

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 20 April 2015

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

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

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

www.manly.nsw.gov.au



Seating Arrangements for Meetings

Executive
Manager

Minute
Taker

General
Manager

**Mayor
Jean Hay AM
presiding**

Deputy
General
Manager

Deputy
General
Manager

Clr Cathy Griffin

Clr Hugh Burns

Clr Barbara Aird

Clr Alan Le Surf

Clr Candy Bingham

Clr Steve Pickering **Deputy Mayor**

Clr Adele Heasman

Clr James Griffin

Press

Public
Addresses

Public Gallery

Chairperson: The Mayor, Clr Jean Hay AM

Deputy Chairperson: Clr Steve Pickering

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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

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

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE****Mayoral Minute Report No. 4**

Staff 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) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

TO: Ordinary Meeting - 20 April 2015
REPORT: Notice of Rescission Report No. 1
SUBJECT: Rescission Motion
FILE NO: MC/15/44951

Councillors Barbara Aird, Hugh Burns, and Candy Bingham will move:

“That the Council’s decision of 9 March 2015 being Notice of Motion No. 14 in respect of Compromise Option for expanding car parking capacity in Manly CBD be and is hereby rescinded.”

The resolution passed on 9 March 2015 was in the terms of:

1/15 RESOLVED: (Pickering / J Griffin)

That Council;

1. Request proposals (conduct market testing) from interested parties for the construction of the oval carpark putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
2. Request for proposals for the long term lease of the existing Whistler Car park site for a mixed use development based on meeting all of Council’s existing planning controls for the site putting environmental considerations that deliver the best value for money outcome for the community at the forefront;
3. A process flow chart be provided to Councillors; and
4. Develop a report for tabling on the submissions received at the next suitable meeting of Council.

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

That:

1. Manly Council procures thorough, comprehensive and independent assessments in relation to all of the implications and consequences, both positive and negative, and the financial impacts on Manly ratepayers of Options 1 and 6 and the status quo, with upgrade of the access and fire safety of the Whistler Street car park in Manly CBD. These assessments to include (but not be restricted to) parking demand study, sustainable transport options, environmental and town planning implications, and based on quadruple bottom line accounting; and
2. This assessment be undertaken in an open, transparent and community inclusive way. To achieve this, the Council establishes a Reference Group (that includes residents, ratepayers and independent experts) to be involved in the management and undertaking of the review process.

RECOMMENDATION

That the Notice of Rescission be considered.

ATTACHMENTS

There are no attachments for this report.

OM20042015NR_1.DOC

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

TO: Ordinary Meeting - 20 April 2015
REPORT: Notice of Motion Report No. 16
SUBJECT: Report of Total Costs for Manly 2015 Plan
FILE NO: MC/15/43876

Councillor Candy Bingham will move that:

The General Manager provide a report to Council's 11/5/15 Ordinary Meeting of the costs incurred to date in relation to the Manly 2015 Plan.

This should include, but not be limited to:

- The development of the Masterplan
- Design & planning fees
- Due diligence consultancy reports
- Traffic Studies
- Marketing materials & community consultation (*including website; brochures; advertisements in Manly Daily newspaper and online & Bus Shelter at Stocklands; artwork & design; presentation events; information booths*)
- Estimated cost of staff time
- Facilitation of Councillors' workshops
- Capital works undertaken to date

The report should include a summary description of the work carried out or service provided, in respect of each item listed.

BACKGROUND

In 2008 the Council of the day voted to proceed with Manly2015, a vision for the future of Manly's CBD.

Rightly, the process involved the engagement of many consultants to prepare studies and reports; and the dissemination of materials to the public seeking views and input on the Plan.

To date Council has not received any report on the progress of costs incurred in relation to the development of this Masterplan.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM20042015NM_1.DOC

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

TO: Ordinary Meeting - 20 April 2015
REPORT: Notice of Motion Report No. 18
SUBJECT: Formation of a Manly Ferry and Wharf Monitoring Committee by Council
FILE NO: MC/15/44425

Councillor Hugh Burns will move:

That Council auspice the establishment of a Manly Ferry and Wharf monitoring committee. The committee is to include representatives from all relevant stakeholders: RMS, Council, Wharf lessee, the two ferry operators and representatives of public and business community.

Background

Recently Manly Council and Roads and Maritime Services met to discuss various issues concerning wharf maintenance and operations.

One of the concerns raised was access to the publically owned sections of the wharf complex (the wooden hydrofoil wharf structure and the ferry wharf from the roller shutters to the end). Another concern raised was the extent of the wharf envelope that could be further developed in the future.

The standard of maintenance and management of the Wharf concession currently under lease and the operation and maintenance of the main Sydney Ferries service, operated by franchisee *Harbour City Ferries*, are now raised as matters of concern.

Additionally, now that the new fast ferry operator, *Manly Fast Ferries*, is operated in full competition with *Harbour City Ferry Services* on weekdays and on weekends (except early mornings, thus the operation of both ferry services will need to be monitored to ensure the short term financial interests of the operators and the State Government do not, by direct or inadvertent action, weaken or destroy Manly's current ferry-based tourism that we currently enjoy, particularly on summer weekends because the ferry service depends on the larger ferries operating viably all year round.

While the matter could be referred to an existing Council committee, it would be more effective to constitute a dedicated committee with representatives from the RMS, Council, the Wharf lessee, the two ferry operators along with representatives of the public and possibly representatives from the Chamber of Commerce/tourist businesses.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM20042015NM_3.DOC

***** End of Notice of Motion Report No. 18 *****

TO: Ordinary Meeting - 20 April 2015
REPORT: Item For Brief Mention Report No. 5
SUBJECT: Items For Brief Mention
FILE NO: MC/15/30716

1. SHOROC and Feasibility Study for participating Councils to be ISP providers

At Council's meeting of 8 December 2014, Council, by resolution, requested SHOROC consider undertaking a feasibility study for member councils to consider becoming Internet Service Providers (ISP's) as part of the National Broadband Network programme.

Council has recently been advised by SHOROC that this matter has been considered and that they considered that this was not an appropriate project for SHOROC to undertake at this time given other regional priority tasks at present.

2. The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
25/15	9 Mar	Notice of Motion Report No. 13 - Digitisation of Manly Council Minutes/ Agendas	Council to progressively digitise its Council Meeting papers between 1960 and 2004.	Project scoped and quotes being obtained.
24/15	9 Mar	Notice of Motion Report No. 12 - Manly 2015 - Sydney Road CBD Upgrade	Council develop the Manly2015 Sydney Road public domains upgrade to enable its exhibition for public comment by June 2015; and design for construction by September 2015.	Item progressing and on schedule to Public Domains meeting 15/04/15.
21/15	9 Mar	Notice of Motion 14 - Compromise Option for expanding car parking capacity in Manly	Council request proposals (conduct market testing) from interested parties for the construction of the oval carpark Council also request for proposals for the long term lease of the existing Whistler Car park site for a mixed use development	On hold (Rescission Motion)
20/15	9 Mar	Notice of Motion No. 9 - Manly Environment Centre (MEC) Resources Collection Development Policy	Document the practice of collecting materials and develop policies and procedures for the collection.	Deputy GM is progressing matter
8/15	9 Feb	Notice of Motion No. 4 – Telstra Phone Booths	Request Telstra select more appropriate colours for public phone booths in the Manly CBD	Telstra replied to Council not willing to change campaign.
6/15	9 Feb	Notice of Motion No. 2 – Commission of History of Manly Council	Refer to the Heritage Committee the proposal to commission a book.	Item in progress.
199/14	8 Dec	Notice of Motion No. 65 – Council car parks	Scoping Parking Study to increase utilisation of Council's Carparks	Study in progress
195/14	8 Dec	Notice of Motion No. 61 – East Esplanade Reserve	Improve toilet facilities at East Esplanade	Item in progress Data being collected.
178/14	10 Nov	Notice of Motion No. 53 - Manly Wharf Signpost	Signpost be designed and installed at Manly Wharf directing people to the key attractions of Manly.	Design/concept being referred back to Economic Tourism Development Committee May 2015

Item For Brief Mention Report No. 5 (Cont'd)

156/14	13 Oct	Notice of Motion No. 50 - Upgrading of Electronic display of Car Park Free Spaces	That parking availability of Council car parks be published on line and mobile devices or App.	App developed. Launch date TBA
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3. Tabled Documents

Date	Author	Subject
25 February 15	Steve Orr Acting Chief Executive Office of Local Government	15-09 Circular to Councils Changes to the land acquisition process for acquiring authorities in NSW
16 March 15	Neil Louis Head of Wi-Fi Telstra Retail	Reply to Council's request to change the colour of payphone roofs.
23 March 15	Rik Hart General Manager Warringah Council	Improving Street Access to Centrelink Office, Brookvale
27 March 15	Giselle Howard Director Metropolitan Branch Environment Protection Authority	Reply to Council's letter regarding sewage pumping station at Whistler Street, Manly.
10 April 15	Andrew Johnson General Manager Local Government, ACT and Regional Development Australia Branch Department of Infrastructure and Regional Development	2012-13 Local Government National Report http://www.regional.gov.au/local/publications/reports/index.aspx .
15 April 2015	Halvard Dalheim Acting Executive Director Planning & Design Department of Planning & Environment	Council's successful application for seed funding under the Metropolitan Greenspace Program
16 April 2015	Peter Turnell Director, Recreational and Indigenous Fisheries Department of Primary Industries	Response to Council's letter regarding the high number of fishing bait bags retrieved from the nets at West Esplanade Beach.

RECOMMENDATION

1. That the IFBM reports be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM20042015IBM_1.DOC

***** End of Item For Brief Mention Report No. 5 *****

TO: Ordinary Meeting - 20 April 2015
REPORT: Report Of Committees Report No. 4
SUBJECT: Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature.
FILE NO: MC/15/31618

That the minutes of the following Special Purpose Advisory Committee and working Group meetings are tabled at this meeting.

1. Sustainable Transport Advisory Committee – 5 February 2015
2. ANZAC Centenary 2015 Working Party – 18 February 2015
3. Manly Sister Cities Advisory Committee – 25 February 2015
4. Sports & Recreational Facilities Advisory Committee – 27 February 2015
5. Audit & Risk Advisory Committee – 4 March 2015
6. Heritage & Local History Advisory Committee – 4 March 2015
7. ANZAC Centenary 2015 Working Party – 4 March 2015
8. Meals on Wheels Advisory Committee – 11 March 2015
9. Community Gardens Advisory Committee – 11 March 2015
10. Art & Culture Advisory Committee – 17 March 2015

RECOMMENDATION

That the minutes of the following Special Purpose Advisory Committee and Working Group meetings be noted:

1. Sustainable Transport Advisory Committee – 5 February 2015
2. ANZAC Centenary 2015 Working Party – 18 February 2015
3. Manly Sister Cities Advisory Committee – 25 February 2015
4. Sports & Recreational Facilities Advisory Committee – 27 February 2015
5. Audit & Risk Advisory Committee – 4 March 2015
6. Heritage & Local History Advisory Committee – 4 March 2015
7. ANZAC Centenary 2015 Working Party – 4 March 2015
8. Meals on Wheels Advisory Committee – 11 March 2015
9. Community Gardens Advisory Committee – 11 March 2015
10. Art & Culture Advisory Committee – 17 March 2015

ATTACHMENTS

There are no attachments for this report.

