

## 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 11 August 2014**

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

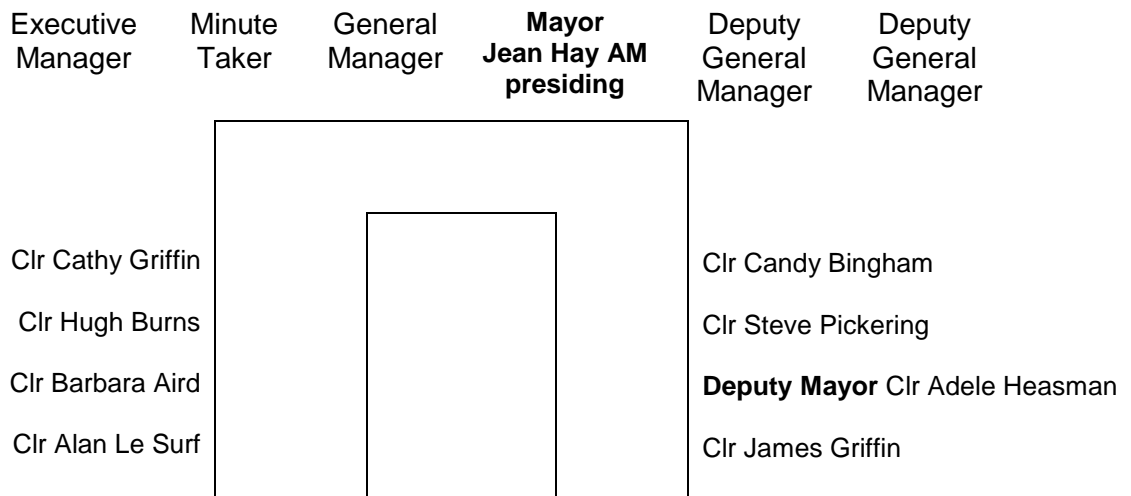
Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes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

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

[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)



# Seating Arrangements for Meetings



Press

Public  
Addresses

**Public Gallery**

**Chairperson:** The Mayor, Clr Jean Hay AM  
**Deputy Chairperson:** Clr Adele Heasman

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(In accordance with Clause 66 in Council's Code of Meeting Practice, the Public Forum is for a maximum of fifteen (15) minutes for <i>matters that are not listed on the Agenda</i> . A total of five (5) people may address Council for a maximum of three (3) minutes each.)	
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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****Notice of Motion Report No. 38**

Notice of Motion – Confidential

*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.*

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

Tender Report 1

*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.*



**Corporate Services Division Report No. 16**

## Tender Report 2

*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) (c) (d) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND 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 - 11 August 2014  
**REPORT:** Mayoral Minute Report No. 7  
**SUBJECT:** Joint Regional Organisation Status Update  
**FILE NO:** MC/14/94658

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### **Background**

In my Mayoral Minute of 10 March 2014, I informed the Council of a proposal to create a Joint Organisation (JO) between NSROC and SHOROC and the establishment of a Northern Sydney Council of Mayors under its charter. This Mayoral Minute provides a status update on that proposal.

Work on the formation of the JO is currently being reviewed by both Boards and because the State Government's response to the final *Local Government Review Report* is imminent, the Boards have expressed the opinion that any discussions on the JO proposal should take into account the Government's announcement on any reform agenda, and therefore resolved to defer consideration of same until after this announcement.

I shall keep the Council informed of future progress as it emerges.

### **I Move that:**

That the Mayoral Minute be received and noted.

### **ATTACHMENTS**

There are no attachments for this report.

OM11082014MM\_1.DOC

\*\*\*\*\* End of Mayoral Minute Report No. 7 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Rescission Report No. 1  
**SUBJECT:** Notice of Rescission  
**FILE NO:** MC/14/94320

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

“That the Council’s decision of 2 June 2014 being Notice of Motion Report No. 25 in respect of Referendum on Manly Oval Car Park be and is hereby rescinded.”

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NR\_1.DOC

\*\*\*\*\* End of Notice of Rescission Report No. 1 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 30  
**SUBJECT:** Manly Village Public School  
**FILE NO:** MC/14/93050

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**Councillor Steve Pickering will move:**

Manly Council work cooperatively with the Manly Village Public School Principal and P&C and Department of Education and Communities senior officers to seek a community solution to the accommodation crisis facing the school.

**Background**

Manly Village Public School is located on a 0.9 hectare site with heritage listed buildings in central Manly. Student enrolments have grown rapidly from 542 students in 2010 to nearly 700 in 2014. These enrolments are projected to increase to nearly 900 in 2018 if current boundaries remain unchanged.

Department of Education and Communities senior officers, the Manly Village PS principal and the school P&C have engaged in extensive consultation in an attempt to resolve the accommodation crisis at the school. DEC has proposed changes to the enrolment boundaries for Manly Village and Manly West Public Schools with a consultation period that closed on 25 July 2014. These changes would reduce the enrolment pressures on Manly Village PS and obviate the need for the immediate placement of a demountable classroom in the school's already congested playground. The proposed boundary changes however, will mean that many Manly families who had previously expected their children to enrol at Manly Village PS will no longer be able to do so.

Resolving the accommodation crisis at Manly Village Public School is the prime responsibility of DEC however Manly Council as a responsible community agency can work cooperatively with DEC and Manly Village Public School P&C and principal to seek the best possible solution to the Manly community problem.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_5.DOC

\*\*\*\*\* End of Notice of Motion Report No. 30 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 31  
**SUBJECT:** Manly Village Public Schools  
**FILE NO:** MC/14/93097

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**Councillor Hugh Burns will move that:**

1. Council writes to The Department of Education (copied to the local Member and Minister for Education) on the matter, outlining Council's desire to be involved and assist the school and the Department, and as a first step seeking the demographic and enrolment projections to 2020 (based on the previous and new catchment boundaries).

**Background**

The Manly Village Public School is currently scheduled to need 8 extra class rooms and 5 extra special purpose rooms by 2018. The Council has a role to play in working with the school and other bodies such as Royal Far West, and the Manly Community Centre, to facilitate the development of a multi-agency strategy to address accommodation issues emerging at this school, due to increased enrolments

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_7.DOC

\*\*\*\*\* End of Notice of Motion Report No. 31 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 32  
**SUBJECT:** ANZAC Centenary  
**FILE NO:** MC/14/92150

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**Councillor Steve Pickering will move:**

Manly Council brings together representatives of Manly sporting clubs to discuss and coordinate ANZAC Centenary Projects that are being undertaken to commemorate the service and sacrifice of their servicemen and women members in the First World War

**Background**

*"The Anzac Centenary will be one of the most significant commemorations to take place in our lifetimes. It will be a time to honour and reflect upon **the service and sacrifice** of all those who have worn our nation's uniform - past and present."*

**Air Chief Marshal Angus Houston AC AFC (Ret'd)**

Chair of the Anzac Centenary Advisory Board  
and former Chief of the Defence Force

Monday 4 August 2014 marked the centenary of the outbreak of World War 1 which cost the lives of more than 60 000 Australians including hundreds from the Manly area who were members of local sporting clubs.

Iconic Manly sporting clubs including Manly, North Steyne and Queenscliff Surf Life Saving Clubs, Manly Surf Club, Manly Amateur Swimming Club and Manly Rugby, Cricket and Golf Clubs are planning activities and events to commemorate the service and sacrifice of their servicemen and women members in the First World War. In addition Manly organisations with World War 1 honour rolls such as the Manly Band and Manly Public School may wish to be involved.

Manly Council has long played a role in documenting and recording the names and photographs of local men and women who served their Country in World War 1. John MacRitchie Manly local studies librarian has continued that tradition.

It is proposed that Council form a committee which meets over the next 8 months to discuss and coordinate ANZAC Centenary Projects being undertaken by local sporting clubs leading up to the ANZAC Centenary on 25 April 2015.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_1.DOC

\*\*\*\*\* End of Notice of Motion Report No. 32 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 33  
**SUBJECT:** Noise Mitigation for Manly Cove - Ferry Noise  
**FILE NO:** MC/14/92883

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**Councillor Cathy Griffin will move that:**

Manly Council write to our state MP Mike Baird, the Minister for Transport Gladys Berejiklian and the Maritime Management Centre requesting that they:

- 1) Ensure all existing fast ferries operate without excessive noise.
- 2) Ensure that any future contracts entered into with Fast Ferry operators have adequate requirements to ensure appropriate noise limits are applied.

**Background**

The State Government has recently released the tender documents for the Fast Ferry Service Contract between Circular Quay and Manly. This gives Manly Council an opportunity to express any concerns about the current or future Fast Ferry Services.

Please refer to the below link for information on the above tender:

<https://tenders.nsw.gov.au/?event=public.advancedsearch.keyword&keyword=TfNSW+2014%2F031>

Recently, some Manly Cove residents have expressed concerns about the engine noise from one particular fast ferry. The noisy vessel is the 3 level Ocean Dreaming II. It is the largest fast ferry. This ferry is coloured blue, yellow and white and has large writing along its side "WHALE WATCHING SYDNEY.NET". It is operated by Manly Fast Ferries.

The vessel sits at wharf idling for up to 20 minutes. It is this long loud period of idling which is of concern to some residents. It is a low frequency rumbling sound that bounces off the water and into resident's homes.

These residents emphasise they have no problem with all the other fast ferries and that they strongly support the fast ferry services to continue. They simply want something done about the excessive noise from this particular vessel and that future fast ferry services ensure that noise impacts on residents is given due consideration.

In regard to the forthcoming tendering process, the Maritime Management Centre has stated that "Vessel noise will not be considered as a specific evaluation criteria as part of the Manly-CQ tender evaluation, because the provisions of the POEO legislation already require that operators must operate within acceptable noise limits and not create offensive noise."

This seems to indicate a lack of weight given to noise impacts, which is evident by the current noise problems.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_2.DOC

\*\*\*\*\* End of Notice of Motion Report No. 33 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 34  
**SUBJECT:** South Steyne between Wentworth and Raglan Sts car free Sundays  
**FILE NO:** MC/14/92905

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**Councillor Cathy Griffin will move:**

That Council restricts traffic along South Steyne between Raglan and Wentworth Streets on Sundays.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_3.DOC

\*\*\*\*\* End of Notice of Motion Report No. 34 \*\*\*\*\*



**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 35  
**SUBJECT:** Proposed cut to fast ferry service  
**FILE NO:** MC/14/92935

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**Councillor Barbara Aird will move that:**

1. Council seeks an urgent meeting with both the Minister for Transport, Gladys Berejiklian, and our local Member, Mike Baird, to express deep concerns and to call for a review of the decision by Transport NSW to allow only one company to operate the fast ferry service from Manly from April next year; and
2. Council to also seek commitment that there will be no reduction in current frequency of services and no increase in fares as a result of the proposal.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_4.DOC

\*\*\*\*\* End of Notice of Motion Report No. 35 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 36  
**SUBJECT:** Manly Fast Ferry Capacity  
**FILE NO:** MC/14/93106

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**Councillor Hugh Burns will move:**

That Council quickly investigate the financial viability of retaining two operators by requesting confidential information of the existing patronage levels and asking if the service is financially viable for both of them, as it is currently being operated by each of them. All patronage and viability information sought/received is to be treated as "commercial in confidence" by Council, unless released by each operator or sourced from documents already in the public domain. If Council can determine that the service it is viable with two fast operators, then Council writes to the Transport Minister (copied to the local member) to request the tender process allow for two operators as existing. If it determines that it is not viable for two fast operators then no further action is to be taken.

**Background**

The NSW Government has announced that the future operation of the Manly Fast Ferry Service will be put out to tender again soon. As part of this tender only one operator will now be permitted to operate this run. Currently there are two operators offering this service, which means the high speed passenger capacity is potentially double what it would offer if the fast service was reverted to one operator

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_8.DOC

\*\*\*\*\* End of Notice of Motion Report No. 36 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Notice of Motion Report No. 37  
**SUBJECT:** Dangerous state of pedestrian crossings  
**FILE NO:** MC/14/93085

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**Councillor Barbara Aird will move:**

That Manly Council urgently addresses the dangerous state of pedestrian line markings at the major intersection of Wentworth Street and Darley Road.

