute of Police Management (**AIPM**) gate together with contact details.

Council write to the AFP and confirm when the Community Consultation will take place and who will represent Council at these meetings.

Report Of Committees Report No. 15 (Cont'd)

ATTACHMENTS

There are no attachments for this report.

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***** End of Report Of Committees Report No. 15 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 16
SUBJECT: Minutes for adoption by Council - Access Committee - 16 February 2010
FILE NO:

This report was dealt with at the Access Committee meeting of 16 February 2010 and was listed as a Recommendation in those minutes. This item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 5 Proposal for Manly Council Ambassador for People with Disabilities

The Committee considered a proposal for Council to engage a local Ambassador for people with a disability, as have other organisations involved in International Day of People with Disability. The role would be to promote positive outcomes for people with a disability to the wider community.

RECOMMENDATION

That:

2. ITEM 5 Proposal for Manly Council Ambassador for People with Disabilities

The Committee recommends to the General Manager and Council that:

1. The Access Committee supports the proposal for a Manly Council Ambassador for People with a Disability as a volunteer role.
2. The Committee seeks Council endorsement for a Manly Council Ambassador for People with a Disability, to promote positive outcomes to the wider community.
3. The Access Committee develops a position description for the role of Ambassador, and a Committee member is included in the selection process.

ATTACHMENTS

There are no attachments for this report.

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***** End of Report Of Committees Report No. 16 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Report Of Committees Report No. 17
SUBJECT: Minutes for adoption by Council - Playground Committee - 11 March 2010
FILE NO:

This report was dealt with at the Playground Committee meeting of 11 March 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 Update on Current Projects Status

The committee visited Sangrado Reserve to see the newly installed playground. Work commenced on the 15th February 2010 the old playground was removed and the installation of the new playground and soft fall is complete. Turfing and landscaping will start as soon as possible.

The committee then visited Nanbaree Reserve to discuss changes to the play equipment locations because of several objections to the relocation. At sight one of the neighbors outlined to the committee her thoughts on the relocation.

It was decided that further notification and sign in the play area be carried out, outlining three options for Nanbaree:

1. To leave the playground in the same position, refurbish equipment and construct a shade structure.
2. Lower the playground level and plant advanced trees to provide shade, and refurbish the equipment.
3. To refurbish the equipment and relocate the pieces of equipment into existing shaded areas in the park.

It was noted by the committee that repairs to shade sails at Clontarf and Tania Park have been completed, and that North Harbour reserve replacement poles will be completed before Easter weather permitting.

RECOMMENDATION

That:

1. ITEM 4 Update on Current Projects Status

1. Further notification and consultation to local residents around Nanbaree Reserve be carried out to clarify the options for the play equipment, and that a sign be displayed in the play ground to inform user groups of the possible options.
2. The result of that consultation from Nanbaree Playground is reported back to the next meeting.
3. That a photo opportunity be utilised once the Sangrado playground installation is completed.

ATTACHMENTS

There are no attachments for this report.

OM190410RC_7.doc

***** End of Report Of Committees Report No. 17 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Corporate Services Division Report No. 10
SUBJECT: Report on Council Investments as at 28 February 2010
FILE NO:

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 February 2010.

Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached report 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 \$16,832,647, comprising a combined Bank Balance of \$1,208,128; and Investment Holdings of \$12,574,518 directly managed and \$3,050,001 externally managed.

Investments overall performed below the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 3.76% (*Council Benchmark =4.16% - benchmark is 90 day average BBSW*)

The reduced interest returns for February are a result of several investments not paying interest coupons and initiating capital guarantee mechanisms to protect the investment. These include Emu Note (Dresdner Bank), Credit Suisse Aquaduct; Longreach Socially Responsible Note, ANZ Climate Change Trust, Westpac Principal Protected Ethical Note, and Lehman Bros Zircon (Coolangatta) and Beryl (Global Bank Note).

Lehman Brothers Australia (Grange) Portfolio Performance

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 7.03%, less than the benchmark UBSWA Index of 5.80% (for the month of February 2010 the monthly return was 0.97% above the benchmark UBSWA Index). Whilst the current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark, it is important to note that the Investments are recorded by Council at their original principal face value, and there would be no erosion of Council's initial capital investment if the investment continues to be held at the present time to maturity.

Corporate Services Division Report No. 10 (Cont'd)**Movements in Investments for the Month of February 2010****Investments Made**

Nil

Investments Matured

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Bank of Western Australia	Term Deposit	\$500,000	\$500,000
Bank of Queensland	Term Deposit	\$500,000	\$500,000

Summary

The mark to market valuation of Councils CDO investments remained fairly stable during the month. There is a concern that future credit events are likely to impact further on the remaining credit support of some CDOs in the next couple of years. Council is constantly seeking information from our investment adviser to assess the impact of any such events. Quarterly coupon payments are still being received for four of the six remaining CDOs in Council's portfolio.

Council's term deposit portfolio continues to perform well with deposit rates of 5 - 6.0% being available for short terms. Council continues to invest with large established Approved Deposit Institutions that offer a good yield with a low level of risk.

The Reserve Bank increased the cash rate to 4.00% early in March, 2010. Further increases are anticipated over the course of this calendar year and this should result in higher term deposit rates.

As indicated the outlook for the structured investment portfolio is still uncertain with some CDOs experiencing principal and interest loss, the best outcome being that some credit support remains at maturity so that the maximum amount of principal can be returned to Council. Any loss of principal has an impact on Councils cash reserves and future funding capacity.

RECOMMENDATION

That: the statement of Bank Balances and Investment Holdings as at 28 February, 2010 be received and noted.

ATTACHMENTS

AT- 1 Investment Report 1 Page

OM190410CSD_2.doc

***** End of Corporate Services Division Report No. 10 *****

Corporate Services Division Report No. 10 - Report on Council Investments as at 28 February 2010

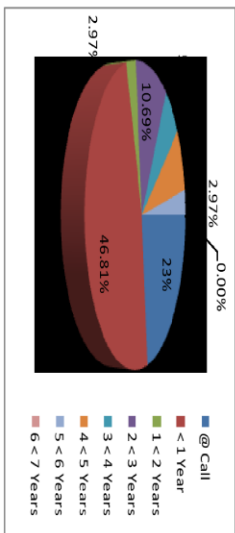
Investment Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 28 February 2010									
Form of Investment	Investment in AUSS	Percentage of Portfolio	S & P Rating	Invested Date	Call/Maturity Date	Investment Returns Interest Rate	Interest Accrued YTD	Feb 10	
Directly Managed Funds									
Trading Account									
CBA Trading Account	Cash	1,208,128	Market Val 1,208,128	7.18%	AA-	2.5% ⁽³⁾	\$ 21,241	\$ 973	
Others									
Emu Note - Dresdner Bank	Structured Note	500,000	380,100	2.97%	AAA	0.00%	\$ -	\$ -	
WBC - Ethical Note	Structured Note	500,000	461,326	2.97%	AA-	0.00%	\$ -	\$ -	
WBC - Ethical Note	Structured Note	500,000	461,326	2.97%	AA-	0.00%	\$ -	\$ -	
Longreach - Socially Responsible Note	Structured Note	500,000	446,100	2.97%	AA	0.00%	\$ -	\$ -	
ANZ Climate Change Trust	Structured Note	500,000	415,020	2.97%	AA	0.00%	\$ -	\$ -	
Greater Building Society	Term Deposit	559,139	559,139	3.32%	BBB+	4.40%	\$ 9,065	\$ 1,475	
Savings and Loans Credit Union Limited	Term Deposit	719,877	719,877	4.28%	Cr Union	4.94%	\$ 18,122	\$ 2,728	
Commonwealth Bank	Term Deposit	2,600,000	2,600,000	15.45%	AA-	4.62%	\$ 75,368	\$ 13,975	
Suncorp Wayway Limited	Term Deposit	1,000,000	1,000,000	5.94%	AA	5.95%	\$ 30,902	\$ 5,659	
Bank of Queensland	Term Deposit	1,000,000	1,000,000	5.94%	AA	5.95%	\$ 30,902	\$ 5,659	
Macquarie Bank	Term Deposit	500,000	500,000	2.97%	BBB+	4.96%	\$ 20,779	\$ 1,475	
LGFS Ethical Fund	@ Call	55,575	55,575	0.33%	AA-	5.50%	\$ 1,443	\$ 211	
LGFS Fixed Out-Performance Cash Fund	@ Call	30,679	30,679	0.18%	AA-	6.71%	\$ 1,082	\$ 218	
Illawarra Mutual Building Society	@ Call	5,000	5,000	0.03%	AA-	3.50%	\$ 108	\$ 15	
Commonwealth Bank	@ Call	2,604,241	2,604,241	14.42%	AA-	4.00%	\$ 63,168	\$ 7,963	
Total Directly Managed Funds		13,782,646	13,461,691						
Lehman Brothers Australia (Grange) Managed Funds (All in AUSS)									
Approved Deposit Institutions (Bank)									
HSBC	Floating Rate Note	500,000	469,235	2.97%	AA	4.32%	\$ 12,604	\$ 1,657	
Total		500,000	469,235	2.97%					
Interest Bearing Securities (Non Bank)									
Magnolia (Flinders)	Floating Rate CDO	300,000	255,132	1.78%	BB	5.52%	\$ 9,904	\$ 1,271	
MAS6-7 (Parques IIA)	Floating Rate CDO	250,000	20,740	2.97%	CCC-	6.07%	\$ 14,630	\$ 2,350	
Helios08 (Scarbrough)	Floating Rate CDO	250,000	22,733	1.49%	CCC-	5.96%	\$ 12,635	\$ 1,133	
Helios08 (Scarbrough)	Floating Rate CDO	250,000	22,733	2.97%	BB+	0.00%	\$ 17,125	\$ 2,176	
Beryl (Global Bank Note)	Floating Rate Note	500,000	465,000	2.97%	B-	0.00%	\$ -	\$ -	
Total		2,550,000	1,223,965	15.15%					
Macquarie Cash Management Account	@ Call	1	1	0.00%	AAA	1.95%	\$ 972	\$ -	
Total Grange Managed Funds		3,050,001	1,713,201	18.12%			\$ 40,643	\$ 5,698	
Retired Investments									
TOTAL PORTFOLIO		16,832,647	15,175,092	100.00%			\$ 394,109	\$ 60,570	
BENCHMARK							3.76%	4.16%	

Notes:

1 Benchmark is 90 day Average BBSW
 2 CDO - Call/Interest Paid Coupon
 3 Difference less than \$250,000 earn 1.75%, \$250,000 to \$450,000 earn 2%, \$500,000 to \$750,000 earn 2.25% & greater \$750,000 earn 2.5%

Summary by Credit Rating		
		No.
AAA	2.97%	2
AA	17.82%	5
A	6.12%	2
AA-	44.40%	7
BBB+	9.26%	2
BBB-	0.00%	0
BB	1.78%	1
B+	2.97%	1
B-	7.43%	3
CCC-	4.28%	1
Credit Union	100.00%	25



TO: Ordinary Meeting - 19 April 2010
REPORT: Corporate Services Division Report No. 11
SUBJECT: Amendments to the Manly Council Code of Meeting Practice
FILE NO:

SUMMARY

This report summarises proposed amendments to the current Code of Meeting Practice dated 2 March 2009, following a review to reflect practice standards provided in the Division of Local Government Meeting Practice Note dated August 2009.