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***** End of Report Of Committees Report No. 4 *****

TO: Ordinary Meeting - 20 April 2015
REPORT: General Managers Division Report No. 5
SUBJECT: Review of Fencing at Jump Rock
FILE NO: MC/15/30958

SUMMARY

This report recommends that Council, as a matter of prudence, retain the barrier fencing at “Jump Rock”.

REPORT

As Council would be aware, two deaths have been recorded in recent years at “Jump Rock”, one in 1998 and one in 2004.

Further, in 2006 an injured woman had to be airlifted from the site.

As a result of these reported incidences, Council’s Risk Manager and insurer were consulted and warning signage conforming to clauses in the Civil Liability Act 2002 (NSW) dealing with ‘obvious risk inherent in dangerous recreational activity’ and ‘risk warning’ were installed at the site.

Due to the representations of residents in the vicinity urging Council to protect their amenity from the anti-social behavior exhibited by a number of those attending the area (both as observers and “jumpers”), fencing was installed in 2007. This fence was vandalized immediately.

In 2009, residents in the area reported that the incidence of night jumping was no longer a problem, and that littering, antisocial behavior, noise and screaming had also reduced. The fence was purportedly a factor in these observations.

Condition of Fence, Signage and Legal Ramifications of Removal

The condition of the fence is the subject of ongoing monitoring and routine maintenance and is all that is needed for now. However, major work on the structure/s while not imminent will be needed within the next few years.

Council’s insurer is satisfied that the warning sign at the site fulfils Council’s Duty of Care to warn of risk and provides protection to Council in terms of the Civil Liability Act. The erection of prohibition signs is not recommended since such signs have implications in terms of continuous enforcement, with which Council does not have the resources to comply.

Should Council now remove the fence it could well be argued that jumpers would construe this as indicating that it is now less dangerous, or indeed safe, to engage in the activity. This argument would almost certainly be put in any case against Council that should arise.

The fence indicates that Council is attempting to prevent a dangerous activity occurring. It is highly probable that it does deter some potential jumpers in particular the less reckless, minors and older adults. If removal occurred and a jumper from one of these categories were injured, they would be likely to argue that they would not have jumped if the fence had been left in place. Indeed, warning signage would lose much of its effect if Council indicated, even if unintentionally, a lesser risk by the act of removing the fence.

General Managers Division Report No. 5 (Cont'd)

RECOMMENDATION

That Council retain the fence at Jump Rock.

ATTACHMENTS

AT- 1 Jump Rock 1 Page

OM20042015GMO_1.DOC

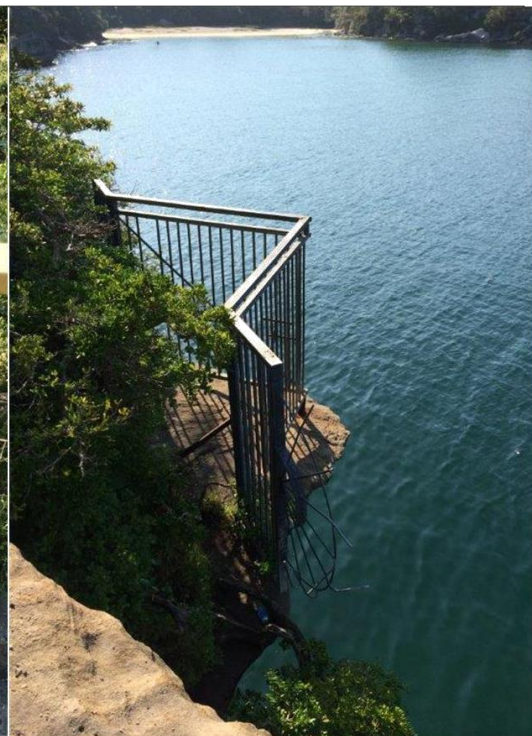
***** End of General Managers Division Report No. 5 *****

ATTACHMENT 1

General Managers Division Report No. 5.DOC - Review of Fencing at Jump Rock Jump Rock



Damaged signagae and hoop



Graffiti on metal fencing



Metal Fence

TO: Ordinary Meeting - 20 April 2015
REPORT: Environmental Services Division Report No. 9
SUBJECT: List of LEC Appeals relating to DAs during March 2015
FILE NO: MC/15/30708

SUMMARY

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

REPORT

DA#	LEC Reference	House #	Address	Date Lodged	Firm	Status
DA 220/2013	Class 1 10551/2014	9-11	Victoria Pde	29/7/2014	Maddocks	S34 Conference 15/04/15
DA 105/2013	Class 1 10944/2014	112	Sydney Road	17/11/2014	Marsdens	Awaiting further date
DA 297/2012	Class 1 10989/2014	12-13/102	Marine Parade & Bower Street	2/12/2014	Pikes	Callover 17/04/15
DA 19/2013	Class 1 10055/2015	61	Gurney Crescent	22/01/2015	HDO	S34AA Conference 19 & 20/05/15
DA 126/2011	Class 1 10238/2015	4	West Street	17/03/2015	In-House	Callover 14/04/15
DA 19/2014	Class 1 10280/2015	18	Raglan Street	30/03/2015	HWL Ebsworth	Callover 05/05/15
DA 19/2014	Class 1 10281/2015	18	Raglan Street	30/03/2015	HWL Ebsworth	Callover 05/05/15
Matter Heard						
DA 05/2014	Class 1 10572/14	4	Rolfe Street	1/8/2014	Pikes	Awaiting judgment

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM20042015ESD_2.DOC

***** End of Environmental Services Division Report No. 9 *****

TO: Ordinary Meeting - 20 April 2015
REPORT: Environmental Services Division Report No. 10
SUBJECT: Development Applications Processed for the month of April 2015
FILE NO: MC/15/30709

SUMMARY

Development applications being processed during April 2015

REPORT

The following applications are with the Town Planners for assessment:

DA#	Year	Site	Proposal
482	2004	1-9 Spring Cove Avenue; 106 Darley Road	Section 96 Modification - Part 9
409	2007	11 Oyama Avenue	Section 96 Modification - Part 3
149	2008	2 West Promenade	Section 96 Modification - Part 5
69	2009	421 Sydney Road	Section 96 Modification - Part 2
240	2009	27 Radio Avenue	Section 96 Modification - Part 2
164	2010	38 Alma Street	Section 96 Modification - Part 2
332	2010	15A Linkmead Avenue	Section 96 Modification - Part 3
82	2011	4 Wanganella Street	Section 96 Modification - Part 2
126	2011	4 West Street	LEC - Amended Plans - Section 96(8) Modification - Part 2
134	2011	16 Augusta Road	Section 96 Modification - Part 3
142	2011	Wharves and Jetties	Section 96 Modification - Part 2
151	2011	44 Osborne Road	Section 96 Modification - Part 2
172	2011	46 Osborne Road	Section 96 Modification - Part 2
178	2012	7 Montpelier Place	Section 96 Modification - Part 2
234	2012	92 The Corso	Section 96 Modification - Part 4
239	2012	47 Kangaroo Street	Section 96 Modification - Part 2
297	2012	102 Bower Street	Section 96 Modification - Part 2
44	2013	27 Fairlight Street	Section 96 Modification - Part 2
77	2013	135 Seaforth Crescent	Section 96 Modification - Part 2

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
220	2013	9-11 Victoria Parade	LEC - AMENDED PLANS - Demolition of existing structures and construction of a Mixed Use Development comprising of a six (6) storey building containing retail and commercial premises on the ground floor, twenty-four (24) apartments, basement car park with twenty-seven (27) spaces and Strata Subdivision
254	2013	24 White Street	Section 96 Modification - Part 2
263	2013	13 Boyle Street	Section 96 Modification - Part 2
1	2014	57 Gordon Street	Section 96 Modification - Part 2
19	2014	18 Raglan Street	Section 96 Modification - Part 2
54	2014	550 Sydney Road	Section 96 Modification - Part 2
69	2014	9 Monash Crescent	Section 96 Modification - Part 2
90	2014	23 Cliff Street	Section 96 Modification - Part 2
106	2014	200 Pittwater Road	Section 96 Modification - Part 2
108	2014	44 Alma Street	Alterations and additions to an existing dwelling house including first floor addition, lower ground and ground floor rear addition, terrace, access stairs and retaining walls
109	2014	Wharves and Jetties	Alterations and additions to an existing commercial tenancy - Shop 11 - "Max Brenner", including internal fitout, new shopfront to the western and southern sides and signage - Manly Wharf
117	2014	2 Audrey Street	Alterations and additions to an existing dwelling including demolition of existing carport, construction of new single garage, extension of driveway and new entry to the dwelling
123	2014	109 Pittwater Road	Alterations and additions to an existing dwelling house including new first floor addition, internal alterations to existing ground floor, swimming pool and front fence
128	2014	7 North Harbour Street	Construction of a sea wall, plunge pool, deck, retaining walls and landscaping
136	2014	25A Castle Circuit	Demolition of existing structures, construction of a new two (2) storey dwelling house with double garage, front decks and landscaping
148	2014	4 Laura Street	Alterations and additions to an existing dwelling including new masonry sea wall and retaining walls to replace existing timber logs, new timber stairs, new decks, new decked landings, new walkways and increasing the depth of the existing boatshed
149	2014	The Corso	Construction of a permanent kiosk – on Council land adjacent to 90 The Corso, Manly
152	2014	71 Seaforth Crescent	Alterations and additions to an existing dwelling including addition of a new timber deck at the rear, widening of the driveway at the front, internal alterations, changes to the windows and doors