**Background**

This is one of the busiest pedestrian and vehicular intersections in Manly CBD, with Manly Village School fronting both streets, yet the line markings are almost nonexistent through wear and neglect.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM11082014NM\_6.DOC

\*\*\*\*\* End of Notice of Motion Report No. 37 \*\*\*\*\*

TO: Ordinary Meeting - 11 August 2014  
 REPORT: Item For Brief Mention Report No. 11  
 SUBJECT: Items For Brief Mention  
 FILE NO: MC/14/84988

### 1. Complaints made to the General Manager in the month of July.

Received	Nature of complaint	Outcome	Finalised
Nil			

### 3. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
97/14	14 July	Notice of Motion Report 28 – Replica Royal Surfboard	That Council research the protocol of commissioning a full size replica of the surfboard presented to their Royal Highnesses the Duke & Duchess of Cambridge during their historic and significant visit to Manly, as a memento of their visit.	Enquiry submitted, awaiting response.
79/14	02 June	Notice of Motion Report 23 - Boundary Markers for Leased Footpath Areas	That Manly progressively install permanent outdoor seating boundary markers.	Program in progress.
69/14	12 May	Notice of Motion Report 21 - Kenneth Road Traffic Conditions	This be referred back to the Traffic Committee to review the traffic speed limits and determine the accuracy of the boundary fence in situ via a survey	Speed limit change request is with RMS. Northern boundary works in progress.

### RECOMMENDATION

- That Item For Brief Mention reports 1 and 2 be received and noted.

### ATTACHMENTS

There are no attachments for this report.

OM11082014IBM\_1.DOC

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

**TO:** Ordinary Meeting - 11 August 2014

**REPORT:** Report Of Committees Report No. 25

**SUBJECT:** Minutes for notation by Council - Special Purpose Advisory committee without recommendations of a significant nature.

**FILE NO:** MC/14/90172

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

- |  |              |
|--|--------------|
| 1. Economic Development and Tourism Advisory Committee                 | 26 June 2014 |
| 2. Harbour Foreshores & Coastline Management Advisory Committee        | 08 July 2014 |
| 3. Meals on Wheels Advisory Committee                                  | 09 July 2014 |
| 4. Community Environment Advisory Committee                            | 9 July 2014  |
| 5. Playground Advisory Committee                                       | 10 July 2014 |
| 6. Community Safety & Place Management Advisory Committee              | 17 July 2014 |
| 7. Manly Local Environmental Plan and Development Control Plan W/Group | 23 July 2014 |

### RECOMMENDATION

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

- |  |              |
|--|--------------|
| 1. Economic Development and Tourism Advisory Committee                 | 26 June 2014 |
| 2. Harbour Foreshores & Coastline Management Advisory Committee        | 08 July 2014 |
| 3. Meals on Wheels Advisory Committee                                  | 09 July 2014 |
| 4. Community Environment Advisory Committee                            | 9 July 2014  |
| 5. Playground Advisory Committee                                       | 10 July 2014 |
| 6. Community Safety & Place Management Advisory Committee              | 17 July 2014 |
| 7. Manly Local Environmental Plan and Development Control Plan W/Group | 23 July 2014 |

### ATTACHMENTS

There are no attachments for this report.

OM11082014RC\_1.DOC

\*\*\*\*\* End of Report Of Committees Report No. 25 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Environmental Services Division Report No. 28  
**SUBJECT:** Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition.  
**FILE NO:** MC/14/92649

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## **SUMMARY**

This report summarises submissions made after the exhibition of the Draft LEP Amendment 3 regarding resolving the deferred status of the Royal Far West site and other minor mapping errors. This report recommends Council proceed with the Draft LEP (RFW) Amendment 3 as exhibited.

## **REPORT**

### **BACKGROUND**

Manly Council resolved at its Ordinary Meeting on 3<sup>rd</sup> March 2014 (17/14) as follows:

*That Council adopt the planning proposal to amend the Manly LEP 2013 in applying the exhibited development standards for the Royal Far West site and minor mapping errors contained in the report, and that Council submit to the Department of Planning and Infrastructure LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.*

The Planning Proposal was subsequently submitted to the Department of Planning and Infrastructure. On the 5<sup>th</sup> June 2014, the Minister delegated the making of this LEP to Council, and to exhibit the Planning Proposal for 14 (fourteen) days.

The draft plan was exhibited from 5<sup>th</sup> July 2014 to 19<sup>th</sup> July 2014 (14 days) at Manly Council Chambers, Manly Library, and on Council's website. Notification letters were also sent out to neighbouring occupants and owners that were affected by the draft plan.

### **SUBMISSIONS**

One (1) submission was received regarding the draft plan (see Attachment 1). The submission was made by consultants Urbis on behalf of Royal Far West objecting only to the draft height map for the Royal Far West site.

The submission argues that the draft height map is inconsistent with the approved Royal Far West Concept Plan for the site. The submission also states that due to the inconsistency, the draft height map may create a false expectation in the community as to what is permitted on the site.

The Royal Far West Concept Plan was approved by the Planning Assessment Commission (PAC) on 18<sup>th</sup> April 2013 against strong Council and community opposition to the plan.

Council officers do not support the submission made by Urbis.

The Concept Plan, as approved by the PAC, is inconsistent with Council's originally exhibited Draft Manly LEP 2011 development standards for the site, the Urban Design Guidelines adopted by Council in October 2011, and Council's own submissions and presentations to the PAC to the Concept Plan.

As such, Council officers assert that the exhibited development standards are more consistent than the Concept Plan with regards to Council's and community's expectations of the site.

**Environmental Services Division Report No. 28 (Cont'd)**

If Council resolve to proceed with the gazettal of Draft LEP Amendment 3, any development application on the site will need to be assessed under the development controls that have been exhibited.

However, where a development application is received by Council that is within the terms of the approved RFW Concept Plan for the site, the development application will be assessed within the standards and conditions placed by the PAC for the Concept Plan.

If for some reason, the development according to the RFW Concept Plan does not proceed, the exhibited Draft Amendment 3 will better represent Council and community expectations for any future development on the site.

**NEXT STEPS**

The making of this Draft LEP has been delegated to Council by the Department of Planning and Environment. If Council resolves to make the Draft Manly Local Environmental Plan Amendment No. 3 as exhibited, Council officers and the General Manager (as delegated by Council) would contact NSW Parliamentary Counsel and Department of Planning and Environment to finalise drafting of the LEP and arrange for its notification on the NSW Legislation website.

**CONCLUSION**

The Draft LEP Amendment 3 has been exhibited for 14 days as per the requirement of the Gateway Determination. Council officers have found that the proposal meets the requirements set out in legislation, environmental planning instruments and community expectations.

**RECOMMENDATION**

That Council:

1. Support Draft LEP Amendment No. 3 as exhibited.
2. Proceed to prepare and make the Draft Manly Local Environmental Plan Amendment No. 3 as exhibited.

**ATTACHMENTS**

<b>AT-</b>	Submission Letter from Urbis on behalf of Royal Far West to Manly Council	23
<b>1</b>	regarding Draft Manly LEP Amendment 3.	Pages

OM11082014ESD\_1.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 28 \*\*\*\*\*

## ATTACHMENT 1

### Environmental Services Division Report No. 28.DOC - Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition.

### Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.



18 July 2014

General Manager,  
Manly Council  
PO Box 82,  
MANLY NSW 1655

Dear Sir/Madam,

#### Draft Manly Local Environmental Plan 2013 (amendment No.3) Submission on behalf of Royal Far West

We are writing on behalf of Royal Far West (RFW) in relation to public exhibition of the above draft LEP. Specifically, we are writing to object to the draft height map for the RFW site. Insofar as the draft standards are inconsistent with the approved Concept Plan for the site, they have no force or effect, and are likely to mislead the public as to the actual planning provisions applicable to the site.

As Council is aware, on 18 April 2013, the Planning Assessment Commission, as delegate of the Minister for Planning, approved Concept Plan MP10\_0159 for redevelopment of the RFW site at 14-22 Wentworth Street, 16 and 19-21 South Steyne in Manly.

The Concept Plan approval relates to:

- (a) Use of the site for a mixed use development with associated hospital facility, "Centre for Excellence";
- (b) Indicative building envelopes for buildings to a maximum height of 8 storeys (RL 31.15);
- (c) Tourist and visitor accommodation, residential, retail/commercial and hospital / medical uses to a maximum FSR of 3:1;
- (d) Basement car parking for 184 car spaces; and
- (e) Landscaping area throughout the site.  
(our emphasis)

Relevantly, Condition A5 states:

#### **A5 Roof Height**

*Roof heights on the site shall not exceed the levels (RL's) as identified on Concept Plan Drawings CP-07, CP-09a, CP-12, CP-16 and CP-17 prepared by Architectus, dated 4 December 2012 with the exception of Building E (Tourist and Visitor Accommodation Building) which **shall not exceed a maximum height of RL 31.5.***

*No structures including parapets, vents, plant room, chimneys, aerials and the like are to exceed the maximum height limit as identified on the above plans as amended. Lift overrun structures may exceed the maximum height but only where integrated into the built form, located so as to ensure minimal visibility from the public domain and where they will not result in any additional shadow impacts to manly Beach or the Manly Village Public School and its grounds".*  
(our emphasis)

A copy of the approved Concept Plan drawings is attached.

/DNEY  
PO Box 5278 Sydney 2001  
Level 2, Level 23, Darling Park  
11 Sussex Street  
Sydney NSW 2000 Australia

SUBMISSION TO DRAFT LEP 2013 AMEND 3



**Environmental Services Division Report No. 28.DOC - Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition.**  
**Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.**



While the draft B2 Local Centre zoning permits the approved uses, and the draft 3:1 FSR standard accommodates the proposed floor space, the draft Height Map is significantly more restrictive than the approved envelope controls. The Draft LEP Height Map specifies a maximum height (measured from existing ground to top of lift overrun) of 25 metres. The approved height of RL 31.5 equates to an LEP height of 27.15 metres above the existing ground level (RL 4.35), but excludes lift overrun. A direct translation of the Concept Plan height to the Standard Template LEP format, including lift overrun, would result in a 30 metre height standard.

Furthermore, the Draft Height Map specifies significantly reduced footprints for the taller approved building envelopes, such as the Centre for Excellence and the Tourist and Visitor Accommodation Building.

Schedule 6A to the EP&A Act contains the Savings and Transitional Provisions for approved Part 3A projects. Clause 3B(2)(f) states:

***3B Provisions applying with respect to approval of concept plans***

- (1) *This clause applies to development (other than an approved project) for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A, and so applies whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) *After the repeal of Part 3A, the following provisions apply (despite anything to the contrary in section 75P (2)) if approval to carry out any development to which this clause applies is subject to Part 4 or 5 of the Act:*

...

(c) ***any development standard that is within the terms of the approval of the concept plan has effect,***

...

(f) ***the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,***  
(our emphasis)

In one sense, it does not matter what Development Standards are specified in the Draft LEP, as they will not have any effect to the extent to which they are inconsistent with the terms of the approval of the concept plan. However, they may well create a false expectation in the community as to what is permitted on the site. To prevent the public from being misled, **we propose that a 30 metre height standard be applied across the site.** Both the approved Concept Plan envelopes and the FSR approved under the Concept Plan and permitted under the Draft LEP will limit the areas of the site on which this maximum height can be realised.

We trust that Council will amend the Draft Height Map to accurately reflect the development standards approved under Concept Plan approval MP10\_0159.