REPORT

Councillors were provided with a briefing at the Councillor Workshop on 10 March 2010, regarding the requirement to make some minor amendments to the Council's current Code of Meeting Practice.

Background

The Division of Local Government, Department of Premier, by Circular No 09/32 issued a revised and updated the Meetings Practice Note (Practice Note 16) to help councillors and council staff conduct meetings in accordance with best practice standards.

The Practice Note explains the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005 as they relate to council meetings and decision making processes.

The revision has taken into account:

- Legislative changes that have occurred since the Practice Note was first published in January 2006; and
- Questions by councillors during the Councillor Information Seminars conducted by the DLG in 2008.

Most of the amendments made to the Practice Note have already been reflected in Council's Code following a number of reviews since the original Practice Note was first released.

Amendments to the Code of Meeting Practice

The following amendments to the Code of Meeting Practice are recommended:

CMP Clause	Page	Topic	Proposed Amendment / Reason
3.3	3	Calling of extraordinary meeting	• Amendment to wording in Clause 3.3(1) to clarify that the Mayor cannot call an extraordinary meeting by him/herself without having a written request signed by another Councillor. • Clause 3.3(2) S.366 of the LG Act requires that if the Mayor receives a written request signed by at least two other councillors, the Mayor must call an extraordinary meeting with 14 days. • Amend wording in Clause 3.3(3) to clarify calling of extraordinary meetings by General Manager. • Clause 3.3(4) - explanatory clause

Corporate Services Division Report No. 11 (Cont'd)

6.9	13	Limitation on number of Notices of Motion	- Delete clause 6.9(4) –the Practice Note states that provided notice and other procedures are followed, and the councillor balances their civic responsibility with their obligation to use council's resources effectively and efficiently, the number of notices of motion put forward by a councillor cannot be limited. - Insert new clause to clarify when a councillor can withdraw a notice of motion.
10.2	29	Automatic Amendments to CMP	Update wording regarding automatic update to the Code of Meeting Practice as a result of any changes in the Local Government Act or Regulations.

It is therefore proposed that Council advise of its intention to adopt the revised **Manly Council - Code of Meeting Practice** dated April 2010, and that the Code be placed on exhibition for 28 days for the making of public submissions in accordance with the requirements of the Local Government Act, 1993.

A copy of the *Code of Meeting Practice – April 2010* is circulated separately to Councillors.

RECOMMENDATION

That:

1. The draft Manly Council - Code of Meeting Practice dated April 2010 as amended, be endorsed.
2. The amended Code be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.
3. At the conclusion of the exhibition period a further report be submitted for adoption of the Code of Meeting Practice, subject to any submissions received.

ATTACHMENTS

AT- 1 Code of Meeting Practice - April 2010 32 Pages Circulated Separately

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***** End of Corporate Services Division Report No. 11 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Planning And Strategy Division Report No. 9
SUBJECT: Metropolitan Strategy Review Sydney Towards 2036
FILE NO:

SUMMARY

The NSW Department of Planning released a discussion paper titled *Sydney Towards 2036* in March 2010. It predicts that Sydney's population is expected to reach 6 million by 2036 – an increase of 1.7 million since the last Census in 2006.

This means that there will be a need of 760,000 more jobs and 770,000 more homes than in 2006. The growth has significant implications for transport and infrastructure and the NSW Government is keen to get the correct planning required to deliver advantages for NSW.

This report summarises the major implications likely for Manly, and the issues that it raises for the community as it plans how it can accommodate additional population growth in the next 20 years.

The closing date for submission in response to the paper is the 30 April 2010, and Manly Council is intending to prepare a submission to this review.

REPORT

Background

In December 2005, the NSW Government released its Metropolitan Strategy for Sydney to 2031, entitled *City of Cities: A Plan for Sydney's Future*.

Almost five years on, a scheduled review of the strategy is underway through the release of a discussion paper, *Sydney Towards 2036*. This bound document is circulated separately for the information of Councillors. This is the first step in a comprehensive review of the Metropolitan Strategy.

It sets out the challenges facing Sydney over the next 25 years, including:

- A population forecast to reach 6 million by 2036 - an increase of 1.7 million since 2006;
- A need for 770,000 additional homes by 2036 ; and
- A need to expand Sydney's employment capacity by 760,000 to 2.89 million jobs.

The NSW State Plan and the 2005 Metropolitan Strategy (*City of Cities: A Plan for Sydney's Future*) set out the long-term growth management plan for Sydney focusing on the strength of regional cities, such as Parramatta.

The release of the Metropolitan Transport Plan, with its 10 year funding guarantee, provides the ideal opportunity to start the first five-yearly review of the Metropolitan Strategy, to further strengthen this framework.

This review of the Metropolitan Strategy will ensure Sydney continues to have an up to date sustainable plan for meeting housing and employment growth challenges. It will ensure the land use implications of our economic development, transport, infrastructure and social policies are well managed and aligned to boost the productivity of NSW.

This review will deliver a fully integrated plan that refreshes the Metropolitan Strategy and provides a robust planning platform for the next 25 years. It will focus on:

Planning And Strategy Division Report No. 9 (Cont'd)

- Sustainable planning for a growing population;
- Providing jobs closer to where more people are living, especially in Western Sydney;
- Reducing congestion and controlling urban sprawl;
- Integrating land-use with transport and infrastructure planning;
- Building vibrant and sustainable communities through urban renewal, particularly around key transport hubs;
- Making Sydney climate change ready;
- Meeting changing housing needs; and
- Protecting land for primary production, open space and conservation especially on Sydney's fringe.

This paper is being exhibited together with the Metropolitan Transport Plan to stimulate feedback and can be accessed through the web forum (www.towardssydney2036.nsw.gov.au), as well as a range of stakeholder events.

Manly's housing and employment targets

The housing and employment capacity targets for the Manly LGA as contained in the 2005 Metropolitan strategy, and then the 2006 North East Subregional Strategy were:

- Housing target to 2031 is 2,400 additional dwellings for the period 2001 to 2031; and
- Employment capacity target 2001 to 2031 is for 1,000 additional jobs.

According to the DOP, these targets were based on the following data:

- Employment: ABS 2001 census
- Dwellings: ABS 2001 Census

It is also understood that Manly Council's targets for 1000 jobs and 2400 dwellings were also established in response to development trends that were occurring in the period 2001 and 2004. The paper does not change the housing or jobs targets.

Implications for Manly and North East Sydney

Specifically, the population of the North East Sydney in 2006 was 235,000, and is forecast to grow to 277,000 – an increase of 42,000 people, or an increase of 18%.

In comparison with other areas of Sydney, this increase is relatively small. The three highest Sydney subregional areas likely to experience the greatest increases are: the South West (increase by 113%, or 464,000 people); the North West (increase by 52%, or 394,500 people); and Sydney City (increase by 60%, or 99,000 people).

Even the north (including Hornsby and Ku-Ring-Gai) is expected to grow, for instance by 59,000 people, or 22.6%, and inner north (Ryde, Lane Cove, North Sydney, Mosman) is expected to increase by 25%, or 76,000.

Other aspects of the review being examined are:

- Population growth – the latest projections for Sydney's population by the ABS are higher than those when the Metropolitan strategy was developed in 2005; Sydney's population is expected to grow to 5.7 million by 2031, and 6 million by 2036.
- Aging population – changes in the age profile of the population will be felt most strongly from 2011 when the first baby boomers celebrate their 65th birthday, and reach retirement age;

Planning And Strategy Division Report No. 9 (Cont'd)

- Climate change – help city to adapt to effects of climate change; greater emphasis on role of land use planning in managing Sydney's greenhouse gas emissions & achieving Government targeted 60% cut by 2050; providing jobs closer to home, reducing travel times, improving transport connections; sustainable city; increasing energy prices; quality alternatives to motor vehicle use; build on land use;
- Integrating land use with transport: build on key elements of the 2005 Metro Strategy such as commitment to strengthen Parramatta as second CBD; deliver integrated land use planning infrastructure and planning and funding in Central Sydney; funding guarantees for numerous initiatives such as improvements to bus services, Sydney Ferries, NSW Bike Plan and high capacity public transport;
- More jobs in Sydney: greater local employment options; greater reliance during changing economic conditions;
- Growing Sydney's value – need for a strong and diverse robust economic base; create competitive advantages is vital to continuing economic recovery and long term success;
- Strengthening City of Cities – Brookvale-Dee Why is regarded as one of Sydney's 27 strategic centre – more jobs in centres are required – together with greater public and private investment – opportunities for new centres to develop and grow in right location;
- Meeting changing housing needs – changes in population growth and average household size and more older people will shape the demand for housing and influence all targets for new dwellings to be built by 2036;
- Balancing land uses on the city fringe – infrastructure provision to keep pace with housing growth; agricultural lands & resource lands protection; and
- Achieving renewal: especially of older suburbs and existing areas to result in places that are attractive / enjoyable, well linked by public transport, have great public spaces and streets, are walkable, safe and convenient; have housing, perform well environmentally.

What it means for Manly?

The paper predicts an increased population for the North East of Sydney, or 18% increase during the next 20 years, or an additional 42,000 people.

The Department of Planning updated its population projections for the Manly LGA separately to this paper in April 2010 (available at its website www.planning.nsw.gov.au). For instance, it is predicted that there will be small average annual growth of the Manly population to 2036 in the range of 0.4%-0.9%. This growth is shown in the table below.

