



## 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 16 July 2012**

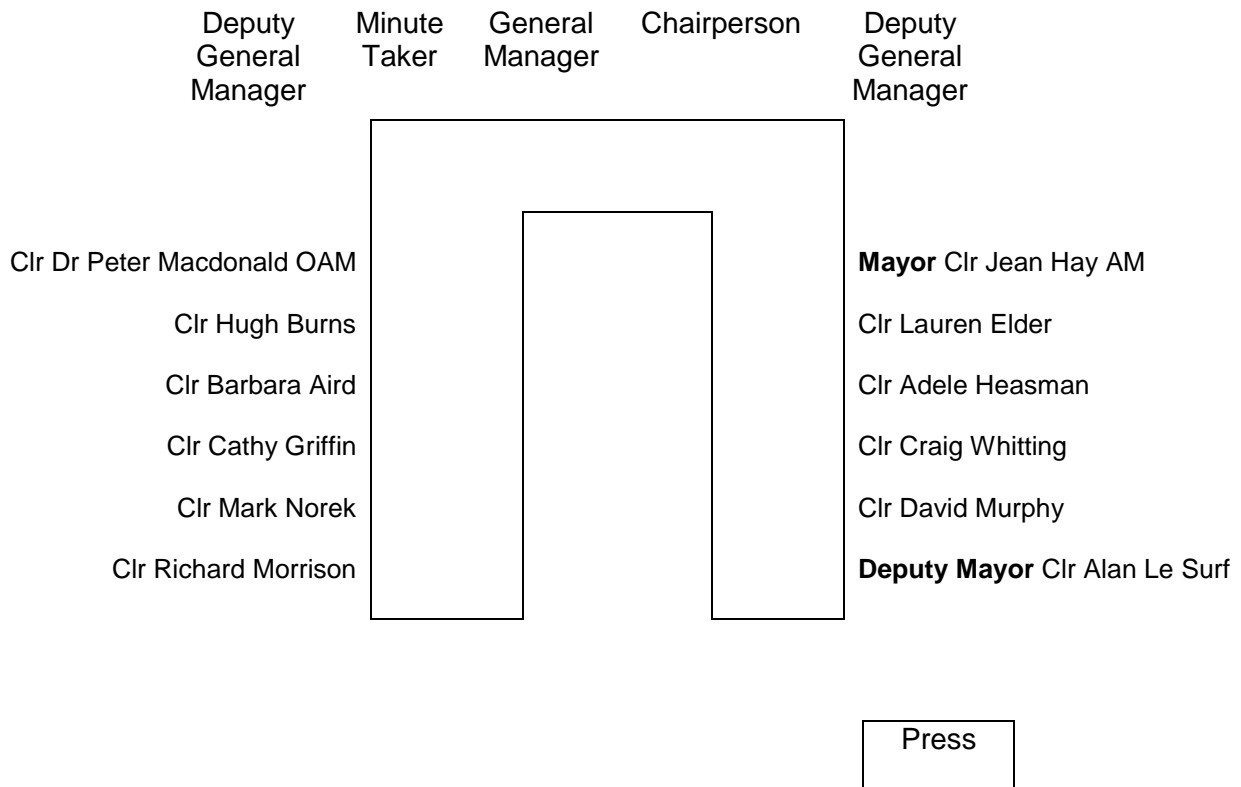
Commencing at 7:30 PM for the purpose of considering items included on the Agenda.

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

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

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

# Seating Arrangements for Meetings



## Public Gallery

**Chairperson:** The Mayor, Clr Jean Hay AM  
**Deputy Chairperson:** Deputy Mayor Clr Alan Le Surf

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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****ENVIRONMENTAL SERVICES DIVISION****Environmental Services Division Report No. 18**

Draft Manly Local Environmental Plan 2011 (Post Exhibition) – Confidential Attachment

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

**Mayoral Minute Report No. 7**

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.*

**Notice of Motion Report No. 31**

Property Matter

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

**Notice of Motion Report No. 24**

Property Matter

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

**General Managers Division Report No. 10**

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.*

**General Managers Division Report No. 11**

## Property Acquisition

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**Civic and Urban Services Division Report No. 8**

## Tender No. T2012/05 - Selective Tender for the Design, Construction and Leasing of Tennis Courts, Sports Facilities at LM Graham Reserve

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

**Environmental Services Division Report No. 23**

## Tender T2012/15 - Manly LGA Flood Study

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

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

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Mayoral Minute Report No. 6  
**SUBJECT:** End of Term Report  
**FILE NO:**

---

### **Background**

I am extremely proud to present the attached End-of-Term Report to the Community and Councillors.

Although the End of Term Report is an assessment of the Council's achievements against its Community Strategic Plan 2011 – 2021, the Report covers the work of the Council over the past 4 years.

The following is a summary of highlights from the tabled Report:

- Manly Council has acquired the former Seaforth TAFE Site from the State Government in June of 2012 and is currently rehabilitating the site ready for use by the community.
- A new draft Local Environment Plan and consolidated Development Control Plan has been prepared and exhibited in accordance with the NSW Government requirements and ready for consideration by Council.
- A range of new community facilities and works have been undertaken including seawall restoration and toe protection works along North Steyne; landscaping and upgrading of the northern section of the ocean beach reserve / promenade; a new sporting pavilion and skate facility at Kierle Park; as well as a new BMX bike track at Seaforth.
- Council adopted a five year playground strategy and installed new equipment or refurbished facilities at a number of playground areas across the local government area.
- Council maintained a strong commitment to the environment. Highlights have been the dredging of Manly Lagoon Stage 1 & 2, the continued operation of the Manly Environment Centre, the Burnt Bridge Creek Restoration Project.
- An additional 40 childcare spaces have been created during this term of Council at the enlarged Roundhouse Child Care Centre.
- Council's annual program of festivals and events has been complimented by The Festival of Surfing and Australian Open of Surfing. Also, Manly's long running Food, Wine & Sustainability Festival, Jazz Festival, Anzac Day Commemorative Services and Australia Day Celebrations were all exceedingly well run and attended.
- Other Council partnerships have progressed regional planning and service issues through the SHOROC group of Councils. Regional transport planning issues are progressing with the state government via the feasibility study for a Rapid Bus Transit System serving Manly and the Northern Beaches.
- Council continues to engage with the local community via its precinct system, community panel and its vibrant network of special purpose committees tapping into the expertise of residents of the local Manly area.

This highlights some of the achievements of this Council's term and I refer you to the further details in the tabled report.

**Mayoral Minute Report No. 6 (Cont'd)****RECOMMENDATION****I Move that:**

1. The Mayoral Minute be received and noted.
2. The Tabled report, Manly Council's End of Term report on Council's Ten Year Community Strategic Plan, comprising its Resourcing Strategy, Four Year Delivery Program 2011-2015 and One Year Operational Plan 2011-2012 for the period 1 July 2011 to 30 June 2012, be adopted.
3. The End of Term Report be referred to the Division of Local Government and made available to the general public via Council's Library, Customer Service Centre and via Council's website.

**ATTACHMENTS**

There are no attachments for this report

OM160712MM\_1

\*\*\*\*\* End of Mayoral Minute Report No. 6 \*\*\*\*\*



**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 23  
**SUBJECT:** Proposed Mobile Phone Base Station  
**FILE NO:**

---

**Councillor Adele Heasman will move:**

That Manly Council voice its opposition to the installation of the proposed Mobile Phone Base Station, on a lighting pole at 71A New Street West, Balgowlah Heights.

In a letter dated 1 June 2012 to residents, Aurecon states that:

*"The objective of the community notification process is to provide members of the local community and the Council with information about the proposed facility and to enable Telstra to give consideration to any comments or concerns raised by the community before making a decision to proceed with the installation of the proposed facility".*

In light of the above statement, it is vital that Manly Council demand Telstra take our concerns into account before they make the final decision to proceed with the installation of the facility.

That Manly Council forward its concerns urgently to Aurecon.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_1

\*\*\*\*\* End of Notice of Motion Report No. 23 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 25  
**SUBJECT:** Proposed works on Manly Swim Center  
**FILE NO:**

---

**Councillor Hugh Burns will move:**

That Council bring back a report on the proposed redevelopment of the Manly Swim Centre at Fairlight fully detailing the currently proposed upgrading works and the budget for the works. Additionally the report is to including options for:

- (i) staging the upgrading works over several terms of council;
- (ii) scaling back the proposed swim center pool upgrading project to be a more modest improvement;
- (iii) spending some of the proposed pool upgrading funds on recreating the Wonder Pool at West Esplanade with a lesser upgrade of the swim center
- (iv) Council is to consult the community on the 3 options including a public meeting, referral to precincts etc. Any documents issued for consultation are to be approved by Council prior to issue by staff.

To avoid conflict with a previous resolution to defer consideration of reconstructing the Wonder Pool until after the September elections, the report on the Wonder Pool option is only to consider applying a notional amount of \$10M to rebuild this pool for the purposes of assessing the impact of a reduction of the budget to improve the existing Swim Centre and to assess public opinion on recreating the Wonder Pool as an option. No detailed design or feasibility assessment is to be done on the Wonder Pool itself as part of this motion.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_3

\*\*\*\*\* End of Notice of Motion Report No. 25 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 26  
**SUBJECT:** Former Seaforth TAFE Site  
**FILE NO:**

---

**Councillor Richard Morrison will move that:**

1. Prior to the official opening of the invitation or expressions of interest for occupation and use of the former Seaforth TAFE site, a report is to be submitted to Council regarding the proposed nature and terms of the invitation.
2. The report is to also address critical issues that staff may have identified, as well as the following:
  - a. The status of the site in regard to Council's existing zoning and development control provisions;
  - b. The status of existing improvements on the site in terms of:
    - i. The presence, if any, of asbestos;
    - ii. Fire safety;
    - iii. Access for disabled persons;
    - iv. Provisions for on-site parking; and
  - c. Details of any existing business plan that supports the proposition that the purchase will prove to be self-financing.
3. The adopted report is to be published on Council's website and advertised in the Manly Daily; and
4. An open day for inspection of the site is to be held.

**Background**

I refer to the following statements in the Mayor's Column Manly Daily 14th April 2012), in regard to the former Seaforth TAFE site:

*"A number of community service or organisation have already approached Council interested in taking up premises in the existing building. This will ensure the purchase is self-financing" and "The community will also have an opportunity to have a say on the long term vision for this valuable public asset".*

**Comment:**

This notice of motion has three objectives; firstly, to provide interested parties with a realistic preview of the issues and challenges the site poses.

Secondly, to encourage informed public debate; and

Thirdly, to ensure that an open and transparent process to promote the best possible outcome for the future use and management of the site is in place.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_6 \*\*\*\*\* End of Notice of Motion Report No. 26 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 27  
**SUBJECT:** Training for Rangers  
**FILE NO:**

---

**Councillor Craig Whitting will move:**

That Manly Council provides on-going Customer Service, Conflict Resolution and Conflict Management training courses to assist their Rangers and Parking officers in their job.

**Background**

Council Rangers and Parking Officers are being verbally abused on a daily basis while doing their job and a recent article in the Manly Daily resulted in a courtroom hearing between a resident and Manly Council Ranger.

The abuse is often personal and has a long lasting effect on the health of the workers. The aggression towards rangers and parking officers is very high, and for these reasons Manly Council should assist rangers and parking officers to seek ways to improve their relationships with residents, rate payers and visitors to assist with curbing the abuse directed at them.

I would like to see council use a targeted and coordinated approach to curb the abuse. This would include a campaign aimed at informing the community of the positive role rangers and parking patrol officers play and the community benefits of their work. As well as ensuring the council rangers and parking officers complete Customer Service, Conflict Resolution and Conflict Management training courses.

In addition to the training courses, a range of other measures to be used to tackle workplace harassment, could include a review of risk assessment procedures, work practices, improvements in training, buddy system allowing officers to work in pairs, improvements in services available after an incident.

**The Council Benefits**

Manly Council can benefit from making needed changes by increasing training courses for officers, and will help to reduce the cost of litigation, workers compensation, insurance premiums, absenteeism as well as costs associated with recruitment to replace staff who have resigned. Council can also benefit from strategies to help improve community perceptions and improve compliance with laws and regulations.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_7

\*\*\*\*\* End of Notice of Motion Report No. 27 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 28  
**SUBJECT:** EOI for 2013 Cabbage Tree Bay Aquatic Reserve Diving Licence  
**FILE NO:**

---

**Councillor Craig Whitting will move:**

That Manly Council asks for Expressions of Interest (EOI) by 31 August 2012 from Diving Companies who wish to apply for a 2013 Cabbage Tree Bay Aquatic Reserve Diving Licence.

The 2013 Cabbage Tree Bay Aquatic Reserve (EOI) Licence Process should include clearly defined weighting and rating system that will be used by the assessment panel that matches each criteria.

**Background:**

Several interested tenderers of Cabbage Tree Bay's Aquatic Reserve have suggested that Manly Council are continually reissuing licences to the same diving companies without advertising Expressions of Interest to other Dive Companies. Council must become more transparent in how they rate, select and determine licences to diving companies.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_8

\*\*\*\*\* End of Notice of Motion Report No. 28 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 29  
**SUBJECT:** Feasibility Analysis for the Seaforth TAFE Site  
**FILE NO:**

---

**Councillor Craig Whitting will move:**

That Council provide a Feasibility Analysis for the Seaforth TAFE Site.

This report must answer the following:

1. How much asbestos is at the site and how much will it cost to remove;
2. What are the usage options for the site and what are the projected revenue cash-flows from these options;
3. What will be the costs and impacts of renewal, maintenance and repair work of the site;
4. What is the impact of the repayments on principle and interest on council's 10 year Strategic Plan;
5. What are the impacts of the increased depreciation on the 10 year Strategic Plan;
6. What are the net financial liabilities ratio and interest cover ratio targets; and
7. What steps will council take if council does not meet the required income needed to operate and manage the site.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_9

\*\*\*\*\* End of Notice of Motion Report No. 29 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Notice of Motion Report No. 30  
**SUBJECT:** Rates Instalment Notices Online  
**FILE NO:**

---

**Councillor Barbara Aird will move:**

That Manly Council offers the option to ratepayers to receive rates instalment notices electronically.

#### **RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

#### **ATTACHMENTS**

There are no attachments for this report.

OM160712NM\_10

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

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Item For Brief Mention Report No. 9  
**SUBJECT:** Items for Brief Mention Report  
**FILE NO:**

## 1. Complaints made to the General Manager

There were no items referred to the General Manager in the month of June.

## 2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Mtg Date	Subject	Resolution Précis	Status
113/12	4 June	Notice of Motion Report No. 21 - Permanent access to Development Application information on Manly Council Website	That:	
			1. Council review its current method of providing open access to Development Applications and other related documents outside the 'exhibition period' on the Council website.	In progress
			2. Council review the type of information relating to Development Applications that can remain on the Council website for permanent public access and historical reference.	In progress
			3. Council request applicants provide the information required by Council to assess their application in an electronic format that is not subject to copyright and will conform with the Privacy Legislation.	In progress
			4. Council consider the permanent publication of reports and decision on DAs on the Council website.	In progress
			5. Council make public the advice given by the Information Commissioner regarding access to current and historical Development Application information on the Manly Council website.	In progress
09/12	13 Feb	Notice of Motion No. 5 - Investigation and trial of LED tube replacement lighting by Manly Council	That Council: 1. Carry out an audit of what fluorescent tubes are in its buildings and facilities to determine the life of the lamp, tube size, numbers, and usual operating hours;	Report to Council P&S Committee Meeting 6 August 2012.
06/12	13 Feb	Notice of Motion No. 2 - Marine Parade Upgrade	i) Council seeks grant funding and initiates a process similar to that for the now completed upgrade of the Ocean Beach front.	In progress
05/12	13 Feb	Notice of Motion No. 1 - Facebook for Manly Council	Prepare a marketing plan on how it can best utilise a Facebook page and costs associated to launch a Facebook page.	In progress



## Item For Brief Mention Report No. 9 (Cont'd)

## 3. Tabled Documents

No.	Doc. Date	Author/Authority	Title/Summary
1.	25 May 2012	Stepan Kerkyasharian AO Chairperson	Community Relations Report 2011
2.	21 May 2012	Frank Bazik General manager Northern Beaches Health Services	Response to Council re Smoking in bus shelters and litter issues outside Manly Hospital.
3.	1 June 2012	The Hon Katrina Hodgkinson MP Minister for Primary Industries Minister for Small Business	Response regarding Cabbage Tree Bay Aquatic Reserve at Manly
4.	1 June 2012	The Hon Don Page MP Minister for Local Government Minister for the North Coast	Ministerial Circular M12-06 Temporary policy to apply to proposals to change local government boundaries in NSW
5.	5 June 2012	Ross Woodward Chief Executive, Local Government	DLG Circular 12-16 Destination 2036 – Action Plan June 2012 (50 page presentation)
6.	6 June 2012	Ross Woodward Chief Executive, Local Government	Release of the Destination 2036 Action Plan
7.	6 June 2012	Sam Haddad Director-General	Planning Circular PS12-003 Initiatives to improve housing supply
8.	7 June 2012	Mayor Genia McCaffery President Australian Local Government Association	Constitutional Recognition of Local Government – Final Report December 2011
9.	12 June 2012	Mike Baird State Member for Manly	Providing Council with copy of Minister for Primary Industries letter regarding management of Cabbage Tree Bay Aquatic Reserve
10.	25 June 2012	Ross Woodward Chief Executive, Local Government	Circular to Councils 12-19 September 2012 Local Government Elections – Caretaker Provisions
11.	28 June 2012	Ross Woodward Chief Executive, Local Government	Circular to Councils 12-20 September 2012 Local Government Elections – Use of Council Resources and Electoral Material

## RECOMMENDATION

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

## ATTACHMENTS

There are no attachments for this report.

OM160712IBM\_1

\*\*\*\*\* End of Item For Brief Mention Report No. 9 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Report Of Committees Report No. 28  
**SUBJECT:** Minutes for adoption by Council - Special Purpose Committees - without recommendations.  
**FILE NO:**

---

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

- i) Sustainable Transport Committee – 15 March 2012
- ii) Manly Arts Festival Working Group – 16 May 2012
- iii) Sustainable Transport Committee – 3 May 2012
- iv) Traffic Committee – 14 May 2012
- v) Sister Cities Committee – 30 May 2012
- vi) Sustainable Transport Committee – 31 May 2012
- vii) Harbour Foreshores & Coastline Management Committee – 5 June 2012
- viii) Manly LEP/DCP Working Group – 12 June 2012
- ix) Surf Club Liaison Working Group – 12 June 2012
- x) Meals on Wheels Committee – 13 June 2012
- xi) Community Environment Committee – 13 June 2012
- xii) Community Safety Committee – 14 June 2012
- xiii) Playground Committee – 14 June 2012
- xiv) Traffic Committee – 18 June 2012
- xv) Art & Culture Committee – 19 June 2012
- xvi) Waste Committee – 20 June 2012
- xvii) Manly LEP and DCP Working Group – 10 July 2012

## RECOMMENDATION

That the minutes of the following Special Purpose Committee meetings be adopted:

- i) Sustainable Transport Committee – 15 March 2012
- ii) Manly Arts Festival Working Group – 16 May 2012
- iii) Sustainable Transport Committee – 3 May 2012
- iv) Traffic Committee – 14 May 2012
- v) Sister Cities Committee – 30 May 2012
- vi) Sustainable Transport Committee – 31 May 2012
- vii) Harbour Foreshores & Coastline Management Committee – 5 June 2012
- viii) Manly LEP/DCP Working Group – 12 June 2012
- ix) Surf Club Liaison Working Group – 12 June 2012
- x) Meals on Wheels Committee – 13 June 2012
- xi) Community Environment Committee – 13 June 2012
- xii) Community Safety Committee – 14 June 2012
- xiii) Playground Committee – 14 June 2012
- xiv) Traffic Committee – 18 June 2012
- xv) Art & Culture Committee – 19 June 2012
- xvi) Waste Committee – 20 June 2012
- xvii) Manly LEP and DCP Working Group – 10 July 2012

## ATTACHMENTS

There are no attachments for this report.