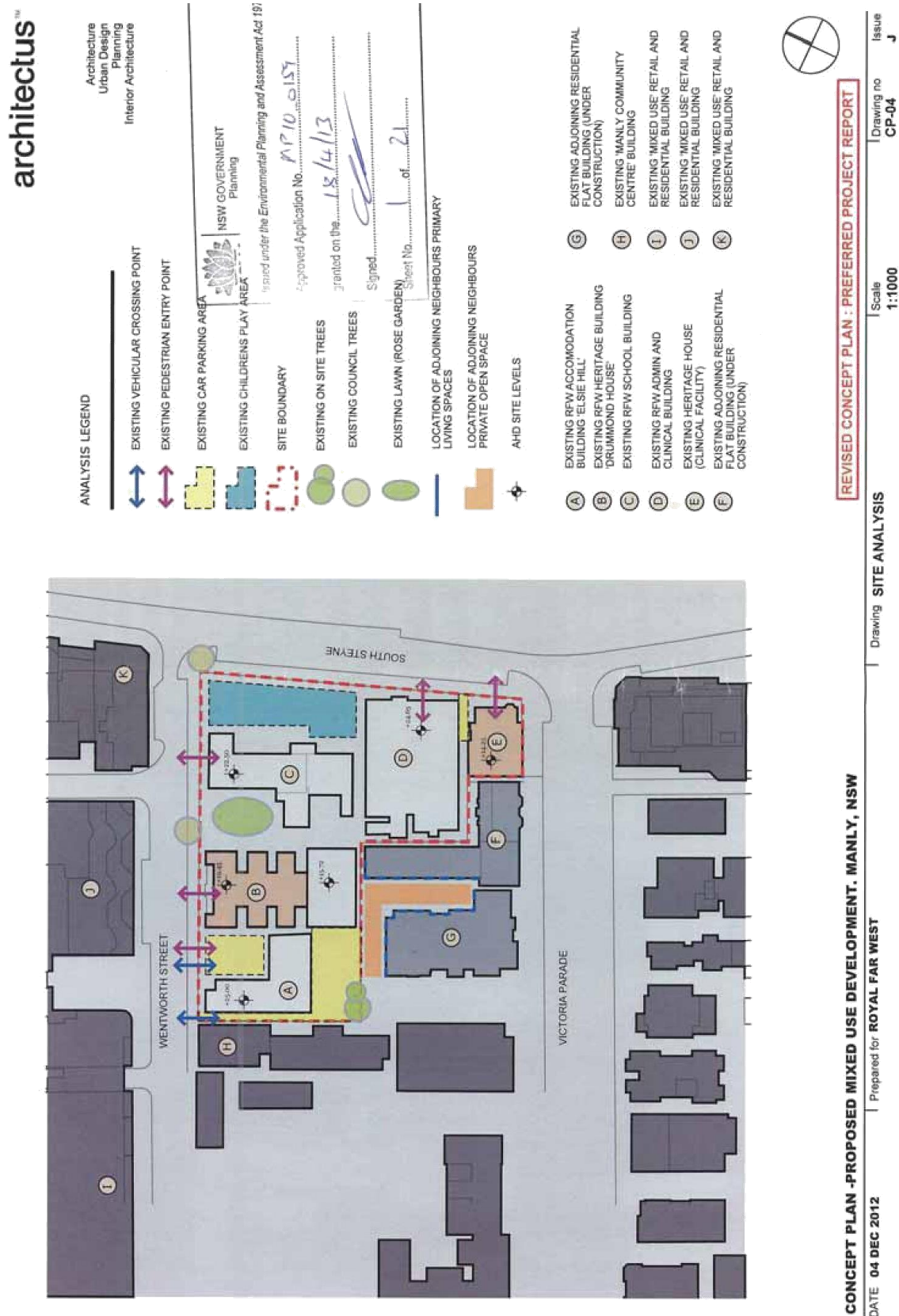
Yours sincerely,

Ian Cady  
Associate Director

Attachments: Stamped Approval Drawings to Concept Plan Approval MP10\_0159

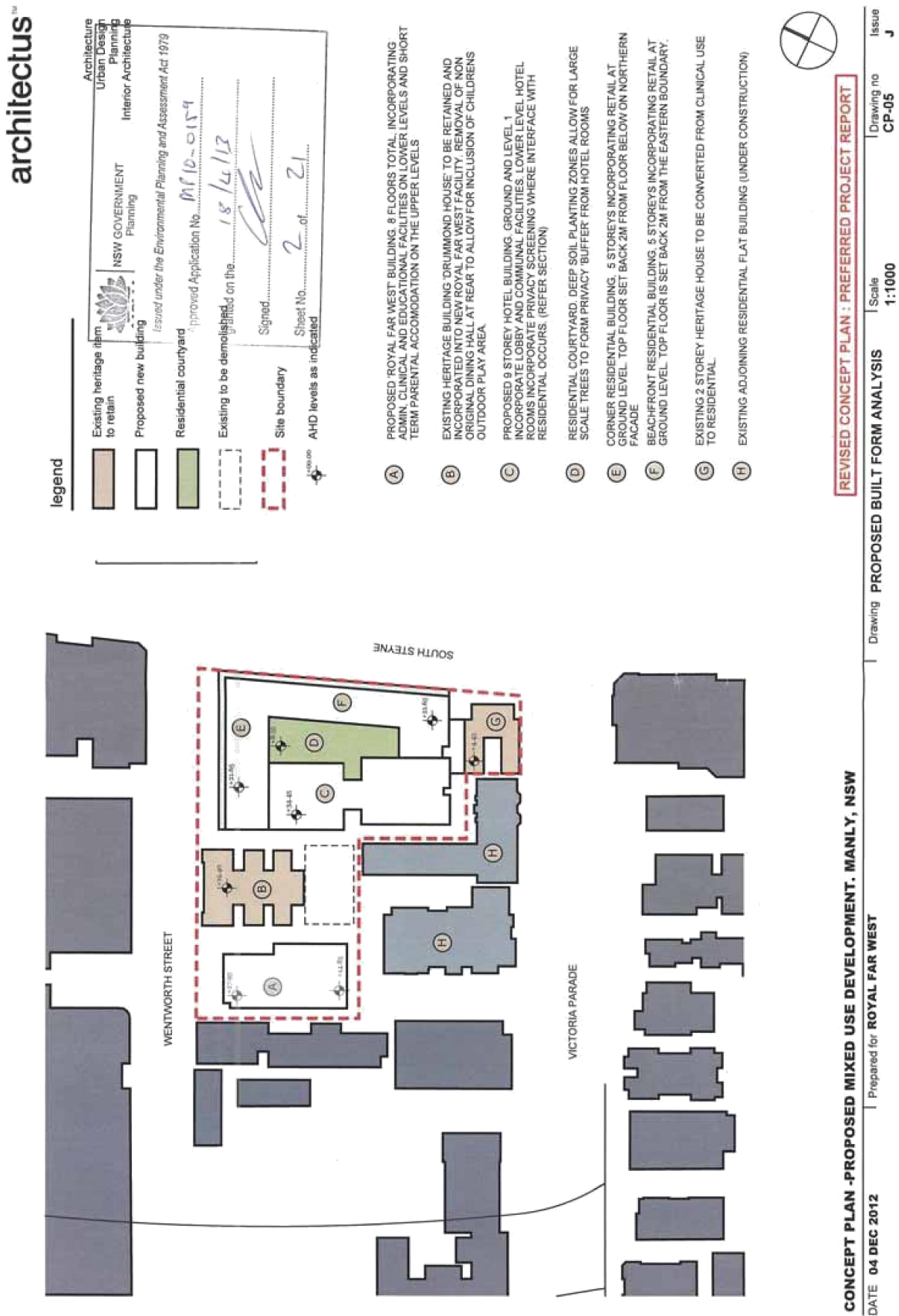
# ATTACHMENT 1

Environmental Services Division Report No. 28.DOC - Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition.  
Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.



# Environmental Services Division Report No. 28.DOC - Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition.

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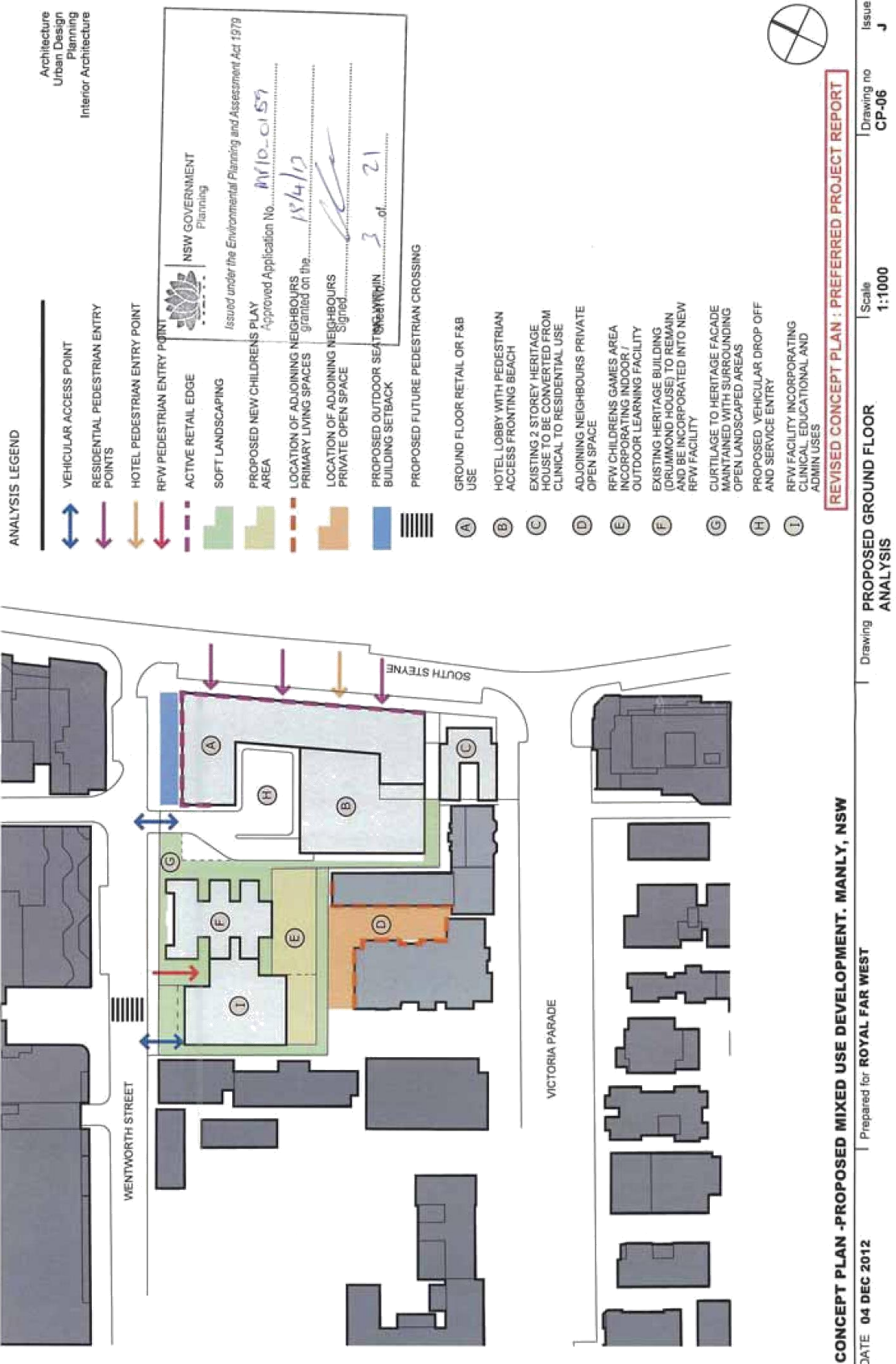


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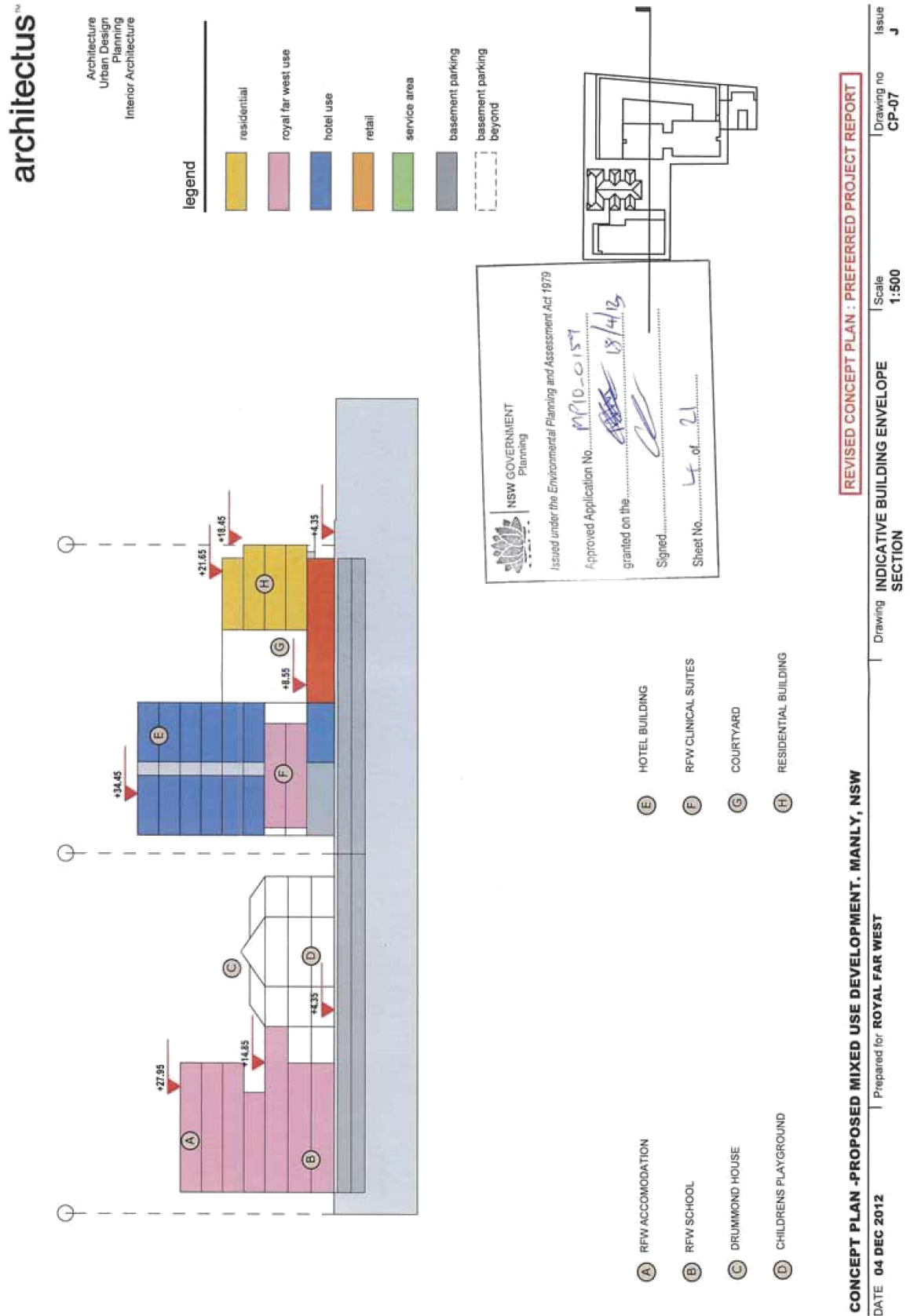
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Planning

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Approved Application No. MP10-0157

granted on the 18/4/17

Signed [Signature]

Sheet No. 5 of 21

1. Existing 4 storey corner building
2. Manly beachfront promenade
3. Victoria Parade
4. Adjoining multi unit residential building, (under construction)
5. Manly Village Public School
6. Rialto Square
7. building setback to allow outdoor seating and provide curtilage to Drummond House.