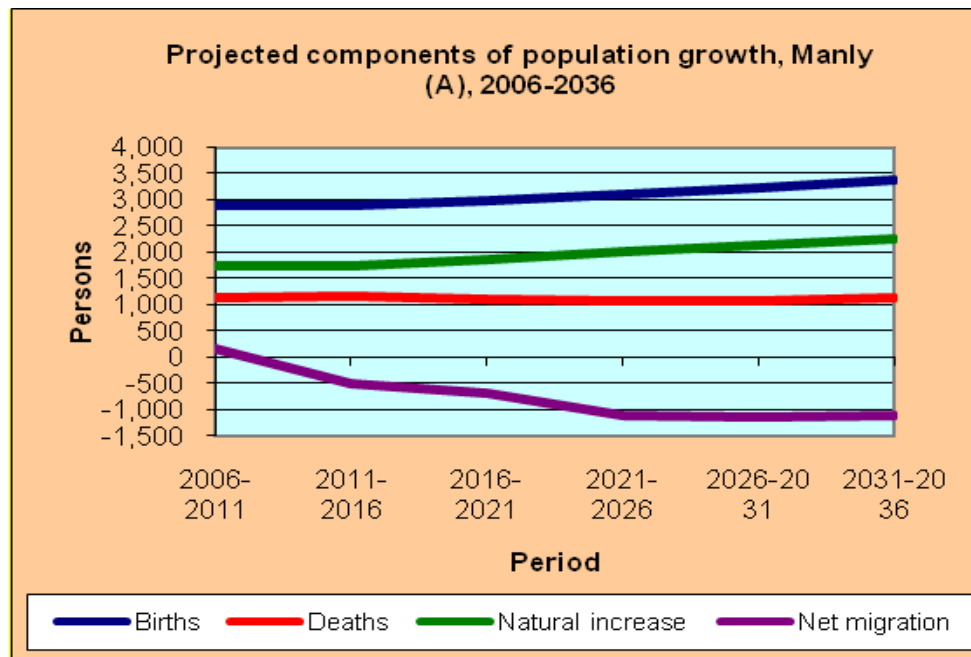
Historical and projected components of population growth - Manly (A)						
Period	Births	Deaths	Natural increase	Net migration	Total growth	Annual growth rate ³
1996-2001					960	0.5%
2001-2006					600	0.3%
2006-2011	2,890	1,140	1,740	160	1,900	0.9%
2011-2016	2,890	1,150	1,740	-490	1,250	0.6%

Planning And Strategy Division Report No. 9 (Cont'd)

2016-2021	2,970	1,120	1,860	-690	1,170	0.5%
2021-2026	3,100	1,080	2,020	-1,120	900	0.4%
2026-2031	3,230	1,080	2,150	-1,140	1,010	0.4%
2031-2036	3,370	1,120	2,250	-1,100	1,140	0.5%

³ Growth rate is calculated using the exponential formula $\ln[\text{pop}(t)/\text{pop}(t-5)]/5$.

The projected components of the population growth are also shown in the accompanying graph.



The total population of the Manly LGA is predicted by the Department to grow from 39,300 people in the year 2006 to 41,200 in 2011, or at an annual growth rate of 0.9% during this period. The population is then expected to grow to 42,400 people in 2016, then 43,600 people in 2021, then 44,500 in 2026, then 45,500 people in 2031, and then 46,600 people in 2036. The cumulative impact of the forecasts are an additional 7,300 people expected in the Manly area during the next 30 years.

This is also shown in the table below for various age groups.

Historical and projected age distribution - Manly (A)									
Age	Persons								
	1996	2001	2006	2011	2016	2021	2026	2031	2036
0-4	2,130	2,420	2,620	2,760	2,710	2,770	2,840	2,950	3,060
5-9	1,820	2,020	2,150	2,510	2,580	2,550	2,580	2,640	2,730
10-14	1,600	1,780	1,920	2,110	2,340	2,400	2,360	2,390	2,440
15-19	1,840	1,730	1,830	2,050	2,160	2,320	2,360	2,330	2,370
20-24	2,860	2,480	2,300	2,410	2,540	2,600	2,690	2,750	2,760
25-29	3,850	3,820	3,380	3,250	3,310	3,400	3,420	3,490	3,590
30-34	3,750	3,660	3,910	3,520	3,520	3,590	3,640	3,670	3,740
35-39	3,170	3,610	3,520	3,600	3,380	3,440	3,490	3,550	3,590
40-44	2,700	2,970	3,220	3,260	3,290	3,140	3,190	3,240	3,310
45-49	2,640	2,520	2,680	2,980	2,960	2,980	2,860	2,920	2,970
50-54	2,240	2,460	2,290	2,520	2,720	2,700	2,700	2,610	2,680
55-59	1,690	2,020	2,200	2,220	2,400	2,550	2,520	2,530	2,470
60-64	1,390	1,490	1,880	2,110	2,110	2,260	2,370	2,350	2,370

Planning And Strategy Division Report No. 9 (Cont'd)

65-69	1,590	1,260	1,290	1,730	1,930	1,930	2,050	2,140	2,140
70-74	1,610	1,410	1,080	1,170	1,530	1,710	1,710	1,820	1,910
75-79	1,290	1,330	1,140	930	1,010	1,310	1,470	1,480	1,590
80-84	900	960	1,020	900	750	820	1,060	1,210	1,240
85+	630	740	860	1,120	1,180	1,130	1,170	1,400	1,670
Total	37,700	38,700	39,300	41,200	42,400	43,600	44,500	45,500	46,600

This will have implications for future demand increases for housing/dwellings, and the need to provide greater jobs locally.

There are also major infrastructure implications of these increases – namely impacts on already congested roads, public transport needs, water/sewerage renewal and capacity restrictions, electricity usage, and impact on an already stressed environment and resources.

RECOMMENDATION

It is recommended that the report be received and noted.

ATTACHMENTS

AT-	Bound copy of Metropolitan Strategy Review - Sydney	29	Circulated
1	Towards 2036	Pages	Separately

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***** End of Planning And Strategy Division Report No. 9 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Planning And Strategy Division Report No. 10
SUBJECT: Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
FILE NO:

SUMMARY

The NSW Government last year announced the Coastal Erosion Reform Package and Policy Statement on Sea Level Rise. The Reform Package includes amendments to legislation, new guidelines, and additional support for councils to re-energise their coastal management planning processes. The Sea Level Rise Policy Statement, an element of the Reform package, identifies sea level rise projections of up to 40 cm to 2050, and 90 cm to 2100, for the NSW coastline.

As part of the Reform Package, the NSW Government has now released the 'Coastal Protection and Other Legislation Amendment Bill 2010' on 26 March 2010 for comment until 12 April 2010.

To support the Amendment Bill, the Department of Environment, Climate Change & Water also has released the following two supporting documents for consultation by 7 May 2010.

- *Draft - Minister's Requirements for Temporary Coastal Protection Works*
- *Draft - A Guide to the Statutory Requirements for Temporary Coastal Protection Works*

Simultaneously, the Department of Planning has released a discussion paper 'Review of the Infrastructure SEPP (State Environmental Planning Policy)' also seeking comments by 12 April 2010.

In this report, summary and linkages to the draft Amendment Bill and two supporting documents and draft Infrastructure SEPP are presented. As the submission on the draft Amendment Bill was due on 12 April 2010, Council staff has made a brief submission and is also enclosed herewith for information.

REPORT

The NSW Government announced on 19 October 2009 a coastal erosion reform package to deal with the challenges of coastal erosion. The reforms include amendments to legislation, new guidelines, and additional support for councils to re-energise their coastal management planning processes.

Following announcement of the Reform package, during the NSW Coastal Conference held between the 3rd and 5th of November 2009 the NSW Government announced the finalisation of the NSW Sea Level Rise Policy Statement as well as the release of the following draft documents for consultation:

- *Draft NSW Coastal Planning Guideline – Adapting to Sea Level Rise*
- *Draft Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessments*
- *Draft Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments*

While the Department of Planning and the Department of Environment, Climate Change and Water (DECCW) are still finalising all these draft documents, the NSW Government has now prepared 'Coastal Protection and Other Legislation Amendment Bill 2010' and released the document on 26 March 2010 for consultation till 12 April 2010.

To support the Amendment Bill, the Department of Environment, Climate Change & Water has released the following two supporting documents for consultation by 7 May 2010.

Planning And Strategy Division Report No. 10 (Cont'd)

- *Draft - Minister's Requirements for Temporary Coastal Protection Works*
- *Draft - A Guide to the Statutory Requirements for Temporary Coastal Protection Works*

Simultaneously, the Department of Planning has released a discussion paper 'Review of the Infrastructure SEPP (State Environmental Planning Policy)' also seeking comments by 12 April 2010. It includes provisions regarding the coastal protection works envisaged by the draft bill.

Overview of 'Coastal Protection and Other Legislation Amendment Bill 2010' Bill

The object of this Bill to make amendments to the Coastal Protection Act 1979 (the Principal Act) and other legislation to deal with coastal erosion and projected sea level rise, including amendments relating to the following:

- (a) the improvement of the operation and enforcement of the Principal Act,
- (b) providing that certain temporary coastal protection works (such as sandbags) may be placed on beaches and sand dunes to mitigate erosion in specified circumstances without obtaining development consent or other specified permissions,
- (c) enabling local councils to make and levy an annual charge for the provision of coastal protection services (such as services to maintain coastal protection works or to manage the impacts of such works) on rateable land that benefits from such services.

Overview of 'Review of the Infrastructure SEPP – discussion paper'

The Infrastructure SEPP was gazetted in December 2007 and commenced on 1 January 2008 to facilitate the delivery of infrastructure by introducing new planning provisions which apply to infrastructure projects across NSW.

The Infrastructure SEPP has specific planning and approval provisions for 25 types of infrastructure or facilities such as education facilities, hospitals, roads, railways, emergency services, water supply and electricity generation and transmission. The SEPP assists the NSW Government agencies, local government, other private infrastructure providers and the communities they support by simplifying the planning process and by providing consistent planning provisions across all local government areas in NSW.

Clause 12 of the Infrastructure SEPP provides for a review of its provisions as soon as practicable after the first anniversary of the commencement of the Policy, and at least every 5 years after that commencement. The purpose of this discussion paper is to seek the views of the State agencies, councils and the community on the outcome of the review of the *State Environmental Planning Policy Infrastructure 2007* (the Infrastructure SEPP) and the suggested changes made by public agencies and local councils.

As a starting point to the Department of Planning's review of the Infrastructure SEPP, views from state government authorities and local councils were sought. Sixty-four (64) submissions were received. The main issues raised in the review were those associated with consultation, clarifying definitions and specific aspects associated with clarifying or expanding the provisions for individual infrastructure types. The discussion paper presents a number of suggested changes to address the issues raised in the submissions to further improve the effectiveness of the SEPP in the efficient delivery of infrastructure in NSW.