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
153	2014	37 Pittwater Road	Alterations and additions to an existing attached dwelling including a rear extension with a pergola
154	2014	30 Balgowlah Road	Alterations and additions to an existing semi detached dwelling including the demolition of internal walls, new first floor addition and a front fence
158	2014	31 Battle Boulevarde	Alterations and additions to an existing dwelling including excavation, partial demolition, new cabana, landscaping, internal and external modifications
159	2014	243 Sydney Road	Construction of two (2) storeys above the existing shops to create two (2) shop top dwellings
163	2014	65 Eurobin Avenue	Alterations and additions to an existing dual occupancy including demolition of the existing shed and outdoor laundry, extension to the existing ground floor at rear with a pergola, new bike and garden sheds
166	2014	12 Callicoma Road	Alterations and additions to an existing dwelling house including new storey within the existing garage/ undercroft/ laundry
178	2014	31 Seaforth Crescent	Demolition of an existing dwelling, construction of a new four (4) level dwelling house with double garage, swimming pool, landscaping and new driveway
180	2014	27 Wood Street	Alterations and additions to an existing dwelling house including new first floor addition and ground floor alterations
183	2014	5 Alan Avenue	Alterations and additions to an existing dwelling house including new in-ground swimming pool and cabana at the rear
188	2014	107 Pittwater Road	Alterations and additions to an existing dwelling house including partial demolition, new first floor, new vehicular crossing and single hardstand car parking space at the rear
190	2014	90 Whistler Street	Alterations and additions to an existing residential flat building including new second floor addition with roof top deck, new balcony and alterations to units 3 and 4
193	2014	62 Birkley Road	Demolition of an existing double garage, construction of new double garage with secondary dwelling above
194	2014	7 Curban Street	Alterations and additions to an existing dwelling including extensions to the rear lower ground and ground floor levels, construction of new double carport with workshop/ storage area below, new driveway and crossover
196	2014	10 Arthur Street	Alterations and additions to an existing dwelling including rear additions to the lower ground and ground floors, window changes, new carport and new driveway with crossover
199	2014	25 Darley Road	Alterations and additions to an existing dwelling including internal alterations, partial demolition to provide off street parking, new driveway, crossover and garage door
204	2014	22A White Street	Demolition of existing structures, construction of a new two (2) storey dwelling house with basement double garage, decks and landscaping

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
207	2014	48 Bungaloe Avenue	Demolition of an existing garage/ shed and stairs, new swimming pool, deck, stairs, retaining wall and plantings
211	2014	46-58 Pittwater Road	Alterations and additions to an existing mixed use building including change of use from the existing shop top housing to a boarding house and changes to ground floor commercial spaces
213	2014	9 Avona Crescent	Demolition of existing structures, construction of a three (3) storey dwelling house with a double garage and swimming pool
214	2014	65 Beatrice Street	Alterations and additions to an existing dwelling house including rear addition, internal reconfiguration, new carport and swimming pool
217	2014	21 Gurney Crescent	Alterations and additions to an existing dwelling house including extension of deck at entry level, extension of existing lower level with new deck, garage alterations, stairs to new lower level with new deck and facilities
218	2014	4 Baranbali Avenue	Partial demolition, construction of a two (2) storey dwelling house with a double garage, swimming pool and landscaping
220	2014	17 Birkley Road	Alterations and additions to an existing dwelling house including first floor rear addition, ground floor rear extension with deck, awning, swimming pool and landscaping
221	2014	6 Alto Avenue	Alterations and additions to an existing dwelling house including first floor addition with deck and front ground floor extension
222	2014	3 Krui Street	Demolition of the existing garage, construction of new detached structure with a three car garage below and secondary dwelling above, new driveway and removal of three street trees
223	2014	16 Spring Cove	Construction of a new two (2) storey dwelling with a double garage, a swimming pool and landscaping
224	2014	8 Upper Gilbert Street	Alterations and additions to an existing dual occupancy (attached) including the installation of an external lift
226	2014	62 Bower Street	Alterations and additions to an existing dwelling house including extension to the existing pool deck, new in-ground spa, new courtyard, landscape works, replacing the existing bridge connection between the dwelling house and the garage
228	2014	63 Griffiths Street	Two (2) Lot Torrens Title Subdivision, alterations and additions to an existing dwelling including double carport, driveway and demolition of the rear laundry
229	2014	16 Edgecliff Esplanade	Alterations and additions to an existing dwelling house including increasing the size of the existing garage, new garage door, new pedestrian access, partial enclosure of the existing upper ground floor balcony, new windows, additions to the first floor with extension of the existing balcony and modifications to the roof
231	2014	70 Curban Street	Two (2) lot Torrens Title Subdivision, demolition of existing structures, construction of a two (2) new x three (3) storey dwelling houses with double garages, driveways, swimming pools, decks and landscaping

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
232	2014	52 Eurobin Avenue	Re-development of an existing Educational Establishment including partial demolition, construction of three (3) storey buildings with basement car park, refurbishment of buildings, an increase in student numbers by 200, landscaping and a covered play area - Stella Maris College
236	2014	2 Wanganella Street	Alterations and additions to existing dwelling house including new rear verandah and rear pavilion with barbeque area
237	2014	10 Camera Street	Double garage with roof terrace, access stairs and front gate
239	2014	7 Northcote Avenue	Alterations and additions to an existing semi-detached dwelling including enlarged rear deck
242	2014	19 Fairy Bower Road	Alterations and additions to an existing dwelling house including first floor addition, excavation for a basement parking level, partial demolition of rear structures, new ground floor addition, new cabana, swimming pool and landscaping
243	2014	30 Bonner Avenue; 138 & 139 North Steyne	Demolition of existing structures, consolidation of three (3) lots, construction of two (2) x six (6) storey residential flat buildings with fourteen (14) units, basement car park containing twenty-five (25) spaces, decks and landscaping
244	2014	58 Ponsonby Parade	Alterations and additions to an existing dwelling house including double garage, first floor addition, extension to the ground floor with terraces, landscaping, new swimming pool and spa
245	2014	219 Pittwater Road	Alterations and additions to an existing semi detached dwelling house including first floor addition (attic style)
246	2014	64 Alexander Street	Alterations and additions to an existing dwelling house including first floor addition, internal alterations, detached garage with loft above
248	2014	89 Darley Road	Alterations and additions to an existing dwelling house including first floor addition, internal alterations to the ground floor and new front fence
249	2014	43 Gurney Crescent	Alterations and additions to an existing dwelling house including double carport, alterations to the basement level, middle level, top level, new swimming pool with deck and landscaping
253	2014	22 Wentworth Street	Demolition of existing "Elsie Hill Building, construction of a six (6) storey building "Centre for Child Health and Learning" over two (2) levels of basement car parking for fifty three (53) cars and the use of the building as clinical, educational and office facilities, alterations to Drummond House to connect to the new centre and landscape works
255	2014	13 Bower Street	Partial demolition, construction of a three (3) storey dwelling house including decks, swimming pool and landscaping
256	2014	23 White Street	Alterations and additions to an existing dual occupancy (attached) including first floor extension, new double garage, front fence, landscaping and Strata Subdivision

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
257	2014	4 Woodland Street	Alterations and additions to an existing dwelling house at both levels including replacement and reduction in the size of the swimming pool, new roof, new front entry stairs, new rear patio, changes to existing carport, garage and driveway
258	2014	17 Waterview Street	Construction of a new two (2) storey dwelling house with double garage and landscaping
259	2014	30 Hilltop Crescent	Alterations and additions to an existing dwelling house including rear and front extension, conversion of the lower level for habitable use, replace the existing deck and new spa
261	2014	49 Lewis Street	Construction of a swimming pool forward of the building line, retaining walls and landscaping
262	2014	17 Dalwood Avenue	Demolition of existing dwelling, construction of a new two (2) storey dwelling house with decks, swimming pool and landscaping
1	2015	8 Redman Street	Alterations and additions to an existing dwelling house including rear first floor extension
2	2015	54 Cutler Road	Alterations and additions to an existing dwelling house including the addition of a balcony at the front first floor level with replacing the existing windows with doors
10	2015	46 Quinton Road	Alterations & Additions to an existing two (2) storey dwelling house including third storey addition, ground floor rear addition, internal re-configuration, changes to front entrance and construction of a new carport
11	2015	28 Waterview Street	Demolition of existing dwelling, construction of a new two (2) storey dwelling house including double garage
12	2015	33 Quinton Road	Alterations and additions to a existing semi-detached dwelling house including rear ground floor addition, first floor addition, new panel lift carport door, pergola and front gate
13	2015	12 Cove Avenue	Alterations and additions to an existing Residential Flat Building including internal reconfiguration to Unit 20 and change of use of existing approved storage area to habitable space
14	2015	87 Birkley Road	Alterations and additions to an existing Residential Flat Building including demolition of existing pergola and living room, construction of new living room, study and new roof – Unit 6
15	2015	110 North Steyne	Alterations and additions to an existing Residential Flat Building including enclosure of the side courtyard at ground floor level – Unit 6
16	2015	25-29 Victoria Parade	Alterations and additions to an existing Residential Flat Building including vergola over the existing terrace – Unit 4
17	2015	4 Craig Avenue	Alterations and additions to an existing Residential Flat Building including deck and privacy screen – Unit 6
18	2015	40 Francis Street	Alterations and additions to the approved dwelling house under Complying Development 162/2014 including first floor deck with stairs, front fence and landscaping
20	2015	41 Wanganella Street	Alterations and additions to an existing dwelling house including construction of a double carport and driveway

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
21	2015	68 Bower Street	Alterations and additions to an existing dwelling house including lower ground floor additions, internal and external alterations
22	2015	9 Edgecliffe Esplanade	Alterations and additions to an existing dwelling house including two (2) new vergola roof systems to the rear second and third floor terraces
23	2015	4 Thornton Street	Alterations and additions to an existing dwelling house including conversion the existing storage area within the roof structure into habitable space
24	2015	75 Whistler Street	Demolition of an existing dwelling house, construction of a new part two (2) and part three (3) storey dwelling house with garage, off street parking, new driveway and landscaping
25	2015	18 Osborne Road	Alterations and additions to an existing dwelling house including lower ground and ground floor additions, new single carport, new side access stairs and landscaping
26	2015	9 Beatrice Street	Construction of a new double carport with storeroom underneath, elevated driveway, new pedestrian access stairs and lift
27	2015	44 Bower Street	Alterations and additions to an existing dwelling house including internal alterations, extensions and terraces to ground floor and first floor, stairs to rear garden, new lych-gate, enlarged garage and driveway
28	2015	4 Dalwood Avenue	Demolition of existing dwelling house, construction of a new (2) storey dwelling house with decks, swimming pool, driveway, front fence and landscaping
29	2015	7 Quinton Road	Alterations and additions to convert an existing two (2) storey duplex into a single dwelling house and Torrens Title Subdivision
30	2015	41 Pacific Parade	Alterations and additions to an existing dwelling house including two (2) separate hard stand areas for car parking and driveway access
31	2015	139 Woodland Street	Two (2) lot Torrens Title Subdivision
32	2015	24A Beatty Street	Alterations and additions to an existing dwelling house including enclosure of existing balcony, removal of existing windows and landscaping
33	2015	54-68 West Esplanade	Installation of four (4) business identification signs to an existing restaurant - Criniti's
34	2015	97 Addison Road	Construction of a hardstand parking space forward of the building line
35	2015	131A Woodland Street	Two (2) Lot Torrens Title Subdivision, amendment to the existing Strata Subdivision, alterations and additions including new double carport, stairs, front fence, demolition of a garage and laundry
37	2015	13 Iluka Avenue	Demolition and construction of a two (2) storey dwelling house with garage, decks, swimming pool and landscaping
39	2015	6 Koobilya Street	Alterations and additions to an existing dwelling house including addition of a new front fence with sliding gate for vehicular access and a pedestrian gate
40	2015	14 Monash Crescent	Alterations and additions to an existing dwelling house including rear ground and first floor additions, new swimming pool and landscaping

Environmental Services Division Report No. 10 (Cont'd)