**CONCEPT PLAN - PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW**

DATE 04 DEC 2012 Prepared for ROYAL FAR WEST

Drawing 3D MASSING VIEW

Scale

Drawing no CP-08a

Issue J

**REVISED CONCEPT PLAN : PREFERRED PROJECT REPORT**



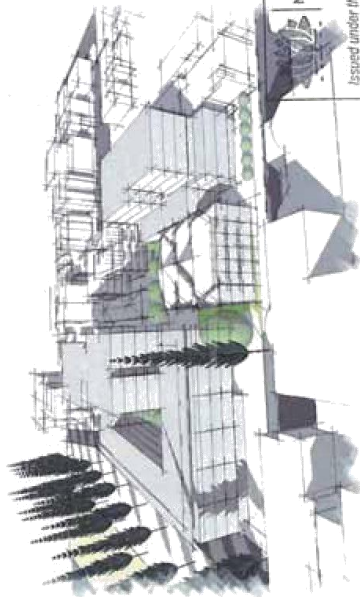
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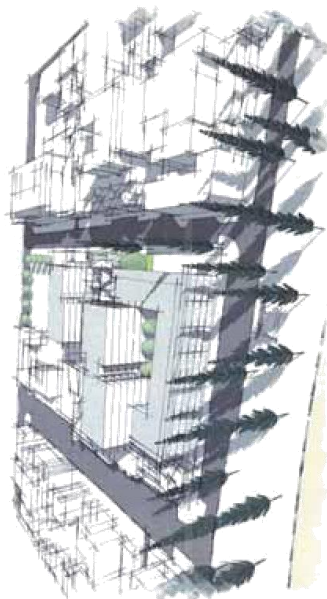
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AERIAL VIEW FROM NORTH



AERIAL VIEW FROM EAST

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Planning

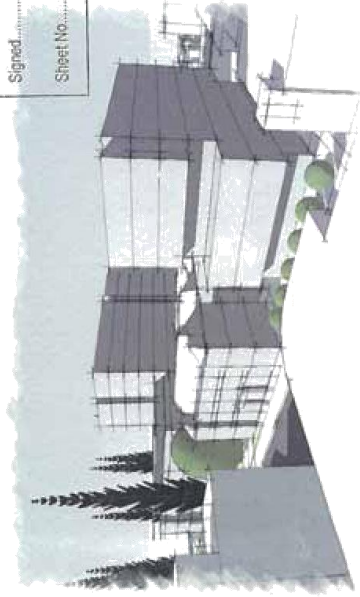
Issued under the Environmental Planning and Assessment Act 1979

Approved Application No. 94/10-0159

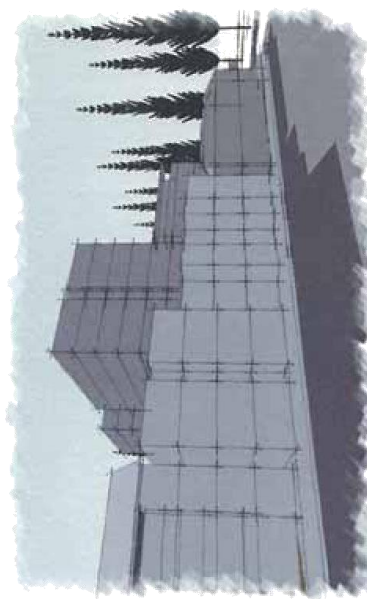
granted on the 18/4/13

Signed [Signature]

Sheet No. 6 of 21



AERIAL VIEW FROM NORTHWEST



AERIAL VIEW FROM SOUTH. (VICTORIA PARADE)

<b>CONCEPT PLAN - PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW</b>		<b>REVISED CONCEPT PLAN : PREFERRED PROJECT REPORT</b>	
DATE <b>04 DEC 2012</b>	Prepared for <b>ROYAL FAR WEST</b>	Drawing no <b>CP-08b</b>	Issue <b>J</b>
		Scale	
		Drawing	INDICATIVE 3D MASSING SKETCHES

## ATTACHMENT 1

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Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.

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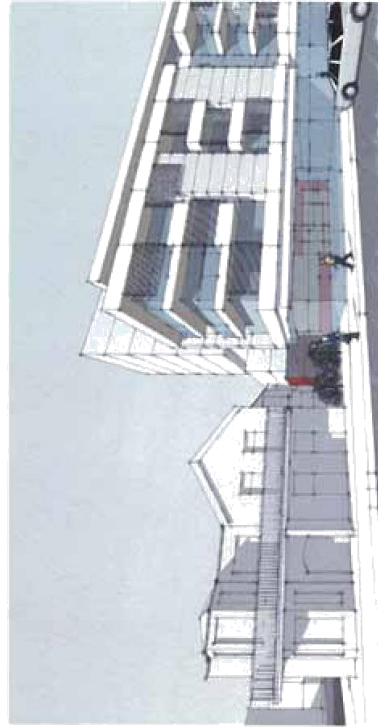
Approved Application No. M710-2015-9  
granted on the 18/4/13  
Signed: [Signature]  
Sheet No. 7 of 21



INTERFACE BETWEEN DRUMMOND HOUSE AND THE NEW RPW BUILDING ON WENTWORTH STREET



BUILT FORM AT CORNER OF SOUTH STEYNE AND WENTWORTH STREET



INTERFACE BETWEEN HERITAGE TERRACES AND NEW RESIDENTIAL BUILDING ALONG SOUTH STEYNE

REVISED CONCEPT PLAN : PREFERRED PROJECT REPORT

CONCEPT PLAN -PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW

DATE 04 DEC 2012

Prepared for ROYAL FAR WEST

Drawing INDICATIVE 3D SKETCH VIEWS

Scale

Drawing no CP-3a

Issue J



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**NSW GOVERNMENT**  
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Approved Application No. M710-0159

granted on the 18/4/12

Signed [Signature]

Sheet No. 8 of 21

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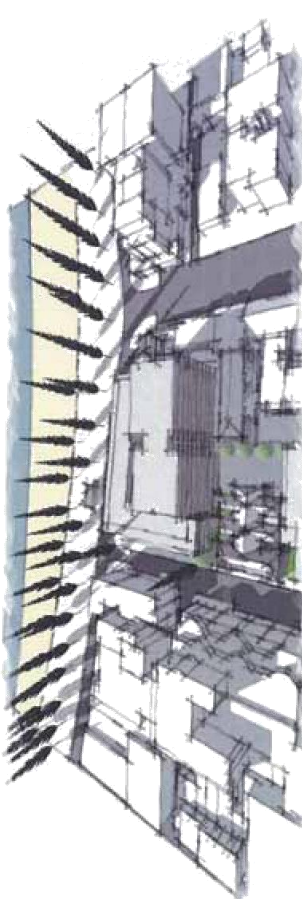
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Urban Design  
Planning  
Interior Architecture

**INDICATIVE 3D SKETCH VIEWS**

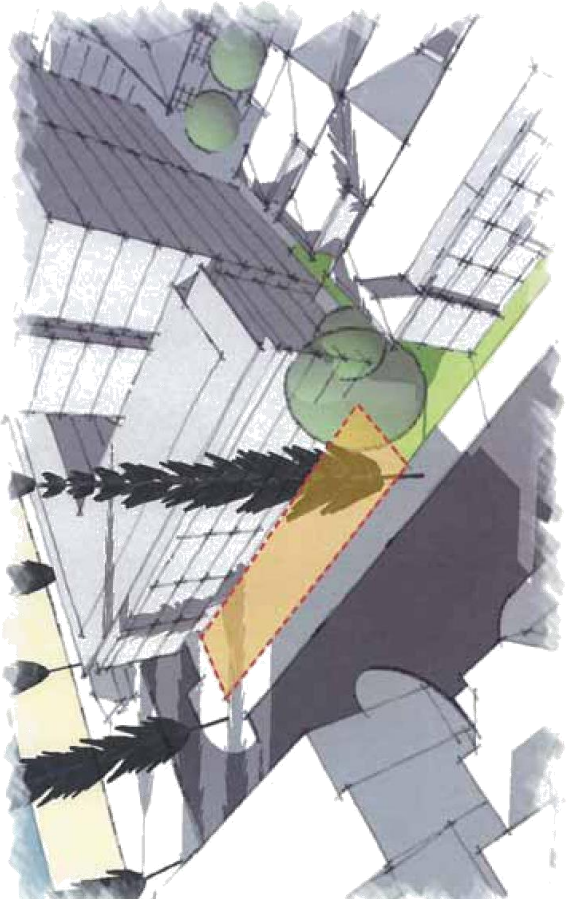
**REVISED CONCEPT PLAN : PREFERRED PROJECT REPORT**

Drawing no **CP-9b**

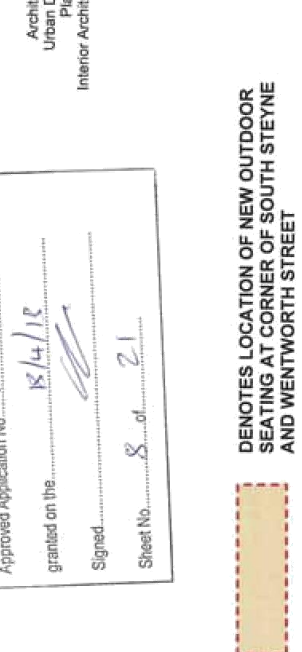
Issue **J**




**BUILT FORM AT CORNER OF SOUTH STEYNE AND WENTWORTH STREET SHOWING THE PROPOSED OUTDOOR SEATING AREA**



**CORNER OF SOUTH STEYNE AND WENTWORTH STREET**



**INDICATIVE 3D SKETCH VIEWS**



**CORNER OF SOUTH STEYNE AND WENTWORTH STREET**

**CONCEPT PLAN -PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW**

DATE **04 DEC 2012**

Prepared for **ROYAL FAR WEST**

**INDICATIVE 3D SKETCH VIEWS**

Drawing no **CP-9b**

Issue **J**

# ATTACHMENT 1

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Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.