Planning And Strategy Division Report No. 10 (Cont'd)**RECOMMENDATION**

1. THAT the report, including Council's submission is received and noted.

ATTACHMENTS

AT- 1	Summaries of amendment bill 2010 and other documents	5 Pages
AT- 2	Manly Council;s Submission on the 'Draft Coastal Protection and Other Legislation Amendment Bill'	4 Pages
AT- 3	Manly Council's Submission on the 'Review of the Infrastructure SEPP'	5 Pages

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***** End of Planning And Strategy Division Report No. 10 *****

Summaries of Amendment Bill 2010 and other Documents**1. Coastal Protection and Other Legislation Amendment Bill 2010**

To upgrade the longer term toolkit for dealing with expected increases in coastal erosion hazards, the Government will introduce amendments to the Coastal Protection Act, the Local Government Act and various regulations. The Minister for Climate Change and the Environment, the Hon Frank Sartor, announced on 26 March that he had released an exposure draft of the *Coastal Protection and Other Legislation Amendment Bill 2010* to implement these legislative amendments. The provisions in this draft Bill provide for emergency temporary coastal protection works, as well as managing the impacts of landowner-funded long term coastal protection works (eg. seawalls). Other provisions include improved order powers, increased penalties and improved exemptions from liability.

Temporary emergency coastal protection works

Under this draft Bill, beachfront landowners will be able to conditionally place sand or sandbags on beaches to reduce the impact of coastal erosion on their houses. The temporary emergency works will need to be in accordance with gazetted Minister's Requirements and can be placed for up to 12 months, to enable landowners to develop a longer term approach to managing the erosion risks. Draft Minister's Requirements and a Guide for landowners have been released for consultation. Submissions on these draft documents are invited from any interested person or organisation by 7 May – information on lodging submissions is provided in the documents.

Long term coastal protection works

The draft Bill proposes amendments to the Local Government Act to allow councils to levy an annual coastal protection service charge outside rate pegging. Councils would be required to levy this charge on benefiting landowners for long-term coastal protection works (eg seawalls), where the works were constructed by the benefiting landowners. Where landowners jointly fund these works with a council, the council would have the option of levying the charge. The charge would fund maintenance of the works and activities such as beach nourishment to manage off-site impacts.

The legislative amendments proposed in this Bill are complemented by proposed amendments to the State Environmental Planning Policy (SEPP) (Infrastructure). The proposed amendments to this SEPP will allow landowners to apply for approval to erect long-term coastal protection works. Approval of these works may be granted where the potential offsite impacts of the works can be managed and the landowner will fund any ongoing works, including beach nourishment. The coastal protection service charge will enable landowners to pay for these ongoing maintenance requirements.

Related amendments are also proposed to the Major Projects SEPP so that development consent under the Environmental Planning and Assessment Act would be required for these works from the relevant Joint Regional Planning Panel.

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
Summaries of amendment bill 2010 and other documents

The requirements to manage off-site impacts are important to ensure coastal protection works avoid any significant impacts on the State's beaches. Landowners would be responsible for paying into the future for any beach nourishment needed to minimise any impacts on beaches from their works. The Government recognises beaches are highly valued by the community.

Other provisions

The draft Bill includes improved order powers and increased penalties relating to unauthorised material dumped on beaches which may cause erosion or present a public safety risk. It also includes improved statutory exemptions for Government and councils for liability for coastal erosion impacts on property and sea level rise impacts.

The Coastal Protection and Other Legislation Amendment Bill 2010 can be found at:

<http://www.environment.nsw.gov.au/resources/water/ExposureDraftCoastalBill.pdf>

2. A Guide to the Statutory Requirements for Temporary Coastal Protection Works - draft

This Guide has been prepared to assist beachfront landowners and people acting on their behalf understand the requirements under the Coastal Protection Act 1979 (the Act) and the associated gazetted Minister's Requirements for placing temporary coastal protection works. This document also provides guidance and advice to landowners to assist with placing these works.

The intent of temporary coastal protection works is to reduce the impacts of coastal erosion protection to a legally approved dwelling house or commercial building at immediate threat from coastal erosion whilst more permanent management solutions are considered and implemented. These works are not intended to compromise longer-term management of coastal hazard threats or result in adverse off-site environmental impacts.

These works can be placed under specified conditions for a limited period (up to 12 months), during which time the landowner or occupier should develop a longer term approach to managing erosion risks to their property. These works may also be damaged by wave action after they are placed and during the allowable placement period.

The Guide to the Statutory Requirements can be found at:

<http://www.environment.nsw.gov.au/resources/water/coasts/10230CPworksLandowners.pdf>

3. Minister's Requirement for Temporary Coastal Protection Works

The primary purpose of these Minister's Requirements for temporary coastal protection works is to detail additional requirements for these works under section 55O of the Coastal Protection Act 1979.

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
Summaries of amendment bill 2010 and other documents

These Minister's Requirements may also be useful for local councils and other public authorities considering the use of temporary coastal protection works, although the statutory requirements relating to these works relate specifically to works by private landowners or their agents.

The Requirements has the following sections:

1. Introduction
2. Circumstances where the works are permitted
3. Acceptable types of works
4. Material specifications
 - Sand
 - Geotextile Materials
 - Sandbags
5. Construction specifications
 - Geotextile sand container revetment (Option 1)
 - Sandbag revetment (option 2)
 - Sandbag toe protection (option 3)
 - Beach nourishment (option 4)
6. Survey Requirements
7. Maintenance Requirements
8. Use of Public land
9. Removal of works and rehabilitation of site

The Draft Minister's Requirements for Temporary Coastal Protection Works can be found at:

<http://www.environment.nsw.gov.au/resources/water/coasts/10231CPworksMinReg.pdf>

4. Review of the Infrastructure SEPP – Discussion paper

The Infrastructure SEPP was gazetted in December 2007 and commenced on 1 January 2008 to assist in facilitating the efficient delivery of infrastructure by introducing consistent, updated planning provisions to improve efficiency and to provide greater certainty regarding the planning provisions applying to infrastructure projects across NSW.

The Infrastructure SEPP has specific planning and approval provisions for 25 types of infrastructure or facilities such as education, hospitals, roads, railways, emergency services, water supply and electricity generation and transmission. The SEPP assists the NSW Government agencies, local government, other private infrastructure providers and the communities they support by simplifying the planning process and by providing consistent planning provisions across all local government areas in NSW.

Clause 12 of the Infrastructure SEPP provides for a review of its provisions as soon as practicable after the first anniversary of the commencement of the Policy, and at least every 5 years after that commencement. The purpose of this discussion paper is to seek the views of the State agencies, councils and the community on outcome of the review of the *State*

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
Summaries of amendment bill 2010 and other documents

Environmental Planning Policy Infrastructure 2007 (the Infrastructure SEPP) and the suggested changes made by public agencies and local councils.

As a starting point to the Department of Planning's review of the Infrastructure SEPP, views from state government authorities and local councils were sought. Sixty-four (64) submissions were received. The main issues raised in the review were those associated with consultation, clarifying definitions and specific aspects associated with clarifying or expanding the provisions for individual infrastructure types.

To further consult on the review, this paper presents a number of suggested changes to address the issues raised in the submissions to further improve the effectiveness of the SEPP in the efficient delivery of infrastructure in NSW.

The main proposed changes as a result of the issues raised in submissions are in the following areas:

- Consideration of the impacts of aircraft noise to be required for certain development near airports consistent with Australian Standard AS 2021—2000, *Acoustics Aircraft noise intrusion- building siting and construction*
- New complying development standards for certain correctional centres facilities
- Addition of requirements for traffic management for complying development at an existing school or TAFE
- Additional categories of complying development at schools and TAFEs for demolition, storage facilities, tennis courts, basketball courts and toilet facilities
- Specific provisions for university development including a new definition for *university*, complying development provisions currently applying to existing schools and TAFEs to also apply to existing universities, and new provisions for university student housing both on and off campus.
- Provision for bushfire hazard reduction works in limited circumstances on land subject to SEPP 14 where there is a bushfire hazard to existing habitable dwellings
- Removal of the exclusion of provisions for routine maintenance and other activities on Crown land reserved or dedicated as a public cemetery.
- Additional provisions for light rail and buses to streamline the delivery of transport projects consistent with the Government's Metropolitan Transport Plan.
- Additional provisions for facilities to exchange or recharge vehicle batteries for electric vehicles.
- Addition of provisions for the operation or maintenance of the Dog Proof fence in western NSW
- New provisions for coastal protection works consistent with the NSW Government's Coastal Erosion Protection Package
- Clarification and amendment of criteria for traffic generating development (which then require the concurrence of the RTA)
- Additional categories of exempt development, including for demolition, driveways, cycleways, footpaths and maintenance, repair or replacement of signs.
- Planning provisions for graffiti and crime prevention associated with new public infrastructure facilities.

ATTACHMENT 1

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP

Summaries of amendment bill 2010 and other documents

The discussion paper can be found at:

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=mBHhJNbRRGA%3d&tabid=212&language=en-AU>

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP

Manly Council's Submission on the 'Draft Coastal Protection and Other Legislation Amendment Bill'

Manly Council's Submission on the 'draft Coastal Protection and Other Legislation Amendment Bill'

April 2010

General Background

Council appreciates the opportunity to comment on the 'draft Coastal Protection and Other Legislation Amendment Bill'

Manly LGA, although not identified as erosion hot spot, frequently experiences beach erosion. This is predominantly due to its landform, having low lying topography in part, and an extensive coastline and harbour foreshore boundary.

The Council has reviewed the provisions of the Coastal Protection and Other Legislation Amendment Bill 2010 (NSW) ("the Bill") in the light of how they might impact upon Council and the LGA.

The main concern relates to ensuring that this Council is not exposed to any greater, appreciable (that is, measurable or quantifiable) risk of actionable liability in light of the changes proposed. And further, that adequate provision is made to ensure that there is no loss or damage of significant natural resources and cultural heritage, including Aboriginal heritage, within the foreshore areas to which the Act applies, both on public and private lands arising from the temporary coastal protection works permitted under the Act.

Salient Provisions Relevant to this Advising

Schedule 1 [5] inserts proposed Part 2 (proposed sections 6–12) into the Principal Act [being the Coastal Protection Act 1979 (NSW)] to deal with matters relating to the administration of that Act. More specifically, the proposed Part, among other things, relevantly provides for the identification of Coastal Authorities (being the Minister administering the Principal Act (the Minister), the Minister administering the Crown Lands Act 1989 and certain roads authorities, coastal local councils and other public authorities with land or responsibilities relating to coastal areas) who may exercise certain powers under the Principal Act (proposed section 6).

Now, Schedule 2 [1] to the Bill makes an amendment to section 124 of the Local Government Act 1993 (NSW) (the "LG Act") to enable councils to issue orders to owners or occupiers of land (other than Ministers or public authorities) to repair or make safe coastal protection works (including temporary coastal protection works) where the coastal protection works present a public safety risk.

What follows is very important.