OM160712RC\_1

\*\*\*\*\* End of Report Of Committees Report No. 28 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Report Of Committees Report No. 29  
**SUBJECT:** Minutes for adoption by Council - Manly Scenic Walkway Committee - 1 May 2012  
**FILE NO:**

This report was dealt with at the Manly Scenic Walkway Committee meeting of 1 May 2012 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**ITEM 5 Consideration for Swing Set Installation near Fairlight Beach**

At the Manly Scenic Walkway Committee meeting held on 6 March 2012, the Committee was made aware of a resident request to Council's Playground Committee requesting a swing set be installed at Fairlight Beach.

The report included photos of the Fairlight Beach area with the purpose of determining whether a swing set was appropriate, and if so to identify a preferred location. It was decided at the meeting that some of the members would like to look at the site prior to making a recommendation.

The Committee members will now make a recommendation on whether to support the installation of swings near Fairlight Beach on the basis of the site inspections that they have undertaken.

*Note\* The Playground Committee in their minutes 23/2/12 have recommended that the Fairlight beach Reserve is unsuitable for such infrastructure.*

**RECOMMENDATION**

That the minutes of the Manly Scenic Walkway Committee meeting on 1 May 2012 be adopted including the following items:

**ITEM 5 Consideration for Swing Set Installation near Fairlight Beach**

That the committee recommend to the General Manager that they support the Playground Committees recommendation that Fairlight Beach Reserve is unsuitable for any such swing infrastructure.

**ATTACHMENTS**

There are no attachments for this report.

OM160712RC\_2

\*\*\*\*\* End of Report Of Committees Report No. 29 \*\*\*\*\*

**TO: Ordinary Meeting - 16 July 2012**  
**REPORT: Report Of Committees Report No. 30**  
**SUBJECT: Minutes for adoption by Council - Audit and Risk Committee - 5 June 2012**  
**FILE NO:**

---

These reports were dealt with at the Audit and Risk Committee meeting of 5 June 2012 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**1. ITEM 9 Chairman's Report on the Operation of the Committee 2010 to 2012  
– First Report**

The Chair spoke to his Report. The purpose of the report is to provide Council with a summary of the operations of the Committee in accordance with the Committee Charter. In summary, the Chair stated that the Committee had a successful term of operations and met its objectives.

The Committee is pleased with the engagement of Council and Management in improved internal control and sound governance.

**2. ITEM 10.1 Status of the Committee**

As the term of the current Council ends in September the Chair had sought clarification on the status of the Committee post September 2012.

After discussion, it was agreed that in order to ensure continuity for the Committee for the review of the 6/2012 Financial Statements the Committee recommends to Council an amendment to the Audit Committee Charter to extend the terms of the independent members until the end of the financial year following the elections (30/6/2013 for the current term). In this way, continuity of the Committee is assured and the new Council has more time to subsequently re-consider the Committee membership.

**3. ITEM 10.2 Review of Remuneration for the two independent community representatives of the Audit and Risk Committee**

The Deputy General Manager informed the Committee of a matter arising from the recent General Manager's Internal Audit Meeting.

There was consensus amongst the Councils at that meeting of the need to review the fee paid to the independent internal audit committee members. The Group subsequently agreed to increase the fee from \$400 per meeting to \$500 per meeting.

The increase would not apply until after the Committee is re-appointed after the September Council election. The new fees would be reported to Council as part of the report appointing the Committee.

**RECOMMENDATION**

That the minutes of the Audit and Risk Committee meeting on 5 June 2012 be adopted including the following items:

**1. ITEM 9 Chairman's Report on the Operation of the Committee 2010 to 2012  
– First Report**

**Report Of Committees Report No. 30 (Cont'd)**

The Committee recommends to Council that the Chairman's Report on the operation of the Committee for the period 28.4.2010 to 30.5.2012 be received and noted.

**2. ITEM 10.1 Status of the Committee**

The Committee recommends to Council that the Audit Committee Charter be amended to extend the terms of the independent members until the end of the financial year following the September 2012 elections (30/6/2013 for the current term).

**3. ITEM 10.2 Review of Remuneration for the two independent community representatives of the Audit and Risk Committee**

The Committee recommends to Council that the proposed increase in remuneration for independent community representatives be endorsed.

**Retirement**

Mr Ross Fleming advised the Committee that he would be soon retiring from Manly Council and this Committee. The Committee resolved to place on record, recognition for Mr Fleming's long and successful career of 42 years in the Local Government industry and in particular, his valuable contribution to the Committee. The Committee wished him well in his retirement.

**ATTACHMENTS**

There are no attachments for this report.

OM160712RC\_4

\*\*\*\*\* End of Report Of Committees Report No. 30 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Report Of Committees Report No. 31  
**SUBJECT:** Minutes for adoption by Council - Landscape Management & Urban Design Committee - 20 June 2012  
**FILE NO:**

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These reports were dealt with at the Landscape Management & Urban Design Committee meeting of 20 June 2012 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**1. ITEM 4 MARINE PARADE – Draft consultants’ brief**

Council staff presented the draft brief.

**2. ITEM 5 LITTLE MANLY Community Park Draft Consultants Brief– Little Manly Precinct (LMP) comments on this draft brief.**

Council staff presented the Little Manly Precinct’s three key points that summarised their response to the draft brief. These points were outlined in a document submitted to council by the Precinct Secretary on behalf of the Precinct Chairperson on 20 June 2012. The Committee wished to thank the Precinct for their thoughtful response.

**RECOMMENDATION**

That the minutes of the Landscape Management & Urban Design Committee meeting on 20 June 2012 be adopted including the following items:

**1. ITEM 4 MARINE PARADE – Draft consultants’ brief**

That the draft brief should:

1. Include a ‘Statement of Intention’ discussing the multi-layered importance of the site, (including reference to its natural and historical value).
2. Include point regarding the idea of creating a ‘sense of arrival’ to this special place and identify the need to make comfortable and enticing spaces where people can enjoy its beauty.
3. Identify the project site at the Shelley Beach end of Marine Pde as including what can be easily seen when standing at Le Kiosk Restaurant and looking out over the beach and adjoining open areas. (i.e. the upper car park and road, paths and stairs linking to it are not in the project site area).
4. Include specific mention of the need for proposals to clearly delineate and define treatment at the interface between Shelley Beach, the adjoining reserve and Marine Parade at this eastern end of the project site.
5. Give special consideration to signage at the key site entry points (i.e. at Bower Lane, South Steyne and near Le Kiosk at the bottom of road there) is designed to be site specific and draws attention to the ‘no take’ aquatic reserve importance of Cabbage Tree Bay.
6. Given its heritage listing, work proposed to the seawall should be supported by report

**Report Of Committees Report No. 31 (Cont'd)**

from an appropriately qualified heritage consultant and civil/structural engineer as applicable.

7. If these points are included in the Draft brief the document could be endorsed.

**2. ITEM 5 Little Manly Community park Draft consultants' brief – Little Manly Precinct (LMP) comments on this draft brief.**

That:

1. Reference to 40 Stuart St (as part of the project site) should stay in the Brief with an anticipation that it would be purchased by Council.
2. Specific mention of a boardwalk link along the beach seawall as the way of connecting the north and south end of the reserve be taken out of the brief as it is too prescriptive. There was agreement, however, in this regard that the brief should still include a point highlighting the need for the consultants to acknowledge the fact that there is an 'informal relationship' between these two parts of the reserve and that they should therefore consider the idea of 'a linking' of these two parts of the reserve.
3. Regarding the future use of 34 Stuart St (Council owned property) they agreed that a point be added to the brief to ensure the protection of amenity is important and wanted the following point included in the brief.

..."Any adaptive re-use of 34 Stuart St must clearly mitigate any undesirable effect on surrounding residents and the broader adjoining community (i.e. including but not limited to, vehicle parking and traffic creation, visual impacts, noise etc).It was also agreed that the addition of this clause, in the brief, was not intended to exclude appropriate commercial use of the 34 Stuart St."

4. Council Endorse the selection of the four consultants (below) to be engaged by Council to submit Design proposals for this Little Manly Community Park project.
  1. McGregor Coxhill
  2. Manyo Design
  3. Tim Williams, Architect.
  4. Craig Burton Landscape Architect and Architect.

**ATTACHMENTS**

There are no attachments for this report.

OM160712RC\_3

\*\*\*\*\* End of Report Of Committees Report No. 31 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Report Of Committees Report No. 32  
**SUBJECT:** Minutes for adoption by Council - Human Services Planning and Policy Committee - 26 June 2012  
**FILE NO:**

This report was dealt with at the Human Services Planning and Policy Committee meeting of 26 June 2012 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

#### **ITEM 6 Aboriginal Youth Support**

Council's Community Services Manager discussed the report to the committee and proposal on the use of its \$15,000 budget to support the provision of a directly funded Aboriginal Youth program to further enhance the Sister City relationship with Gunnedah Shire Council and Manly Council.

In view of a small demographic of Aboriginal people living and working in the Manly area, Council staff proposed another option that will provide youth development and further enhance the Sister City relationship with Gunnedah Shire Council and Manly Council. The proposal is to develop a scheme as per Warringah Council's Brewarrina Youth program, and invite Aboriginal youth aged 14-16 years from Gunnedah, to spend a week in Manly in the January school holidays, as part of a youth development program.

Since this proposal was presented to the April meeting, Council's officer had further benchmarked the scheme, and discussed it with a number of Aboriginal clientele. It was regarded as well received. The Manly Community Centre also provided support for the program.

Discussion proceeded on community partnerships that could be explored to further support the program locally. A number of local businesses were discussed as being important for future community partnerships, including local Manly high schools, Royal Far West, Sydney Harbour Federation Trust and the Quarantine Station. As well, given the need for community support, it was considered that a marketing strategy for the program be devised including a press release for the program should be prepared.

#### **RECOMMENDATION**

That the minutes of the Human Services Planning and Policy Committee meeting on 26 June 2012 be adopted including the following items:

#### **ITEM 6 Aboriginal Youth Support**

That :

- 1) An Aboriginal youth program be developed at Manly Council within the framework of the Sister City relationship with Gunnedah Shire Council, and in association with Manly Youth Council for the 2012-13 year;
- 2) Further community partnerships be explored by Council to support the program (especially local Manly high schools, Royal Far West, Sydney Harbour Federation Trust and the Quarantine Station owners);
- 3) A marketing program and press release be prepared to support the program; and
- 4) Council use its \$15,000 budgeted for the development and funding of this program for the 2012-13 year and subsequent years.

#### **ATTACHMENTS**

There are no attachments for this report.

OM160712RC\_6 \*\*\*\*\* End of Report Of Committees Report No. 32 \*\*\*\*\*



**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Report Of Committees Report No. 33  
**SUBJECT:** Minutes for adoption by Council - Sister Cities Committee - 27 June 2012  
**FILE NO:**

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This report was dealt with at the Sister Cities Committee meeting of 27 June 2012 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**ITEM 4.7 Report - Waikiki**

That Council no longer pursue a Sister City relationship with Waikiki, due to the association now established with the city of Huntington Beach, and that the Australian Open of Surfing being held in Manly is the sister event of the US Open of Surfing which is held in Huntington Beach.

**RECOMMENDATION**

That the minutes of the Sister Cities Committee meeting on 27 June 2012 be adopted including the following items:

**ITEM 4.7 Report - Waikiki**

That Council no longer pursue a Sister City relationship with Waikiki, due to the association now established with the city of Huntington Beach, and that the Australian Open of Surfing being held in Manly is the sister event of the US Open of Surfing which is held in Huntington Beach.

**ATTACHMENTS**

There are no attachments for this report.

OM160712RC\_5

\*\*\*\*\* End of Report Of Committees Report No. 33 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Environmental Services Division Report No. 17  
**SUBJECT:** Land Classification  
**FILE NO:**

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### **SUMMARY**

Council completed the purchased Seaforth TAFE on 12 June 2012 and is now required to Classify this acquisition in accordance with the Section 31 (2) of the *Local Government Act*.

### **REPORT**

Council, on 12 June 2012, completed the purchase of the former Seaforth TAFE site from the Minister for Education and Training.

Given the Council's intent and is as expressed in the terms of the Transfer from the Minister, Council should now classify the site "operational".

### **RECOMMENDATION**

THAT

1. Pursuant to Section 31(2) of the Local Government Act 1993, Lot 1 DP 1041057 - Sydney Road Seaforth, being the land acquired from the Minister for Education and Training on 12 June 2012 be classified as "operational".

### **ATTACHMENTS**

There are no attachments for this report.

OM160712ESD\_3

\*\*\*\*\* End of Environmental Services Division Report No. 17 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Environmental Services Division Report No. 18  
**SUBJECT:** Draft Manly Local Environmental Plan 2011 (Post Exhibition)  
**FILE NO:**

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### SUMMARY

The Draft Manly Local Environmental Plan 2011 (Draft LEP) has been prepared under the Environmental Planning and Assessment Act 1979 (The Act) and the Environmental Planning and Assessment Regulation 2000 (The Regulation).

In March 2006 the NSW Government gazettal of new planning reforms included the requirement for all NSW Councils to prepare new Local Environmental Plans (LEP) in accordance with the Standard Instrument template.

In October 2006 Manly Council resolved to prepare a draft comprehensive LEP in accordance with the new Standard Instrument template.

Preparation of the draft LEP commenced in 2006. LEP preparation is an extensive drafting and mapping process informed by consultation, research and analysis of local needs and responds to state and national strategic policy. This is regulated under the direction of the Minister of Planning and must meet a complex range of requirements before the Draft is ready to be certified for public exhibition.

On 23 August, 2011 the draft LEP was considered in a formal pre-lodgment meeting between Manly Council staff and the Department of Planning and Infrastructure. Drafting directions were received by Council on 7 September, 2011 and considered by Council's LEP and DCP Working Group on 20 September, 2011.

On 10 October 2011 Council resolved as follows:

- *That Council resolves to lodge the Draft LEP, maps and documents required for certification by the Director General under Section 65 of The Act to seek permission to publically exhibit the Draft Manly LEP 2011.*
- *Following certification, the Draft LEP be placed on public exhibition under Section 66 for longer than the minimum period required by the Director General, extending to at least the end of January 2012.*
- *Once the exhibition closes, council staff will consider all public submissions and update Council on any amendments made to the Public Exhibition Draft LEP prior to final submission to the DG under Section 68.*
- *That Council prepare a Communications Strategy to take into account the likely impacts on individual properties affected.*

At a further Council meeting on Monday 17 October 2011 a rescission notice was submitted regarding land currently zoned open space (to be acquired by Council), which resulted in the following resolution of Council

- *That Council amend the Draft LEP currently proposed to rezone 34, 36, 38 and 40 Stuart Street Manly to E4, Environmental Living. The Draft LEP be amended for properties 34, 36, 38 and 40 to RE1, Public Recreation, thereby maintaining their long held zoning as Open Space.*

On 21 October 2011 Council lodged Section 64 Submission to the Director-General requesting a Section 65 certificate (permission to exhibit the Draft Manly LEP 2011). On 1 February 2012 Council Staff met with Department of Planning and Infrastructure regarding issues raised by Department of Planning and Infrastructure to the draft LEP.

**Environmental Services Division Report No. 18 (Cont'd)**

On 13 February 2012 Council received a revised draft LEP with a summary of changes and supporting comments. On 7 March 2012 Council staff met with Department of Planning and Infrastructure to resolve outstanding issues

On 20 April 2012 Council received a Section 65 Certificate to exhibit Manly draft LEP 2011. Council at its meeting on 10 October 2011 resolved to exhibit the draft Manly LEP 2011 and draft Manly (Consolidated) DCP 2011 from 30 April to 29 June 2012.

On the 10 July 2012 the LEP and DCP Working Group was presented with a draft of this report, summarising submissions received, with appropriate recommendations.

**REPORT**

Council staff followed the Communication Strategy in exhibiting the draft LEP and DCP, approved by the LEP and DCP Working Group on 20 September 2011, and resolved by Council on 10 October 2011. However, a 6 month delay was encountered in receiving its Section 65 certification (permission to exhibit plans) from the Director-General due to resolving a series of amendments issued by Department of Planning and Infrastructure. Therefore the timeframes reported in the Communication Strategy have been amended to incorporate this 6 month delay.

**Actions Prior to the Exhibition:**

- The creation of specific 'ManlyLEP' logos and type-face to be used on all marketing materials produced for exhibition
- Exhibition dates and information advertised in the Manly Daily on Saturday 28 April 2012
- Exhibition dates, information and link to Manly LEP exhibition website advertised on the Manly Council website 'News Item'.

**During the Exhibition:**

- Presentation of draft LEP and DCP documents, maps, supporting documents, brochures, posters and submission forms at Manly Town Hall and Manly Library.
- The presentation of all exhibition related materials (documents, maps, factsheets, etc) on Council's dedicated website: [mlep.manly.nsw.gov.au](http://mlep.manly.nsw.gov.au)
- Outdoor Community Information Sessions held at
  - Stockland, Balgowlah** 22 May (55 visitor enquiries)
  - Corso** 23 May (66 visitor enquiries)
  - Corso** 30 May (54 visitor enquiries)
- Letter notification to all statutory government agencies/bodies advised of the exhibition of the draft LEP
- Letterbox drop of Draft LEP and DCP brochure to every Manly property, advertising and informing local businesses, residents and land owners of the nature of the draft LEP and DCP, and their exhibition.
- Availability of Council Planning officers to answer enquiries over the phone, counter or email during office hours, specifically regarding exhibition documents and maps.

**Post Exhibition:**

- The exhibition closed on Friday 29 June 2012.
- There were a total of 788 visitors to the MLEP website, making a total of 1,430 visits during the exhibition.
- To date 93 submissions have been received in total and are detailed further in this report

**Environmental Services Division Report No. 18 (Cont'd)****Submissions**

This report details submissions received during the exhibition period and to date. Recommendations to Council are made on each submission, or group of submissions where a theme, issue or physical area can be identified.

Of the 93 submission received;

- 39 relate to appropriate land use at the corner of Ashley Parade and Fairlight Street (Lot 1 DP745080; Lot 1 DP 911745; Lot 9 DP 1164808) and land in the immediate surrounding area. The property is currently known as 'Fairlight Reservoir'.
- 10 relate to appropriate land use in the proposed draft Zone IN2 Light Industrial (eastern side of Roseberry Street). This includes joint submissions signed by multiple parties.
- 9 were received from Government bodies/agencies
- 3 relate to land use zoning covering the Royal Far West site and immediate surrounding area

All submissions and recommendations – See Attachment 1.

A Submissions Table (CONFIDENTIAL - see Attachment 2) is available listing all submissions received and a short summary of the issues raised in each submission.