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**COMPARATIVE ANALYSIS OF BUILT FORM ILLUSTRATING THE EVOLUTION OF BUILT FORM AT THE CORNER OF SOUTH STEYNE AND WENTWORTH STREET DURING THE CONCEPT PLAN PHASE AND AS A RESULT OF COMMUNITY CONSULTATION.**

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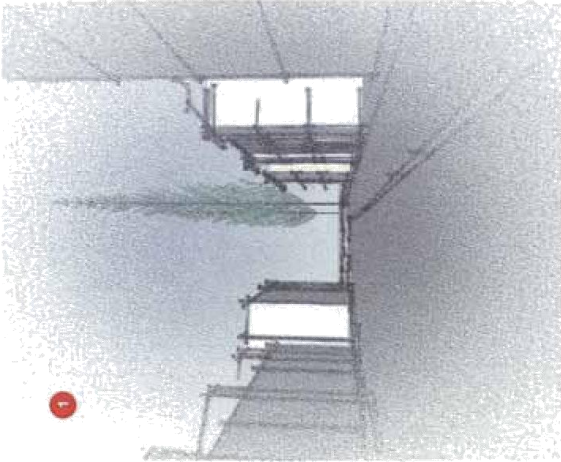
Approved Application No. MP 10-0159

granted on the 18/4/12

Signed [Signature]

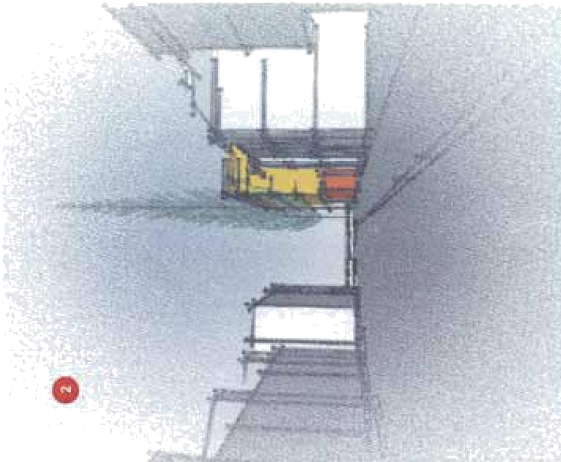
Sheet No. 9 of 21

**1**



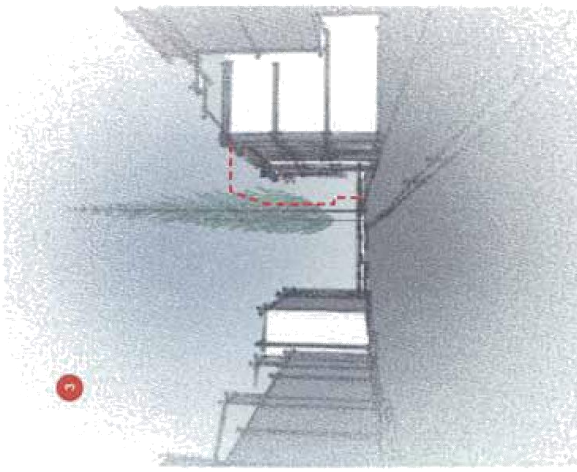
**EXISTING VIEW, LOOKING EAST DOWN WENTWORTH STREET**

**2**




**ORIGINAL CONCEPT PLAN SCHEME VIEW, LOOKING EAST DOWN WENTWORTH STREET**

**3**




**PROPOSED REVISED CONCEPT PLAN SCHEME VIEW, LOOKING EAST DOWN WENTWORTH STREET**

**4**



**REVISED CONCEPT PLAN: PREFERRED PROJECT REPORT**

**5**



**INDICATIVE 3D SKETCH VIEWS**

**CONCEPT PLAN - PROPOSED MIXED USE DEVELOPMENT, MANLY, NSW**

DATE 04 DEC 2012

Prepared for ROYAL FAR WEST

**6**

Drawing no CP-9c

Scale

Issue J

**DENOTES OUTLINE OF PREVIOUS CONCEPT PLAN ENVELOPE**



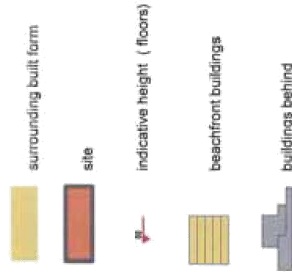
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## legend



**CONTEXTUAL HEIGHTS DIAGRAM:**  
This diagram seeks to illustrate the relationship of heights of the proposed built form and the heights of the existing surrounding buildings. Emphasis is on the beachfront buildings, significant buildings located in streets behind are also considered.

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Approved Application No. 10/10-0-159

granted on the 13/12/13

Signed: [Signature]

Sheet No. 10 of 24



**CONCEPT PLAN - PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW**

DATE 04 DEC 2012

Prepared for ROYAL FAR WEST

Drawing BUILDING HEIGHT CONTEXT

Scale 1:3000

Issue CP-10 J

# ATTACHMENT 1

## Environmental Services Division Report No. 28.DOC - Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition. Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.

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Approved Application No. MP10-613-9

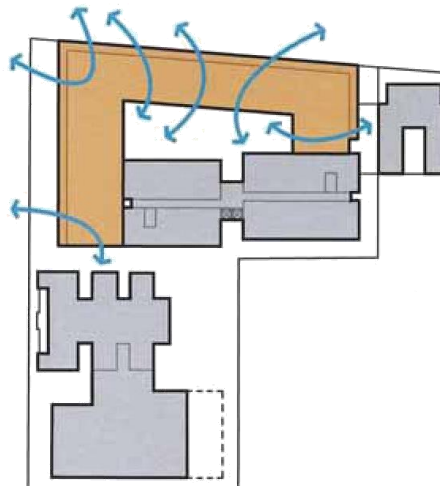
granted on the 15/4/13

Signed [Signature]

Sheet No. 11 of 21

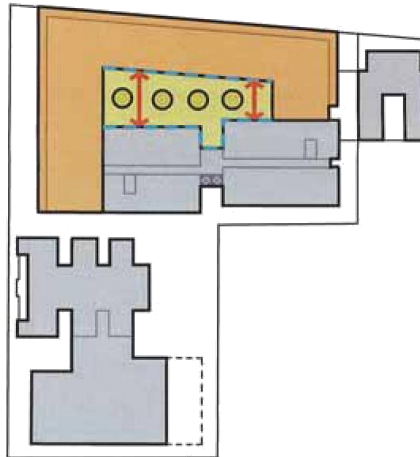
### SEPP 65:

The diagrams below illustrate some of the core sepp 65 principles that have been addressed at this 'concept plan' stage. Refer to the attached Sepp 65 compliance checklist



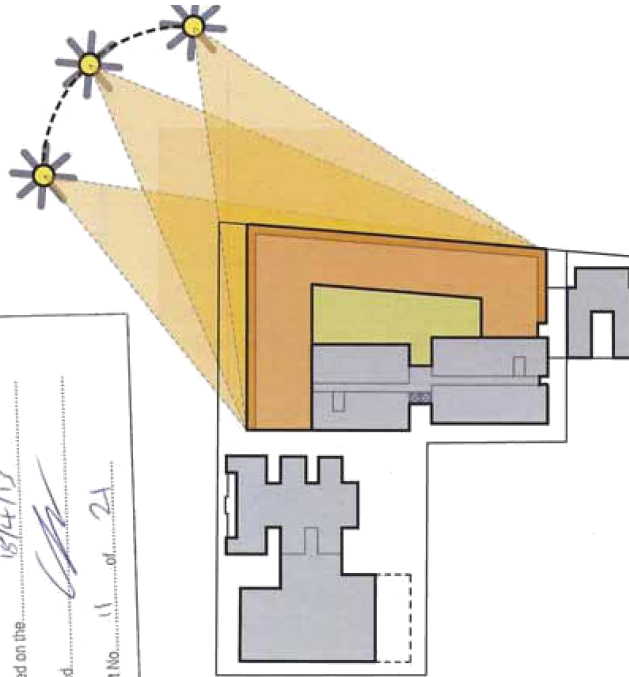
### CROSS VENTILATION AND VIEWS:

The residential floor plate has been designed to achieve natural cross ventilation and ocean/beach views to approx 90% of all units.



### PRIVACY AND COMMUNAL OPEN SPACE:

The level 1 courtyard consists of approx 600m2 of communal open landscaped space. To ensure privacy, primary living spaces and master bedrooms are oriented to the street whilst secondary bedroom windows utilize privacy screens and service balconies are oriented to the courtyard. Any privacy concerns from the hotel tower are again mitigated via the implementation of fixed privacy screens to the lower portion of the tower. In addition, it is proposed to integrate deep soil planting zones that will allow for mature trees to act as a further privacy barrier and enhance the overall amenity of the courtyard.



### SOLAR ACCESS:

The residential component of the proposed development has been located to ensure maximum solar access to all apartments and to take advantage of the desirable northern and eastern aspects from the site. There are no single aspect, south facing units and it is envisaged that over the requires 70% of units will receive between 2 and 3 hours of direct sunlight during the winter months