Schedule 2 [5] and [6] to the Bill make amendments to section 733 of the LG Act [see below] to extend the exemption from liability that a council possesses in relation to flood liable land and land in the coastal zone to the following things done in good faith by the council:

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- (a) the preparation or making of a coastal zone management plan, or the giving of an order, under the “Principal Act” [being the Coastal Protection Act 1979 (NSW)],
- (b) any thing done or omitted to be done regarding beach erosion or shoreline recession on Crown land or land owned or controlled by a council,
- (c) the failure to upgrade flood mitigation works or coastal management works in response to projected or actual impacts of climate change,
- (d) the failure to undertake action to enforce the removal of illegal or unauthorised structures on Crown land or land owned or controlled by a council that results in beach erosion,
- (e) the provision of information relating to climate change or sea level rise.

Section 733 (4) provides that, unless the contrary is proved, a council is taken to have acted in good faith for the purposes of section 733 if advice was furnished, or a thing was done or omitted to be done, substantially in accordance with the principles contained in a specified manual relating to the management of flood liable land or the management of the coastline identified by the Minister for Planning. Schedule 2 [7] to the Bill provides that guidelines may also be adopted for this purpose.

Comment

As mentioned above, Schedule 2[5] makes an amendment to existing section 733 of the LG Act.

Now, section 733 of the LG Act provides a statutory exculpation (that is, exemption from the risk of actionable liability in negligence, etc) to any NSW local council with respect to certain risks of actionable liability with respect to the following:

- flood liable land, and
- land in coastal zone,

but only in the circumstances and subject to the limitations contained and otherwise set out in the section.

Schedule 2(5) to the Bill is presently drafted as follows:

[5] Section 733 Exemption from liability—flood liable land and land in coastal zone

Insert after section 733 (3) (a):

(b) the preparation or making of a coastal zone management plan, or the giving of an order, under the Coastal Protection Act 1979, and

Recommended Changes

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP

Manly Council;s Submission on the 'Draft Coastal Protection and Other Legislation Amendment Bill'

Council proposes drafting amendments relating only to section 733 of the LG Act and are as follows:

1. That the NSW Government insert a new subsection (2A) in section 733 as follows:

(2A) A council does not incur any liability in respect of anything done or omitted to be done by a person (other than the council) being a landowner or occupier who carries out or purports to carry out coastal protection works under the Coastal Protection Act 1979 (NSW), being works which the person is otherwise authorised or permitted to carry out under that Act, irrespective of whether or not any such works were carried out in accordance with that Act.

2. That the NSW Government insert in proposed new section 733(3)(a) immediately after the word "order" the words "or a notice of intention to give an order".
3. That the NSW Government insert in proposed new section 733(3)(a) immediately after the word "under" the word "either".
4. That the NSW Government insert in proposed new section 733(3)(a) immediately after the matter "1979" the words "or this Act, as the case may be".

Reasons for Recommended Amendments

The rationale behind and reasons for the above recommended amendments to the proposed amendment to section 733 of the LG Act is to ensure that this Council, as well as all other NSW local councils, receive the benefit of the statutory exculpation from actionable liability:

- (a) in circumstances where landowners carry out or purport to carry out coastal protection works under the Coastal Protection Act 1979 (NSW) irrespective of whether or not any such works were authorised under that Act – there being no separate indemnification/statutory exculpatory provision in that Act (and none presently proposed), and
- (b) not only as respects orders given under the Coastal Protection Act 1979 (NSW) but also as regards orders and notices of intention to give orders under section 124 of the LG Act having regard to the fact that the proposed legislation will confer an additional order-making power on NSW local councils with respect to coastal protection works. It seems inconsistent to confer a statutory exculpation with respect to orders given under the Coastal Protection Act 1979 (NSW) but not as respects orders (and notices of intention to give any such orders) under the LG Act given that Council's responsibilities will increase under that Act as well as under other legislation.

Other Issues:

The Department is requested to provide advice on the issue (raised on 7 April 2010) regarding the potential for temporary works on one property to transfer impacts to adjacent properties. In this regard it was suggested that not only should landowners be encouraged to

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP

Manly Council;s Submission on the 'Draft Coastal Protection and Other Legislation Amendment Bill'

think of the long-term, but also to discuss these issues with their neighbours. It is considered appropriate that the guidelines to the legislative amendments should address this aspect.

As the Act will also call for the preparation of Erosion Emergency Action Plans within 6 months of the gazettal date, then it is imperative that an adequate funding program be provided to support this provision in the Act.

The areas to which the new provisions will apply include sensitive foreshore areas, which may include threatened terrestrial and marine fauna and flora, and identified and potential cultural heritage, including archaeological and built fabric. It would be appreciated if clarification could be provided as to the safeguards proposed to be put in place to protect these features from loss or damage, and how this will be conveyed to property owners to whom the new provisions relating to temporary measures will apply.

With regard to the integration of the new legislation with planning requirements, particularly those under the Local Government Act, 1993, it would be appreciated if the Department could clarify the relationship of the provisions of the new Act to existing and future plans of management for Community land, and (also Crown land plans of management under the Crown lands Act).The Council is particularly concerned to ensure that the statutory objectives of plans of management are not undermined by the new legislation.

The Council also considers that there is an opportunity within the Integrated Planning & Reporting Framework, which is the outcome of a series of amendments to the Local Government Act in 2009; to identify the relevant objectives from the Coastal Protection Act in each council's Community Strategic Plan. These Strategic Plans will be progressively finalized for each council area from 2009 until June 2012; adopted by the relevant council, reviewed by each subsequent council, and provide the ongoing management and implementation framework for each council in NSW. Inclusion of provisions in these Plans would ensure that each affected council is better able to plan and budget for relevant works.

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
Manly Council's Submission on the 'Review of the Infrastructure SEPP'

Manly Council's Submission on the 'Review of the Infrastructure SEPP'.

April 2010

Background

The SEPP was gazetted on 21 December 2007 and took effect on 1 January 2008.

The SEPP Infrastructure repeals and replaces 20 previous SEPPs with one consolidated and updated SEPP. The SEPP also introduces a wide range of new powers for public and private infrastructure providers to carry out work with minimal involvement of council. The Department of Planning (DoP) contends that the SEPP infrastructure aims to "facilitate the delivery of infrastructure by streamlining a complex array of local, regional and state planning instruments". The DOP also state that the SEPP Infrastructure "provides for the efficient development, redevelopment or disposal of Government Land."

The SEPP Infrastructure applies to all land in New South Wales. Where there is any inconsistency between other environmental planning instruments, including the Manly LEP 1988, the SEPP Infrastructure will override the other environmental planning instruments.

At its Planning and Strategy Committee meeting on 12 May 2008 and resolved: (Macdonald /Lambert)

1. *That the report on the gazettal of State Environment Policy (Infrastructure) 2007 and the implications for Manly be received and noted.*
2. *That Council write to the Minister for Planning and the Premier expressing grave concern at the further erosion of Local Government capacity to act on behalf of its community and to protect the character and amenity of the Manly LGA.*

The key implications of the SEPP reported to Council as summarized as follows:

Additional development of Land: Under the SEPP Infrastructure, State Land may be developed for certain purposes that would otherwise be prohibited under the Manly LEP 1988.

Permissibility and development assessment provisions for infrastructure development: The SEPP Infrastructure provides a framework of development controls, assessment, consent and notification for 25 individual types of infrastructure

- *Educational establishments* - can be developed by or on behalf of a public authority in all residential, business and special uses zones. Council currently restricts schools to a 'special use' zone. Certain works may be carried out without consent, including one storey libraries, one storey class rooms and demolition of buildings. The corollary is that existing educational establishments can expand onto adjacent land in any zone (other than open space and National Park) and such works can be carried out without council consent.
- *Electricity and gas transmission/distribution networks* - generally work can be carried out without consent by or on behalf of a public authority on any land. Restrictions apply to some works. Certain works are identified as exempt development.

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- *Emergency service facilities* - can be developed by or on behalf of a public authority in the business zones. This includes buildings used in 'connection' with emergency services. Emergency services can also undertake minor alteration and additions, demolition and internal fit outs without need for a development consent.
- *Health service facilities* - can be carried out with consent by any person in prescribed residential, business and special purpose zones. Certain works can be carried out without consent by or on behalf of a public authority. State land that is currently zoned as a 'special use' zone for a health service facility (i.e. hospital) can be developed by or on behalf of a public authority for multi dwelling housing, research facilities or a business premises.
- *Parks and public reserves on crown land reserved* - development for a purpose consistent with a plan of management adopted for the land can be carried out without consent by or on behalf of the Department of Lands, a Trustee of the reserve or a Ministerial Corporation. On public land reserved under the control of or vested in the council, development for a purpose specified in the SEPP can be carried out without consent by or on behalf of a council. Purposes specified include roads, single storey car parks, playing fields, information facilities, lighting, landscaping, amenity facilities, maintenance depots and environmental management works.
- *Public administration buildings and building of the Crown* - can be developed, including minor alteration and additions, demolition and internal fit outs, without need for a development consent. This will be of practical benefit to council and should result in cost savings.
- *Waterway or foreshore management activities* – can be undertaken without consent by or on behalf of a public authority. Works include construction, routine maintenance, emergency as a result of coastal erosion and storms, beach nourishment, foreshore stabilization and foreshore access ways.
- *Other infrastructure facilities* - the SEPP Infrastructure identifies other types of infrastructure activities that can be carried out with or without development consent. The other infrastructure types include air transport facilities, correctional centres, electricity generating works, flood mitigation works, railways, research stations road infrastructure, sewage systems, stormwater management systems, telecommunication facilities, waste facilities, water supply systems.

Proposed Amendments

The proposed amendments to the SEPP include the following:

- Consideration of the impacts of aircraft noise to be required for certain development near airports consistent with Australian Standard AS 2021—2000, *Acoustics Aircraft noise intrusion- building siting and construction*

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- New complying development standards for certain correctional centres facilities
- Addition of requirements for traffic management for complying development at an existing school or TAFE
- Additional categories of complying development at schools and TAFEs for demolition, storage facilities, tennis courts, basketball courts and toilet facilities
- Specific provisions for university development including a new definition for *university*, complying development provisions currently applying to existing schools and TAFEs to also apply to existing universities, and new provisions for university student housing both on and off campus.
- Provision for bushfire hazard reduction works in limited circumstances on land subject to SEPP 14 where there is a bushfire hazard to existing habitable dwellings
- Removal of the exclusion of provisions for routine maintenance and other activities on Crown land reserved or dedicated as a public cemetery.
- Additional provisions for light rail and buses to streamline the delivery of transport projects consistent with the Government's Metropolitan Transport Plan.
- Additional provisions for facilities to exchange or recharge vehicle batteries for electric vehicles.
- Addition of provisions for the operation or maintenance of the Dog Proof fence in western NSW
- New provisions for coastal protection works consistent with the NSW Government's Coastal Erosion Protection Package
- Clarification and amendment of criteria for traffic generating development (which then require the concurrence of the RTA)
- Additional categories of exempt development, including for demolition, driveways, cycleways, footpaths and maintenance, repair or replacement of signs.
- Planning provisions for graffiti and crime prevention associated with new public infrastructure facilities.