DA#	Year	Site	Proposal
41	2015	40 Wanganella Street	First floor deck extension to the approved alterations and additions to the existing dwelling house under Complying Development 19/2015
42	2015	44 Tabalum Road	Construction of a two (2) storey dwelling house with double garage, decks and landscaping
43	2015	8 & 10 Boyle Street	Demolition and construction of a retaining wall on the boundary
44	2015	18 Raglan Street	Change of use from an approved Funeral Home to a Café
45	2015	9 Birkley Road	Alterations and additions to an existing semi-detached dwelling including addition of a new double carport with door and storage, roof secondary entry and changes to rear fence
46	2015	5-15 Burnt Street	Change of use to Café, fitout, bi-fold windows and pergola over proposed lease area
47	2015	21 Tutus Street	Alterations and additions to an existing dwelling house including changes to the windows and doors at both levels, new swimming pool, deck above the existing garage, pergola, retaining walls and landscaping
48	2015	82 West Street	Alterations and additions to an existing dwelling house including new first floor addition, ground floor internal alterations and enlarged ground floor deck at the rear
49	2015	1 Fairlight Crescent	Alterations and additions to an existing dual occupancy including additions to the first floor with roof over the existing terraces, new lift, internal alterations, changes to windows and doors
50	2015	47 White Street	Alterations and additions to an existing dwelling house including new first floor additions with balcony and ground floor internal alterations
51	2015	41 The Corso	Alterations and additions to an existing shop including change of use from fashion retail to food and drink retail – Bare Naked Bowls

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

250/2014 27 Lower Beach St, BALGOWLAH 2093

Alterations and additions to an existing Residential Flat Building including retaining walls, in-ground spa and awning – Unit 3

18/2015 40 Francis St, FAIRLIGHT 2094

Alterations and additions to the approved dwelling house under Complying Development 162/2014 including first floor deck with stairs, front fence and landscaping

36/2015 46 West St, BALGOWLAH 2093

Alterations and additions to the existing townhouses including addition of decks, privacy screens, new spa, lawn areas, boundary fence, infilling of an existing swimming pool, vergola and modification to the existing Strata Plan

19/2014 18 Raglan St, MANLY 2095

Section 96 to Modify approved Demolition of existing structures and construction of a three (3) storey Mixed Use development containing a funeral home, five (5) residential apartments and eleven (11) car parking spaces - involving deletion of condition no 61 requiring face brickwork within 600mm of adjoining properties – Part 3

Environmental Services Division Report No. 10 (Cont'd)

235/2012 106 North Steyne, MANLY 2095

Section 96 to modify approved Demolition of the existing buildings and construction of a five (5) storey residential flat building containing eight (8) units with fourteen (14) carparking spaces - involving second basement level, plunge pool, planter boxes on the fourth floor terrace and side extension on third floor - Part 2

24/2013 131 Condamine St, BALGOWLAH 2093

Section 96 to modify approved alterations and additions to an existing dwelling including new entry with roof, internal stairs and rear extension to garage with terrace above – involving vergola setback of 900mm, relocation of window, increase in door width and security gate – Part 3

139/2013 47 West St, BALGOWLAH 2093

Section 96 to modify approved Alterations and additions to an existing dwelling including installation of a dividing wall to create two (2) separate dwellings, changes to the internal configuration and a two (2) lot Torrens Title Subdivision – involving internal modifications - Part 2

52/2015 29 Pacific Pde, MANLY 2095

Alterations and additions to an existing dwelling house including rear extension, detached garage, carport, deck and front fence

53/2015 30 Dobroyd Rd, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling house including enlargement of the existing rear first floor deck, relocation of the existing rear windows and new doors

54/2015 22 Radio Av, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling house including rear ground and first floor addition, landscaping and detached secondary dwelling

144/2014 30 Arthur St, FAIRLIGHT 2094

Section 96 to modify approved Alterations and additions to an existing dwelling house including a first floor addition, internal reconfiguration and additions to the front on the ground floor – involving deletion of condition ANS02 in relation to set back on the eastern wall, deletion of condition ANS05 in relation to the removal of window on first floor facing east – Part 2

55/2015 94 Bower St, MANLY 2095

Replacement of the existing windows on the northern elevation with bi-fold windows with fan lights above – also known as 5 Marine Parade, Manly

56/2015 3 Sheridan Pl, MANLY 2095

Alterations and additions to an existing dwelling house including an extension at ground floor level and a double carport over an existing hard stand car parking area

61/2015 145 Griffiths St, BALGOWLAH 2093

Alterations and additions to an existing dual occupancy (attached) including internal alterations, extension to the rear deck and deletion of the external stairs - Unit 2

43/2014 3 Abbott St, BALGOWLAH HEIGHTS 2093

Section 96 to modify approved Alterations and additions to an existing dwelling house including extend the rear balcony and replace the pergola on the front balcony – involving a new fixed privacy screen on the ground floor terrace, solid roof on upper level terrace, glass balustrade on upper level balcony and two (2) Velux skylight windows to upper level terrace - Part 2

58/2015 13 Salisbury Sq, SEAFORTH 2092

Demolition of an existing dwelling house, construction of a two (2) storey dwelling house and landscaping

Environmental Services Division Report No. 10 (Cont'd)

59/2015 Wharves and Jetties, MANLY 2095

Removal and replacement of the existing mechanical plant equipment within the existing mechanical plant room - Aldi - Manly Wharf

57/2015 194 Woodland St, BALGOWLAH 2093

Demolition of an existing dwelling house, construction of a two (2) storey dual occupancy (attached) and two (2) lot Torrens Title Subdivision

60/2015 1 Cohen St, FAIRLIGHT 2094

Alterations and additions to an existing dwelling house including a new first floor addition, a new double carport, rear timber pergola and landscaping

143/2007 21 Seaforth Cr, SEAFORTH 2092

Section 96AB to modify of approved Alterations and Additions to the rear of the existing dwelling including new cabana, swimming pool and landscaping works – involving deletion of condition ANS10 in relation to replacement of the sandstone facing on the lower ground floor and cabana with cement render and paint - Part 5

62/2015 17 Monash Cr, CLONTARF 2093

Construction of a new two (2) storey dwelling house with basement level, decks, detached double garage with car stacker, new driveway, swimming pool, spa and landscaping

63/2015 27 Adelaide St, BALGOWLAH HEIGHTS 2093

Alterations and additions to an existing dwelling house including first floor addition with balconies, new double garage, new windows, new doors, internal alterations and landscaping

64/2015 99 Stuart St, MANLY 2095

Alterations and additions to an existing dwelling house including the enclosure of the existing balcony

182/2014 43 Frenchs Forest Rd, SEAFORTH 2092

Section 96 to modify approved Alterations and additions to an existing dwelling house including rear double garage, swimming pool, entry walkway and timber deck – involving deletion of condition ANS02 in relation to the deletion of driveway, driveway crossover and the maximum fence height and ANS08 in relation to the removal of the concrete block wall – Part 2

65/2015 65 Boyle St, BALGOWLAH 2093

Alterations and additions to an existing dual occupancy (attached) including rear ground and first floor extensions to Units 1 and 2

Environmental Services Division Report No. 10 (Cont'd)**MIAP**

The following applications were presented to the Manly Independent Assessment Panel on 19 March 2015.

DA#	Address	Proposal	Determination by MIAP
46/2004	36-38 South Steyne	Section 96 Modification - Part 6	Refused
81/2013	17-19 Central Avenue	Section 96 Modification - Part 2	Approved
212/2013	7 Harvey Street	Section 96 Modification - Part 3	Approved
262/2013	62-64 Pittwater Road	Section 96 Modification - Part 2	Approved
154/2014	30 Balgowlah Road	Alterations and additions to an existing semi detached dwelling including the demolition of internal walls, new first floor addition and a front fence	Approved
200/2014	7 Steinton Street	Alterations and additions to an existing row house dwelling including first floor addition, internal alterations to the existing ground floor and landscaping	Approved
209/2014	15 Alexander Street	Alterations and additions to an existing semi-detached dwelling house including a rear addition	Approved
227/2014	27 Fisher Street	Alterations and additions to an existing dwelling house including new first floor level, ground floor alterations, reduction in the size of the existing swimming pool, additions to the existing basement, new deck, new pergola, landscaping and new external finishes	Approved
251/2014	104 Woodland Street	Alterations and additions to an existing dwelling house including first floor additions and double carport with storage area underneath	Approved

RECOMMENDATION

THAT the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

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

TO: Ordinary Meeting - 20 April 2015
REPORT: Environmental Services Division Report No. 11
SUBJECT: Draft LEP Amendment – Resolution of Deferred Matters at Manly Hospital and Dalwood Childrens' Home. Post Exhibition Submissions
FILE NO: MC/15/42256

SUMMARY

This report provides an update on submissions received from Council's recent exhibition of the proposed LEP Amendment to zone Manly Hospital and Dalwood Childrens' Home as 'SP2 Health Facilities' and 'E2 Environmental Conservation.' The report recommends adoption of the Amendment as exhibited.

REPORT

Council resolved at its Ordinary Meeting on 13 October 2014 to:

1. *Adopt the Planning Proposal to amend the Manly LEP 2013 in applying the exhibited Draft Manly LEP 2011 development standards for the land associated with Manly Hospital and Dalwood Children's Home contained in the report.*
2. *Submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.*

Council received a Gateway Determination from the Department of Planning and Environment on 17th December 2014. The Minister gave delegation of the making of this LEP to Council, requiring a minimum of 14 days public exhibition and consultation with public authorities

Exhibition and submissions

The draft plan was exhibited from 21st February 2015 to 9th March 2015 at Manly Town Hall, Library and on Council's website.

The draft plan proposed zoning of land at Manly Hospital and Dalwood Childrens' Home to part 'SP2 Health Services Facilities' and part 'E2 – Environmental Conservation' as per the Draft LEP 2011.

Other development standards to be applied to the sites include mapping heritage, biodiversity, acid sulphate soils, the foreshore scenic protection area, and the requirement of a development control plan for the sites.

Two (2) submissions were received, (i) NSW Health Infrastructure and (ii) NSW Office of Environment and Heritage - National Parks and Wildlife Service. Both these State agencies were required to be notified of the proposed amendment to the Manly LEP 2013 as part of the Department's Gateway determination.

- (i) The submission from NSW Health Infrastructure (see Attachment 1) supports the zoning of the sites, however NSW Health Infrastructure opposes the requirement for a development control plan. The justifications given in the submission were that:

"Both these sites are functioning health service facilities and the preparation of a DCP is not appropriate or necessary to facilitate the sites continued use for that purpose.", and

"The effect of the requirement in Clause 6.14 would be to stymie future health service delivery on these sites until Council agreed to adopt a DCP".

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

- (ii) The submission from NSW Office of Environment and Heritage - National Parks and Wildlife Service (see Attachment 2) supports the zoning of the sites. Regarding land zoned E2 - Environmental Conservation at the Manly Hospital site, NSW Office of Environment and Heritage *"advises that it has interest in the potential addition of these identified areas to the Sydney Harbour National Park."*

Letters have been sent to the respective agencies thanking them for their submissions and noting their interests in the sites.