### CONCEPT PLAN -PROPOSED MIXED USE DEVELOPMENT. MANLY, NSW

DATE 04 DEC 2012

Prepared for ROYAL FAR WEST

Drawing PRELIMINARY SEPP 65 ANALYSIS

Scale 1:1000

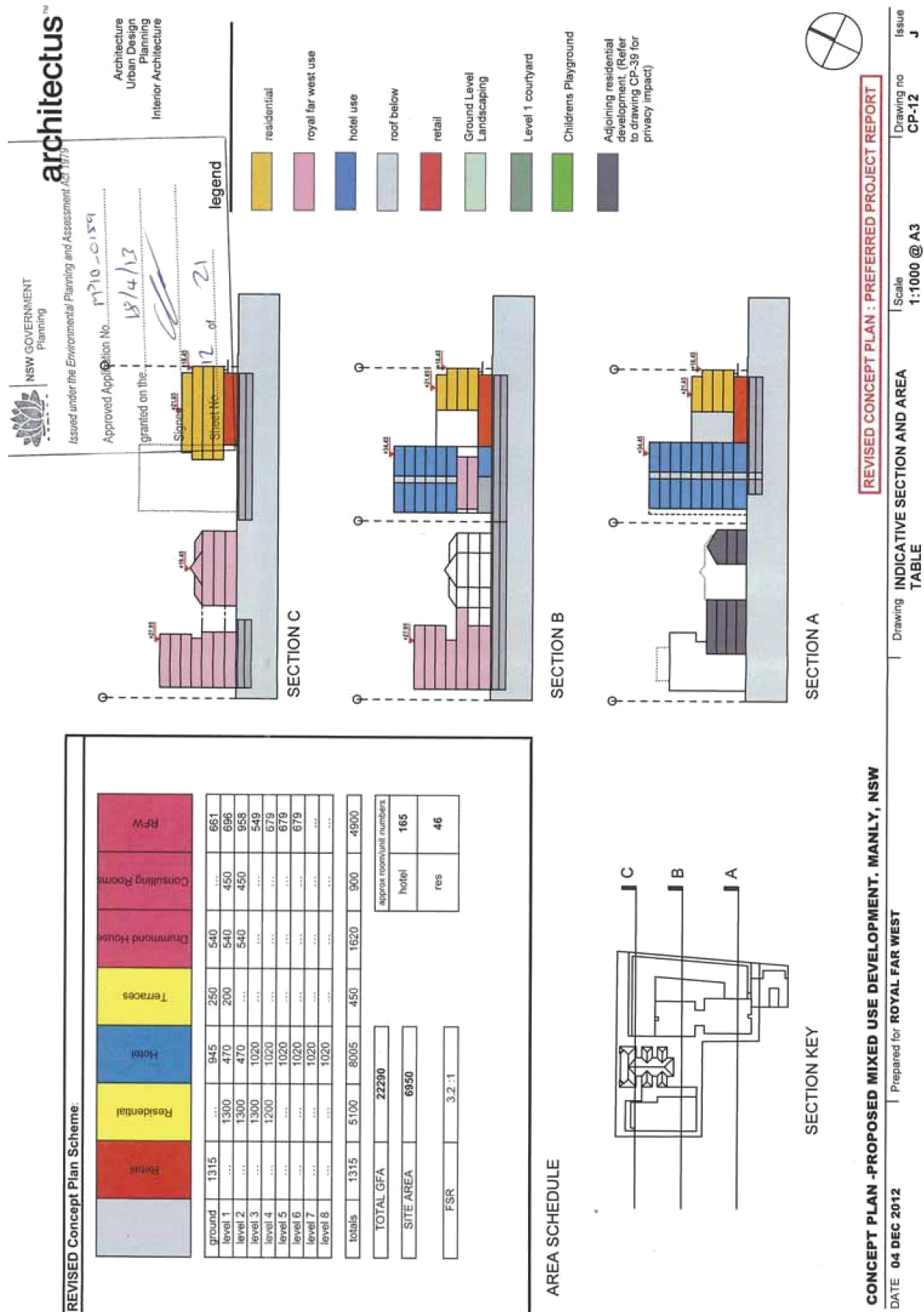
Drawing no CP-11

Issue J

REVISED CONCEPT PLAN : PREFERRED PROJECT REPORT

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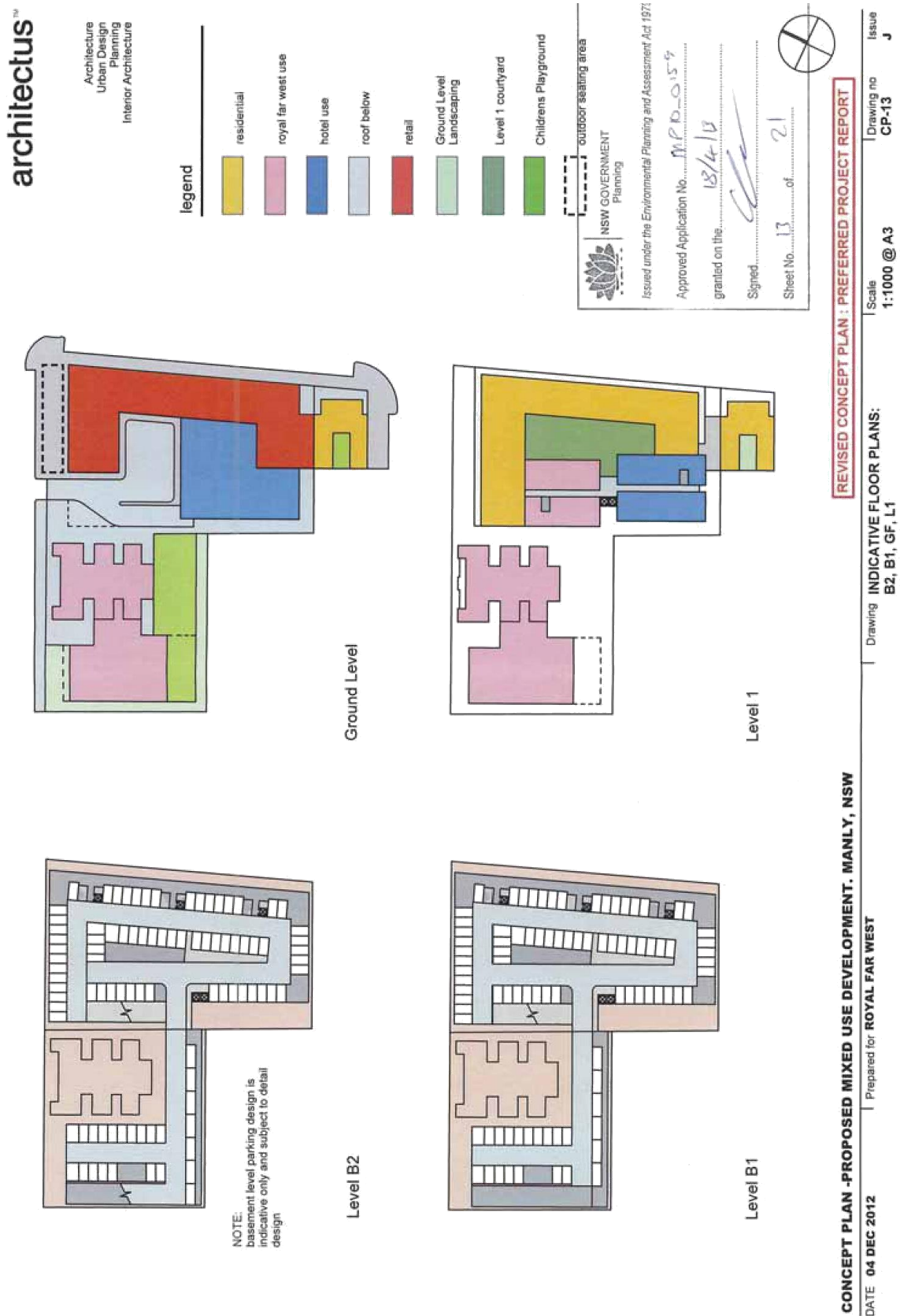




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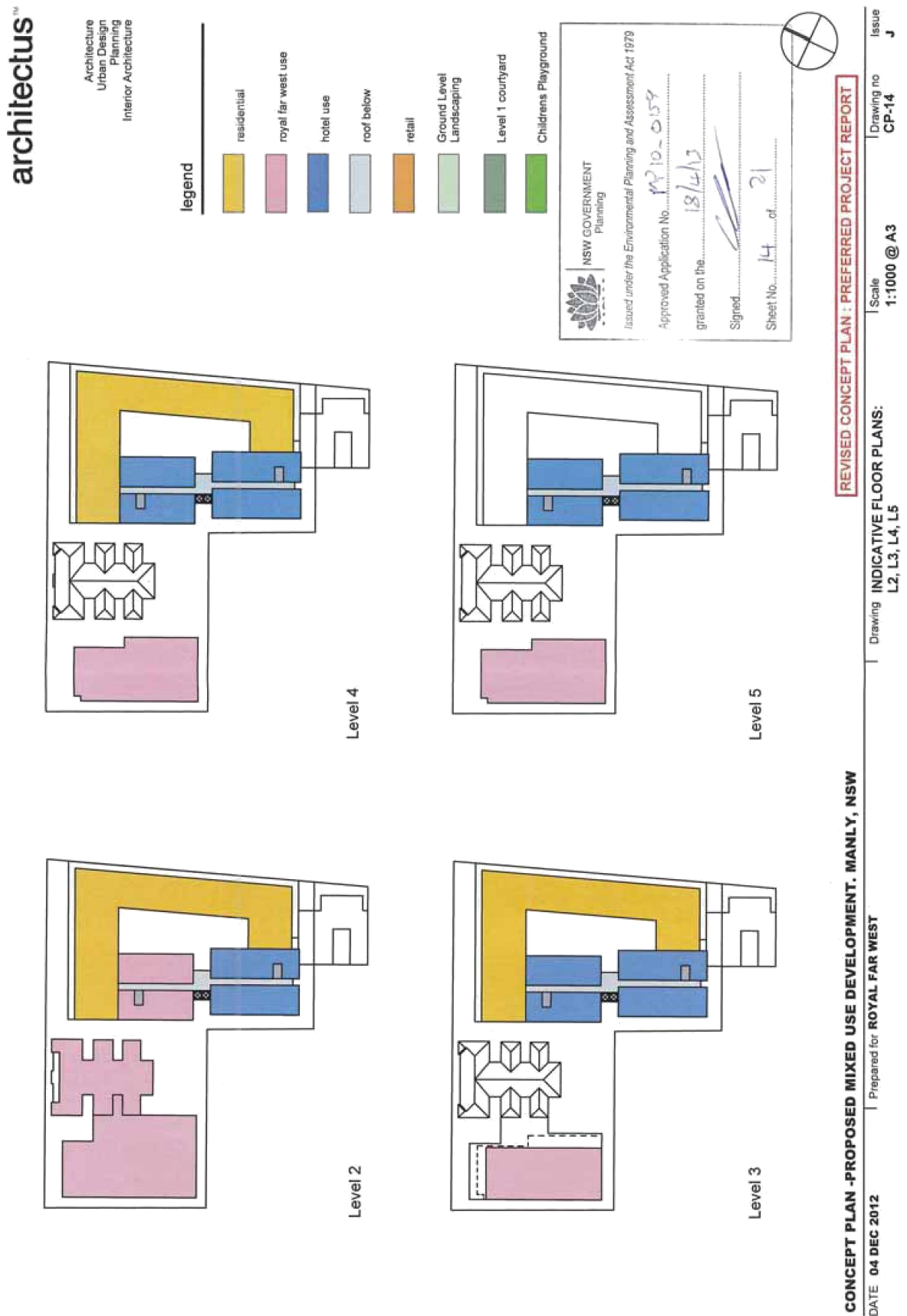