Issues for Manly LGA

Of these changes those which raise most concern for the Manly LGA are the new coastal protection works (refer to submission on the Coastal Reform Package above) and the provisions for demolition, and constructions of cycleways as exempt development. These are matters which the Council considers should be the subject of consultation and further require the provision of safeguards to protect the environment.

Exempt Development: The SEPP Infrastructure identifies a raft of works that are exempt development including access ramps, awnings, internal and external alterations, car parks, decks, fences, hoardings, portable offices, security cameras, scaffolding and signage.

In addition to the exempt development applicable to all State land, the SEPP further identifies exempt development for specific types of private infrastructure uses such as educational establishments, electrical generating works, photovoltaic cells, electrical and gas transmission or distribution networks, road infrastructure and telecommunication facilities.

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
Manly Council's Submission on the 'Review of the Infrastructure SEPP'

Council's own exempt and complying provisions in the Manly LEP 1988 are considered to be more relevant to the Manly LGA and the range of works carried out by the Council. These provisions require the Council to address a range of legislative controls and development standards prior to exempt development proceeding. These have been demonstrably successful in protecting the environmental values and it is therefore requested that Manly Council retain the existing LEP exempt and complying provisions and definitions.

Heritage Issues

The proposed change to allow photovoltaic cells and solar hot water systems as exempt development for heritage items requires further consideration because most schools comprise large sites and have two or three frontages. It may lead to a number of potentially confusing decisions by certifiers on what might constitute a "primary frontage". Additionally, many schools may be using buildings that are not purpose-designed school buildings, and that may not be readily suitable for installation of solar systems. Further consideration should be given to the practical means of providing for PV cells and solar hot water systems without adverse impact on the heritage value of buildings.

Implications for Standard Instrument LEPs

It is noted that the proposed new SEPP provisions will have other implications which the Department will need to also address, including the following:

- 1) SEPP Draft Clause 46 Prescribed zones (e1): permits emergency services in the B1 Neighbourhood zone.
 - a. Emergency services facilities would need to be removed from 'permitted with consent' in the B1 Neighbourhood centre zone so as not to duplicate the SEPP.
- 2) SEPP Draft Clause 56 Prescribed Zone (d1): affects permissibility in the low density residential zone.
 - a. Health service facilities and all uses under that group term in the low density residential zone would need to be removed
 - i. permitted with consent (health consulting rooms),
 - ii. prohibited (medical centres and hospital).
- 3) SEPP Draft Clause 125A (1): Water reticulation systems would be permitted with consent by the SEPP to be carried out by any person on any land.
 - a. Would need to be removed from the land use table in the Draft LEP so as not to duplicate the SEPP.

Several proposed amendments deal with a range of matters not presently relevant to Manly LGA including noise near airports; correctional centres facilities; universities; SEPP 14 lands (wetlands) and Dog Proof fences.

Conclusion

SEPP Infrastructure amalgamates over 20 SEPPs into one environmental planning policy document. Operationally, the SEPP identifies a wide range of infrastructure and works and as such the reported Review deals with a wide range of infrastructure developments.

Planning And Strategy Division Report No. 10 - Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP
Manly Council's Submission on the 'Review of the Infrastructure SEPP'

The SEPP Infrastructure allows the Department of Planning to issue 'site compatibility certificate' that can be used to allow additional development that may otherwise be prohibited under Manly LEP 1988. There have been two site compatibility certificates that have been issued within the Manly LGA including Seaforth TAFE and Manly Reservoir on the corner of Fairlight Crescent and Ashley Parade, Fairlight. These site compatibility certificates both permit with the Development Consent development for a purpose that is permitted on adjacent land i.e. Mixed Used development (TAFE) and Residential development (Manly Reservoir). A development application is still required and Council remains the consent authority.

Council had previously made submissions to The Department of Planning regards its significant increase in the variety and scope of works that can be undertaken by or on behalf of public authority without consent. Additional works may also be undertaken by a private infrastructure provider in some instance. Under such circumstances Council will only be notified if the public authority believes that the development is likely to have a substantial impact on local heritage, infrastructure and other services provided by council. In effect, by removing the need for a development application, the SEPP Infrastructure bypasses the need for community input into the planning and consent process. The SEPP also raises considerable concerns regarding the transparency and community involvement in the disposal and development of government owned land.

It is considered that the provisions of the SEPP and the lack of opportunities for community comment is a serious concern which may lead to unsatisfactory outcomes in the future. For this reason the Department is strongly encouraged to add appropriate consultation provisions to the SEPP.

TO: Ordinary Meeting - 19 April 2010
REPORT: Environmental Services Division Report No. 7
SUBJECT: Development Applications Being Processed During April 2010.
FILE NO:

SUMMARY

List of Development Applications Being Processed During April 2010.

REPORT

The following applications are with the Town Planners for assessment.

387	2003	69-71 The Corso	Section 96 Modification
46	2004	36-38 South Steyne	Section 96 Modification
482	2004	106 Darley Road	Section 96 Modification
145	2005	4/11-27 Wentworth Street	Remove Brick wall and replace with windows to match existing
544	2005	73 Kangaroo Street	Section 96 Modification
101	2006	195 Condamine Street	Section 96 Modification
390	2006	71 Gordon Street	Section 96 Modification
411	2006	36-38 South Steyne	Section 96 Modification
462	2006	151 Darley Road	Section 96 Modification
124	2007	16 Bower Street	Section 96 Modification
186	2007	9 Bolingbroke Parade	Section 96 Modification
242	2007	3 Rignold Street	Section 96 Modification
348	2007	33 Edgecliffe Esplanade	Section 96 Modification
355	2007	4 Sheridan Place	Section 96 Modification
398	2007	13 Barrabooka Street	Section 96 Modification
409	2007	11 Oyama	Alterations & Additions
421	2007	Manly Golf Club - Kenneth Road	Section 96 Modification
427	2007	2A West Street	Land Subdivision into 2 allotments and new driveway access
505	2007	36-38 South Steyne	Section 96 Modification
28	2008	24 Woodland Street	Section 96 Modification
169	2008	81 Gurney Crescent	Section 96 Modification
171	2008	1A Edgecliffe Esplanade	Section 96 Modification
261	2008	39 Stuart Street	Section 96 Modification
328	2008	35 Upper Clifford Avenue	Section 96 Modification
335	2008	12 Kitchener Street	Section 96 Modification
398	2008	53-57 Pittwater Road	Section 96 Modification
404	2008	33 Ponsonby Parade	Section 96 Modification
446	2008	29 Adelaide Street	Part demolition and Alterations and Additions

Environmental Services Division Report No. 7 (Cont'd)

13	2009	74 Castle Circuit	82A Review
24	2009	7 Marine Parade	Alterations & Additions to mixed use building
61	2009	30 Abernethy Street	Alterations & Additions
95	2009	29 Marshall Street	Demolition and construction of retaining wall
108	2009	38 Birkley Road	Alterations to approved garage and first floor addition
137	2009	243 Pittwater Road	Alterations & Additions
180	2009	Manly Wharf	Hugo's extended outdoor seating
190	2009	45 Pittwater Road	Alterations & Additions
229	2009	Manly Yacht Club	1.8 metre Security Fencing & Gates
248	2009	43-45 East Esplanade	2 Illuminated Signs
252	2009	36 Pacific Parade	Amended Plans
270	2009	323 Sydney Road	Alterations & Additions
280	2009	30 Quinton Road	Torrens Title Subdivision and Alterations & Additions
327	2009	5 Ellery Parade	Alterations & Additions
334	2009	14 Abernethy Street	Alterations & Addition & Carport
337	2009	62 Balgowlah Road	Signage for Nando's restaurant
349	2009	24 Arthur Street	Alterations and Additions
363	2009	2 Hayes Street	Shop fitout and change of use to Dance Studio
365	2009	22 Denison Street	Demolition of existing and new 3 storey dwelling
375	2009	11 Vista Avenue	Alterations and Additions
376	2009	8 Boronia Lane	Pool and landscaping
379	2009	55 Boyle Street	Demolition of existing, new 2X2 storey dwelling
383	2009	4 Cliff Street	Alterations and Additions
384	2009	31 Victoria Parade	Alterations and Additions to RFB
386	2009	32 Heathcliff Crescent	Alterations and Additions & terrace and decks
388	2009	39 Peronne Avenue	Alterations and Additions and extended deck
389	2009	8 Woodland Street	Alterations and Additions
397	2009	154 Sydney Road	Change of use to a Deli/Cafe
399	2009	2 Parkview	Demolition of garage, replace and new front fence
400	2009	3 Abbott Street	Alterations and additions, deck and pergola
401	2009	31 Ellery Parade	Demolition, new dwelling, pool, gazebo, pergola and landscaping
402	2009	28 Alexander Street	Re sub, demolition, new 2x2 dwelling
403	2009	18 Kangaroo Street	Alterations and Additions
404	2009	57 Quinton Road	Alterations and additions, hardstand and front fence
407	2009	22 Quinton Street	Alterations and Additions
409	2009	23 Wattle Road	Alterations and Additions

Environmental Services Division Report No. 7 (Cont'd)