Comments relating to submissions:

- (i) Requirement for a DCP for Manly Hospital and Dalwood Children's' Home.
A DCP is not required for the sites existing use as health service facilities, and cannot be applied where there is no development application. Therefore the requirement for a DCP does not inhibit or 'stymie' the existing facilities. However the requirement for a DCP is based on the likelihood of a major redevelopment of each site in the near future. As both these sites cover a relatively large area of land in key locations, and are of local significance, it is considered in the public interest to create development control provisions that will help guide future development on the sites.

Heritage items are located on each site, being Manly Hospital (main building) and Dalwood Children's' Home (principal building and stone cottage). A major redevelopment would have a significant effect on the heritage qualities of these items and their curtilage. A DCP and related development control provisions can help plan a good outcome for these heritage items and minimise any detrimental impact redevelopment would have.

There are no development standards for land zoned SP2 in the MLEP 2013. Accordingly, there are no DCP controls applying to these sites. As each site is a "special purpose" site, it is considered reasonable and justifiable to develop specific development controls relating to the distinctiveness of each site. As there are no 'Height of Building', 'Floor Space Ratio' or 'Minimum Lot Size' development standards relating to the sites, this makes the requirement of a DCP for the areas essential to guide appropriate development.

Examples of existing site specific development control provisions in the Manly DCP 2013 include Balgowlah Local Centre, Seaforth Local Centre, the former Seaforth TAFE site, St Patrick's Estate, the Corso, etc. Currently no site specific or detailed controls relate to the subject sites.

If Council resolves to not proceed with the requirement of a DCP or any related development control provisions for the sites, and amends the planning proposal accordingly, it will forgo a substantial influence in guiding development on the subject sites.

- (ii) As regards the submission from NSW Office of Environment and Heritage, it is to be noted that it is not Council's role to decide whether the land is added to the Sydney Harbour National Park. It is suggested that the matter be left to the two government agencies to sort.

CONCLUSION

The draft Amendment to the Manly LEP 2013 in relation to Manly Hospital and Dalwood Children's' Home was exhibited from 21st February 2015 to 9th March 2015. The submissions supported the proposed zoning of the subject sites. The concerns raised by NSW Health Infrastructure regarding the requirement of a DCP for the subject sites is noted. This report recommends the requirement for a DCP is maintained due to the likelihood of the subject sites being redeveloped in the near future and the lack of any development standards and control provisions of these sites.

Environmental Services Division Report No. 11 (Cont'd)**RECOMMENDATION**

THAT Council proceed to prepare and make the Draft Amendment to the Manly Local Environmental Plan in relation to Manly Hospital and Dalwood Children's' Home, as exhibited.

ATTACHMENTS

- AT- 1** NSW Health Infrastructure letter (dated 9th March 2015) 1 Page
AT- 2 NSW Office of Environment and Heritage - National Parks and Wildlife Service 1 Page
(dated 23rd March 2015)

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

ATTACHMENT 1

Environmental Services Division Report No. 11.DOC - Draft LEP Amendment – Resolution of Deferred Matters at Manly Hospital and Dalwood Childrens' Home. Post Exhibition Submissions

NSW Health Infrastructure letter (dated 9th March 2015)



9 March 2015

Mr Nayeem Islam
Manager, Land Use Planning
Manly Council
PO Box 82
MANLY

Dear Mr Islam,

Response to exhibition of planning proposal for Dalwood Children's Home and Manly Hospital rezonings

Thank you for the opportunity to comment on the planning proposal to rezone the above two health service facilities. As noted in our letter to you in August 2014, the Northern Sydney Local Health District (NSLHD) recognises the significance of the ecological values found on parts of these two sites and therefore supports those areas zoning to reflect the E2 Objectives.

However, NSLHD does not support the identification of both Dalwood Children's Home and Manly Hospital as "key sites" requiring a Development Control Plan (DCP) to be prepared and adopted prior to any future development consent being granted. Both these sites are functioning health service facilities and the preparation of a DCP is not appropriate or necessary to facilitate the sites continued use for that purpose. The effect of the requirement in Clause 6.14 would be to stymie future health service delivery on these sites until Council agreed to adopt a DCP. This is not supported and NSW Health requests that the LEP not be adopted until such time as Dalwood and Manly Hospital are removed as Key Sites.

Please feel free to contact me if you wish to discuss further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Manning".

Anthony Manning
Executive Director Planning and Solutions

Health Infrastructure
ABN 89 600 377 397
Level 6, 77 Pacific Hwy, North Sydney NSW 2060
PO Box 1060 North Sydney NSW 2059
Tel. (02) 9978 5402 Fax. (02) 8904 1377
Website: www.hinfra.health.nsw.gov.au

ATTACHMENT 2

Environmental Services Division Report No. 11.DOC - Draft LEP Amendment – Resolution of Deferred Matters at Manly Hospital and Dalwood Childrens' Home. Post Exhibition Submissions NSW Office of Environment and Heritage - National Parks and Wildlife Service (dated 23rd March 2015)



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



Your reference: MC/15/17432
Our reference: DOC15/60500-01

Manly Council
PO Box 82
Manly NSW 1655



Dear Sir/Madam

Thankyou for the opportunity to comment on your planning proposal in relation to NSW Health Sites in Manly.

The Office of Environment and Heritage (OEH) would like to advise that it supports the proposed zoning of the identified lands. Given the natural heritage values of proposed E2 lands identified at Manly Hospital, OEH advises that it has interest in the potential addition of these identified areas to the Sydney Harbour National Park.

We would welcome the opportunity to remain involved in the consultation and future planning process. For any further information please contact Mr Michael Treanor, Area Manager, Harbour Area on 93375511 or at michael.treanor@environment.nsw.gov.au.

Yours sincerely

TOM BAGNAT
Director
Metropolitan and Mountains Branch
National Parks and Wildlife Service

23/03/2015

PO Box 396 Gosford NSW 2250
Suite 23, Level 2, 207 Albany Street North
Gosford NSW 2250
Tel: (02) 4320 4228 Fax: (02) 4320 4298
ABN 30 841 387 271
www.environment.nsw.gov.au

TO: Ordinary Meeting - 20 April 2015
REPORT: Environmental Services Division Report No. 12
SUBJECT: Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises
FILE NO: MC/15/42271

SUMMARY

This report proposes an amendment to the Manly LEP 2013 regarding a specific local noise provision that would require new development applications for licensed premises to consider noise impacts to residential accommodation in the vicinity the premises. This report follows on from previous Council reports regarding noise impacts on residents around Manly Cove. Council has received advice from the Department of Planning and Environment to proceed with a noise impact provision within the Local Provision section of MLEP 2013.

REPORT

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

66/14 RESOLVED: (C Griffin / Heasman)

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

At Council's Planning and Strategy Meeting on 4th August 2014, Council Officers provided two (2) options available to Council to amend the Manly LEP 2013 in regards to mitigating noise impacts around Manly Cove and other areas. Option one (1) was the preferred option – a specific local LEP provision for noise impacts from licensed premises.

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

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

Environmental Services Division Report No. 12 (Cont'd)

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

The proposed draft text is as follows:

6.21 Noise impacts - licensed premises

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

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

Currently the assessment of noise impacts arising from licensed premises is a common matter of consideration, particularly in relation to impacts on existing residential accommodation within the vicinity. This amendment supports paragraph 4.2.5.6 – Late Night Venues, of the Manly DCP 2013.

Council Resolution

Council resolved at its Planning and Strategy Meeting 4 August 2014 as follows:

36/14 RESOLVED: (Le Surf / Burns)

That Council:

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

Council officers sent a letter dated 11 August 2014 to the Department of Planning and Environment with the Council report, requesting to meet with the Department.

Officers met with the Department's Metropolitan Region (East) team on 22 September 2014 to discuss the proposal, presenting Council's concerns and case for a planning proposal. Officers have since been pursuing the Department for an answer regarding the proposed LEP. Council officers have provided additional information to the Department on several occasions to clarify Council's position, including a supportive evidence base incorporating court appeals.

Environmental Services Division Report No. 12 (Cont'd)

The Department initially preferred the second option (the noise provision to only affect land in Zone B2 Local Centre). However Officers have been successful in redirecting the Department to Council's preferred first option (as noted in this report). Officers have given clear justifications for Council's preferred option and why the alternative option would be ineffective on development on Manly Wharf (the initial reason for the proposal) as it is not zoned B2 Local Centre. The first option would allow any new licensed premises, anywhere in Manly, to be subject to the noise provision.

Department's agreement in principle and Planning Proposal

On 20 March 2015, Council officers received a letter from the Department of Planning and Environment (see **Attachment 1**) stating a recommendation to submit a planning proposal for the local LEP provision.

A planning proposal has now been drafted (see **Attachment 2**) to submit to the Department of Planning and Environment and request an amendment to the MLEP 2013 to insert the local noise provision as per Council's preferred option. It is recommended Council seeks ministerial delegation to make and amend the LEP.

CONCLUSION

Council have received an agreement in principle from the Department of Planning and Environment to a specific local LEP provision regarding noise mitigation measures for licensed premises in the Manly area. It is recommended that Council proceed with the attached planning proposal and request a Gateway Determination from the Department and seek delegation for Council to make the amending LEP.

As part of the Gateway Determination process, it is anticipated a public exhibition will be required. Once this is complete, a report will be presented to Council taking into consideration all submissions made to the proposal. Council can then resolve to either:

1. Proceed with the proposal as exhibited,
2. Make amendments to the proposal in light of submissions made, or
3. Not proceed with the proposal.

RECOMMENDATION

THAT Council

1. Adopt the Planning Proposal to amend the Manly LEP 2013 to insert a specific LEP noise provision regarding noise mitigation measures for licensed premises.
2. Submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.

ATTACHMENTS

AT-1	Letter from Department of Planning and Environment Regarding Council's Noise Control Provision (dated 19th March 2015)	1 Page
AT-2	Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises	7 Pages

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***** End of Environmental Services Division Report No. 12 *****

ATTACHMENT 1

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises Letter from Department of Planning and Environment Regarding Council's Noise Control Provision (dated 19th March 2015)



Mr Stephen Clements
Deputy General Manager, Land Use & Sustainability
Manly Council
PO Box 82
MANLY NSW 1655

14/16380

Attention: Mr Nayeem Islam, Manager Land Use Planning

Dear Mr Clements


I refer to Council's letter of 11 August 2014 requesting a meeting with the Department of Planning and Environment to discuss Council's proposed noise control provision in the Manly Local Environment Plan 2013 (Manly LEP).

I understand Council met with the Department's Metropolitan Region (East) team on 22 September 2014 to discuss the proposed amendment to the Manly LEP. I appreciate noise impacts from licensed premises, particularly around Manly Cove, are a common issue for Council.