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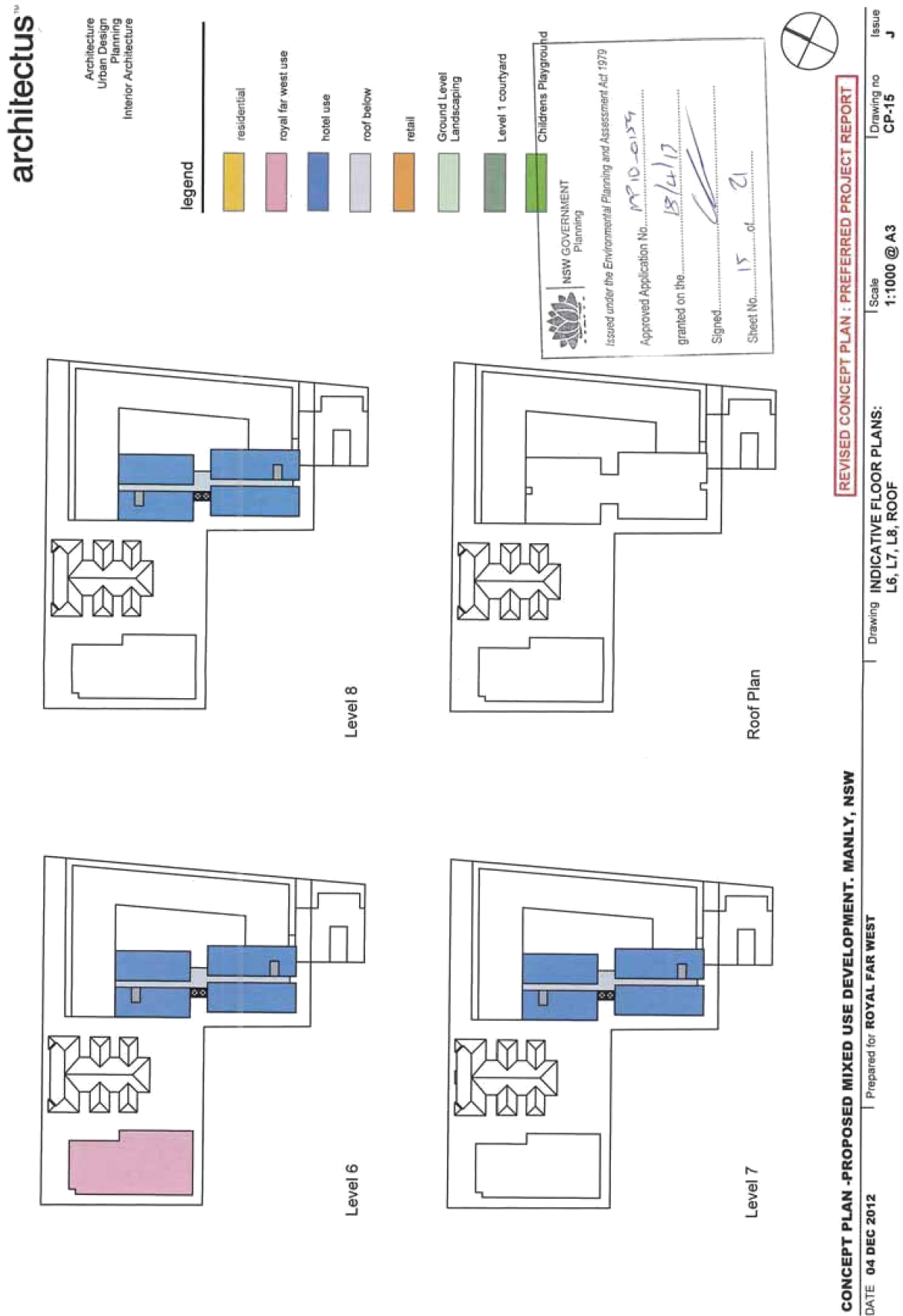
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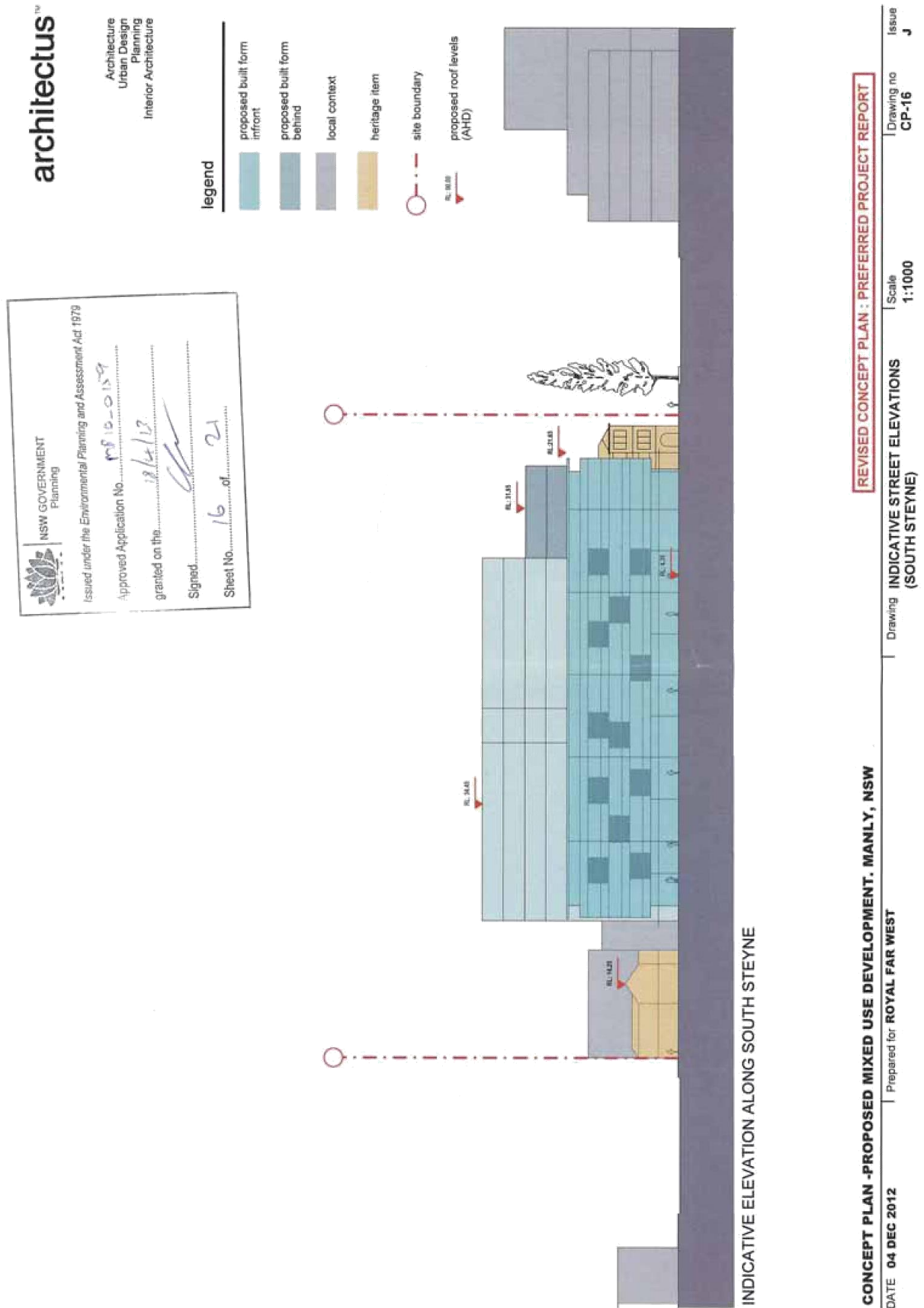
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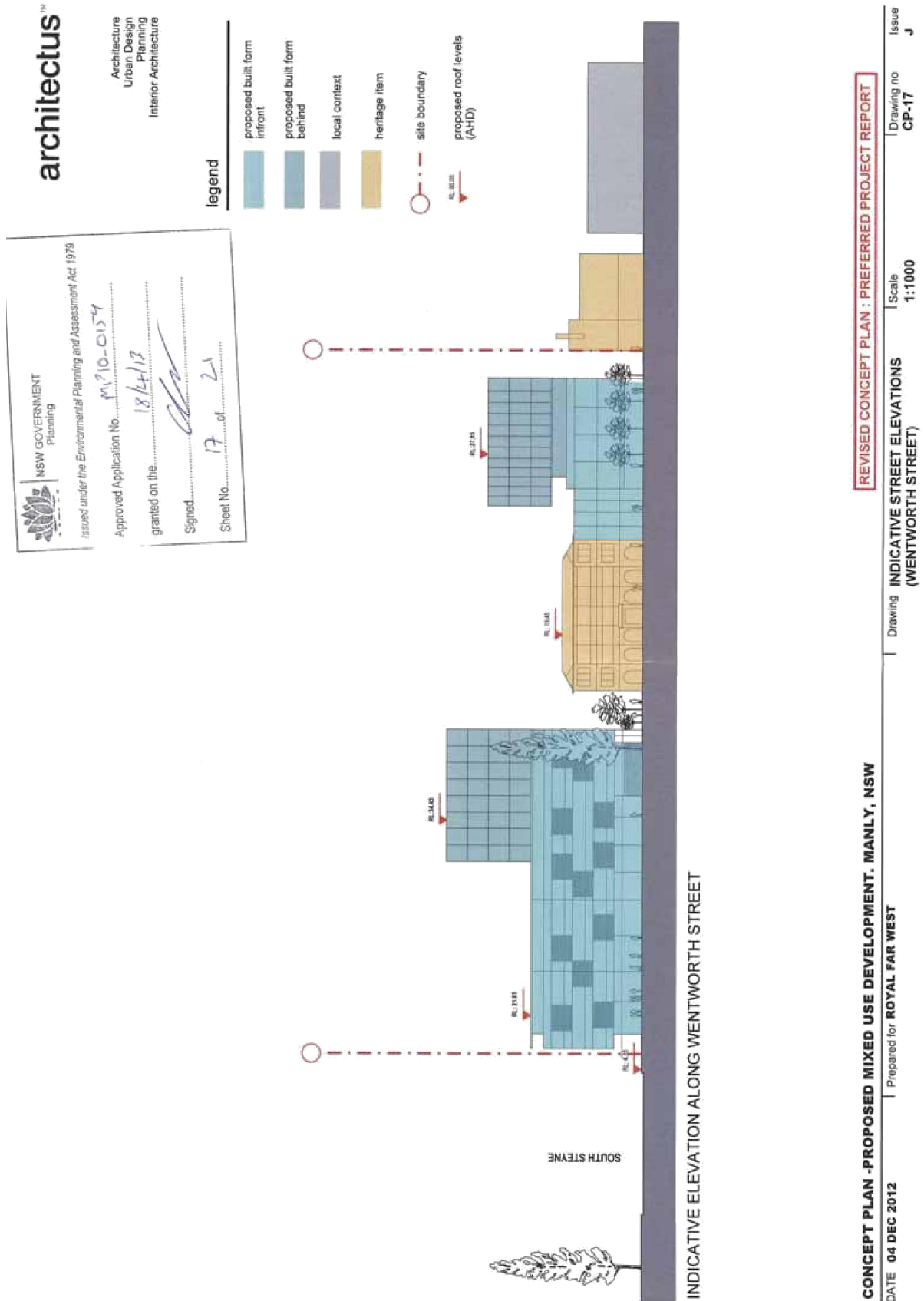
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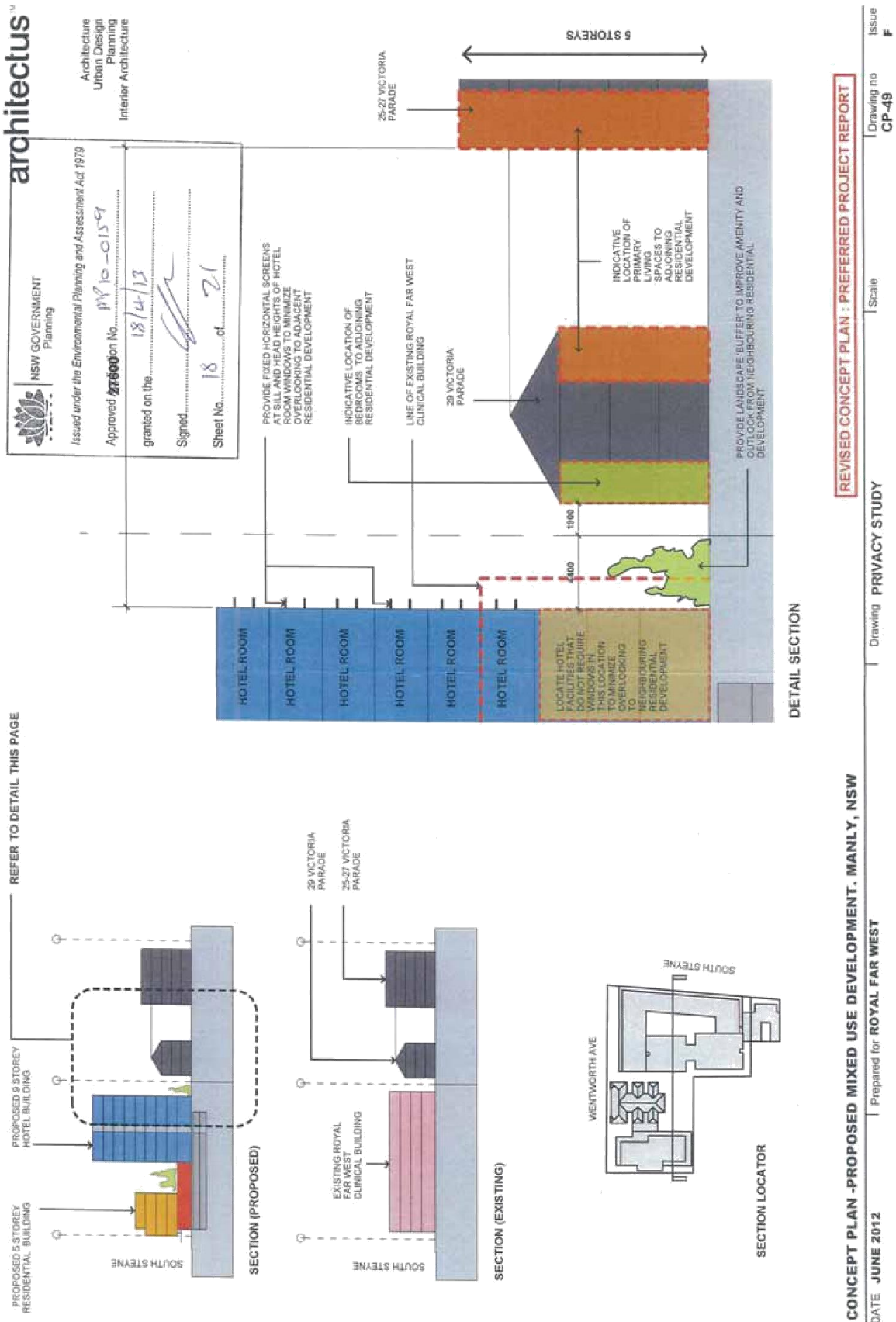
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Approved Application No. 18/10-0154