**LEP/DCP Working Group**

The LEP/DCP Working Group met on the 10<sup>th</sup> July, 2012 and the minutes of the meeting is tabled to Council's Ordinary meeting 16 July, 2012 for adoption.

All the issues raised by the committee have been addressed as part of 'Submissions & Recommendations' (Attachment 1), except for TOPIC 10 – objection regarding retail gross floor area restriction of 1000m<sup>2</sup> in B2-Local Centre. It has been recommended by the Working Party that *"they have no problem with retail gross floor area above 1000m<sup>2</sup> if it was not on street level but object to retail floor are over 1000m<sup>2</sup> that makes up the footprint of the development and therefore the street frontage"*. Council's resolution on this matter will be incorporated in the Section 68 submission to the Department on adoption of the minutes of the Working Party.

**The Plan Making Process**

The submissions and recommendations presented in this report are to amend (where necessary) and finalise the draft Manly LEP 2011 ready for Council Staff to submit a Section 68 Submission to the Director-General of NSW Planning.

The Section 68 Submission will contain a final draft Manly LEP 2011 document, corresponding maps, a document outlining all changes from the exhibited draft LEP to the final draft LEP, and an electronic copy of all submissions made during the exhibition of the draft LEP. The Section 68 Submission will request the Director-General to provide the Minister of Planning with a report recommending the draft LEP be made through gazettal. It will then become the principal LEP for Manly and replace the current Manly LEP 1988.

The exhibited Draft Manly Local Environment Plan 2011 will be CIRCULATED SEPARATELY to Councillors at the Ordinary meeting 16 July, 2012.

**RECOMMENDATION**

1. THAT Council consider and discuss all submissions and make necessary amendments to the final draft LEP in light of recommendations made.
2. After considering all submissions and final amendments to the final draft LEP, resolve to make a Section 68 Submission (recommended adoption of final draft LEP) to the Director-General, NSW Planning & Infrastructure.

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Environmental Services Division Report No. 18 (Cont'd)

## ATTACHMENTS

AT- 1	Submissions and Recommendations	21 Pages
AT- 2	Public Submissions - <b><i>CONFIDENTIAL ATTACHMENT - for the information of Councillors</i></b>	2 Pages
AT- 3	Report on the Fairlight Reservoir Site	13 Pages
AT- 4	Report on Fairlight Rservoir Submissions	6 Pages
AT- 5	Report on Royal Far West School - Part 3A Application	2 Pages
AT- 6	Final Survey Report - Elton Consulting	34 Pages

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\*\*\*\*\* End of Environmental Services Division Report No. 18 \*\*\*\*\*

## ATTACHMENT 1

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Submissions and Recommendations

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#### Submissions and Recommendations

List of Submissions by Topic

**Topic 1.** Fairlight Reservoir

**Topic 2.** Suitable zoning and 'permitted with consent' uses on land zoned IN2 - Light Industrial (Balgowlah Industrial Estate, eastern side of Roseberry Street)

**Topic 3.** Royal Far West.

**Topic 4.** Council's Height of Building and Floor Space Ratio Maps, definition of height of buildings and consistency with the Draft DCP.

**Topic 5.** Zoning of Education Establishments

**Topic 6.** Specific requests for exhibited Zones, Height of Buildings and Floor Space Ratios to be amended.

**Topic 7.** Submissions received from Government bodies/agencies.

**Topic 8.** Heritage listing matters .

**Topic 9.** Proposed Farmer's Market at Seaforth Oval.

**Topic 10.** Objection to limits applied to retail gross floor area in Zone B2 - Local Centre.

**Topic 11.** Other Submissions

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 1. Fairlight Reservoir**

**BACKGROUND**

- Site comprises of 3 (three) lots: Lot 1 DP 745080; Lot 1 DP 911745; Lot 9 DP 1164808. A combined total area of 1897m<sup>2</sup>
- Current Zone No. 5 Special Uses under current Manly LEP 1988.
- Exhibited Zone R1 General Residential under draft Manly LEP 2011
- See **REPORT Fairlight Reservoir** [Presented to LEP and DCP Working Group 10 April 2012]
- See **REPORT Fairlight Reservoir Submissions received to date** [Presented to LEP and DCP Working Group 12 June 2012]
- Site is subject to a Site Compatibility Certificate issued by the Director-General of Department of Planning and Infrastructure in August 2009 and is valid until August 2014.

**Issues raised in submissions**

- Although new submissions have been received, no new issues on the site have been raised since the above Reports were presented to the LEP and DCP Working Group.
- Sydney Water Corporation (land owner) – supports draft zoning R1 and alternative zones would endanger heritage structure 'Manly Reservoir'.
- Local residents/interested parties - oppose to draft zoning of land R1- Residential and requests RE1 (Public Recreation) with no residential development on land due to preferred use as public open space, and that any residential development will not reflect scale, massing, etc of the immediate area.
- Development would endanger the heritage structure 'Manly Reservoir'
- Land to be used as a form of public open space/recreation area/play ground/nature reserve, etc.
- Potential use of land adjacent to site involving closure of part of Fairlight Street and triangular block of land north of site to be zoned RE1 (Public Recreation)

**Note:**

1. 38 submissions received support zoning of use that would allow public recreation space on land.
2. Sydney Water Corporation (landowner) commitment to dispose of land received in their submission letter.
3. Council staff met with representatives of Sydney Water Corporation (SWC) on 5 July 2012 with a view to establish SWC's view to the rezoning of land to RE1. Council representatives were advised that SWC would be happy to contemplate a sale to Council at market price, as determined by the Valuer-General's Office.

**Planning Comments**

- i. Request for exhibited R1 - Residential to be rezoned RE1 - Public Recreation on site.
- ii. This would mean no residential development would be permissible on the site, and to be used only for public recreation. Council officer discussed this issue with representatives of the landowners (Sydney Water Corporation) on 5 July 2012.
- iii. Sydney Water Corporation advised that they are happy with the draft zoning of R1 - Residential and that they would object to the RE1 - Public Recreation zoning of the land.



## **ATTACHMENT 1**

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### **Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**

#### **Submissions and Recommendations**

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iv. The representatives further advised that the Sydney Water Corporation will dispose the land as the water reservoir has been decommissioned and the subject land is surplus to their needs.

v. If Council is of a mind to rezone the land to RE1 - Public Recreation, then it may have to acquire the subject land from the landowners.

#### **Recommendation**

1. **That Council support the request to zone the land identified as Lot 1 DP 745080; Lot 1 DP 911745; Lot 9 DP 1164808 as RE1 - Public Recreation.**
2. **That Council amend the Land Reservation Acquisition Map (LRA) of the draft MLEP 2011 to reflect proposed acquisition of subject land by Council.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 2. Suitable zoning and 'permitted with consent' uses on land zoned IN2 - Light Industrial (Balgowlah Industrial Estate, Roseberry Street)**

**BACKGROUND**

- Current Zone No. 4 Industrial under current MLEP 1988.
- Exhibited Zone IN2 Light Industrial (east side of Roseberry Street), B6 Enterprise Corridor (west side of Roseberry Street) under draft MLEP 2011
- Land subject to 'Manly Industrial Zone Master Plan' prepared by external consultant Hassel Group on October 2011. Adopted by Council December 2011. Advised zoning of area to be split into B6 and IN2 – as exhibited in the draft MLEP 2011.

**Issues raised in submissions**

1. **Submissions** received from Brookvale Insurance, and Interisk – Request 'Office premises' and/or 'Commercial premises' be a permissible with consent use on land zoned IN2, due to existing use as office premises, numbers of staff employed, and restrictions changes/developments of business

**Planning Comments**

Commercial use will not be consistent with the objectives of the Industrial Zone and will have an adverse impact on the existing business zones/precincts

**Recommendation**

**That Council retain the proposed land use and that no changes are made in light of the above submissions.**

2. **Submission** received from Peter Lee – Request 'Veterinary Hospitals' be a permissible with consent use on land zoned IN2, due to restrictions found in B1 and B2 (access difficulties, limited size, objections from other businesses/residents), meeting employment opportunities (an objective in IN2 zone), veterinary establishment more in keeping with 'industrial processes' (e.g. laboratory processes, radiology, etc), does not inflate rents or change character of zone.

**Planning Comments**

Submission addresses the objectives of the zone and establishes an appropriate demand that is not elsewhere met in other areas of Manly. In this regard it is understood that the standard of veterinary services now required and expected necessitates use of the building typologies more typical in this zone which can accommodate large laboratory machines and processes (X-rays, etc) and where adjoining uses and occupants are less likely to have objection/issues compared to the predominantly smaller sites in the B1 and B2 zones. It is agreed that such a use would be more suited to the industrial zoning of the land.

**Recommendation**

**That Council agree to include 'Veterinary Hospitals' in the land use table for Zone IN2 Light Industrial.**

3. **Submissions** received from various businesses and land owners (including nearby residential landowners) on land zoned IN2 – Light Industrial

Objections to proposed IN2 zone include

- Drop in property values (both units on site, and nearby residential properties),
- Noise, air, visual and environmental pollution due to development listed as permitted with consent in land use table.

## ATTACHMENT 1

### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)

#### Submissions and Recommendations

- Increased traffic and access concerns for existing business due to development listed as permitted with consent in land use table.
- Permitted with consent uses 'freight transport facilities, helipads, truck depots, restricted premises, sex services, etc' inappropriate due to above, current uses, and nearby residential properties, and Manly West Public School. These to be withdrawn/reconsidered by Council.
- Land owners/Business owners unaware of land use changes. Only made aware 'last minute' and requested submission deadline (29 June 2012) be extended to analyse and respond to land use change.
- Request 'bulky goods premises' as permitted with consent use in land use table. Current Zone 4 Industrial permits bulky goods use.
- Request zoning provisions to reflect current and future land use. Inappropriate zoning may affect viability of current businesses.

#### **Note:**

1. 10 submissions received covering matters raised above.
2. Detailed and extensive Joint Land Owners submission, objecting to the proposed zoning, signed by 24 businesses, has been made. Also, a letter of objection to proposed zoning, signed by approx 12 land owners/businesses, has been made.

#### **Planning Comments**

- i. Objections to certain land uses including 'freight transport facilities, helipads, truck depots, restricted premises, sex services, etc'. It is a requirement of the Standard Instrument template of the new draft LEP to make provision of such land uses in appropriately zoned areas. These land uses are judged to have the least negative impact in Zone IN2 – Light Industrial, compared to other zones.
- ii. 'Bulky Goods' use is currently permitted with consent in this area as currently Zone No. 4 Industrial. The current Manly LEP 1988 contains Clause 28 (3) (b) that states any proposed development in Zone No. 4 Industrial "*will not detrimentally affect:*  
(i) *existing or future industrial development within Zone No 4, or*  
(ii) *the range of services offered by existing shops located in any nearby business centre*"
- iii. It can be deemed reasonable to allow this land use in Zone IN2 Light Industrial with a similar clause drafted within the draft Manly LEP 2011

#### **Recommendation**

**That Council permit with consent land use 'Bulky Goods retail' in the land use table for Zone IN2 – Light Industrial with similar drafted clause 28 (3) (b) of Manly LEP 1988, regarding granting of development consent.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 3. Royal Far West**

**BACKGROUND**

Current Zone No. 5 Special Uses under current Manly LEP 1988

Exhibited Zone B2 - Local Centre under draft Manly LEP 2011

See **REPORT Royal Far West** [Presented to LEP and DCP Working Group 12 June 2012]

Land subject to 'Urban Design Guidelines. Site bounded by: Darley Road, South Steyne, Victoria Parade, Wentworth Street' prepared by Council and published October 2011

**Issues raised in submissions**

Submission received from Manly Corso Precinct, Manly Village Public School PCA, and Julie Beagley - Request for Zones SP1 and SP2 on DEC sites only, and not be rezoned B2 in Draft LEP, due to current use. Request for Council support in approaching Department of Planning and Infrastructure.

**Planning Comments**

i. The land is subject to Part 3A application with Department of Planning and Infrastructure. Enquiries with the Department have revealed that the current status of the application is 'Proponent reviewing submissions'. No further information could be obtained. However, as resolved by Council, letters have been sent to the Board of Royal Far West requesting whether the Board have considered the views of the surrounding neighbours. No response has been received.

ii. Operational issues for the Royal Far West and Manly Public School are not a Council matter; the Working Group recommended that some consideration be given to mutually beneficial arrangement between the Royal Far West and Manly Public School to expand the playground (the school's open space) by swapping Lots 1 & 2 DP 223468 with DP 65707

**Recommendation**

**That Council support the proposed zoning (Zone B2 – Local Centre) for the site.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 4. Council's Height of Building and Floor Space Ratio Maps, definition of height of buildings and consistency with the Draft DCP.**

**BACKGROUND**

Council resolved (excerpt of resolution here) to incorporate HOB and FSR provisions in the Draft LEP, and amend Draft DCP accordingly.

**Issues raised in submissions**

Submission from Manly Chamber of Commerce, Blackmore Design Group, and Squillace Architects – Requests Height and FSR controls be reincorporated into the DCP.

- Considerable number of DAs have not met existing height and FSR controls and have been supported by Council.
- Topography of Manly (e.g. sloping sites) often lends itself to acceptable and reasonable variations to height controls in current DCP
- Exhibited process will require use of Clause 4.6 'Exceptions to development standards' and therefore numerous SEPP 1 variations due to Height/FSR controls no longer in DCP (a local issue), requiring referral to Department of Planning and Infrastructure.
- Exhibited process will add considerably to Council's development assessment processing times, add significant costs for both applicant and Council, and disincentive to development (especially residential).
- States many safeguards in current DCP regarding Floor Space Ratios on residential development, and exhibited Floor Space Ratios should be removed for residential and only apply to commercial zones.
- States number of undersized allotments in Manly, adaptive reuse of existing buildings, would need for varying Floor Space Ratios. Under exhibited process, would require use of Clause 4.6, SEPP 1 variations, producing problems as noted above for variation to HOBs.

**Planning Comments**

Since 1986 Council has controlled floor space ratios and height of buildings through provisions set in Council's DCP. Council resolved to retain these provisions in any new Standards Instrument template LEP. These principal development standards must be displayed in a height of buildings (HOB) map and floor space ratio (FSR) map.

**Recommendation**

**That Council retain the principal development standards of Height of Buildings and Floor Space Ratio in the Draft Manly LEP 2011.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
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**Topic 5. Zoning of Education Establishments**

**1. Submission** from Department of Education & Communities

- Request all sites that contain an Educational Establishment (these are Balgowlah Heights; Manly Village; Manly West and Seaforth Public Schools and Balgowlah Boys High School), not to have FSR or Height Restrictions.
- Request Manly Village should be B2 (as exhibited) or R3. Refers to Department of Planning and Infrastructure *LEP Practice Note PN 10-001, zoning for infrastructure in LEPs*. Requests 'Education Establishment' be a permissible use on all education sites, and no Height Restriction and FSR apply to these sites.

**Planning Comments**

- i. Since 1986 Council has controlled floor space ratios and height of buildings through provisions set in Council's DCP. Council resolved to retain these provisions in any new Standards Instrument template LEP.
- ii. Current height and floor space ratio restrictions apply to subject land raised in submission
- iii. It would be considered inappropriate to propose land identified as Educational Establishments (especially if zoned as a business or residential zone) without height of building or floor space ratio provisions to control development.
- iv. Only on draft land Zone SP2 Infrastructure, height and floor space restrictions do not apply.
- v. Any variations to Floor Space Ratios or Height of Buildings can be made under Clause 4.6 of the draft Manly LEP 2011

**Recommendation**

**That Council do not support the submission regarding the deletion of height restrictions and/or floor space ratio provisions from the subject sites.**

**2. Submission** from Robinson Urban Planning (regarding St Paul's Catholic College Lot 2, DP 544297) – Request site be rezoned from exhibited E4 Environmental Living to SP2 Infrastructure (Educational Establishment/Place of public worship) with no FSR or height restriction standards due to inappropriate restrictions on an Educational Establishment site.

- Current Zone No. 2 Residential under current Manly LEP 1988 permits educational facilities and churches. Height and Floor Space Ratio restrictions are in current DCPs.
- Site has been operating as an educational facility for over 38 years
- Proposed E4 prohibits a school/educational establishment and a place of public worship. Pursuant to Infrastructure SEPP, educational facilities are permitted in Zone E4
- Dominant current use does not reflect exhibited zone objections
- E4 will unreasonably constrain future improvements and changes of use on the site, in particular proposed floor space ratio and height standards.
- St Paul's Catholic College is in the process of preparing a development application to improve existing facilities.

**Planning Comments**

- i. Zoning reflects the environmental importance of the area to be considered in development applications.
- ii. Any variations to Floor Space Ratios or Height of Buildings can be made under Clause 4.6 of the draft Manly LEP 2011.

## **ATTACHMENT 1**

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- iii. Current restrictions on MLEP 1988 regarding St Patricks Estate have informed zoning and principle development standards in Part 7 of the draft Manly LEP 2011 and surrounding area.

#### **Recommendation**

**That Council not support the submission from Robinson Urban Planning.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 6. Specific requests for exhibited Zones, Height of Buildings and Floor Space Ratios to be amended**

**BACKGROUND**

This topic deals with specific sites or types of development where requests have been made to change the zone exhibited in the Draft LEP, and specific Height of Building and Floor Space Ratio controls where relevant. This topic does not include zone changes already mentioned in previous topics (e.g. Fairlight Reservoir)

**Issues raised in submissions**

**3. Submission** from Ausgrid – Requests Lot 2 DP 803272 – exhibited Zone B2 - Local Centre, and Lots 2 & 5, DP 1142262 – exhibited Zone B6 - Enterprise Corridor, be Zone SP2 - Infrastructure (Electricity Supply). This is to reflect Ausgrid's use of sites as electricity infrastructure.

**Planning Comments**

Ausgrid's submission states that these electricity distribution sites will be operated by Ausgrid into the long term, and should be zoned accordingly to reflect their infrastructure value as Zone SP2 Infrastructure. This is in concurrence with the Department of Planning's LEP practice note 'PN 08-002 Zoning for Infrastructure in LEPs', having regard to provisions in the State Environmental Planning Policy (Infrastructure) 2009.

**Recommendation**

**That Council support Ausgrid's rezoning proposal for sites Lot 2 DP 803272 and Lots 2 & 5, DP 1142262 from Zone B2 and B6 to Zone SP2 – Infrastructure.**

**4. Submission** from Mobile Carriers Forum (representing Telstra, Optus and Vodafone) – Requests a provision in Clause 4.3 'Height of Buildings' of the Draft LEP that exempts freestanding group based telecommunication structures from height control limits. As these structures, by their nature, often exceed Height of Building limits in areas, this would avoid repetitive use of Clause 4.6 'Exceptions to development standards' of the Draft LEP precluding SEPP 1 variations.

**Planning Comments**

Planning supports that clause 4.6 'Exceptions to development standards' must apply to all structures where a building height limit applies, including 'tower' structures.

**Recommendation**

**That Council not support the proposal from Mobile Carrier's Forum.**

**5. Submission** from Mario Quattroville (regarding 298-302 Sydney Road, Balgowlah) – Requests change from exhibited Height of Building limit 12.5m and Floor Space Ratio 2:1, to Height of Building limit 15m and Floor Space Ratio 2.5:1.