412	2009	11 Scales	Demolition, new dwelling, balcony and landscaping
413	2009	29 Victoria Parade	Strata Subdivision
415	2009	14 Plant Street	Alterations and Additions
1	2010	103 Condamine Street	Alterations and Additions
3	2010	1B Monash Crescent	Storage room from 2 retaining walls
5	2010	11 Edwin Street	Partial demolition, Alterations and Additions and retaining wall
8	2010	13 Wakehurst Pkwy	Alterations and Additions, front fence, driveway and landscaping
9	2010	93 Condamine Street	Alterations and Additions and carport
10	2010	20 Hogan	Alterations and Additions, pool, spa and landscaping
11	2010	44 Alma Avenue	Partial demolition, Alterations and Additions, pool, cabana and landscaping
12	2010	43 Fairlight Crescent	Alterations and Additions
13	2010	48 North Steyne	Demolition of existing, new 5 storey mixed use
14	2010	1 Barrabooka Street	Alterations & Additions
15	2010	53 East Esplanade	Alterations & Additions to mixed use building
16	2010	164 Condamine Street	Demolition of existing, excavation new 2 storey dwelling
21	2010	11 Violet Street	Alterations & Additions
22	2010	20 Cutler Road	Alterations and Additions
24	2010	39 Kangaroo Street	Alterations and Additions
26	2010	18 Kirkwood Street	Pool and landscaping
27	2010	21 Acacia Road	2 storey dwelling and double garage
29	2010	8 Reid Street	Alterations and Additions
31	2010	21 Kempbridge Avenue	Carport over the existing hardstand
32	2010	54 Edgecliffe Esplanade	Front Fence
33	2010	25A Cliff Street	Retaining wall and access stairs
35	2010	63 Bungaloe Avenue	Alterations & Additions
36	2010	5 Tutus Street	Pool, spa, retaining wall and landscaping
37	2010	15 Bellevue Street	Alterations and Additions
38	2010	14 Allenby Street	Demolition of existing and new two storey dwelling
39	2010	11 Fairlight Crescent	4 car garage over existing hardstand
40	2010	9 East Esplanade	Alterations and Additions to RFB
41	2010	3 Fairy Bower Road	Alterations and Additions
42	2010	2 Linkmead Avenue	Partial demolition and new three storey dwelling
43	2010	18 Seaforth Crescent	Alterations and Additions
44	2010	206 Sydney Road	Alterations and Additions
45	2010	68 Peacock Street	Carport & front fence
46	2010	71 Cutler Road	Partial demolition new 4 storey dwelling

Environmental Services Division Report No. 7 (Cont'd)

47	2010	288 Sydney Road	Alterations and Additions
48	2010	10 Geddes Street	Alterations and Additions
50	2010	114 Bower Street	Alterations and Additions
51	2010	21 Acacia road	Pool and landscaping
52	2010	3 Dalwood Avenue	Alterations and Additions
53	2010	13 Violet Street	Alterations and Additions
54	2010	15 Sydney Road	Change of Use to Cafe / Art Gallery
55	2010	41 Sydney Road	Fit out of Dominos Pizza
56	2010	2 Sangrado Street	Alterations and Additions
59	2010	46 Addison Road	Alteration and Additions to RFB
63	2010	48 Grandview Grove	Alterations and Additions and Pool
66	2010	55 Seaforth Crescent	Alterations and Additions including inclinator
68	2010	16 Castle Circuit	Alterations and Additions
69	2010	30 Gordon Street	Alterations and Additions
70	2010	38-42 The Corso	Exterior food storage facilities
72	2010	17 Griffiths Street	Alterations and Additions

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

169/2006 68 Beatrice Street, BALGOWLAH HEIGHTS 2093
Section 96 to modify approved Alterations and additions to existing dwelling including new carport and verandah

264/2006 21 Eurobin Avenue, MANLY 2095
Section 96 to modify approved Alterations and additions to existing dwelling house including new first floor and new driveway

24/2010 39 Kangaroo Street, MANLY 2095
Alterations and additions to the existing dwelling including first floor addition, decks, awning, rainwater tank and new roof on garage

481/2007 142 Condamine Street, BALGOWLAH 2093
Section 96 Modification to approved Construction of a new driveway turning circle with reversing space and front fence

57/2010 29A Quinton Road, MANLY 2095
Alterations and additions to existing dwelling including single garage and storeroom

61/2010 44-46 Seaforth Crescent, SEAFORTH 2092
Alterations and additions to existing dwelling including replace roof of northern elevation, adjustable louvers over courtyard and new glass roof over existing pool

64/2010 3 Rignold Street, SEAFORTH 2092
Alterations and additions to existing dwelling including detached triple garage

65/2010 83 Birkley Road, MANLY 2095
Alterations and additions convert existing two (2) units to a single dwelling including new roof, decks, swimming pool, carport and landscaping

67/2010 31 Seaforth Crescent, SEAFORTH 2092
Demolition of existing dwelling and construction of a four (4) level dwelling with double garage, swimming pool, decks and landscaping

Environmental Services Division Report No. 7 (Cont'd)

71/2010 108 Woodland Street, BALGOWLAH 2093

Alterations and additions to existing dwelling including new level in existing subfloor, extensions, covered deck, front fence and swimming pool

73/2010 8 Bruce Avenue, MANLY 2095

Alterations and additions to an existing Residential Flat Building including new balustrades

74/2010 14 Boronia Lane, SEAFORTH 2092

Alterations and additions to an existing dwelling including pergola over the existing first floor deck

75/2010 16A Grandview Grove, SEAFORTH 2092

Alterations and additions to an existing dwelling including double garage and covered terrace

76/2010 165 Woodland Street, BALGOWLAH 2093

Alterations and additions to an existing semi-detached dwelling including first floor addition and rear extension

239/2009 145 Clontarf Street, SEAFORTH 2092

Section 96 to modify approved swimming pool, decks rainwater tank and landscaping

77/2010 71 Kangaroo Street, MANLY 2095

Alterations and additions to an existing dwelling including first floor addition, extend existing garage, new swimming pool, demolish garden shed, construct new garden shed, alterations to cabana, deck and landscaping

220/2007 14 Camera Street, MANLY 2095

Section 96 to modify approved Demolition of existing garage and alterations and additions to an existing dwelling incorporating excavation for a garage, terrace, swimming pool, fencing and landscaping

78/2010 123 Sydney Road, FAIRLIGHT 2094

Alterations and additions to an existing Residential Flat Building including replacing existing balustrades

80/2010 7 Castle Circuit, SEAFORTH 2092

Alterations and additions to an existing dwelling including swimming pool and landscaping

81/2010 71 Ernest Street, BALGOWLAH 2093

Alterations and additions to an existing dwelling including first floor addition and terrace

138/2009 170 Pittwater Road, MANLY 2095

First Floor Addition

79/2010 2 Aden Street, SEAFORTH 2092

Alterations and additions to an existing dwelling including front fence

235/2009 8 King Avenue, BALGOWLAH 2093

Section 96 to modify approved Alterations and additions to dwelling house including new first floor, double garage, front fence and landscaping works

82/2010 97-107 Sydney Road, MANLY 2095

Shop fit out and change of use to a Cafe (Refreshment Room) - Shop 5

153/2008 16 Cutler Road, CLONTARF 2093

Section 96 to modify approved Alterations and additions to an existing dwelling including extended first floor, new roof and new deck

Environmental Services Division Report No. 7 (Cont'd)

83/2010 9 Fisher Street, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling including rear extension, covered deck, front fence and landscaping

367/2007 17 Castle Circuit, SEAFORTH 2092

Section 96 to modify approved Construction of a new two (2) storey dwelling and landscaping

84/2010 9 The Corso, MANLY 2095

Shop fit out and change of use to a Cafe (Refreshment Room) and signage - Shops 1 & 2 (also known as Shops 9A and 9B)

85/2010 49-52 North Steyne, MANLY 2095

Alterations and additions to an existing restaurant including awning – El Toro Loco Restaurant

86/2010 48 Radio Avenue, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling including lower floor addition, garage, deck and landscaping

87/2010 9 Gourlay Avenue, BALGOWLAH 2093

Alterations and additions to an existing dwelling including extensions and decks

88/2010 59 Ethel Street, SEAFORTH 2092

Eight (8) lot Strata Subdivision of an approved mixed use development

133/2006 18 Augusta Road, MANLY 2095

Section 96 to modify approved Alterations and additions to existing Semi-detached dwelling to include a new double garage and elevated landscaping

472/2008 30 Moore Street, CLONTARF 2093

Section 96 to modify approved Alterations and additions to an existing duplex including new entry to self contained lower ground unit and new roof

328/2009 39 Osborne Road, MANLY 2095

Section 96 to modify approved Demolition and construction of a two (2) storey dwelling with double garage roof terrace decks, pool and landscaping

89/2010 83 Cutler Road, CLONTARF 2093

Alterations and additions to an existing dwelling including new windows, bi-fold doors, rainwater tank, front fence and new metal storage shed

90/2010 10 Ernest Street, BALGOWLAH 2093

Two (2) lot Strata Subdivision of the approved two (2) detached dwellings

91/2010 41 Peacock Street, SEAFORTH 2092

Alterations and additions to an existing dwelling including first floor addition, basement extensions, new driveway and front fence

92/2010 7 Adrian Place, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling including new windows, new doors and extend the existing deck

93/2010 8 Iluka Avenue, MANLY 2095

Alterations and additions to an existing dwelling including demolition of existing garage, rear extension and new carport over existing driveway

Environmental Services Division Report No. 7 (Cont'd)

RECOMMENDATION

THAT the information be noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 7 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Environmental Services Division Report No. 8
SUBJECT: Legal Appeals Relating to Development Applications During April 2010.
FILE NO:

SUMMARY

LIST OF LEGAL APPEALS RELATING TO DEVELOPMENT APPLICATIONS DURING APRIL 2010.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA 51/08	10429/08 S56A Appeal	114	Frenchs Forest Road	30/04/08	Pikes	S56A appeal dismissed 11/03/10
DA 408/08	Class 1 10839/09	47	Seaforth Crescent	09/11/09	Pikes	Appeal Upheld 18/03/10
DA 47/06	Class 1 10975/09	11	The Corso	16/12/09	Pikes	Awaiting judgment
DA 46/04 - 505/07 - 411/06	Class 1 10979 – 10981/09	36-38	South Steyne	16/12/09	HWL	Callover 14/04/10
DA 387/03	Class 1 11010/09	71	The Corso	22/12/09	HWL	Hearing 13/04/10
	Class 1 10047/10	4	Peronne Avenue	03/02/10	HWL	Callover 21/04/10
DA103/09	Class 1 10068/10	71	Bower Street	09/02/10	Pikes	Hearing 8,9,10/06/10
DA 101/06	Class 1 10109/10	197-215	Condamine Street	19/02/10	Pikes	Callover 15/04/10
DA 26/09	Class 1 10217/10		West Esplanade	26/03/10	Pikes	Callover 28/04/10

RECOMMENDATION

THAT the information be noted.

ATTACHMENTS

There are no attachments for this report.

OM190410ESD_1.doc

***** End of Environmental Services Division Report No. 8 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Human Services And Facilities Division Report No. 2
SUBJECT: Guringai Festival Committee Terms of Reference
FILE NO:

SUMMARY

The Guringai Festival Committee's Terms of Reference have recently been reviewed and updated. Once adopted by Council, these Terms of Reference will supersede all others and will be the guide for all future Guringai Festival procedure.

REPORT

The Guringai Festival Committee's Terms of Reference (TOR) were drafted in 2001 to administer and approve events planned to celebrate the Guringai people's history and contribution to the northern areas of Sydney.

These TOR were reviewed and updated in 2009. The TOR offer revised procedures (refer to Attachment 1).