granted on the 18/4/15

Signed [Signature]

Sheet No. 20 of 21





## ATTACHMENT 1

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Submission Letter from Urbis on behalf of Royal Far West to Manly Council regarding Draft Manly LEP Amendment 3.



**TO:** Ordinary Meeting - 11 August 2014  
**REPORT:** Corporate Services Division Report No. 15  
**SUBJECT:** Report on Council Investments as at July 2014  
**FILE NO:** MC/14/84986

---

## **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 **July 2014**.

## **Legislative & Policy Implications**

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

## **Certification – Responsible Accounting Officer**

I hereby certify that the investments listed in the attached reports have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

## **Investment Performance**

The Investment Report shows that Council has total Investments of \$35,355,000 comprising a Commonwealth Bank Balance of \$2,219,378 and Investment Holdings of \$33,135,622 directly managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 3.51% (*Council Benchmark = 2.65% - benchmark is 90 day average BBSW*).

The investment with Emu Note (Dresdner Bank) is not paying interest coupons and initiating capital guarantee mechanisms to protect the investment. The average rate of return for investments paying interest is 3.61%.

**Corporate Services Division Report No. 15 (Cont'd)****Movements in Investments for the Month of July 2014****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
RaboDirect	Term Deposit	\$719,877

**Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
RaboDirect	Term Deposit	\$719,877	\$719,877

**RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 31 July 2014 be received and noted.

**ATTACHMENTS**

**AT- 1** Investment Report 3 Pages

OM11082014CSD\_2.DOC

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



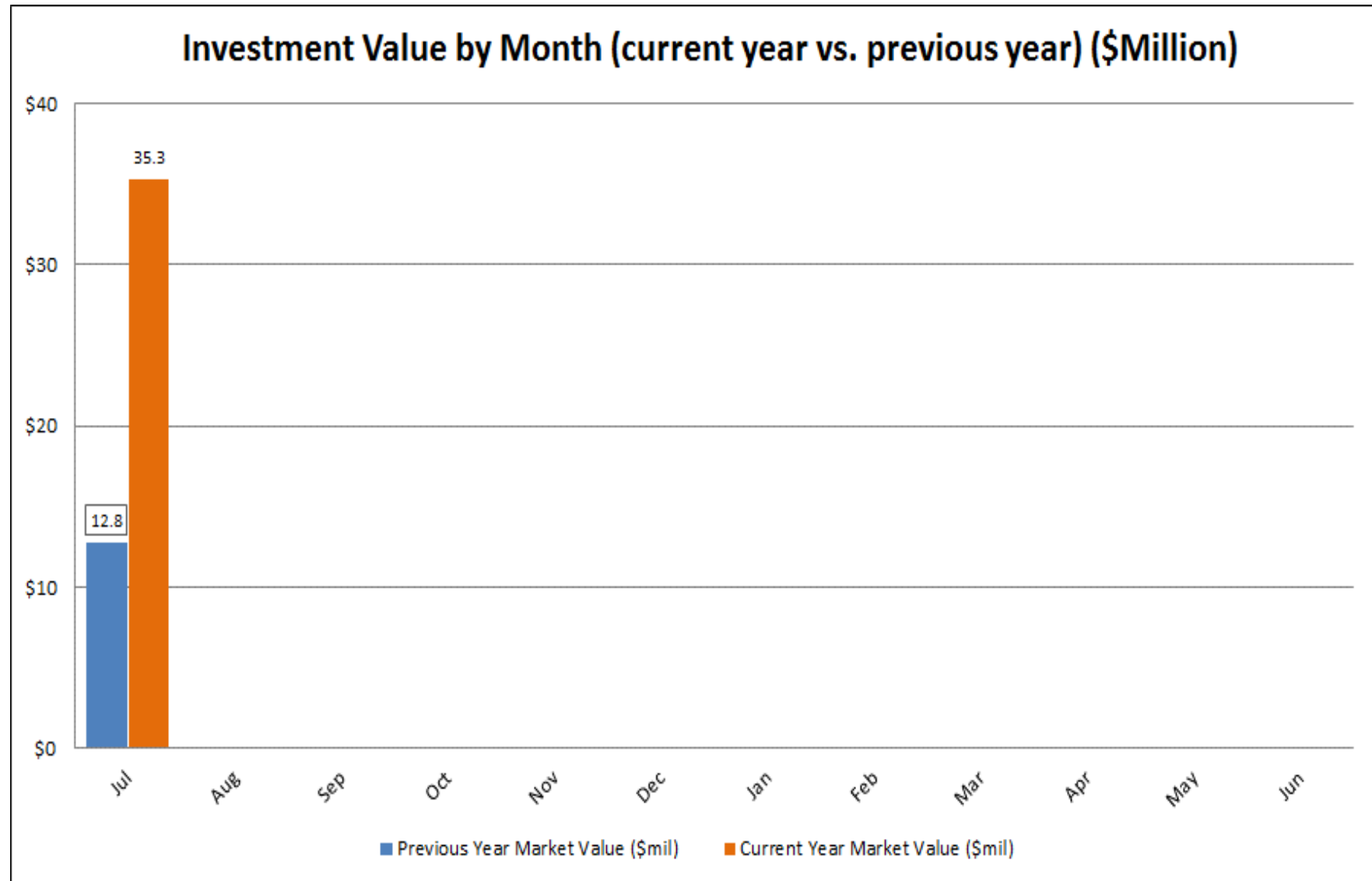
# ATTACHMENT 1

## Corporate Services Division Report No. 15.DOC - Report on Council Investments as at July 2014 Investment Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 July 2014								Interest Rate	Interest	
Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date			YTD	Jul 2014
<b>Directly Managed Funds</b>										
<b>Trading Account</b>										
CBA	Cash Trading Account	2,219,378	2,219,378	6.28%	AA-			0.55% <sup>(2)&amp;(3)</sup>	1,544	1,544
<b>Others</b>										
CBA	At Call	68,279	68,279	0.19%	AA-	At Call	At Call	2.50%	6,052	6,052
AMP	At Call	78,983	78,983	0.22%	A+	At Call	At Call	3.35%	5,456	5,456
Macquarie Bank	At Call	245	245	0.00%	A	At Call	At Call	2.50%	1	1
RaboDirect	TD	719,877	719,877	2.04%	AA-	07/07/2014	07/07/2015	3.65%	1,728	1,728
RaboDirect	TD	268,238	268,238	0.76%	AA-	03/02/2014	05/08/2014	3.70%	843	843
AMP	TD	1,000,000	1,000,000	2.83%	A+	23/08/2013	25/08/2014	3.80%	3,227	3,227
Bank of Queensland	TD	1,000,000	1,000,000	2.83%	A-	19/02/2014	18/08/2014	3.68%	3,125	3,125
Bank of Queensland	TD	1,000,000	1,000,000	2.83%	A-	19/02/2014	18/08/2014	3.68%	3,125	3,125
Bank of Queensland	TD	1,000,000	1,000,000	2.83%	A-	20/05/2014	20/05/2015	3.66%	3,108	3,108
Bank of Queensland	TD	1,000,000	1,000,000	2.83%	A-	03/03/2014	01/09/2014	3.68%	3,125	3,125
Bankwest	TD	1,000,000	1,000,000	2.83%	AA-	13/06/2014	11/09/2014	3.60%	3,058	3,058
Bendigo and Adelaide Bank	TD	1,000,000	1,000,000	2.83%	A-	12/06/2014	09/12/2014	3.50%	2,973	2,973
CBA	TD	1,000,000	1,000,000	2.83%	AA-	03/03/2014	01/09/2014	3.56%	3,024	3,024
CBA	TD	1,000,000	1,000,000	2.83%	AA-	30/05/2014	29/11/2014	3.58%	3,041	3,041
ING Direct	TD	1,000,000	1,000,000	2.83%	A-	20/05/2014	17/11/2014	3.52%	2,990	2,990
ING Direct	TD	1,000,000	1,000,000	2.83%	A-	19/02/2014	18/08/2014	3.80%	3,227	3,227
ING Direct	TD	1,000,000	1,000,000	2.83%	A-	03/06/2014	01/12/2014	3.61%	3,066	3,066
ING Direct	TD	1,000,000	1,000,000	2.83%	A-	03/06/2014	01/12/2014	3.61%	3,066	3,066
Macquarie Bank	TD	1,000,000	1,000,000	2.83%	A	23/08/2013	26/08/2014	3.90%	3,312	3,312
ME Bank	TD	1,000,000	1,000,000	2.83%	A2	27/02/2014	26/08/2014	3.63%	3,083	3,083
ME Bank	TD	1,000,000	1,000,000	2.83%	A2	19/02/2014	18/08/2014	3.63%	3,083	3,083
ME Bank	TD	1,000,000	1,000,000	2.83%	A2	03/06/2014	04/03/2015	3.67%	3,117	3,117
ME Bank	TD	500,000	500,000	1.41%	A2	03/03/2014	01/09/2014	3.63%	1,542	1,542
National Bank	TD	1,000,000	1,000,000	2.83%	AA-	26/08/2013	26/08/2014	3.92%	3,329	3,329
National Bank	TD	1,000,000	1,000,000	2.83%	AA-	26/08/2013	26/08/2014	3.92%	3,329	3,329
National Bank	TD	1,000,000	1,000,000	2.83%	AA-	26/05/2014	25/02/2015	3.62%	3,075	3,075
National Bank	TD	1,000,000	1,000,000	2.83%	AA-	30/05/2014	01/12/2014	3.60%	3,058	3,058
Rural Bank	TD	1,000,000	1,000,000	2.83%	A-	03/06/2014	01/12/2014	3.60%	3,058	3,058
Suncorp Bank	TD	1,000,000	1,000,000	2.83%	A+	27/05/2014	24/11/2014	3.55%	3,015	3,015
Westpac	TD	1,000,000	1,000,000	2.83%	AA-	07/07/2014	07/01/2015	3.77%	2,479	2,479
Westpac	TD	1,000,000	1,000,000	2.83%	AA-	07/07/2014	07/01/2015	3.77%	2,479	2,479
Westpac	TD	1,000,000	1,000,000	2.83%	AA-	07/07/2014	07/04/2015	3.69%	2,426	2,426
Westpac	TD	1,000,000	1,000,000	2.83%	AA-	07/07/2014	07/04/2015	3.69%	2,426	2,426
Westpac	TD	1,000,000	1,000,000	2.83%	AA-	07/07/2014	07/04/2015	3.69%	2,426	2,426
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	2.83%	A2	28/03/2014	30/03/2015	3.81%	3,236	3,236
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	2.83%	A2	27/05/2014	25/11/2014	3.60%	3,058	3,058
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	2.83%	A2	01/04/2014	01/04/2015	3.70%	3,142	3,142
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	481,300 <sup>(4)</sup>	1.41%	A	25/10/2005	30/10/2015	0.00%	-	-
Total		33,135,622	33,116,922	93.72%						
<b>Total Directly Managed Funds</b>		35,355,000	35,336,300	100.00%						
<b>Retired Investments</b>									511	511
<b>TOTAL PORTFOLIO</b>		35,355,000	35,336,300	100%				3.51%	110,963	110,963
<b>BENCHMARK<sup>(1)</sup></b>								2.65%		
<b>Notes:</b>										
1 Benchmark is 90 day BBSW as at 31 July 2014										
2 Balances less than \$250,000 earn 0.15%, \$250,000 to \$499,999 earn 0.50%, greater \$500,000 earn 1%										
3 CBA Trading account not included in the monthly portfolio return calculation										
4 Market Value as at 30 June 2014										

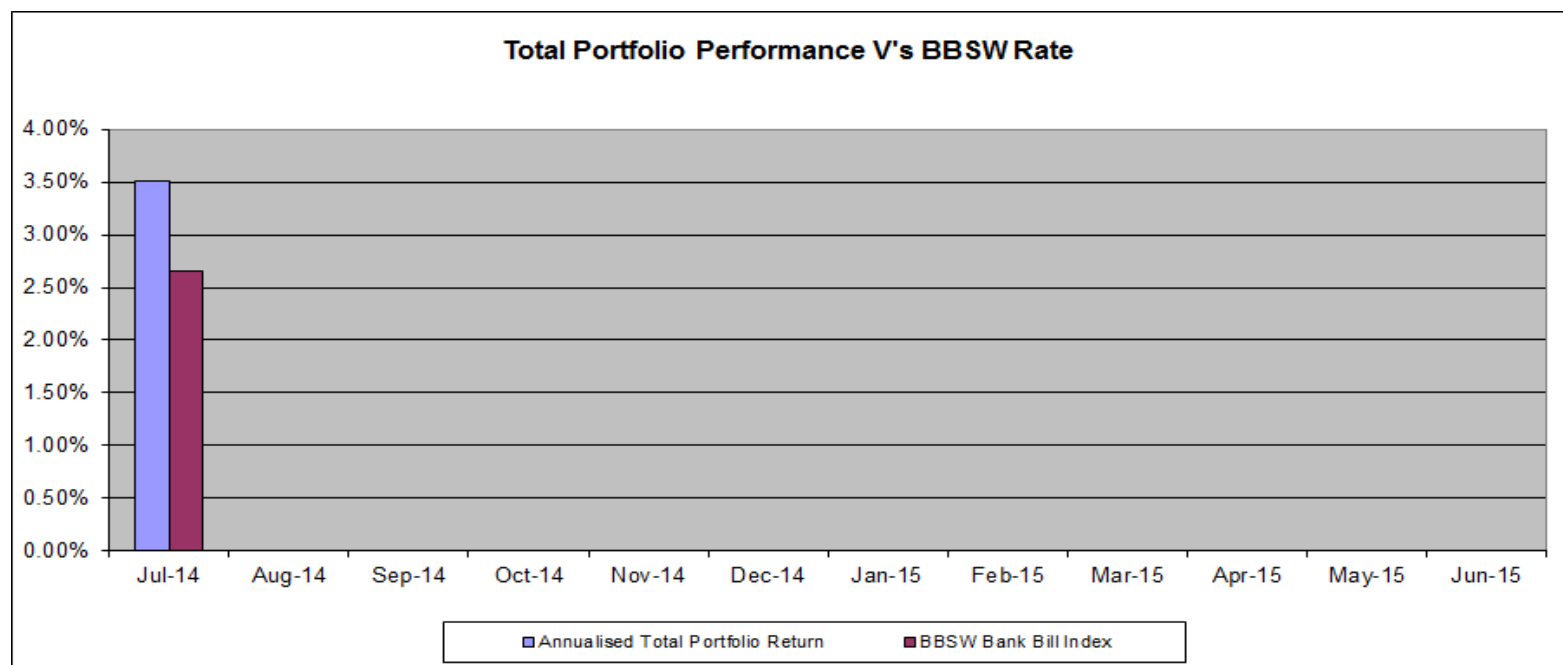
## ATTACHMENT 1

### Corporate Services Division Report No. 15.DOC - Report on Council Investments as at July 2014 Investment Report

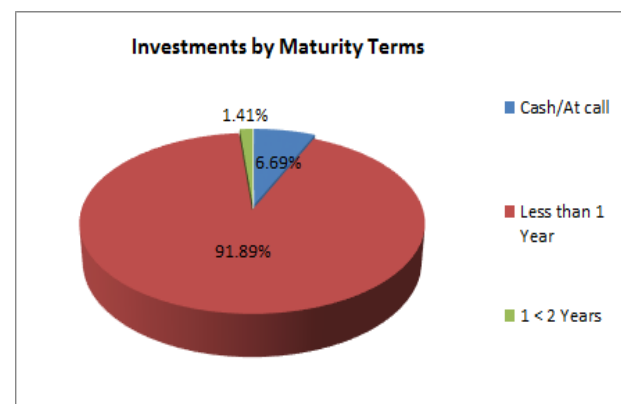


## ATTACHMENT 1

### Corporate Services Division Report No. 15.DOC - Report on Council Investments as at July 2014 Investment Report



Summary by Credit Rating		No.
AA-	43.21%	16
A+	5.88%	3
A-	28.28%	10
A	4.24%	3
A2	18.38%	7
	100.00%	39



## ATTACHMENT 1

### Corporate Services Division Report No. 15.DOC - Report on Council Investments as at July 2014 Investment Report