**Planning Comments**

The area surrounding the subject land is consistent with height of building limit 12.5 and floor space ratio 2:1. Variation to this would be inconsistent with surrounding area. However, for a specific development, a variation to these development standards can be applied via clause 4.6 'Exceptions to development standards' and detailed justification given by any development proposal.



## ATTACHMENT 1

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)

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##### Recommendation

**That Council not support the submission from Mario Quattroville.**

6. **Submission** from Robinson Urban Planning (regarding 92-94 Pittwater Road, Lots 1 & 2, DP 611702) – Request site be rezoned from exhibited R3 Medium Density Residential, Floor Space Ratio 0.6:1, to B1 Neighbourhood Centre with Floor Space Ratio 1:1.

- Current Zone 2 Residential
- Site has been operating as a business for over 20 years
- Existing use is not permitted under R3 – does not meet dwellings above (not *shop top housing*), does not serve day-to-day needs of people living/working and has floor area greater than 80sqm (*not neighbourhood shop*)

##### **Planning Comments**

Due to existing nature of site, and close proximity to other B1 Neighbourhood Centre sites in area, it would be considered a reasonable request to amend zoning from exhibited R3 Medium Density Residential, Floor Space Ratio 0.6:1, to B1 Neighbourhood Centre with Floor Space Ratio 1:1

##### Recommendation

**That Council support the request to amend the zoning and floor space ratio as requested.**

7. Submission from NSW Health – Request removal of exhibited zoning E2 – Environmental Conservation on part of the Manly Hospital site and the Dalwood House in favour of retaining the existing Special Uses zoning of SP2 – Infrastructure and/or the exclusion of the Manly Hospital and Dalwood House sites from the Draft Manly LEP 2011

##### **Planning Comments**

The exhibited zoning of E2 is required to protect the 'high ecological, scientific, cultural and aesthetic values of the land, which is the objectives of this zone. Although the submission from NSW Health argues the importance of the site as a functioning hospital, it is viewed that the existing environmental value of the land is to take priority and therefore retained.

##### Recommendation

**That Council not support the submission from NSW Health.**

8. Submission from NSW Office of Environment & Heritage – Request land at Lots 1 & 2, DP 2610, exhibited zoning E3 – Environmental Management, to be rezoned E1 – National Parks and Nature Reserves

##### **Planning Comments**

Land at Lots 1 & 2 DP 2610 are identified as National Parks under the *National Parks and Wildlife Act 1974*, and therefore be required to be zoned E1 – National Parks and Nature Reserves, in a Standard Instrument LEP.

##### Recommendation

**That Council support the request to amend the zoning.**

## ATTACHMENT 1

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Submissions and Recommendations

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#### Topic 7. Submissions received from Government bodies/agencies

##### BACKGROUND

In January 2008 Council commenced consultation with Agencies under Section 62 of the EP&A 1979. These submissions are a result of the consultation process so far.

##### Issues raised in submissions

1. **Submission** from State Emergency Service. No requirement to amend the LEP at draft exhibition stage.

##### Recommendation

**No action required**

2. **Submission** from Department of Primary Industries. Crown Lands is satisfied that the LEP provides a satisfactory zoning framework for the management of Crown Lands within the Manly LGA.

##### Planning Comments

Manly Council Planning officers met with a representative from the Department of Primary Industries to consider implications of the LEP on Crown Lands. The Representative was satisfied with meeting discussions and explanations of implications on Crown Land.

##### Recommendation

**No action required**

3. **Submission** from NSW Transport Roads & Maritime Services. No comment to make at this stage

##### Recommendation

**No action required**

4. **Submission** from NSW Rural Fire Service. Submission comments do not affect content of exhibited Draft LEP and Draft DCP and reiterates statutory considerations.

##### Recommendation

**No action required**

5. Submission from NSW Office of Environment & Heritage. This submission is discussed in Topic 6

6. Submission from NSW Health – This submission is discussed in Topics 6 and 8.

7. Submission from NSW Education & Communities – This submission is discussed in Topics 4 and 8

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 8. Heritage listing matters**

**BACKGROUND**

**Issues raised in submissions**

**1. Submission** from Dan Baxter – Request buildings on Bower Lane fronting Marine Parade (5 and 7 in particular) be listed and potential conservation area set up. Limited justification for listing and conservation area.

**Planning Comments**

Submission has been forwarded to Council's Heritage Officer who will present this to the Heritage Committee for consideration.

**Recommendation**

**No action required.**

**2. Submission** from Department of Education and Communities – Requests that on sites identified as Manly Village Public School and Manly West Public school that only individual buildings identified as heritage items are listed, and does not support listing all buildings on the site.

**Planning Comments**

Council's Heritage Officer proposes to retain current listing of all buildings on sites due to the practical purposes of needing to apply significance to individual components of sites. Each site can be managed through detailed descriptions and statements of significance in Council's heritage inventory. These can be prepared at such time when there is a particular proposal in place, but would not be required to be addressed for the purposes of the LEP. It should also be noted that heritage listing of an item also includes its cartilage.

**Recommendation**

**That Council do not support the request from the Department of Education and Communities.**

**3. Submission** from Ministry of Health – Requests that only sites identified as heritage listed be identified in draft Manly LEP 2011 and not the whole Dalwood site.

**Planning Comments**

Council's Heritage Officer proposes to retain current listing of all buildings on sites due to the practical purposes of needing to apply significance to individual components of sites. Each site can be managed through detailed descriptions and statements of significance in Council's heritage inventory. These can be prepared at such time when there is a particular proposal in place, but would not be required to be addressed for the purposes of the LEP. It should also be noted that heritage listing of an item also includes its cartilage.

**Recommendation**

**That Council do not support the request from the Ministry of Health.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 9. Proposed Farmer's Market at Seaforth Oval**

**BACKGROUND**

Applicant has previously been in contact regarding his proposal, and advised to make a submission during the Draft LEP/DCP exhibition.

**Issues raised in submissions**

Submission from Matthew Tesoriero – Proposes a predominantly Farmer's Market be allowed to be hosted each Friday for trade between 8am and 1.30pm in the grassed car part at Seaforth Oval (Lot 7300, DP 1126103).

- Current Zone No. 8 National Parks in current Manly LEP 1988
- Exhibited Zone RE1 Public Recreation and E2 Environmental Conservation in draft Manly LEP 2011
- Submission addresses viability of market on proposed RE1 land (grassed car park area), stating little or no impact on surrounding environment, appropriate amenities already exist, easy access to main road, ample parking.
- Submission addresses advantages in local area, including additional revenue for Council, employment, promotion of good health, local businesses, etc

**Planning Comments**

- i. 'Market' is a prohibited use in Zone 8 National Parks and proposed zoning RE1 and E2.
- ii. Any request to add 'market' use in the land use table under 'permitted with consent' for zone RE1 would also allow consideration of any 'market' proposal on any land zoned RE1 in the Draft Manly LEP 2011, which may not be appropriate for a market use.
- iii. 'Market' use on proposed zoning E2 would not be considered reasonable in the land use table considering the objectives of the zone.
- iv. As the nature of the market is temporary (only one/two day a week) it would be considered more appropriate to amend clause 2.8 'Temporary use of land' to allow for a temporary use in any zone for a period greater than 12 (twelve) days in any period of 12 months, as exhibited in the draft Manly LEP 2011.
- v. A survey of other Local Government Areas which have temporary use of land indicate the following:
  - a. 28 days: Parramatta Auburn, Penrith, Mosman & Warringah,
  - b. 30 days: Goulburn,
  - c. 52 days: Willoughby and Gosford.
- vi. Taking into consideration the number of days permitted in other Councils recently adopted LEPs, Council may agree to the increase in the number of days for temporary use of land.

**Recommendations**

**That Council amend clause 2.8 'Temporary use of land' in the draft Manly LEP 2011 from 12 (twelve) days to 52 (fifty two) days in any 12 month period to allow for a temporary use in any zone.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 10. Objection to limits applied to retail gross floor area in Zone B2 - Local Centre**

**BACKGROUND**

Clause 6.19 of the draft Manly LEP 2011 restricts retail development in B2 Local Centre in respects to gross floor area

- Of retail premises on land (B2) must not exceed 1,000sqm
- 25% of the gross floor area is for commercial premises

**Issues raised in submissions**

Submission from Ian Miller, and Manly Chamber of Commerce - Opposes blanket restriction on retail size of 1000sqm and restriction of 25% of gross floor area to be use for commercial premises. Cites several examples of existing developments in the business zone. Requests draft Manly LEP 2011 to be amended to maintain "Manly small scale character but allow flexibility of overall tenancy sizes particularly if they include levels other than ground floors".

**Planning Comments**

This Clause was specifically drafted to reflect the existing subdivision patterns and to ensure smaller retailers are not overtaken by larger retail developments. This has been specifically recognised as a character trait in Manly's CDB, where the majority of land is zoned B2.

**Recommendation**

**That Council do not support the request from Manly Chamber of Commerce.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Submissions and Recommendations**

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**Topic 11. Other Submissions**

**BACKGROUND**

These are individual submissions that cover topics and issues not previously detailed. They are listed individually with recommendations on each submission.

**Issues raised in submissions**

1. **Submission** from Roy and Diane Deane – Supports zoning of Little Manly Foreshore area at 34 to 40 Stuart Street as RE1 Public Recreation, in line with current Zone 6 Open Space.

**Recommendation**

**No action required.**

2. **Submission** from Mary Symes – Objection to Bareena Park divided between RE1 Public Recreation and RE2 Private Recreation (Bowling Club and Tennis Club). No justification given

**Planning Comments**

No justification/evidence given in submission to support the contrary.

**Recommendation**

**That Council do not support the request from Mary Symes and retain the proposed zoning.**

3. **Submission** from Judy Mellowes – Apartment developments over shops should be used more frequently. Smaller developments (compared to new Coles at Corso) should be encouraged over many of the small strip of shops in Manly.

**Planning Comments**

Recognition of 'small strips of shops' identified in Draft LEP as proposed zone B1 - Neighbourhood centre, significantly expanded as a result of the review of the business zone. New definition of 'Shop Top Housing' in new Standard Instrument LEP provides for residential unit developments over shops.

**Recommendation**

**No action required.**

4. **Submission** from Lisle Fortescue – Zoning of Manly CBD as B2 Local Centre does not recognize the residential component. States Manly CBD has changed demographically from 1988 with a strong residential component in 2012. The residential population in B2 Local Centre zone must be given priority.

**Planning Comments**

The area is recognised as Manly's Central Business District, and is zoned B2 – Local Centre in the draft LEP 2011 to reflect this. The area's principal purpose is for commercial and business activity. Submission does not offer alternative land uses/zoning of area. Issues regarding noise and amenity for residents are addressed in the draft DCP 2011.

**Recommendation**

**That Council maintain the proposed B2 – Local Centre zoning for the area.**

5. **Submission** from Catholic Archdiocese of Sydney – Questioning the draft Zone E4 – Environmental Living for the majority of St Patrick's Estate, except the land occupied by the International College of Management.

## **ATTACHMENT 1**

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### **Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**

#### **Submissions and Recommendations**

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##### **Planning Comments**

It is considered that Zone E4 – Environmental Living is appropriate for the site due to the sensitivity of the land in terms of heritage/conservation and habitat for threatened species. Council is currently arranging a meeting with Archdiocese Staff and their Consultant Planner to discuss the issue.

##### **Recommendation**

**That Council retain the E4 zoning due to the sensitivity of the land and threatened species habitat.**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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**TO:** LEP and DCP Working Group  
**MEETING DATE:** 10 April 2012  
**AUTHOR:** Strategic Land Use Planning Branch  
**SUBJECT:** **REPORT on the Fairlight Reservoir site**

**Summary**

In April 2009 Council was notified of an application for a 'Site Compatibility Certificate' in relation to the Fairlight Reservoir site. This Certificate enables future residential development of the site by applying the Residential Zone No. 2 in the Manly LEP 1988 on the basis that this development of the site is compatible with the adjoining zoning. A Certificate was issued on 11 August 2009 by the Director General.

On 3 April 2012 the LEP/DCP Working Group received (by the Chair) a submission to the Mayor and Local Member with a request that Council:

*'write to Mike Baird and request that the decision to sell the property be reviewed and the community consulted on a plan for the area to create a public park be requested to re examine the proposal to rezone the area 'residential' and consider zoning it 'Public Recreation (RE1) before exhibiting and submitting the final LEP for gazettal.'*

In brief, the above requests are considered appropriate for actioning in conjunction with the upcoming public exhibition of the LEP (not prior). The LEP exhibition process will also include further consultations with public agencies including Sydney Water Corporation (owner of the subject site) and the Local Member.

**State Environmental Planning Policy (Infrastructure) 2007**

State Environmental Planning Policy (Infrastructure) 2007, (SEPP Infrastructure) provides for lodgement and determination of 'Site Compatibility Certificates' to the Department of Planning. Consultants for Sydney Water Corporation applied for a Site Compatibility Certificate for the development of the Manly Reservoir site, located on the corner of Fairlight Street and Ashley Parade, Fairlight under the SEPP Infrastructure.

The Application made under SEPP Infrastructure gained certification to develop the site whereby it was determined that the adjoining Residential Zone under the current Manly LEP, 1988 is to apply to the site. The land is currently zoned under the Manly LEP as Zone No. 5 (a) - Special Uses (Water Supply), and is surrounded by Zone No. 2 – Residential.

The SEPP Infrastructure provides for Council to be notified and make a submission in relation to the application within 2 weeks.



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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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**Council's Submission in relation to the Site Compatibility Certificate**

Council's submission (see attached) dated June 2009 recommended that the Director-General should not issue the Site Compatibility Certificate based on the view that the development is not compatible with the surrounding residential land uses with regard to the following matters:

- the heritage significance of the site;
- the impact that the development (including its bulk and scale) is likely to have on the foreshore scenic protection area and in the streetscape as required in the Manly LEP 1988;
- the likelihood of there being any adverse effect on the environment including adjoining residential land uses;
- the proposal has no continuing public or community benefit.

A number of other concerns were raised in the submission in relation to the Site Compatibility Certificate application. In this regard Council requested that further details be provided prior to the issue of any Site Compatibility Certificate. Council also raised concerns that there was no evidence of community consultation in relation to the proposed future use of the site. The impact that the development is likely to have on the adjoining residential area was raised as a matter requiring further detailed consideration. Whilst further details can be anticipated at a Development Application assessment level, it was considered appropriate that consideration be given to matters raised in Council's submission with the Site Compatibility Certificate and not left to any future DA assessment.

**Determination of Site Compatibility Certificate and Manly LEP Zoning**

The Site Compatibility Certificate was issued by the Director-General on 11 August 2009 with conditions that any future development of the site shall include a full heritage assessment in accordance with the Burra Charter and any Council Heritage Guidelines.

The land is currently zoned under the Manly Local Environmental Plan 1988 (Manly LEP) as Zone No.5 - Special Uses (Water Supply). In relation to the draft LEP 2011, the Special Use Zone is not a zone that exists in the standard template (LEP) Order. Pursuant to government agency consultations undertaken pursuant to Section 62 of the Environmental Planning and Assessment Act 1979, the draft LEP mapping proposes a residential zoning of the land consistent with adjoining lands and the Director General's Determination for the site.

**CONCLUSION**

While Council has made submissions for further review and additional information in relation to the Site Compatibility Certificate, the Director General has issued a Determination and the draft LEP mapping reflects this Determination with a Residential zoning of the land. Opportunity does however exist for Council to receive public submission in relation to its upcoming exhibition of the LEP and Marian Humbly's submission may be further considered and actioned in this exhibition process.

### **ATTACHMENT 3**

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#### **Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Report on the Fairlight Reservoir Site**

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##### **Recommendation**

THAT the Working Group consider the submission of Marian Hambly dated 3 April 2012 in conjunction with the upcoming LEP exhibition process.

##### **Attachments**

- Attachment 1 - Extracts from State Environmental Planning Policy (Infrastructure) 2007
- Attachment 2 – Council's Submission in relation to Site Compatibility Certificate for Manly Reservoir Site under SEPP Infrastructure
- Attachment 3 – Director General's Determination of Site Compatibility Certificate including plans (tabled)
- Attachment 4 – Submission from Marian Hambly

## **Attachment 1 - Extracts from State Environmental Planning Policy (Infrastructure) 2007**

### **State Environmental Planning Policy (Infrastructure) 2007**

#### **Clause 19 Site compatibility certificates**

- (1) An application for a site compatibility certificate for the purpose of clause 18, 57 (3) or 63C (2) (a) may be made to the Director-General:
  - (a) by the owner of the land on which the development is proposed to be carried out, or
  - (b) by any other person with the consent of the owner of that land.
- (2) An application under this section:
  - (a) must be in writing in the form approved by the Director-General, and
  - (b) must be accompanied by such documents and information as the Director-General may require, and
  - (c) must be accompanied by such fee, if any, as is prescribed by the regulations.
- (3) The Director-General may request further documents and information to be furnished in connection with an application under this section.
- (4) Within 7 days after the application is made, the Director-General must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the Director-General refuses, before those 7 days have elapsed, to issue a certificate.
- (5) Subject to subclause (6), the Director-General may determine the application by issuing a certificate or refusing to do so.
- (6) The Director-General must not issue a certificate unless the Director-General:
  - (a) has taken into account any comments received from the council within 14 days after the application for the certificate was made, and
  - (b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:
    - (i) the existing uses and approved uses of land in the vicinity of the development,
    - (ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land,
    - (iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and
  - (c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.
- (7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.
- (8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.
- (9) A certificate is valid for 5 years or such other period specified in the certificate.

### **ATTACHMENT 3**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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## **Attachment 2 – Council’s Submission in relation to Site Compatibility Certificate for Manly Reservoir Site under SEPP Infrastructure**

### **Submission under**

### **State Environmental Planning Policy (Infrastructure) 2007**

### **(SEPP Infrastructure)**

### **in relation to**

### **Manly Reservoir Site – Site Compatibility Certificate (SCC) Application**

### **Manly Council**

### **June 2009**

Manly Council has been referred an Application by the Department of Planning (DoP) made under State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) for a Site Compatibility Certificate (SCC) for the development of the Manly Reservoir site located on the corner of Fairlight Street and Ashley Parade, Fairlight.

The application proposes to gain certification to develop the site by applying the adjoining Residential Zone under the Manly LEP. The land is currently zoned under the Manly Local Environmental Plan 1988 (Manly LEP) as special uses, and is surrounded by the residential zone.

Council raises a number of concerns with the SCC application and requests that further details be provided prior to the issue of any SCC as detailed in this submission.