I recommend Council submits a planning proposal to insert a new local noise provision for licensed premises into the Manly LEP for the Department's consideration. Council should ensure the planning proposal contains sufficient justification in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department's 'A guide to preparing planning proposals'.

If you have any further questions about this matter, please contact Ms Nava Sedghi of the Department's Metropolitan Region (East) branch on (02) 8575 4117.

Yours sincerely


Lee Mulvey
Director, Metropolitan Region (East)
Planning Services
17/3/15

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises
Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

Manly LEP 2013 Planning Proposal

New Local LEP Provision regarding noise mitigation measures for licensed premises.

Part 1 – Objectives of the planning proposal

The objective of this planning proposal is to ensure that any determination for a development application for the use of licensed premises must consider any detrimental noise impacts on any residential accommodation in the vicinity of the premises, and adopt mitigation measures if appropriate.

Part 2 – Explanation of provisions

This planning proposal seeks to amend the Manly LEP 2013 written instrument by inserting a new clause in Part 6 'Additional Local Provisions' of the LEP. The new clause would require any development application (including a change of use) for a licensed premise to have regard to noise nuisance on any residential accommodation in the vicinity.

The consent authority (i.e. Manly Council) would be required to have a statutory consideration for the impact of noise from the proposed licensed premises on any residential accommodation in the vicinity when determining development applications

This will be achieved by inserted the following clause in Part 6 of the LEP;

6.21 Noise impacts - licensed premises

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

licensed premises has the same meaning as it has in the Liquor Act 2007

The term '*licensed premises*' is included in the clause as it does not appear in the Standard Instrument LEP dictionary. For the purpose of the clause, licensed premises has the same meaning as it has in the *Liquor Act 2007*. The *Liquor Act 2007* defines licensed premises as

licensed premises means the premises to which a licence relates.

ATTACHMENT 2

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

There are seven (7) liquor licence categories in NSW, and which the clause would be applicable if development applications are received in relation to these licensed premises. The following licence categories and descriptions are taken from NSW Trade & Investment – Office of Liquor, Gaming & Racing (http://www.olgr.nsw.gov.au/liquor_license_apps.asp#l)

Hotel licence - Hotel licences apply to premises where the primary purpose is the sale and supply of alcohol. This includes a variety of hotel venues (including accommodation hotels), as well as small and large bars.

Club licence - Club licences apply to registered clubs.

Small bar licence - A small bar licence allows liquor to be sold in a bar that is restricted to a maximum of 60 patrons.

Packaged liquor licence - Packaged liquor licences will apply to liquor stores selling takeaway alcohol only.

On-premises licence - On-premises licences apply to a variety of purposes including accommodation venues, restaurants, catering services, vessels, tourism businesses, tertiary institutions, and public entertainment venues.

Producer/wholesaler licence - Producer/wholesaler licences apply to wine producers, brewers, distillers, and wholesalers.

Limited licence - Limited licences will allow alcohol sales for consumption on the licensed premises at a function or multiple functions a special event and a trade fair.

Part 3 – Justification

The following section addresses questions set out in Section 2.3(a) of *A Guide to Preparing Planning Proposals* in meeting the objectives of the planning proposals.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. The planning proposal is not a result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best means of applying the consideration of noise impacts from licensed premises on nearby residential accommodation.

At Council's Planning and Strategy Meeting 4th August 2014, Council considered two options (see **Attachment 1**).

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises
Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

The first option is the subject of this planning proposal and the preferred option Council resolved to adopt.

The second option was to amend LEP clause 6.13 'Design Excellence' to incorporate an additional subclause stating that Council must give consideration to whether development is likely to protect residential accommodation in the vicinity from significant adverse noise impacts. However, this option only affected land in Zone B2 Local Centres and Key Sites mapped on the LEP Key Sites Map. It also did not stipulate the type of development i.e. license premises.

Therefore, the first option was considered the most appropriate, and the option that Council resolve to base this planning proposal on.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The planning proposal will reduce land use conflicts, better improving residential amenity whilst also ensuring applicants for licenced premises have a greater certainty over any noise mitigation requirements early in the development application process.

The planning proposal is considered to be consistent with the objectives and actions of "A Plan for Growing Sydney", and will not limit any regional or sub-regional strategy. The objective of this planning proposal will better balance residential amenity in regards to acoustic impacts from licenced premises, making development considerate for Manly's residential population, whilst also offering applicants for licensed premises an opportunity to address any noise concerns through the LEP.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Yes. The planning proposal is considered consistent with Manly Council's *Community Strategic Plan - Beyond 2024* local strategy, and will not limit any other local strategic plans.

Chapter 5 'Community Goals and Strategies' of the Community Strategic Plan identifies the need for Manly to improve public safety and local amenity by addressing "*Manly's drinking culture and introduction of small bars*".

The planning proposal aims to meet the needs of local residential amenity, in regards to noise, by making licensed premises considerate of their noise impacts on residential accommodation in the vicinity. In addition, licenced premises will benefit from having full regard to noise mitigation measures considered before development proceeds, reducing any potential for complaints or expensive retrofitting.

The planning proposal will therefore enable Manly Council to meet the objectives identified in Chapter 5 of its Community Strategic Plan.

ATTACHMENT 2

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the planning proposal is considered consistent with applicable State Environmental Planning Policies (SEPPs).

The list of applicable SEPPs in Manly are:

- *State Environmental Planning Policy 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy 21 – Caravan Parks*
- *State Environmental Planning Policy 30 – Intensive Agriculture*
- *State Environmental Planning Policy 32 – Urban Consolidation (Redevelopment of Urban Land)*
- *State Environmental Planning Policy 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy 50 – Canal Estate Development*
- *State Environmental Planning Policy 55 – Remediation of Land*
- *State Environmental Planning Policy 64 – Advertising and Signage*
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*
- *State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)*
- *State Environmental Planning Policy 71 – Coastal Protection*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Major Development) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed State Environmental Planning Policy)*

The planning proposal does not counteract any SEPP that is applicable to the Manly LGA. The planning proposal adds a statutory consideration of the noise impact of licensed premises on residential accommodation within the vicinity of the premises. It does not restrict, or add any additional land uses to any zones, or impose over onerous development considerations not already outlined by a SEPP.

The planning proposal is considered consistent with the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It does not seek to restrict the development potential of the Sydney Harbour Catchment.

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises
Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The planning proposal is consistent with applicable Section 117 Ministerial directions.

The planning proposal does not seek to rezone land, or include additional land uses in any of the standard instrument Land Use tables. Nor does it seek to place any further development standards on any land or land use within the Manly LGA or the standard instrument LEP. It also does not seek to prohibit development in any area of Manly. It is therefore considered not to have a major impact on any Section 117 directions.

The addition of the consideration of noise nuisance in the planning proposal seeks to reinforce the existing and future compatibility of development by the use of appropriate mitigation measures, and reduce the possibility of land use conflict through these measures.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal

No critical habitat, threatened species, populations, ecological communities or their habitats will be adversely affected as a result of the proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of the planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal seeks to address existing challenges the Manly LGA faces regarding land use conflicts between licensed premises and residential amenity.

The need for a planning proposal originally arose out of problems regarding noise impacts on residents around Manly Cove from Manly Wharf, and the need for mitigation strategies for existing and future premises on Manly Wharf. A Notice of Motion was presented to Council's Ordinary Meeting on 12 May 2014 raising concerns regarding noise from licensed premises within the area. Please see **Attachment 2**.

It is anticipated the planning proposal will greatly reduce social and economic issues related to these two types of development, by:

- Reducing noise complaints from the operation of licenced premises,
- Ensuring land use conflicts are addressed before any development proceeds, creating applicant certainty from their business investment

ATTACHMENT 2

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

- Through the clause, applicants for licenced premises are forewarned and fully aware of the importance Council places in considering noise nuisance on residential accommodation.
- The introduction of a systematic and statutory requirement for the consideration of noise nuisance, ensuring social and economic certainty for residents and applicants have been addressed by Manly Council.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The issue of public infrastructure is not applicable to the planning proposal.

11. What are the view of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has sought support from the Department of Planning and Environment since the Council's Planning and Strategy Meeting on *4th August 2014* (see **Attachment 1**)

Council wrote to the Department on *11 August 2014* of Councils intention to proceed with an LEP amendment, and meet with the Department of Planning and Environment's Metropolitan (East) team on *22nd September 2014* to present and discuss the case for a planning proposal. Council officers have provided additional information to the Department on several occasions to clarify Council's position.

Council received a letter from the Department dated *19th March 2015* recommending a planning proposal be submitting to the Department to insert a new local noise provision for licensed premises in the LEP (see **Attachment 3**)

Other relevant public authorities will be consulted with in accordance with the Gateway determination.

Part 4 – Mapping

This planning proposal does not comprise of any new maps or map amendments.

Part 5 – Community Consultation

It is considered the planning proposal will be publically exhibited for a period of 14 days, and open to consultation with State agencies and public authorities for 21 days.

ATTACHMENT 2

Environmental Services Division Report No. 12.DOC - Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises Planning Proposal for Local LEP Provision Regarding Noise Mitigation Measures for Licensed Premises

Part 6 – Project timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion
Anticipated commencement date (date of Gateway determination)	June 2015.
Anticipated timeframe for the completion of required technical information	None anticipated.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	July 2015 (21 days)
Public exhibition period	July 2015 (14 days)
Timeframe for consideration of submissions	August 2015.
Date of submission to the department to finalise the LEP	September 2015.
Anticipated date RPA (Manly Council) will make the plan (if delegated)	September 2015.
Anticipated date RPA (Manly Council) will forward to the department for notification	September/October 2015.

TO: Ordinary Meeting - 20 April 2015
REPORT: Environmental Services Division Report No. 13
SUBJECT: Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial, to Zone B6 Enterprise Corridor.
FILE NO: MC/15/44571

SUMMARY

This report proposes to prepare a planning proposal to rezone land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor at the Manly Industrial Estate, Balgowlah. The proposed rezoning follows from preliminary investigations into the viability of the IN2 Light Industrial Zone and the benefits rezoning to Zone B6 Enterprise Corridor could bring to Manly's business and residential community, and provide new employment opportunities.

REPORT

This report seeks to address the viability of commercial and industrial land at the Manly Industrial Estate in Balgowlah, and finds that a proposal to amend Zone IN2 Light Industrial to Zone B6 would be beneficial to the Manly LGA.

The subject land is known as the 'Manly Industrial Estate' and is shown in Attachment 1 of this report. This is the only area in Manly where currently Zone IN2 Light Industrial is located.

The proposed rezoning is a result of preliminary investigation into the following:

- A review of existing strategic studies (*Manly Industrial Zone Masterplan 2011*)
- Known site constraints within the area,
- An up to date, on-site survey of land uses (April 2015), and
- Previous development application analysis.