The items listed include: Background to the Committee, its Definition, the Purpose and Objectives of the Committee, Procedures for Ordinary Committee Membership, the Executive, Appointments to the Committee, Election of the Executive, Voting Rights, Meetings and Working Parties Procedures.

Also included in the TOR are the Operations of Procedures and two appendices (the LGSA Code of Conduct and Cultural Competency and Cultural Safety).

All of these principles and procedures will guide the annual Guringai Festival.

The revised Terms of Reference have been adopted by Ku-ring-gai, Mosman, Warringah and North Sydney Councils.

RECOMMENDATION

It is recommended that the Council adopt the new Terms of Reference for the Guringai Festival Committee.

ATTACHMENTS

AT- 1 Guringai Festival Committee Terms of Reference 7 Pages Circulated Separately

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***** End of Human Services And Facilities Division Report No. 2 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Human Services And Facilities Division Report No. 3
SUBJECT: Midnight Basketball
FILE NO:

SUMMARY

Council resolved at the Planning and Strategy meeting of 9 November 2009 to investigate the opportunity to participate in the Midnight Basketball Australia competition which is a national social inclusion program, to help youth identify and choose positive opportunities.

REPORT

The report advises Council of the results of enquiry into the establishment of a Midnight Basketball Program and the feedback from the Manly Warringah Basketball Association (MWBA). Recommendations in this report are based on the information gained from Midnight Basketball Australia and MWBA, advice from a survey of local youth and from Youth Services staff of Human Services and Facilities Division.

1) Midnight Basketball Australia competition requirements

From contact with the representatives of the Midnight Basketball Australia program, Manly Council was advised to determine the position of Council in relation to:

- the eligibility criteria for the program;
- to determine support from other external agencies and community organisations.

Midnight Basketball Australia is a national not-for-profit charity providing basketball competitions for young people aged 12 – 18 years. Each tournament runs for eight weeks on Saturday evenings from 7.30pm until midnight. The schedule for involvement in the program is for two sessions of 8 weeks program.

The Midnight Basketball program schedule is:

- 7pm – 8.00pm Volunteer Briefing and Dinner
- 8pm – Lifeskills Workshop
(Players must attend the workshop in order to participate in the basketball competition)
- 9pm – Basketball Competition
- 12am – Participants are transported home to their front door by the Council/tournament manager.

Selection criteria must be addressed in an Expression of Interest:

1. An established need for the Midnight Basketball program, based on the socio-economic indicators of the local community (*generally in the socio-economic areas with less opportunities for sporting activities available to youth*)
2. A demonstrated commitment and capacity of the community to deliver the program effectively and its achievements.
3. Indoor Basketball facilities (minimum of 2 courts) and a separate workshop area.
4. The ability, drive and resources to recruit volunteers to work on the program.
5. Council's capacity to commit to the program for a minimum of two years.
6. Two tournaments per year to be held. Each tournament is to be of 8 weeks duration.
7. Buses and Drivers to transport each young person to their home from the venue.
8. A tournament manager must be employed to oversee the tournament.

The nearest indoor basketball facilities to Manly, with a minimum of 2 courts, are located at Northern Beaches Indoor Sports Centre, Warriewood and at Sydney Academy in Narrabeen.

Human Services And Facilities Division Report No. 3 (Cont'd)

Pittwater and Warringah LGA's are closer to the Northern Beaches Indoor Sports Centre which accommodates the Manly Warringah Basketball Association, providing many structured basketball competitions for young people on the Northern Beaches.

- The cost of hiring two courts for 5 hours at the Northern Beaches Indoor Centre is \$528.00 (minimum) per night.
- For each eight week program the court hire cost = \$4,224.00
- Staffing availability and the associated costs to midnight on Saturday evening to be assessed
- Cost of transport, driver and bus to be assessed

Consultation

Manly Youth Services have advised from the results of a consultation process held on band nights, with regular GLAM members, at the recent Greenfest event, and from the Youth Council and their contacts, to determine the types of recreational programs young people are interested in and would like increased are as follows:

Surfing and skateboarding were the most common recreational activities undertaken by young people, with more youth events and entertainment facilities identified as the major need in the area.

Basketball was identified by one young person, as an activity they regularly engage in.

The Youth Council at their meeting of 15 February 2010 advised that there is not a significant need for basketball programs in Manly, as a minority of young people may be interested in participating in a late night basketball program. It was also stated that the location of the indoor facilities would also deter young people in Manly from participating.

Youth Services will conduct specific focus groups to determine the interest in a range of youth activities and issues in local schools during May 2010. The results of these focus groups will inform and drive the Youth Strategy development in Manly. These focus groups will inform the proposed outreach program by establishing the types of recreational activities of interest to local young people. Young people attending band nights, via twitter and events have also been surveyed to gauge interest in recreational programs.

Following the feedback received from youth in Manly LGA, Council is advised that the Midnight Basketball program currently, is not appropriate for the Manly LGA. This result is due to the criteria set by Midnight Basketball for establishment of a program, the high intensity and cost of resources required to facilitate the program, the low level of interest from young people in the local area to pursue the Midnight Basketball program.

RECOMMENDATION

That Manly Council is advised that the Midnight Basketball program is not appropriate for the Manly LGA due to the set establishment criteria, cost and resource intensiveness and low level of interest from the youth of Manly LGA.

That Council continues to consult with Manly Youth Council, students at local high schools and attendees at events to ensure feedback to Council to support a flexible schedule of recreational outreach opportunities for local young people.

ATTACHMENTS

There are no attachments for this report.

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***** End of Human Services And Facilities Division Report No. 3 *****

TO: Ordinary Meeting - 19 April 2010
REPORT: Human Services And Facilities Division Report No. 4
SUBJECT: The inclusion of Beer Sale in the Manly Food and Wine Festival
FILE NO:

SUMMARY

Council has been approached by a boutique brewery in Manly requesting for its inclusion in this year's Festival.

This report recommends that Council, subject certain additional conditions, allow the participation of beers brewed in the Manly LGA by licensed breweries.

REPORT

Council has been approached by a boutique brewery in Manly to participate in its Food and Wine Festival.

Before agreeing to the request, the following matters need to be considered:

- In its 20 year history, the Manly Festival has always promoted a focus on food and wine
- The community's view on the introduction of another alcoholic beverage
- Wineries reaction to the introduction of beer in the Festival without receiving due notice
- Setting a precedent for future Festivals
- Significantly greater compliance risk placed on a member of staff to act as the licensee for the event

While points 1 to 4 could be managed, the serious penalty associated with point 5 is a risk that, if beer is permitted, must be understood because there has been recent experiences locally, where this responsibility translated into fines of up to \$ 4,500 against an individual who carried on the responsibility of a licensee on behalf of a local non profit organisation. In comparison to the small scale nature (3,000 people) of that event at which the fines were issued, the burden for the expected 20,000 Festival goers is disproportionate greater when the law may also impose criminal sanctions and a jail term for serious breaches by anyone involved in or covered by the liquor license issued for the Festival.

In meetings with Licensing Police, they expressed concerns at the proposed inclusion of beer sales. In their opinion, they believe this would lead to a greater level of intoxication, and may also attract to the Festival an additional but different audience from those attracted to a wine festival.

The inclusion of beer sale at the Festival

To facilitate the inclusion of beer at the Festival, which is not objected to by the Police Commander nor the Council at this point, for reasons of risk management as well as the need to protect the interest of the staff licensee and the General Manager as the applicant, the General Manager requires the inclusion of the following additional terms and conditions for Breweries approved by him to participate in the Festival:

1. Participating Breweries must obtain their own separate liquor license from the relevant authorities
2. Council will set aside, at the cost of the Breweries, a designated area (or areas) for beers only sales

Human Services And Facilities Division Report No. 4 (Cont'd)

3. The Breweries are solely responsible for the proper control and management of the Council provided designated areas and must manage such areas in strict compliance with the terms and conditions of the Festival and that of their liquor license
4. Breweries shall at their own expense provide security personnel at all points of entry and exit to and from the Council provided designated areas
5. All beers sold by the Breweries must be consumed within the Council provided designated areas
6. Breweries must designate one staff member who is RSA certified, to specifically monitor RSA of beer sales at all times
7. The staff member who is RSA certified is not permitted to sell alcohol
8. The maximum beer volume per serve permitted sold is 150ml
9. Beer sold must be served in polycarbonate containers only, and must meet the conditions required for a "Taste" of beer
10. Beer sold shall be \$5.00 including gst per 150ml serving.
11. The polycarbonate containers used must display the Festival artwork that is supplied by the Council and are branded to provide a plimsol line to measure the maximum volume of 150ml
12. Breweries are responsible for the supply of the polycarbonate containers in sufficient quantities to meet anticipated demand
13. A maximum of 4 containers of 150ml servings is permitted for each sale
14. Breweries must comply with the lawful directions of licensing authorities
15. Breweries must attend a compulsory meeting briefing by the Police

RECOMMENDATION

That Council, subject to the inclusion of the following conditions and criteria, agree to include the participation at the Manly Food and Wine Festival the sale of beers brewed by breweries in the Manly LGA and approved by the General Manager:

Beers sold in the Festival must be produced in the Manly LGA by licensed breweries (Breweries)

1. Participating Breweries must obtain their own separate liquor license from the relevant authorities
2. Council will set aside, at the cost of the Breweries, a designated area (or areas) for beers only sales
3. The Breweries are solely responsible for the proper control and management of the Council provided designated areas and must manage such areas in strict compliance with the terms and conditions of the Festival and that of their liquor license

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4. Breweries shall at their own expense provide security personnel at all points of entry and exit to and from the Council provided designated areas
5. All beers sold by the Breweries must be consumed within the Council provided designated areas
6. Breweries must designate one staff member who is RSA certified, to specifically monitor RSA of beer sales at all times
7. The staff member who is RSA certified is not permitted to sell alcohol
8. The maximum beer volume per serve permitted sold is 150ml
9. Beer sold must be served in polycarbonate containers only, and must meet the conditions required for a "Taste" of beer
10. Beer sold shall be \$5.00 including gst per 150ml serving.
11. The polycarbonate containers used must display the Festival artwork that is supplied by the Council and are branded to provide a plimsole line to measure the maximum volume of 150ml
12. Breweries are responsible for the supply of the polycarbonate containers in sufficient quantities to meet anticipated demand
13. A maximum of 4 containers of 150ml servings is permitted for each sale
14. Breweries must comply with the lawful directions of licensing authorities
15. Breweries must attend a compulsory meeting briefing by the Police

ATTACHMENTS

There are no attachments for this report.

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***** End of Human Services And Facilities Division Report No. 4 ***** .