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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**Background**

In response to a request from the DoP Regional team, a preliminary response on 12 June 2009 confirmed initial comments made in relation to Council's requests for a greater level of information and detail to properly determine issues and comments as follows:

- Scaled plans required;
- Schedule of numeric compliance required for the indicative development against the Residential DCP 2007 (DCP) ;
- Locality and Site analysis Plan required (see DCP for detailed requirements);
- Details of proposed bulk and scale in relation to existing fabric required;  
Details of extent of demolition required. There is not enough information on the extent of demolition or removal of fabric as a result of the proposed development;

Plans required to demonstrate that 'majority of the original structure is to be retained' (as stated on p15);

*Heritage*

- It is understood that a Heritage assessment report has been requested where there is substantial demolition or de-listing. In this regard the extent of demolition and the extent to which the heritage significance is to be retained appears to warrant a independent heritage report being prepared;
- The impact of building on the reservoir is considered to destroy the significance of the place and fabric, which is essentially a 'de-listing'/ removal of the place's heritage significance. A Heritage assessment or a report similar to a Conservation Management Plan with adaptive reuse options which retains the significance of the reservoir, the fabric, the place, setting, curtilage and place in Manly's history should be prepared prior to any development proposal being submitted. This should be prepared by an independent qualified heritage consultant. The cumulative impact of the loss of this historic infrastructure to the region should be assessed, including its connection with the State listed Manly Dam;
- Advice from the DoP Heritage Branch should be sought regarding the significant adverse impact of such a development on the heritage listed reservoir;
- An assessment of Aboriginal significance of the site is required, given the significant rock outcrop on the site prior to any DA lodgement of a proposal;
- The Sydney Water SCC application states that the roof of the reservoir has an adverse impact on streetscape; yet the proposal replicates this impact on the streetscape, through the roof design, scale, lack of articulation, height above street level, and is compatible with the surrounding residential roofing and housing forms.
- An indicative shadow effect to adjoining residential properties and view line assessment is required.

**State Environmental Planning Policy (Infrastructure) 2006 (SEPP Infrastructure)**

The application for a SCC for the purpose of clause 18 SEPP (Infrastructure) is made to the Director-General, DoP by Consultants WSP Fitzwalter on behalf of Sydney Water Corporation, under which the development is proposed to be carried out pursuant to clause 19(1)(a) SEPP (Infrastructure).

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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In determining the application, under clause 19(5) SEPP (Infrastructure) the Director-General must not issue a certificate unless he has taken into account any comments received from the council within 14 days after the application for the certificate was made. While the SCC received by Council is not dated and the date the application was made is not known to Council, confirmation is received from the DoP regional team that formal submission is due by 25 June 2009.

This submission raises a number of concerns for Council including the visual prominence of this hilltop site in the Foreshore Scenic Protection Area (Manly LEP), the heritage significance of the site and the future amenity of the surrounding residential development in accordance with the requirements of the Manly LEP1988. While Council considers that a residential use of the land concerned is generally compatible with the surrounding land uses, under clause 19(6)(b) the Director General should also have regard to the following matters:

- There is no evidence of community consultation in relation to the proposed future use of the site.
- The adoption of the existing Residential DCP controls is not evident in the preliminary proposal. While further detail is sought in relation to DCP compliance, the impact that the development is likely to have on the adjoining residential area requires further detailed consideration.
- The heritage constraints of the site on the future design of the development may require the adoption of site specific development controls to accompany any future certificate to minimise the likelihood of any adverse environmental risks.

Further to Council's preliminary response on 12 June 2009, Council confirms its requests for a greater level of information and detail to properly determine issues and comments as follows:

- Scaled plans;
- Schedule of numeric compliance for the indicative development against the DCP;
- Locality and Site analysis Plan (see DCP for detailed requirements);
- Details of proposed bulk and scale in relation to existing fabric;  
Details of extent of demolition. There is not enough information on extent of demolition or removal of fabric as a result of the proposed development;
- Plans to demonstrate that 'majority of the original structure is to be retained' (as stated on p15);

*Heritage*

- It is understood that a Heritage assessment report has been requested where there is substantial demolition or de-listing. In this regard the extent of demolition and the extent to which the heritage significance is to be retained appears to warrant an independent heritage assessment report being prepared;
- The impact of building on the reservoir is considered to destroy the significance of the place and fabric, which is essentially a 'de-listing'/ removal of the places heritage significance. A Heritage assessment or a report similar to a Conservation Management Plan with adaptive reuse options which retains the significance of the reservoir, the fabric, the place, setting, curtilage and place in Manly's history should be prepared prior to any development proposal being submitted. This should be prepared by an independent qualified heritage consultant. The cumulative impact of the loss of this

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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- historic infrastructure to the region should be assessed, including its connection with State listed Manly Dam;
- Advice from the DoP Heritage Branch should be sought regarding the significant adverse impact of such a development on the heritage listed reservoir;
  - An assessment of Aboriginal significance of the site is required, given the significant rock outcrop on the site prior to any DA lodgement of a proposal;
  - The Sydney Water SCC application states that the roof of the reservoir has an adverse impact on streetscape; yet the proposal replicates this impact on the streetscape, through the roof design, scale, lack of articulation, height above street level, compatibility with residential roofing and housing forms nearby”;
  - Indicative shadow effect to adjoining residential properties and view line assessment.

Under clause 19(3) SEPP (Infrastructure), the Director-General may request further documents and information to be furnished in connection with an application under this section. Council submits that a significant range of further documents and information should be prepared that responds to the issues and concerns in this submission. It is considered appropriate that consideration be given to these matters at this assessment stage and not left to any future DA assessment should the SCC be issued.

**Manly Local Environmental Plan 1988 (Manly LEP)**

The land is currently zoned under the Manly Local Environmental Plan 1988 (Manly LEP) as Zone No.5 - special uses (water supply). The objectives of this existing zone are as follows:

*“to identify and set aside land required for essential services to the public or the community which:*

- (a) in the case of land shown unhatched on the map, is now owned or used for public or community purposes...”*

The subject site has been set aside for public infrastructure, not housing or residential uses. The use of the site in terms of the existing zone is for ‘essential services to the public or the community’ and this significance is also recognised in heritage terms. While the application indicates the site has been decommissioned it is considered that the proposed removal of this zone of the land must provide substantive evidence that the land is no longer essentially needed for any related public infrastructure or community purposes.

The objectives of the Residential Zone to the LEP (proposed for the site in the SCC Application) are as follows:

- (1) *The general aims and objectives of this plan are:*

- (a) to repeal all the existing local planning controls which apply to the land shown on the map and to replace those controls with a single local environmental plan,*
- (b) to give the council greater responsibility for environmental planning by creating only broad controls in this plan and leaving more detailed local environmental planning provisions in the development control plans provided by the council,*
- (c) to simplify the general restrictions on development by reducing the number of land use zones,*

### ATTACHMENT 3

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#### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)

#### Report on the Fairlight Reservoir Site

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- (d) *to encourage further development of the commercial centres to cater for the retail, commercial, entertainment, welfare and recreational needs of residents and visitors,*
- (e) *to increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of the Municipality,*
- (f) *to recognise that tourism is a major industry and employer in Manly and to endeavour to encourage its growth and continuing viability,*
- (g) *to conserve and protect Aboriginal relics and items of the environmental heritage being buildings, works, relics or places of historic, scientific, cultural, social, archaeological, traditional, architectural, natural or aesthetic significance,*
- (h) *to manage change within the Municipality so that Aboriginal relics and items of the environmental heritage that contribute to its special sense of place are protected and conserved,*
- (i) *to preserve and enhance the amenity of defined environmentally sensitive areas, public places and areas visible from public places or from navigable waters around the Municipality,*
- (j) *to ensure that new development does not detract from the very special visual quality of the Municipality,*
- (k) *to interrelate movement systems with land use, and*
- (l) *to increase safety and amenity of residential, commercial and industrial precincts without downgrading accessibility.*

The objectives of the Residential DCP are as follows:

- a) *to replace the DCP for the Residential Zone 2007;*
- b) *To ensure that residential development protects and conserves the natural and cultural environment of the Local Government Area (LGA);*
- c) *To encourage the retention and adaptation of existing dwellings;*
- d) *To increase the availability and variety of dwellings to enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas;*
- e) *To identify the characteristics of the residential zone and ensure protection and to develop standards that encourage that protection;*
- f) *To protect the amenity of existing and future residents;*
- g) *To encourage ecologically sustainable development, which, for the purposes of this clause means, development that meets the needs of the present without compromising the future by integrating the protection of ecological processes and natural systems with the social and economic need of the community;*
- h) *To minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby residences;*
- i) *To provide for view sharing for both existing and proposed development;*
- j) *To maximise the provision of open space for all residential development;*
- k) *To provide for the minimisation and management of waste generated by development;*



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#### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Report on the Fairlight Reservoir Site

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- l) To protect the environment during demolition, site works, and construction phases of development;*
- m) To provide for off-street car parking relative to dwelling type;*
- n) To ensure protection of environmentally sensitive localities;*
- o) To encourage a responsible development approach resulting in design of architectural merit that interprets and complements site characteristics, streetscape and the surrounding built and natural environment;*
- p) To encourage the preservation of heritage listed buildings and buildings in conservation areas;*
- q) To ensure compliance with the objective of each standard; and*
- r) To encourage environmental best practice.*

The proposed development is not considered sufficiently detailed to demonstrate that it will be compatible with adjoining residential land uses having regard to the above mentioned Manly LEP 1988 and its Residential DCP objectives. As well it will no longer have any public or community use that it has been retained for to date. Whilst further details are anticipated at a Development Application assessment level, it is considered appropriate that consideration be given to matters raised in this submission at this assessment stage and not left to any future DA assessment should the Compatibility Certificate be issued.

#### CONCLUSION

Council's submission recommends that the Director General should not issue the SCC based on the opinion that the development is not compatible with the surrounding residential land uses under clause 19(6)(b). This is with regard to the following matters:

- the heritage significance of the site;
- the impact that the development (including its bulk and scale) is likely to have in the foreshore scenic protection area and in the streetscape as required in the Manly LEP 1988;
- the likelihood of there being any adverse effect on the environment including adjoining residential land uses;
- The proposal has no continuing public or community benefit demonstrated.

Council submits that further review and additional information is required at this stage. While it is acknowledged that the majority of the issues can be finally resolved at the Development Application stage, Council considers an appropriate level of analysis and consideration is required prior to the issue of any SCC to ensure the key aspects of the proposal can be achieved with an appropriate level of certainty including:

- Minimal loss of significance (presumably through minimal loss of fabric), and
- An appropriate form of the new development.

The technical way to achieve this would be to include a heritage advisor in the design at the outset and prior to any future DA lodgement. It is also note that SWC intends to sell the site, and it is anticipated that is may well occur immediately after DA approval, or even sooner.

### ATTACHMENT 3

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on the Fairlight Reservoir Site**

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#### **Attachment 4 – Submission from Marian Hambly**

**From:** Marian Hambly  
**Sent:** Tuesday, 3 April 2012 5:44 PM  
**To:** David Murphy  
**Subject:** Fwd: Fairlight Water Tank: Could be a high point of a trip to Manly!

Hi David,  
We have recently become aware of the Sydney Water activity around the old water tank at the top of Fairlight Street.

I believe that the zoning could be discussed at the next LEP Committee meeting on 10 April.

Below is my letter to Jean Hay telling her of the neighbourhood's hopes to save this fabulous high spot for community use as a park and viewing place.

(I also have the original plans and a history .doc which I can send you if you are interested.)

cheers

Marian

-----

Marian Hambly

**From:** Marian Hambly  
**Date:** 3 April 2012 1:17:08 PM  
**To:** Jean Hay  
**Cc:** Mike Baird  
**Subject:** Fairlight Water Tank: Could be a high point of a trip to Manly!

Dear Jean Hay,  
I live in the top of Fairlight Street. in close proximity to the Water Storage tank. (See photo of the original water tank and tower viewed from Middle Harbour, courtesy Manly Local Studies Library)

This tank is located on a sandstone platform on the highest point of Manly and offers spectacular views across Sydney Harbour and out the Heads.

It is officially known as Lot 1 DP745080 Crown Land parcel 3548-3000 Lot DP 911745.  
I became aware that Sydney Water recently decommissioned this water storage tank. Inquiries to Manly Council revealed that a Sydney Water applied for a site compatibility certificate which they received and is valid for 5 years stating that it is compatible for residential purposes.

As a long time resident in the area, I do not recall being consulted about this. All the neighbours have now been alerted and none of us were consulted or advised about this zoning to residential.

As well, I understand that Manly Council is currently preparing a new LEP in accordance with the Government's requirement for a new Standard Template LEP. I understand that this involves the automatic rezoning of land owned by the NSW Government from 'infrastructure and special purposes' to whatever the adjoining area is zoned. In this case the

### ATTACHMENT 3

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#### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Report on the Fairlight Reservoir Site

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former water storage tank will be rezoned 'residential' **with little or no consultation with the community**. Even though this will be placed on exhibition for public comment it will be too late to make any changes to this particular rezoning as the Council has recommended that it be zoned General Residential (R1) under the new system.

We think that it should be zoned Public Recreation RE1. The Manly Council LEP Working Group next meets on the 10<sup>th</sup> April 2012 and we would appreciate it if you place this on the agenda for discussion at this meeting.

I would like to take this opportunity to say that local residents believe that the area should be retained in public ownership and remediated to create a public park.

This park on the highest point has significant heritage and should not be sold to the highest bidder for development of townhouses for the a few privileged people. It should remain in public ownership and enjoyed by all the community. This park would draw significant crowds on days such as the Sydney to Hobart, NYE for watching the city fireworks as well as other times when there is an event in the harbour near the Heads. At other times it would provide a welcome place of retreat away from the madding crowds of tourists for locals to enjoy with their families.

I therefore request the following;

1. that Manly council write to Mike Barid and request that the decision to sell the property be reviewed and the community consulted on a plan for the area to create a public park
2. that Manly Council be requested to re examine the proposal to rezone the area 'residential' and consider zoning it 'Public Recreation (RE1) before exhibiting and submitting the final LEP for gazettal.

Regards and many thanks,

Marian Hambly

**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on Fairlight Rservoir Submissions**

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**TO:** LEP and DCP Working Group

**MEETING DATE:** 12 June 2012

**AUTHOR:** Strategic Land Use Planning Branch

**SUBJECT:** **REPORT on Fairlight Reservoir Submissions received to date (5 June 2012)**

**Summary**

A high number of submissions have been received to date (5 June 2012) regarding the land and surrounding area at the Fairlight Reservoir site. This report highlights; the site history, matters raised in submissions, and actions requested by submissions received. It is the intent of this Report to inform a resolution for Council's actions (if any) in light of submissions received.

**REPORT on Fairlight Reservoir Submissions received to date (5 June 2012)**

**1. Site history.**

The subject land is outlined in **Attachment 1**.

The land is zoned as 'Zone No. 5 Special Uses' in the current Manly LEP 1988. The subject land is at the corner of Ashley Parade and Fairlight Street, Fairlight. It comprises of 3 (three) lots; Lot 1 DP 745080; Lot 1 DP 911745; Lot 9 DP 1164808. The lots contain the decommissioned 'Manly Reservoir' (known as the Fairlight Reservoir in this report). This is listed as a heritage item in both the current LEP 1988 (Schedule 4) and Draft LEP 2011 (Local: Item 150 under Schedule 5).

The land is subject to a Site Compatibility Certificate (SCC) issued by the Director-General in August 2009. The Report 'Fairlight Reservoir Site' previously circulated at the LEP/DCP Working Group on 10 April 2012, outlines the history of the SCC.

As the Fairlight Reservoir is no longer in use, the area no longer acts as 'Special Uses'. The Standard Instrument template issued by the Director-General on 19 December 2007 requires Councils' to zone special use sites (no longer in use) to the adjoining land use in any new Standard Instrument LEP. The adjoining land use in this case is residential.

In accordance with the Standard Instrument template, Council has zoned the site as 'R1 – General Residential' in the Draft LEP 2011, which is currently on exhibition till 29 June 2012.

The land is owned by Sydney Water Corporation. No development application for the land has been received by Council to date, however Sydney Water Property Group have

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on Fairlight Reservoir Submissions**

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confirmed that it is their policy to sell property assets no longer in use. The land on Fairlight Reservoir has been identified as one of those assets to be sold. The SCC was made on this premise.

Sydney Water Corporation has recently undertaken further works at the site to decommission the Reservoir. Although not directly related to the issues in this Report, residents have raised concerns and compliance complaints. Council has received these and has been dealt with by Council's Compliance and Regulatory section.

## **2. Submissions**

Council has, to date, received 32 submissions regarding the Draft LEP, of which 28 submissions refer directly to the land use zoning proposed for the site in the Draft LEP 2011. It is anticipated more submissions will be received on this matter before the exhibition closes on 29 June 2012

A protest was organised in the area on the 17 May 2012. The Mayor and Senior Management attended the protest. The Mayor and Senior Management explained Council's position to the protesters. A poster advertising the details of the protest is shown in **Attachment 2**.

During the exhibition, emails and letters have been sent directly to Brad Hazzard (NSW Minister of Planning and Infrastructure), Councillor Jean Hay (Mayor), and Henry Wong (GM) from concerned residents regarding the zoning of the land.

A submission has also been received by Sydney Water Corporation, outlining it 'has a requirement to ensure its surplus assets are disposed in accordance with the requirements of the NSW Government Asset Management Guidelines and the State Owned Corporations Act. The proposed R1 zoning is in accordance with these requirements' (2 May 2012)

### **Concerns raised in the submissions include the following**

- That the site has been already re-zoned for residential use, and that this re-zoning took place without public consultation.
- That the request of a SCC by Sydney Water should have undergone public consultation in 2009.
- That the NSW State Government has 'quietly' rezoned the land to residential use, with no public consultation.
- A development application/pre-application consultation has already been received by Council for residential development. Concerns that development would not be appropriate in height, scale, massing to development already present (e.g. high-rise development to maximize land value)
- Concerns that development would increase road traffic, noise, etc in the local area.
- Any development should take account of access issues currently available to residents in a laneway that makes up part of the site.

## **ATTACHMENT 4**

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### **Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**

#### **Report on Fairlight Rservoir Submissions**

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- The land should be more appropriately zoned for public recreation/open space use for the local community. Submissions argue lack of available public open space in immediate area to families, children and residents. Evidence of this request is detailed in submissions, but follows this common thread.
- That residents may be seeking a change of the draft zoning of R1, raising concerns as the site contains a large heritage structure that requires protection.

#### **Requests made in submissions**

- Any DA received by Council on the land should make provision for public open space.
- That no residential development should be allowed on the land, and land converted to a public park area/playground/open space.
- The Fairlight Reservoir structure to be removed/demolished to make provision for open space.
- The Fairlight Reservoir structure to be incorporated in making provision for any open space.
- The closure of part of the street immediately outside the site (see **Attachment 1**) and/or access to the 'triangular area' to allow for public open space.
- The non closure of part of the street immediately outside the site and/or access to the 'triangular area' due to privacy and security issues of residents adjoining the immediate area.
- Council to lobby NSW State Government/Sydney Water Corporation to hand over land for the purpose of creating a public park area/open space.
- Council support of the proposed R1 zoning due to the land owner's State requirements when disposing of surplus assets.

#### **Comments in response to the Submissions**

- No DA has been received by Council. 'Height of Buildings' provision for the land in the Draft LEP 2011 is the same as the adjacent residential land 'Height of Buildings' provision of 8.5m. Any DAs received by Council will undergo public consultation with those affected by the potential development. Potential re-use of the existing heritage listed Fairlight Reservoir structure for residential use was incorporated in Sydney Water's submission of their SCC.
- Council to date has not approached Sydney Water Corporation or the NSW State Government to hand over land for the purpose of creating a public park area/open space.

## ATTACHMENT 4

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)

#### Report on Fairlight Rservoir Submissions

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- The land has not been identified as 'Land Reserved for Acquisition' for open space in the Draft LEP 2011. There are currently no plans, or a budget identified, to acquire and prepare the land for public open space.
- Nearly all submissions received by Council share the request that the land be zoned and prepared by Council as a form of public recreation use, and this made available to the communities in the area.
- The exhibited Draft LEP conforms to the Standard Instrument template requirements.