The findings of the preliminary investigation are summarised below:

- Many of the existing uses in the IN2 Zone area are also found in the B6 Zone.
- Poor traffic function within and around the precinct
- Existing uses within the IN2 precinct means that many of the existing land uses generate truck movement along the internal roads of the precinct as well as the perimeter roads
- Compromised pedestrian and cycle function and safety with the IN2 precinct.
- Poor streetscape appearance and impenetrable urban realm due to older building stock with long blank walls and poor articulation, lacking in an active street frontage.

Advantages of rezoning from IN2 Light Industrial to B6 Enterprise Corridor

The proposed rezoning has several benefits.

- Recognising the changing nature of businesses on the existing industrial land, which are leading to sterilising the viability of land for light industrial use.
- Recognising the potential to reduce current and future land use conflicts on the surrounding residential dwellings, including the neighbouring LGA, Warringah.
- Aiding Manly LGA to meet regional and sub-regional employment targets by growing the existing B6 Enterprise Corridor, increasing its critical mass to ensure its viability as a commercial centre.

Environmental Services Division Report No. 13 (Cont'd)**New Employment Opportunities**

Employment targets are set out by the Sydney Metropolitan Strategy “A Plan for Growing Sydney” (published December 2014). The Plan identifies that by 2031, 689,000 new jobs will be required to service the Metropolitan economy. For the North Subregion (where Manly is allocated under), employment targets are to be distributed by the forthcoming sub-regional plan. As Manly is heavily reliant on its local centres (Zone B2) and neighbourhood centres (Zone B1) for employment within the LGA, it needs to maximise the viability of existing commercial centres, ensuring their continued use and expanding them to meet commercial demand and increase employment opportunities within the LGA. However the expansion of existing commercial centres is limited by the high land values of surrounding residential land.

It is considered locating commercial activity already in a related commercial zone will better reduce the pressure faced by businesses to find commercial accommodation in existing centres while being compatible with the surrounding land uses. The surrounding residential land uses at the Manly Industrial Estate are separated by roads and are already impacted on by existing uses. By rezoning to B6 Enterprise Corridor it is anticipated land use conflicts will be minimised, being controlled by existing Manly LEP 2013 and Manly DCP 2013 provisions.

Existing Uses and Tenants

It is recognised that it is important to protect the existing businesses in the industrial zone land that benefit from the current zoning of the land. The proposed rezoning to Zone B6 Enterprise Corridor will facilitate the viability of the area as a commercial precinct and is a long-term strategy, allowing existing businesses to adapt, benefit and continue to operate unhindered by any new rezoning.

Existing use rights will protect the existing businesses and land uses already on the site, whilst also allowing for the opportunity to incrementally redevelop the area over time to encourage the slow regeneration of it by the uses permitted in B6. If/when existing businesses decide to vacate the premises, or change use to a new commercial venture, they will have the benefit of existing use rights but also the opportunity to take advantage of the new commercial uses permitted in Zone B6. However, it is to be noted that almost all of the existing land uses (as surveyed) are permissible land uses within Zone B6 Enterprise Corridor. The only non-conforming uses are a Veterinary hospital (at 14 Roseberry Street) and Council's Depot.

CONCLUSION

Preliminary investigations into the viability of the IN2 Light Industrial Zone and the benefits rezoning to Zone B6 Enterprise Corridor at the Manly Industrial Estate have identified several advantages. These include an increase in Manly's commercial and economic viability, increasing employment opportunities within the LGA, and reducing land use conflicts. Existing tenants and uses of the Estate are protected by existing use rights. It is recommended that a planning proposal be drafted to rezone land at the Manly Industrial Estate and submit to Council to make an amendment to the Manly LEP 2013.

RECOMMENDATION

THAT Council

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

ATTACHMENTS

AT- 1 Map of Current Land Zoning 1 Page

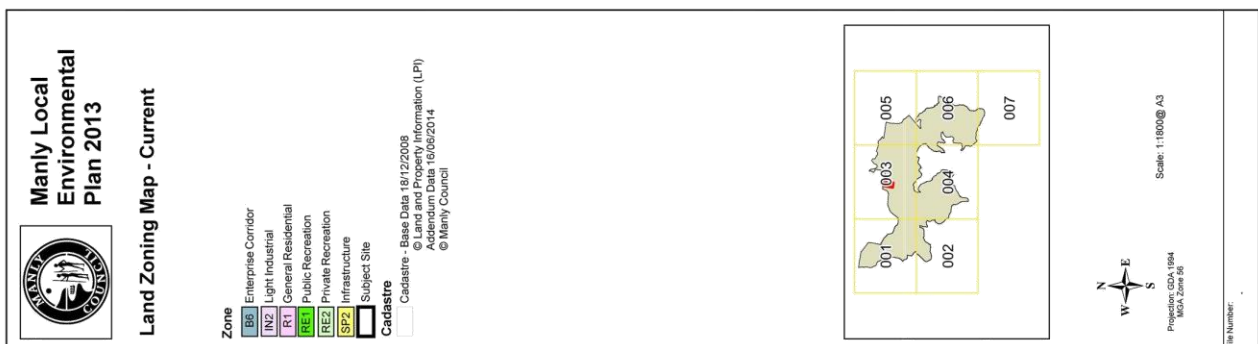
AT- 2 Map of Proposed Land Zoning 1 Page

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***** End of Environmental Services Division Report No. 13 *****

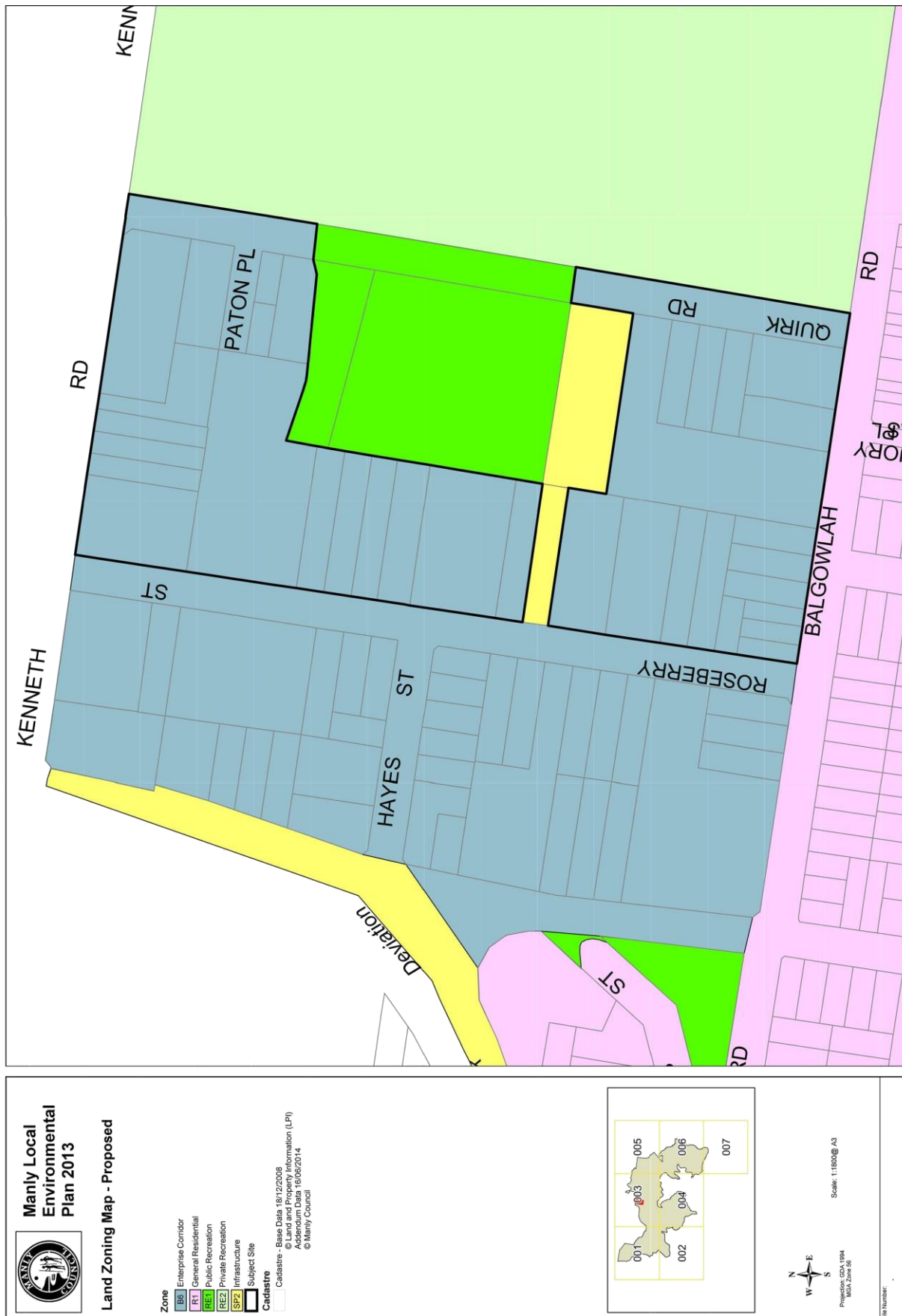
ATTACHMENT 1

Environmental Services Division Report No. 13.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial, to Zone B6 Enterprise Corridor. Map of Current Land Zoning



ATTACHMENT 2

Environmental Services Division Report No. 13.DOC - Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial, to Zone B6 Enterprise Corridor. Map of Proposed Land Zoning



TO: Ordinary Meeting - 20 April 2015
REPORT: Corporate Services Division Report No. 4
SUBJECT: Report on Council Investments as at 31 March 2015
FILE NO: MC/15/5204

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 **March 2015**.

Legislative & Policy Implications

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

Certification – Responsible Accounting Officer

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

Investment Performance

The Investment Report shows that Council has total Investments of \$46,153,139 comprising a Commonwealth Bank Balance of \$1,491,166 and Investment Holdings of \$44,661,973 directly managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 3.42% (*Council Benchmark = 2.19% - 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 3.46%.

Movements in Investments for the Month of March 2015

Corporate Services Division Report No. 4 (Cont'd)

Investments Made

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

Investments Matured

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
CBA	Term Deposit	1,000,000	1,000,000
Bank of Queensland	Term Deposit	1,000,000	1,000,000
CBA	Term Deposit	1,000,000	1,000,000
ME Bank	Term Deposit	1,000,000	1,000,000
Bankwest	Term Deposit	1,000,000	1,000,000
Wide Bay Australia Ltd	Term Deposit	1,000,000	1,000,000

RECOMMENDATION

That the statement of Bank Balances and Investment Holdings as at 31 March 2015 be received and noted.