#### Possible alternative zonings for the site

1. **Zone RE1 Public Recreation.**  
This zone allows land to be used for **public** open space or recreational purposes. This zoning would require Council to acquire the land, and further prepare the land for public open space or recreational purposes.
2. **Zone RE2 Private Recreation.**  
This zone allows land to be used for **private** open space or recreational purposes. This zoning does not require the land owner/developer to enable **public** access to the land for open space or recreational purposes.
3. **Zone SP2 Infrastructure.**  
This zone provides land for infrastructure and related uses. This zoning would be appropriate if the Reservoir was still in use. However, as the site no longer provides infrastructure, this zoning is not compatible with surrounding land use and local community expectations, and does not permit development of a public open space or development for recreational purposes.

Please note that none of the above zones would allow for any form of residential development.

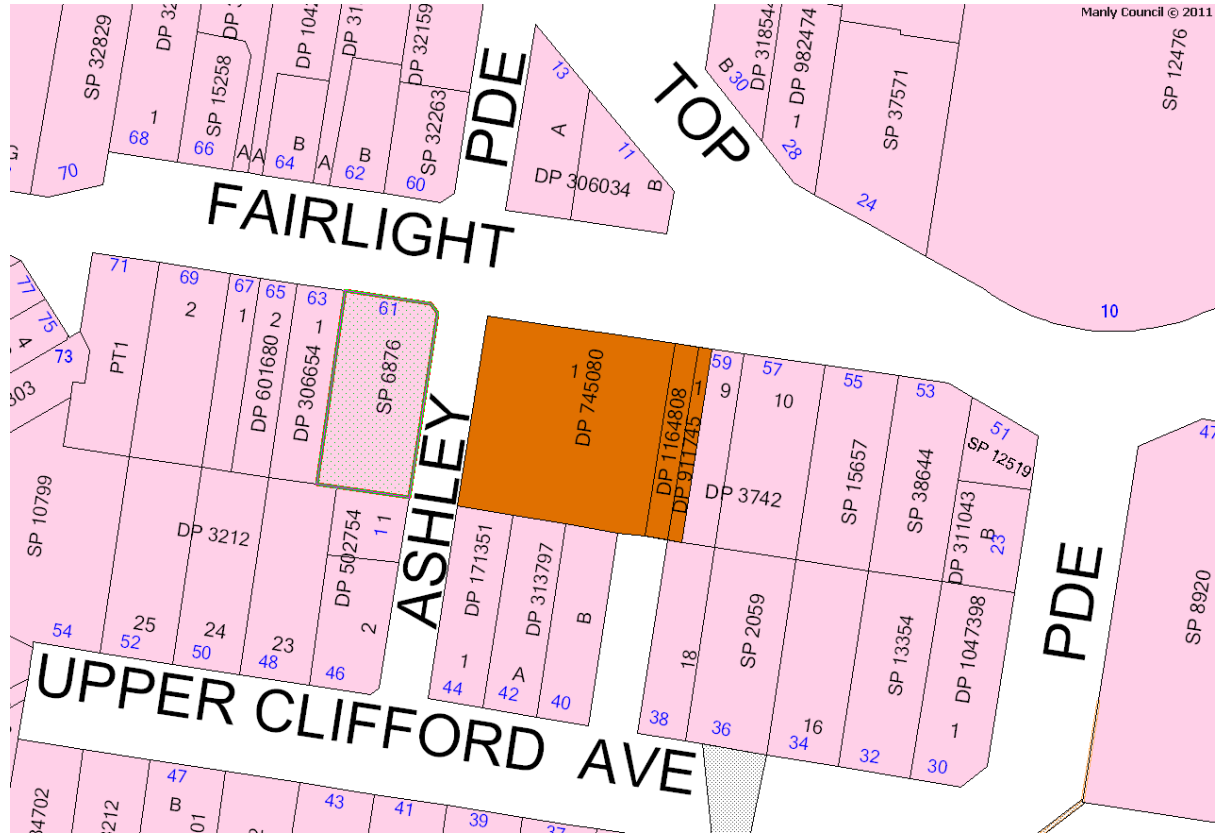
#### Recommendation

1. That the Working Group discuss issues raised in submissions and any options available.

That the Working Group resolve actions in preparation for final submission of the Draft LEP to Council on 18 July 2012, with a recommendation to submit the final Draft LEP to the Department of Planning and Infrastructure to adopt the plan

**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Report on Fairlight Rservoir Submissions**

### Current zoning (MLEP 1988)





## ATTACHMENT 4

### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Report on Fairlight Rservoir Submissions



## ATTACHMENT 5

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Report on Royal Far West School - Part 3A Application

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**TO:** LEP and DCP Working Group

**MEETING DATE:** 12 June 2012

**AUTHOR:** Strategic Land Use Planning Branch

**SUBJECT:** **ITEM 7 - REPORT Royal Far West School – Part 3A Application**

#### Introduction

Council at its Ordinary meeting of 4 June 2012 resolved as follows:

#### **“112/12 RESOLVED: (Whitting / Griffin)**

That Council:

1. Investigates the progress on the amended Royal Far West (RFW) Development Plans to ascertain the extent to which the RFW Board has listened to the concerns of the community regarding the over-development of the site and the inappropriate use of the facility for a hotel.
2. The matter be referred to the LEP Working Group to consider the zoning of the site.

**For the Resolution:** Councillors Hay, Heasman, Whitting, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution: Nil.”**

#### Comment

The current status for the Part 3A application for the Royal Far West Development on the Department of Planning and Infrastructure’s website states as follows: “Proponent reviewing submissions”. A telephone call to the Department’s Part 3A section on 4 June 2012 revealed that the status on the application has not changed. The officer of the Department mentioned that the Department wrote to the applicant on 30 January 2012 advising the applicant of the submissions. The Department is waiting on a “Preferred Project Report (PPR)” from the proponent. There is no time limit for the applicant to respond to the department.

The Department has been requested to inform Council of any amended plans so that the community can be kept informed.

#### Zoning

The current zoning of the site under the Manly Local Environmental Plan 1988 (**MLEP 1988**) is Zone No. 5 – Special Uses. Being on a Special Uses zone there is no floor space ratio or building height provision applicable to the site. However, it should be noted that Council adopted a Master Plan, known as “Urban Design Guidelines for the area bounded by Darley Road, South Steyne, Victoria Parade and Wentworth Street” in October 2011. The Urban

## ATTACHMENT 5

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Report on Royal Far West School - Part 3A Application

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Design Guidelines were submitted to the Department as part of the submission to the Part 3A application.

Under the **draft MLEP 2011**, the subject site is zoned as B2 – Local Centre. The proposed zoning of the site is in keeping with the intent of the Standard Instrument for principal LEPs issued by the Department. The maximum floor space ratio permissible under the MLEP 2011 is 3:1.0. The maximum Building Height as per the Height of Buildings Map varies from M1 (12 metres) to T1 (25metres), corresponding to height limits in the Urban Design Guidelines. The existing building known as The Drummond Far West Home is listed in the draft MLEP 2011 as a Heritage item (Schedule 5 - I 245).

#### **Recommendation**

The LEP/DCP Working Group may consider requesting the Department to zone the site to Zone SP1 – Special Activities and prepare a submission, in view of the special characteristics of the site and to minimise any adverse impact on surrounding land.

\* \* \* \* \*

## ATTACHMENT 6

### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Final Survey Report - Elton Consulting



Client  
Manly Council

Project  
Manly Resident Panel Final Survey Report:  
Survey on the Manly Draft LEP and DCP  
2011 (June 2012)

Date  
29 June 2012

Contact  
Brendan Blakeley  
9387 2600  
brendan@elton.com.au



## ATTACHMENT 6

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### Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition) Final Survey Report - Elton Consulting

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Prepared by Lucy Greig and Tom Cotton  
Reviewed by Brendan Blakeley



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Date 26 June 2012

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Job number 12 2972

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Document name Final Report

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### Appendices

Appendix A: Survey tool

## **ATTACHMENT 6**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan  
2011 (Post Exhibition)  
Final Survey Report - Elton Consulting**

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# Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)

## Final Survey Report - Elton Consulting

## 1 Introduction

This report documents the results of the recent Survey on the Manly Draft Local Environmental Plan (LEP) and the Draft Development Control Plan (DCP) 2011. The survey was conducted with the Manly Community Panel in June 2012.

### 1.1 Purpose and objectives

The main purpose of the June 2012 Panel Survey was to test community awareness and perspectives in relation to the Manly Draft LEP and DCP 2011, in addition to the consultation activities undertaken during the public exhibition period for the Draft Plans. The survey was also used to obtain relevant demographic data from panel members.

The survey was used to:

- Test community awareness of the current (1988) and Draft Manly LEP and DCP 2011
- Understand community perspectives on the Draft Manly LEP and DCP 2011
- Obtain community feedback on proposals for specific sites within the Manly LGA
- Obtain community feedback on the public exhibition process for the Draft Manly LEP and DCP 2011 and future communications by Council on the Draft Plans
- Invite general suggestions and comments on the Draft Plans.

### 1.2 Engagement context

The Manly Resident Panel was established in June 2010, and panel members have participated in a number of engagement activities including this third online survey. The Community Panel provides Council with access to a representative sample of residents to engage on issues of relevance to the Manly Local Government Area such as the Draft Plans.

### 1.3 Methodology

Elton Consulting distributed an email containing the survey link to all panel members (N=660) on Thursday 7 June 2012. Two email reminders were issued over the course of the 14 day survey period. A copy of the survey tool is attached at Appendix A.

A total of 127 panel members took part in the survey, providing statistically representative results for the residential community in the Manly Local Government Area, with a margin for error of +/- 4.9% at the 95% confidence level.<sup>1</sup> For detailed survey results see Sections 2 and 3 of this report.

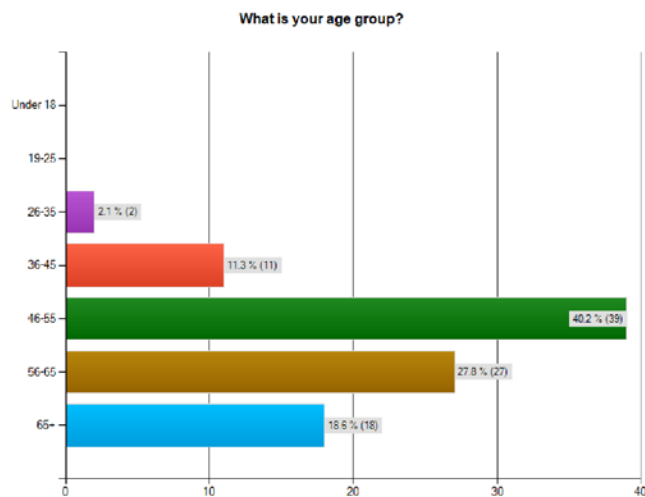
The survey sample was characterised by large proportions of working age people and older residents, from a range of suburbs across the Manly Local Government Area. Respondents lived in a wide range of household and family types, with almost half of all respondents being couples with children at home. All survey respondents had lived within the Manly LGA for three or more years. A large proportion of respondents own their home outright. Just under a third are in the process of purchasing their home, and less than 10% are renting their home.



## 2 Who participated in the survey?

The Survey on the Draft Manly LEP and DCP 2011 was completed by a total of 127 members of the Manly Resident Panel. All survey respondents (100%) had lived within the Manly LGA for 3 or more years. 17% of respondents lived in Balgowlah and 17% in Fairlight, 34% lived in Manly, 19% in Seaforth, 8% in Clontarf and 3% in Balgowlah Heights.

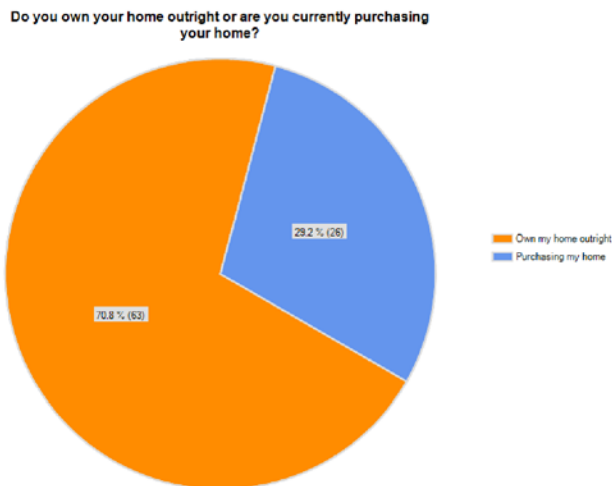
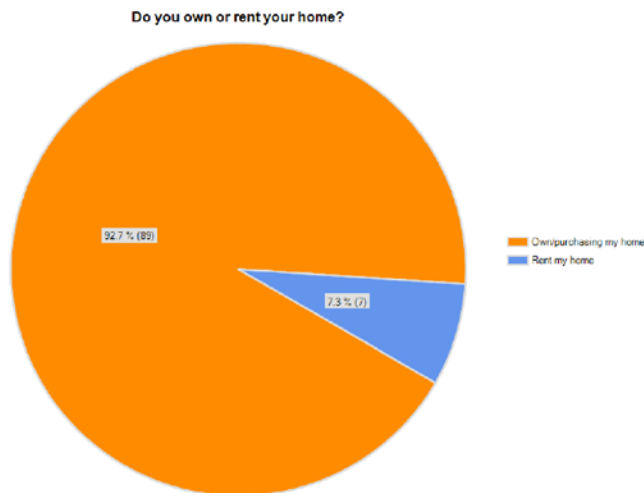
The survey sample was characterised by large proportions of working age people and older residents, from a range of suburbs across the Manly Local Government Area. Over a third of all respondents (40.2%) were aged 46-55 years, and more than a quarter were aged 56-65 years. Other respondents were from a range of age groups – mainly from 36-45 years and 65+ years. Only a small proportion (2.1%) was aged 26-35 years.



## ATTACHMENT 6

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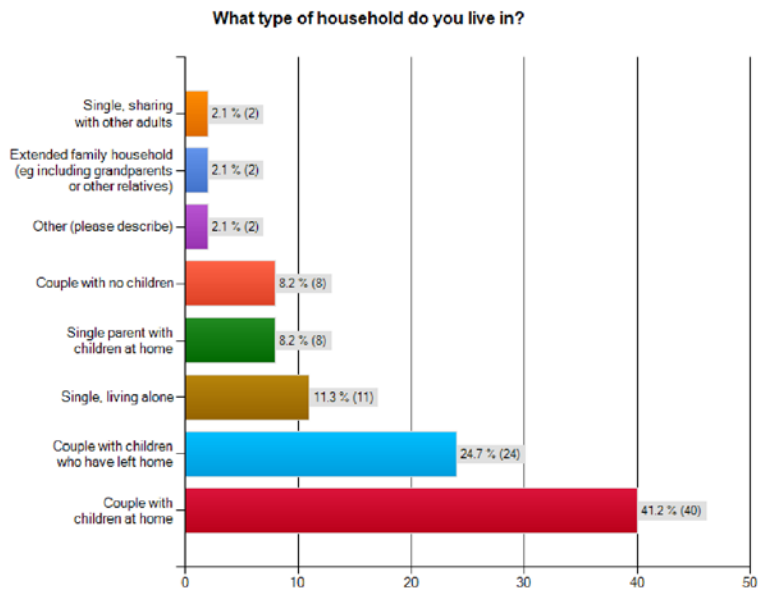
A large proportion of respondents (92.7%) own, or are in the process of purchasing their home, whereas only a small amount of respondents (7.3%) were renting. Over two thirds (70.8%) of those who own (or who are purchasing) their home own it outright. In comparison, 29.2% are in the process of purchasing their home.



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Respondents lived in a wide range of household and family types. Almost half of all respondents were couples with children at home (41.2%, n=40). Couples with children who have left home (24.7%) and couples with no children (8.2%) made up almost a third of the respondents. Another fifth of respondents (combined) were single and living alone (11.3%), or a single parent with children at home (8.2%).



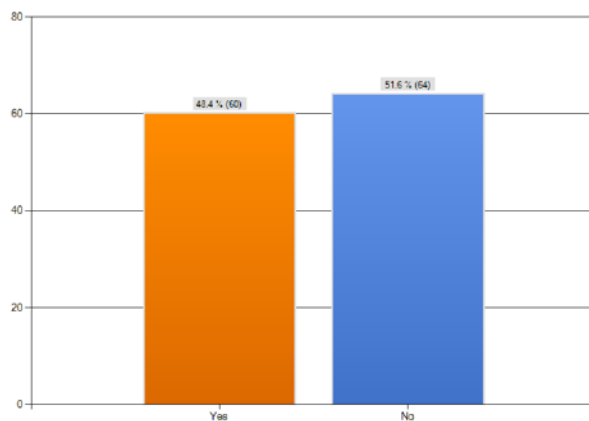
### 3 Key findings

#### 3.1 Awareness and use of the Manly LEP and DCP (2011)

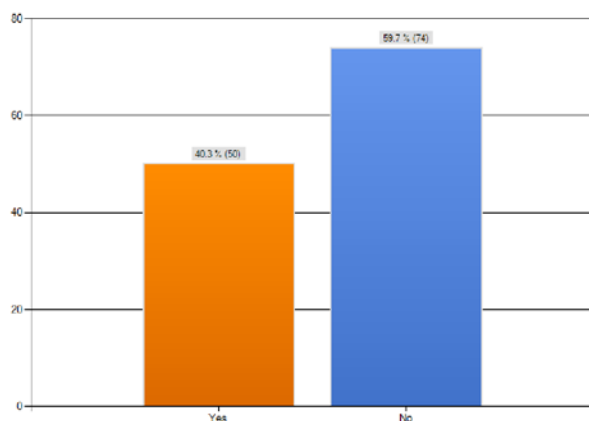
Panel members' levels of awareness and use of the current Local Environmental Plan (LEP) were limited. However there was a slightly higher awareness of the Draft Manly LEP 2011, suggesting that Council's recent public exhibition process and related communications may have contributed to awareness levels within the Manly community. Participants were most interested in information within the Draft Manly LEP 2011 that relates to their suburb, and or their home or site. Other areas of interest included general information about the LEP including what it is and how to use it, further detailed information (such as zones and accompanying maps), and heritage matters.

Prior to taking part in the survey, just under half of all respondents were aware of the Draft Manly Local Environmental Plan 2011 (48.4%, n=60). This compares with an awareness of the current LEP among 40% of respondents. These results suggest that Council's recent public exhibition process and related communications may have contributed to a greater awareness of the planning instrument within the Manly community.

Before doing this survey, were you aware of the new DRAFT Manly LEP (2011)?



Before doing this survey, were you aware of the current Manly LEP (1988)?

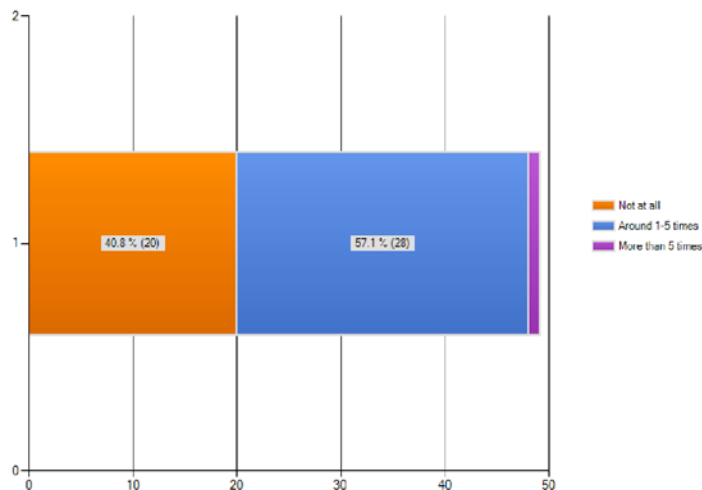


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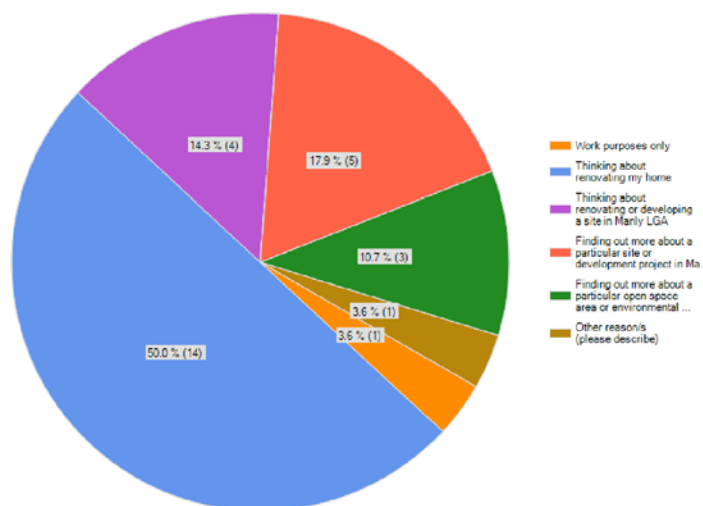
Among those who were aware of the current Manly LEP (1988), the majority had used the plan at least once but no more than a handful of times (57.1%, n=28) over the last two years. Another 40.8% (n=20) had never used the instrument. And a very small proportion had used the document more than five times (n=5).

Over the last two years, how often have you used the current Manly LEP (in hard copy, online, or by contacting a Council Planning Officer)?



In half of all cases, respondents had accessed the current LEP as they were thinking about renovating their home (n=14). Other respondents were interested in finding out more about a particular site or development project (n=5), open space area or environmental area (n=3), or were thinking about renovating or developing a site in the Manly LGA (other than their home) (n=4). Only two had used the plans for work purposes or another reason.

What was the main reason you needed to use the Manly LEP?

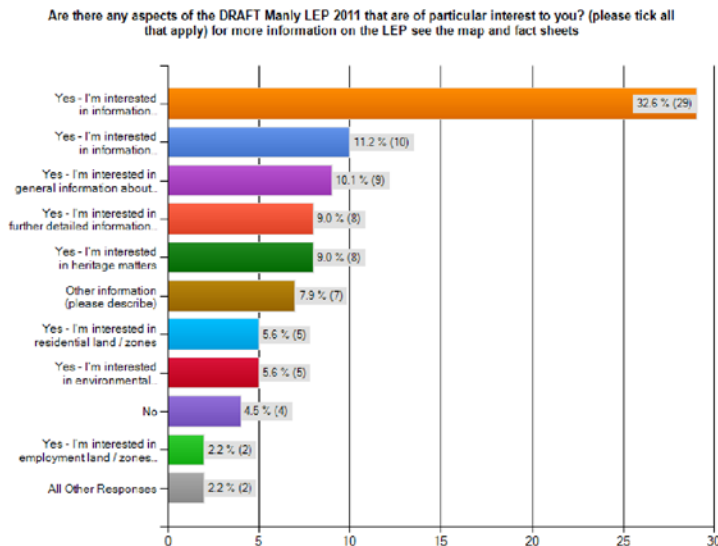


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Just under a third of all respondents (32.6%, n=29) were particularly interested in information within the Draft Manly LEP 2011 that relates to their suburb. Another 11.2% (n=10) were interested in information about their home or site. Other aspects of the LEP identified as being of particular interest were:

- General information about the LEP including what it is and how to use it (10.1%, n=9)
- Further detailed information (eg zones and accompanying maps) (9%, n=8)
- Heritage matters (eg zones and accompanying maps) (9%, n=8)
- Residential land / zones (6%, n=5)
- Environmental (5.6%, n=5)
- Employment land / zones (2.2%, n=2)
- Other information – such as the protection of resident's rights in the B2 Local Centre, an interest in learning more about the functioning of the LEP, and more information regarding the rezoning of land (7.9%, n=7).



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### Final Survey Report - Elton Consulting

#### 3.2 Participant perspectives on the Draft Manly LEP and DCP 2011

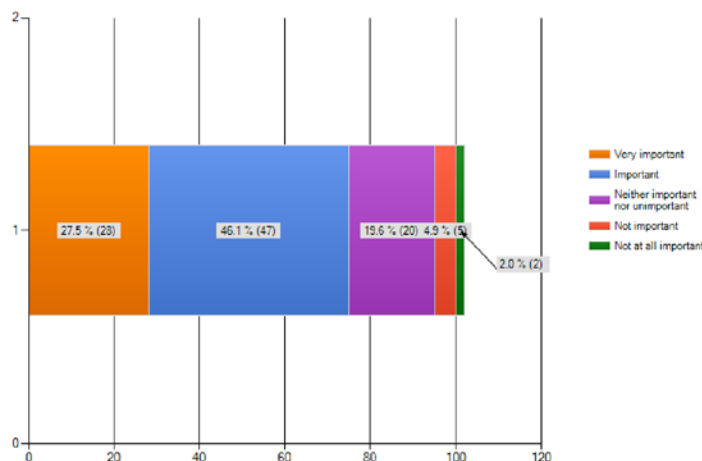
Survey respondents were asked to consider the importance of a range of aspects of the Draft Manly LEP and DCP 2011 – from provisions to support employment growth and housing affordability, to encouraging public transport use through limits to onsite car parking. There was a high level of support for each aspect of the Draft Plans considered in the survey.

Preserving the character of local and neighbourhood centres such as Manly, Balgowlah and Seaforth, and controlling and protecting environmentally sensitive areas within Manly LGA were regarded as being particularly important for the vast majority of survey respondents.

However, encouraging use of public transport by limiting onsite parking provision in Manly Town Centre, and permitting shops in all residential zones attracted more diverse responses.

Three quarters of respondents (73.6%, n=75) believed that encouraging employment growth in suitable locations and retaining a similar amount of employment land in business and industrial zones to the current LEP was *important or very important*. As few as 6.9% (n=7) did not find this matter important. And just under one in five (19.6%, n=20) were undecided.

The DRAFT LEP seeks to encourage employment growth in suitable locations and retains a similar amount of employment land in business and industrial zones to the current LEP. How important is this to you? For more information see Fact Sheets 7 and 8

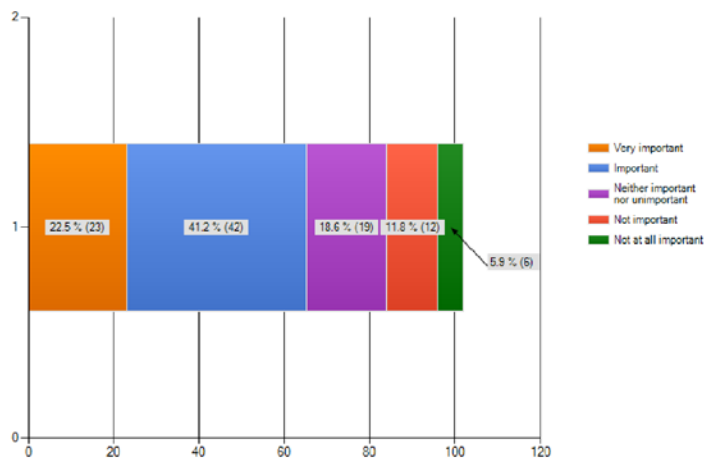


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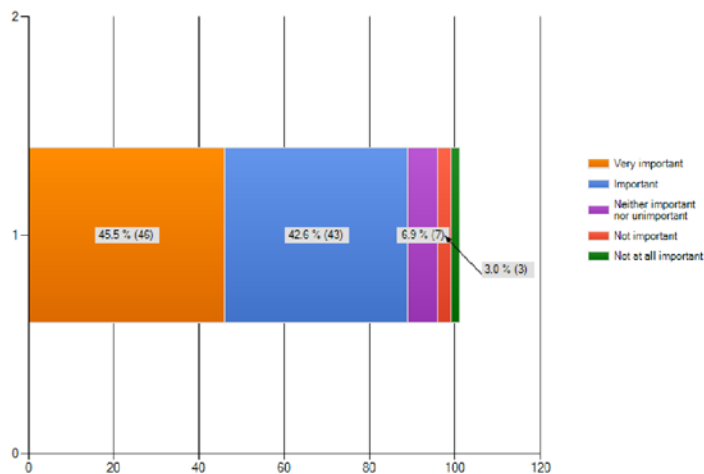
Around two thirds of respondents (63.7%, n=65) regarded encouraging development of affordable housing within Manly LGA to cater for an ageing population, changing demographics and all socio-economic groups was *important or very important*. Another 17.7% (n=18) did not find this matter important. And around one in five (18.6%, n=19) were undecided.

The DRAFT LEP in its objectives encourages development of affordable housing within Manly LGA to cater for an ageing population, changing demographics and all socio-economic groups. How important is this to you?



The vast majority of respondents (88%, n=89) believed that controlling and protecting environmentally sensitive areas within Manly LGA was *important or very important*. As few as 5% (n=5) did not find this matter important. And 6.9% (n=7) were undecided.

The DRAFT LEP controls and protects environmentally sensitive areas within Manly LGA. How important is this to you? For more information see Fact Sheet 13



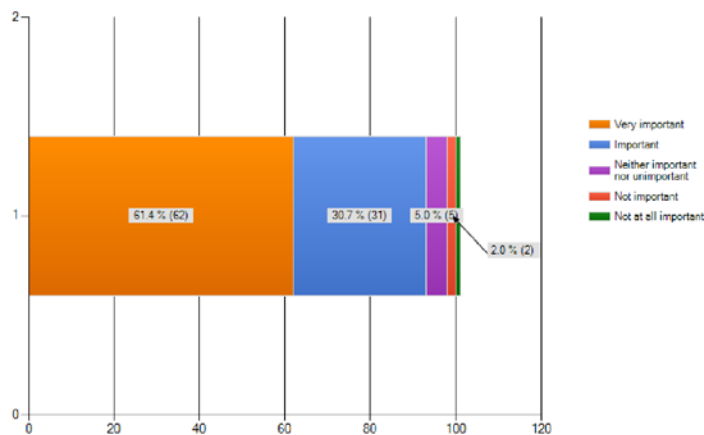


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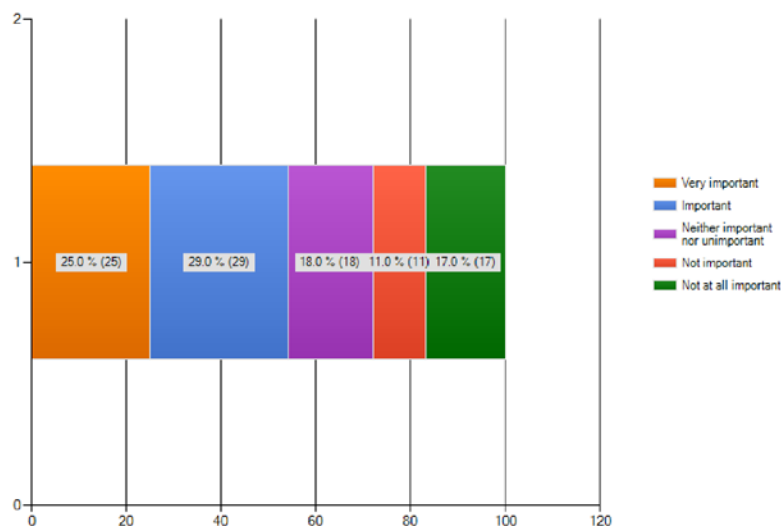
An overwhelming majority of respondents (92.1%, n=93) believed that preserving the character of local and neighbourhood centres in Manly LGA (such as Manly, Balgowlah and Seaforth) was *important or very important*. As few as 3% (n=3) did not find this matter important. And a further 5.0% (n=5) were undecided.

The DRAFT DCP seeks to preserve the townscape character of local and neighbourhood centres (such as Manly, Balgowlah and Seaforth). The Plan includes provisions for maintaining a sense of place and unified townscape in centres, through appropriate scale and interest, and the incorporation of a range of design principles. How important is preserving the character of local and neighbourhood centres in Manly LGA to you?



Just over half of all respondents (54%, n=54) regarded encouraging use of public transport by limiting onsite parking provision in Manly Town Centre, which is well serviced by public transport, as *important or very important*. However, as many as 28% (n=28) did not find this issue important. Around one in five (18.0%, n=18) was undecided.

The DRAFT DCP seeks to encourage use of public transport by limiting onsite parking provision in Manly Town Centre, which is well serviced by public transport. How important is this to you?

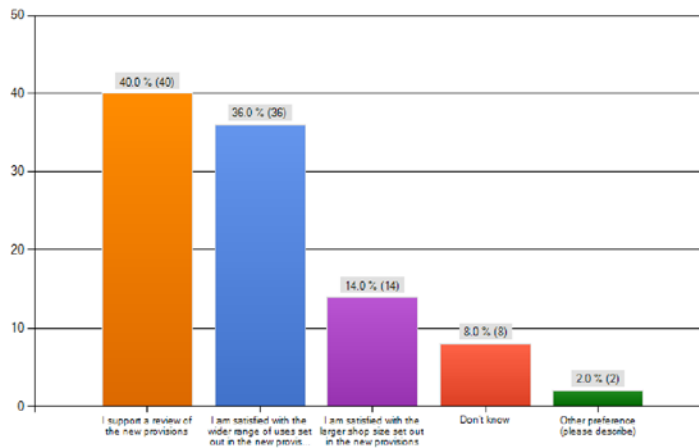


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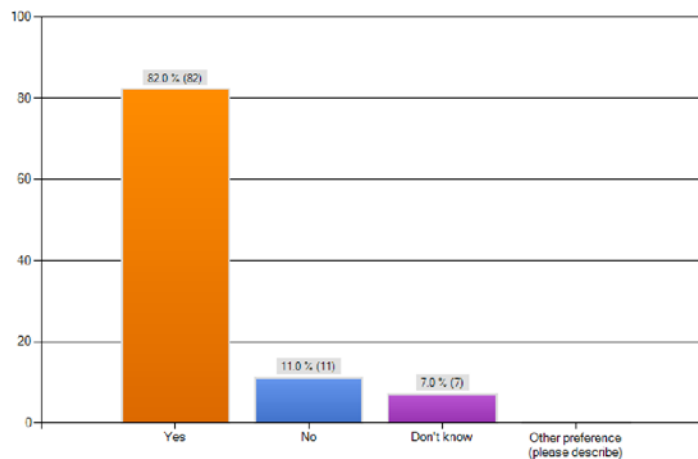
Half of all respondents (50%, n=50) were either satisfied with: the wider range of uses set out in the new provisions; or the larger shop size set out in the new provisions. *However, as many as 40% supported a review of the new provisions.* Another 8% (n=8) were undecided, and 2% (n=2) disagreed with the new provisions and felt that a wider range of uses should not be permitted within the residential zone - R2.

The Draft LEP permits 'neighbourhood shops' in all Residential Zones (R1, R2 and R3) with consent. This allows for a wider range of uses than the current LEP (which did not contain neighbourhood shops in the Low Density Residential Zone-R2). It also permits a larger shop size than the current LEP (of up to 80sqm, rather than 50sqm). How appropriate do you think the new provisions are? For more information see pages 11-12 of the LEP. Please tick all that apply



The vast majority of respondents (82%, n=82) supported the protection of land to the east of Roseberry Street for light industrial developments. Around one in ten (11.0%, n=11) did not support protection of this land for light industrial developments. And another 7.0% (n=7) were undecided.

The Draft LEP protects land to the east of Roseberry Street for light industrial uses in accordance with NSW Government strategy and directions. This includes warehouse and related land uses, but excludes bulky goods retailing. Do you support the protection of land for light industrial developments? For more information see Fact Sheets 7 and 8



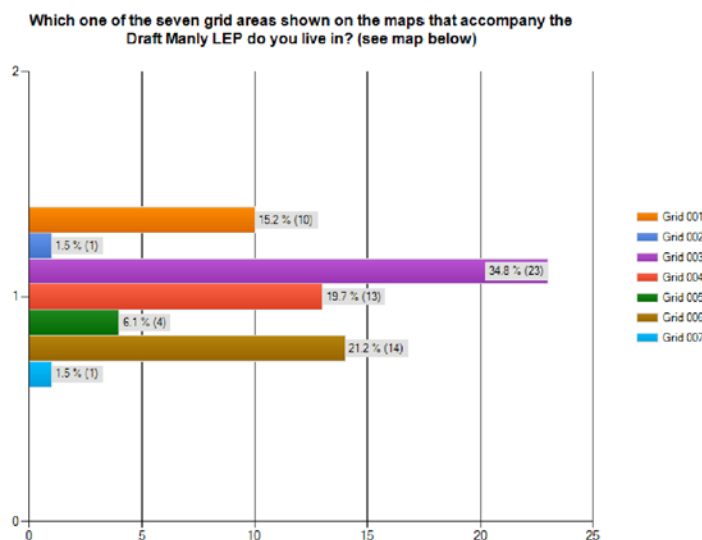
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#### 3.3 Comments on the zonings proposed under the Draft LEP for local areas

Survey respondents were invited to view the maps that accompany the Draft Manly LEP and comment on the area where they live. Responses were provided by panel members who live in a range of locations across the Manly LGA, with more than a third living in in Grid area 003. Among the small number of respondents who commented on the zoning map for their local area, one expressed overall satisfaction. Issues raised by other respondents focused on the need to reduce height limits and address traffic impacts relating to development projects, and to ensure new development is in keeping with the character of the surrounding area. Another respondent believed that heritage restrictions had been overly relaxed in the past, however they believed that they were now too restrictive and that a balance needed to be reached.

Respondents lived in a range of locations across the Manly LGA. Over a third of respondents lived in Grid area 003 (34.8%, n= 23). Other survey respondents lived in Grid areas 001, 004, 005 and 006, and a small number lived in Grid areas 002 and 007.



Please add any comments you wish to make in relation to the zonings proposed under the Draft LEP for your local area

A total of 11 respondents answered this question and a number of issues were identified in comments on the zonings proposed under the Draft LEP for respondents' local area.

Of these, one respondent commented that that the zoning within the proposed LEP for Grid area was suitable for the area.

Other issues raised by respondents included:

- Height limits are too great. (Grid area 006).
- Heritage and other restrictions are too restrictive. (Grid area 003).
- There is a lack of access from Northern Hill which has caused road blockages in the past. One respondent commented: "this area cannot be developed further unless another access point is developed". (Grid area 006).
- There needs to be a greater effort not to permit developments that are out of character with the surrounding area. (Grid area 003).
- The area is characterised by difficult terrain, narrow roads, a lack of footpaths and limited on street parking which make it unsuitable for heavy traffic flows. (Grid area 002).