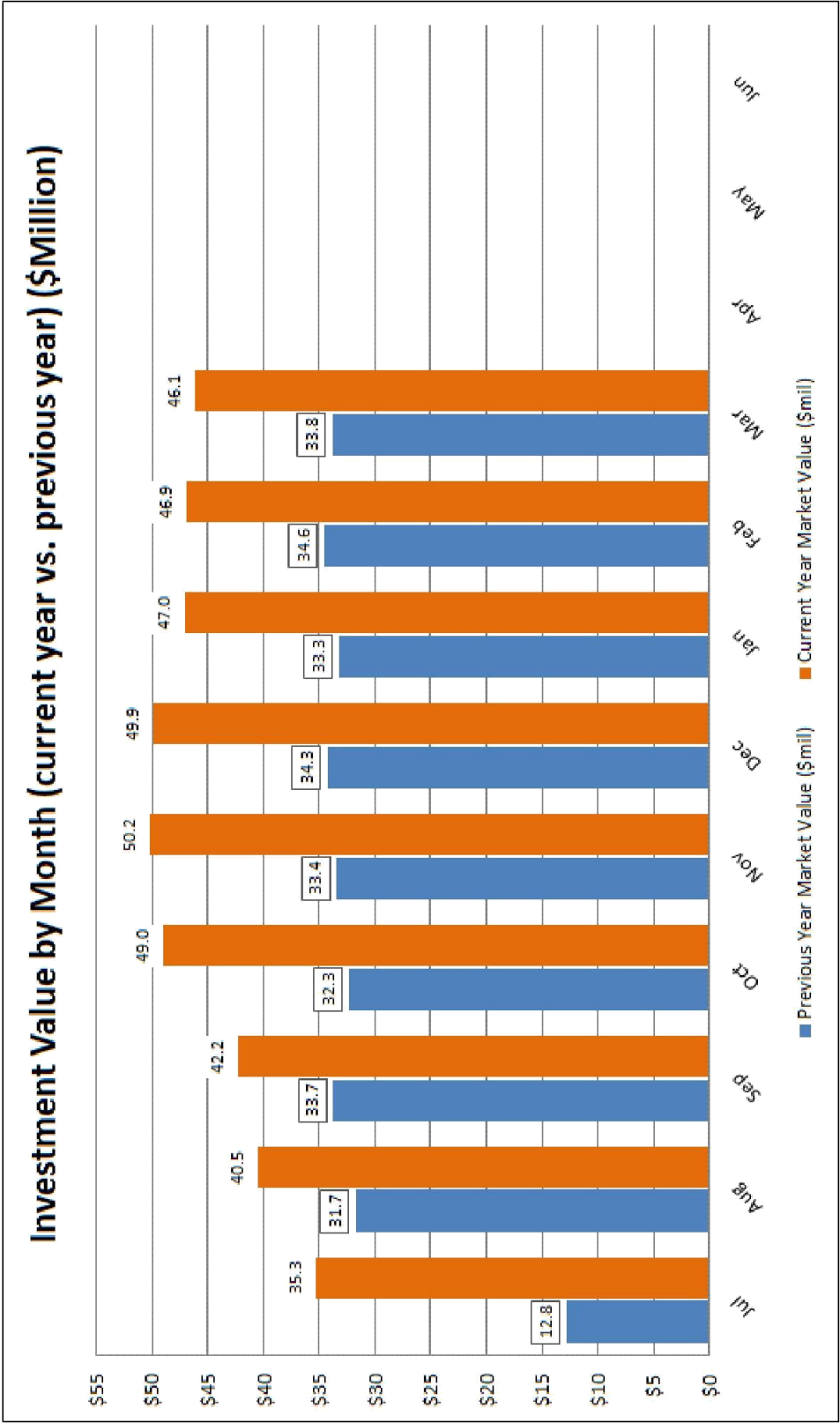
ATTACHMENTS

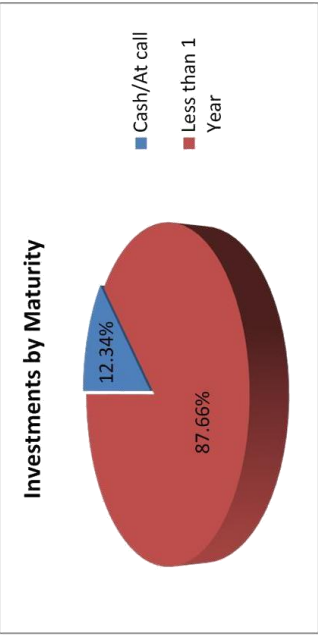
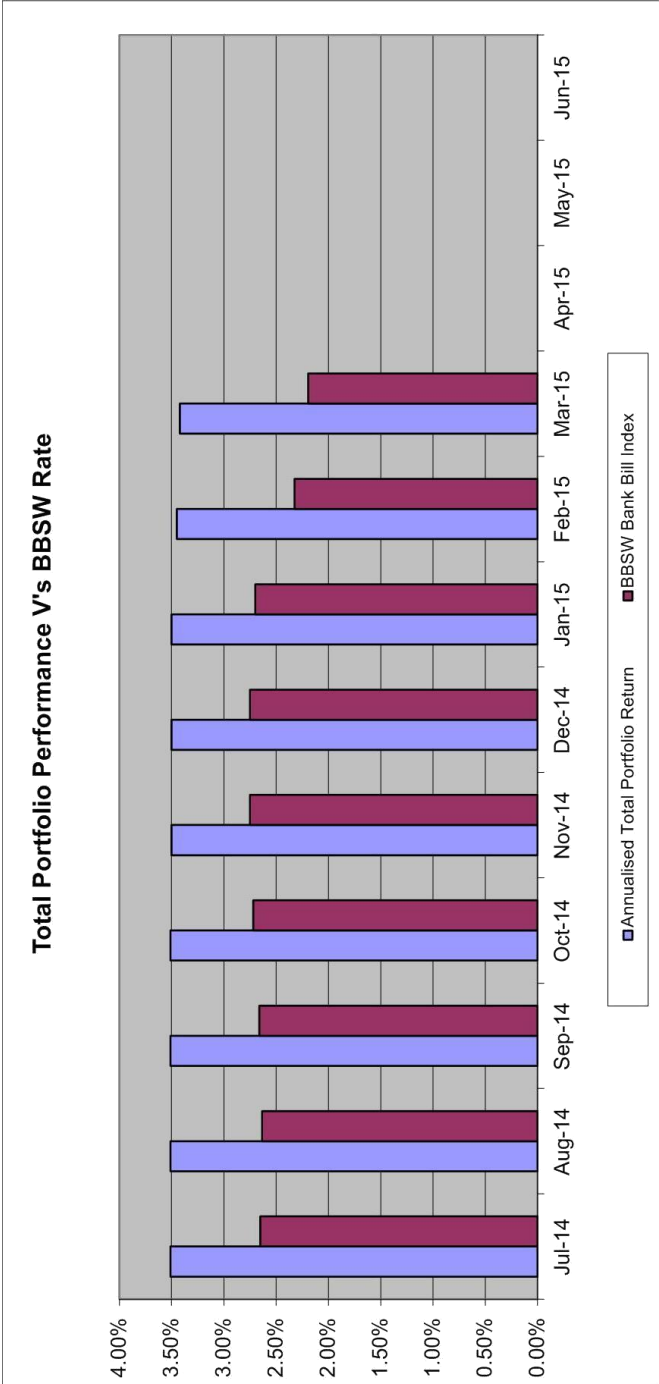
AT- 1 Investment Reports 4 Pages

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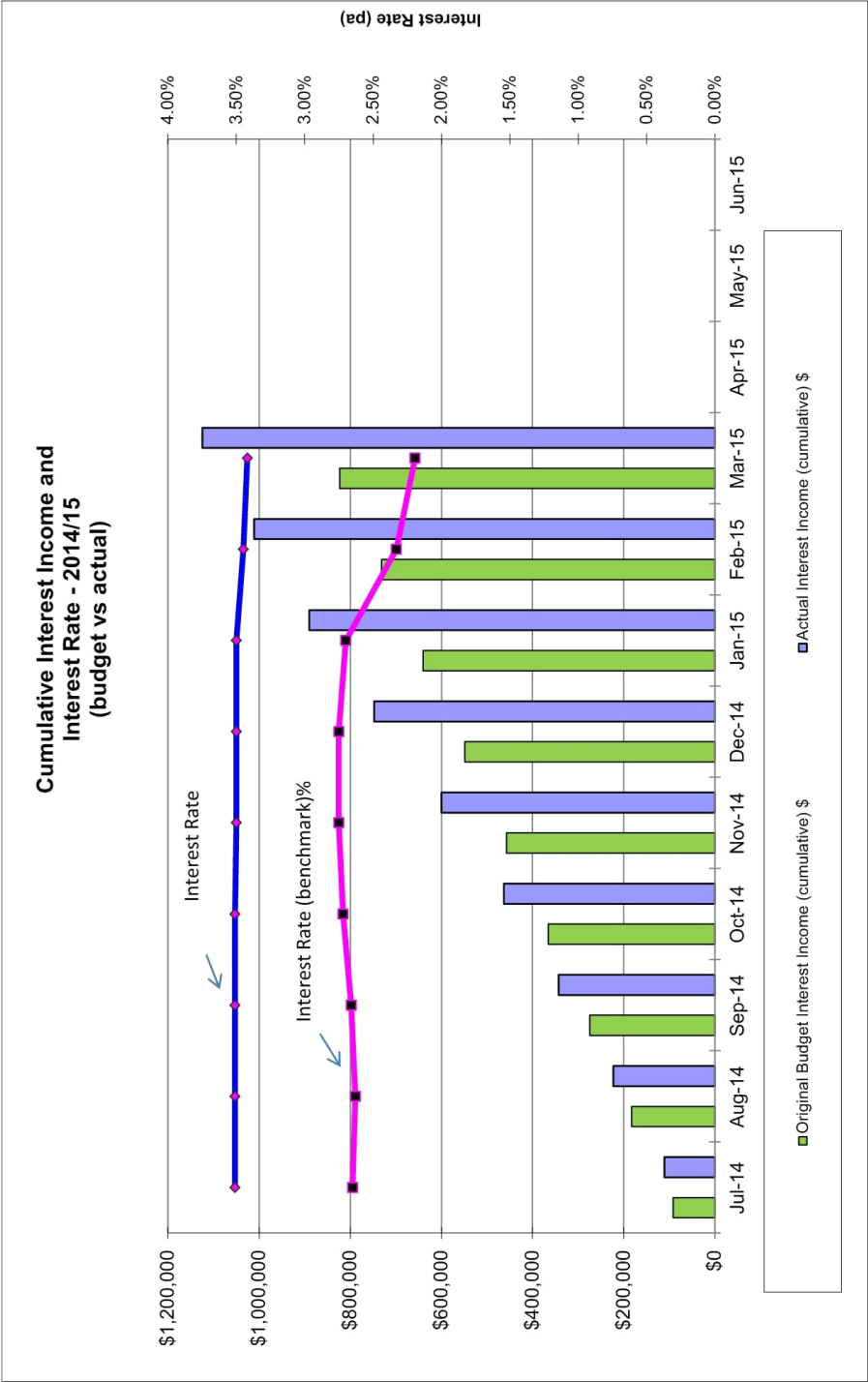
***** End of Corporate Services Division Report No. 4 *****

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Summary by Credit Rating		No.
AA-	59.49%	28
A+	15.47%	6
A-	17.33%	8
A	3.38%	2
A2	4.33%	2
100.00%		46



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