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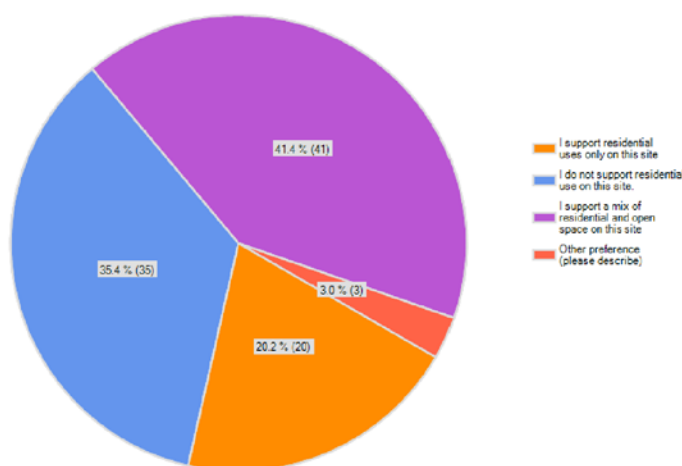
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#### 3.4 Feedback on proposals for specific sites

Respondents expressed mixed views on the possibility that the former Fairlight Reservoir site will take on the zoning of the adjacent residential area (R1 General Residential), and the appropriateness of residential or other uses for this site – with the majority supporting some type of residential development. The majority of survey respondents were in favour of limiting development of the St Patrick's Estate to protect the site's heritage significance is appropriate – as proposed in the Draft LEP.

Responses to this question were broadly split between those who supported a mix of residential and open space on the former Fairlight Reservoir site (41.4%, n=41) and those who do not support residential use on this site (35.4%, n=35). Another one in five respondents (20.2%, n=20) supported residential uses *only* on this site. And a very small number nominated another preference – including 'open space only' or 'do nothing'.

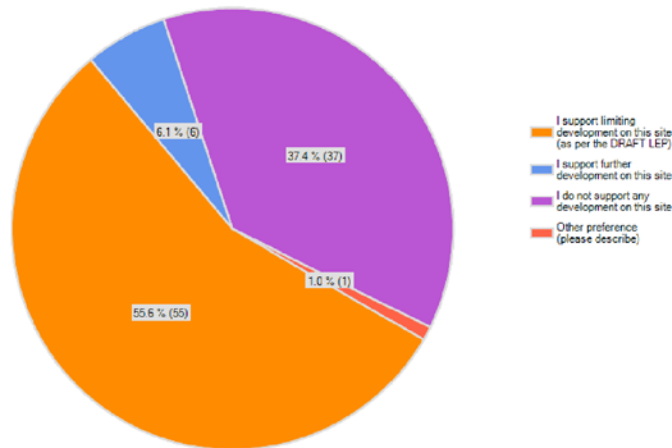
Under the DRAFT LEP it is possible that the former Fairlight Reservoir site will take on the zoning of the adjacent residential area (R1 General Residential). Do you think residential or other uses are appropriate for this site? For more information see Fact Sheet 9.



**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Final Survey Report - Elton Consulting**

More than half of all respondents (55.6%, n=55) supported limiting development on the St Patrick's Estate site in Manly. Another 37.4% (37) did not support any development on this site. And a small number supported further development (6.1%, n=6). One respondent expressed a preference for the site to be converted to Torrens title as opposed to leasehold, as they felt that the site was not being utilised for educational purposes.

Under the DRAFT LEP it is proposed that any potential development of St Patrick's Estate in Manly would be limited, to protect the heritage values of this site. Do you think limiting development to protect the site's heritage significance is appropriate? For more information see Part 7 of the DRAFT LEP and Part 5.3 of the DRAFT DCP.

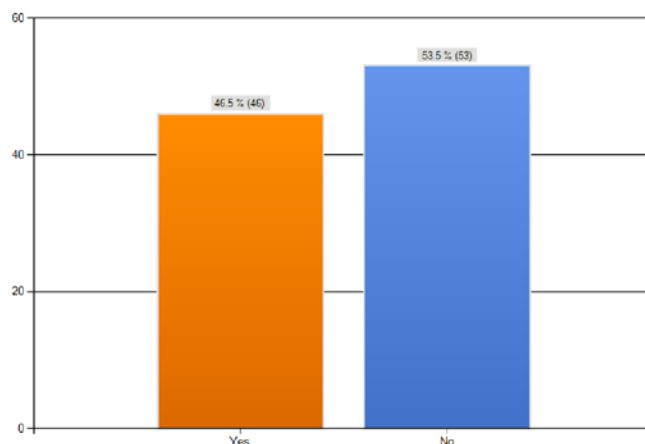


### 3.5 Feedback on the public exhibition process and future communication

Almost half of the panel members who took part in the survey had heard about Council's public exhibition process for the Draft Manly LEP 2011, with most finding out about it through an advertisement in the Manly Daily, a letter or flyer from Council, a Precinct Committee meeting or Council's website. Many respondents expressed a preference for future communications on the Draft Plans or other planning matters through print and online media.

Just under half of all respondents had heard about Council's public exhibition for the Draft Manly LEP 2011.

Before doing this survey, had you heard about Council's public exhibition for the DRAFT Manly LEP 2011?



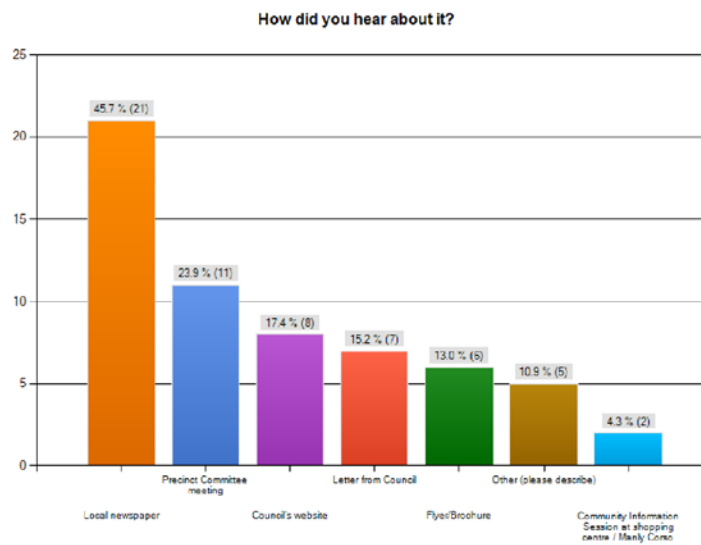
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The methods of communication which were most commonly recalled by respondents were:

- Local newspaper (ie regular notifications in the Manly Daily) (45.7, n=21)
- Letter or flyer from Council (28.2%, n= 13)
- Precinct Committee Meeting (23.9%, n= 11)
- Council's website (17.4%, n=8)
- Community Information Session at shopping centre or Manly Corso (4.3%, n=2).

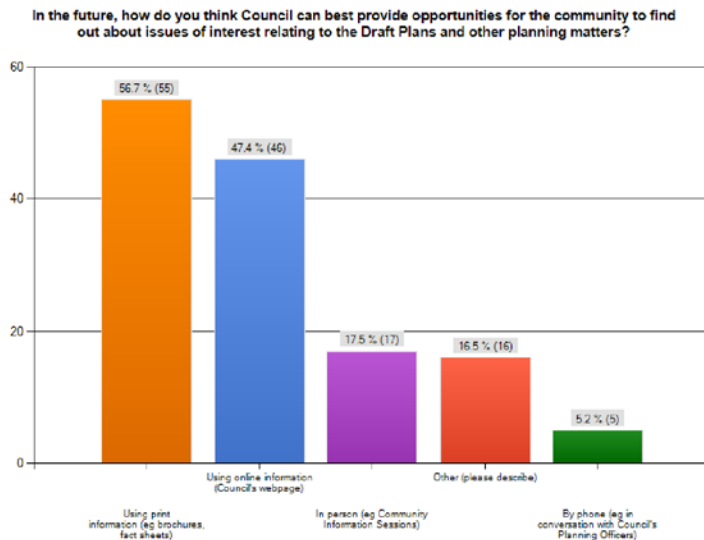
Other methods included email and neighbourhood communication.



## Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)

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When asked to nominate their preferences for finding out more about the Draft Plans and other planning matters, many respondents favoured print information such as brochures and fact sheets (56.7%, n=55) or online information (on Council's webpage) (47.4%, n=46) over other forms of communication. Just under one in five (17.5%, n=17) expressed a preference for face to face contact for instance through Community Information Sessions. This may be due to the lack of familiarity and the technical nature of the LEP. Another 5.2% (n=5) nominated phone as their preferred form of communication on planning matters. Other responses (16.5%, n=16%) included newspapers, rate notices, email and social media sites.



### 3.6 Other comments on the Draft Plans

Do you have any other comments on the Draft Plans?

A number of respondents commented that limiting onsite parking could negatively impact the Manly area, as public transport services are not regarded as adequate enough to limit parking facilities. A number of respondents believed that local residents should be exempt from paying parking fees in the Manly CBD. And several identified the local road network as being in poor condition. One respondent commented: *"Sydney Road from Balgowlah needs repairing. The trucks to North Head each day are destroying our roads and environment"*.

One respondent expressed the view that the former site of the Fairlight Reservoir was not suited to residential uses and that the area would be better suited to public open space for use by those living in the surrounding community. Dissatisfaction was expressed regarding to the perceived lack of information provided to the community regarding the Fairlight reservoir rezoning.

There was concern raised that the proposed 1,000sqm limit for shops within Manly CBD was restrictive and that many of the retail facilities unique to the area often require more space, over more than one level. It was suggested that floor space be restricted at street level, but that there should be provisions for more space on higher levels should occupants wish to have a larger facility.

Positive feedback was received in regards to the public exhibition of the Draft Plans with one respondent commenting: *"having the plan on exhibition at Balgowlah Shopping Centre, with some very knowledgeable and helpful attendants was a very good idea"*.

There was concern raised in regards to the user friendliness of the plans, which some respondents expressing concern that the numerous conditions could lead to poor interpretation by the end user. It was also raised that more information needed to be provided to help readers / users to understand the reason for non compliance in the event of a development application being refused by council.

A number of respondents raised the issue of open space, commenting that open space provision needs to be increased and improved in line with Manly's growing population.



## 4 Summary and next steps

### 4.1 Summary of results

#### 4.1.1 Awareness and use of the Manly LEP and DCP (2011)

Panel members' levels of awareness and use of the current Local Environmental Plan (LEP) were limited. However there was a slightly higher awareness of the Draft Manly LEP 2011, suggesting that Council's recent public exhibition process and related communications may have contributed to awareness levels within the Manly community.

Participants were most interested in information within the Draft Manly LEP 2011 that relates to their suburb, and or their home or site. Other areas of interest included general information about the LEP including what it is and how to use it, further detailed information (such as zones and accompanying maps), and heritage matters.

#### 4.1.2 Participant perspectives on the Draft Manly LEP and DCP 2011

Survey respondents were asked to consider the importance of a range of aspects of the Draft Manly LEP and DCP 2011 – from provisions to support employment growth and housing affordability, to encouraging public transport use through limits to onsite car parking. There was a high level of support for each aspect of the Draft Plans considered in the survey.

Preserving the character of local and neighbourhood centres such as Manly, Balgowlah and Seaforth, and controlling and protecting environmentally sensitive areas within Manly LGA were regarded as being particularly important for the vast majority of survey respondents. However, encouraging use of public transport by limiting onsite parking provision in Manly Town Centre, and permitting shops in all residential zones attracted more diverse responses.

#### 4.1.3 Comments on the zonings proposed under the Draft LEP for local areas

Survey respondents were invited to view the maps that accompany the Draft Manly LEP and comment on the area where they live. Responses were provided by panel members who live in a range of locations across the Manly LGA, with more than a third living in in Grid area 003. Among the small number of respondents who commented on the zoning map for their local area, one expressed overall satisfaction. Issues raised by other respondents focused on the need to reduce height limits and address traffic impacts relating to development projects, and to ensure new development is in keeping with the character of the surrounding area. Another respondent commented that heritage restrictions had been overly relaxed in the past; however they believed that they were now too restrictive and that a balance needed to be reached.

#### 4.1.4 Feedback on proposals for specific sites

Respondents expressed mixed views on the possibility that the former Fairlight Reservoir site will take on the zoning of the adjacent residential area (R1 General Residential), and the appropriateness of residential or other uses for this site – with the majority supporting some type of residential development. The majority of survey respondents were in favour of limiting development of the St Patrick's Estate to protect the site's heritage significance is appropriate – as proposed in the Draft LEP.

#### 4.1.5 Feedback on the public exhibition process and future communication

Almost half of the panel members who took part in the survey had heard about Council's public exhibition process for the Draft Manly LEP 2011, with most finding out about it through an advertisement in the Manly Daily, a letter or flyer from Council, a Precinct Committee meeting or Council's website. Many respondents expressed a preference for future communications on the Draft Plans or other planning matters through print and online media.



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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)**  
**Final Survey Report - Elton Consulting**

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#### 4.2 Conclusions and next steps

The research suggests that while community awareness and use of the LEP and DCP may be limited, there is a considerable level of community interest in many of the aspects of the Draft Plans – from proposals for residential development, to provisions for neighbourhood shops, town centre character and environmental protection.

There was a high level of overall support for many of the provisions of the Draft LEP and DCP referred to in the survey. The provisions which attracted the highest levels of community support were:

- Preserving the character of local and neighbourhood centres such as Manly, Balgowlah and Seaforth
- Controlling and protecting environmentally sensitive areas within Manly LGA
- Supporting the protection of land to the east of Roseberry Street for light industrial developments.

Around two thirds of respondents expressed support for:

- The former Fairlight Reservoir site to take on the zoning of the adjacent residential area (R1 General Residential), notwithstanding the 35.4% who opposed residential uses on this site
- Limiting development of the St Patrick's Estate to protect the site's heritage significance, again, notwithstanding the 37.4% who did not support any development on this site.

Matters which stimulated mixed responses included:

- Permitting shops in all residential zones – while half of all respondents were satisfied with the wider range of uses or larger shop size set out in the new provisions, as many as 40% favoured a review of the new provisions
- Encouraging use of public transport by limiting onsite parking provision in Manly Town Centre – which was considered important by 54% of respondents, but was not considered important by 28% of respondents, with a further 18% undecided. Comments suggest that some respondents may support this provision in principal, however do not regard Manly town centre as being well served by public transport.

This report is provided for consideration by Council. It is recommended that a summary of the June 2012 survey results and potentially a short message of thanks from Council's Planning Team or Mayor is provided to members of the Community Panel, in line with best practice and to encourage their ongoing participation in providing feedback on local issues.

## ATTACHMENT 6

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan  
2011 (Post Exhibition)  
Final Survey Report - Elton Consulting**

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### 5 Appendices

## **ATTACHMENT 6**

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**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan  
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### **Appendix A: Survey tool**

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**Final Survey Report - Elton Consulting**

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## Manly Resident Panel Survey - June 2012

### Manly Resident Panel Survey – Manly LEP 2011

We encourage you to complete this 10-15 minute survey about the DRAFT Manly Local Environmental Plan 2011 (LEP) and the DRAFT Manly Development Control Plan 2011 (DCP). These two draft planning documents detail the planning controls which will guide future development across the Manly Local Government Area. Please complete the survey in full by Thursday 21 June 2012.

Your feedback is important and will be included in a report to Council prepared by consultation firm Elton Consulting. All the information you provide will be treated as strictly confidential and no individual will be identified in the report. A good starting point for more information about the Draft Plans is the Draft LEP and DCP Brochure [click here](#). You can also search for your home using the map, or take a look at the current LEP and DCPs and new Draft Plans.

Council's formal public exhibition process: The Draft Plans are NOW on public exhibition and Council is seeking community feedback until Friday 29 June 2012 [click here](#) for more information on the Draft Plans and for further opportunities to have your say as part of the public exhibition process.

## Manly Resident Panel Survey - June 2012



Draft Manly Local Environmental Plan + Development Control Plan 2011

*Attention* Residents, Businesses and  
Property Owners in the Manly LGA

Have *your say* on  
the future of Manly

Draft Manly Plans - On Exhibition

MONDAY 30 APRIL TO FRIDAY 29 JUNE 2012

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



### About the Manly LEP and DCP

The Manly LEP and DCP are Council's main planning documents. The Manly LEP is a written document with accompanying maps. A Local Environmental Plan (LEP) is a legal instrument that imposes objectives and provisions to control development. It zones land and identifies appropriate land uses. The DCP supports the LEP.

**Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan  
2011 (Post Exhibition)  
Final Survey Report - Elton Consulting**

**1. Before doing this survey, were you aware of the new DRAFT Manly LEP (2011)?**

☐ Yes☐ No☐ Yes☐ No

Not at all

Around 1-5 times

More than 5 times



C

☐ Work purposes only

☐ Thinking about renovating my home

☐ Thinking about renovating or developing a site in Manly LGA

☐ Finding out more about a particular site or development project in Manly LGA.

☐ Finding out more about a particular open space area or environmental land within Manly LGA

☐ Other reason/s (please describe)

--

### Manly Resident Panel Survey - June 2012

**5. Are there any aspects of the DRAFT Manly LEP 2011 that are of particular interest to you? (please tick all that apply)** For more information on the LEP, see the [map and fact sheets](#) on Council's website.

- ☐ Yes – I'm interested in information about my home / site
- ☐ Yes – I'm interested in information about my suburb
- ☐ Yes – I'm interested in general information about the LEP (including what it is and how to use it)
- ☐ Yes – I'm interested in further detailed information (eg zones and accompanying maps)
- ☐ Yes – I'm interested in residential land / zones
- ☐ Yes – I'm interested in employment land / zones (business and industrial zones)
- ☐ Yes – I'm interested in environmental areas / zones
- ☐ Yes – I'm interested in heritage matters
- ☐ Yes – I'm interested in other information
- ☐ No
- ☐ Other information (please describe)

### Your perspectives on the DRAFT Manly LEP and DCP 2011

**\*6. The DRAFT LEP seeks to encourage employment growth in suitable locations and retains a similar amount of employment land in business and industrial zones to the current LEP. How important is this to you?** For more information see Fact Sheets 7 and 8.

Very important      Important      Neither important nor unimportant      Not important      Not at all important

☐      ☐      ☐      ☐      ☐

**\*7. The DRAFT LEP in its objectives encourages development of affordable housing within Manly LGA to cater for an ageing population, changing demographics and all socio-economic groups. How important is this to you?**

Very important      Important      Neither important nor unimportant      Not important      Not at all important

☐      ☐      ☐      ☐      ☐

**\*8. The DRAFT LEP controls and protects environmentally sensitive areas within Manly LGA. How important is this to you?** For more information see Fact Sheet 13.

Very important      Important      Neither important nor unimportant      Not important      Not at all important

☐      ☐      ☐      ☐      ☐

## ATTACHMENT 6

Environmental Services Division Report No. 18.DOC - Draft Manly Local Environmental Plan 2011 (Post Exhibition)  
Final Survey Report - Elton Consulting

### Manly Resident Panel Survey - June 2012

**\*9. The DRAFT DCP seeks to preserve the townscape character of local and neighbourhood centres (such as Manly, Balgowlah and Seaforth). The Plan includes provisions for maintaining a sense of place and unified townscape in centres, through appropriate scale and interest, and the incorporation of a range of design principles. How important is preserving the character of local and neighbourhood centres in Manly LGA to you?**

Very important      Important      Neither important nor unimportant      Not important      Not at all important

☐      ☐      ☐      ☐      ☐

**\*10. The DRAFT DCP seeks to encourage use of public transport by limiting onsite parking provision in Manly Town Centre, which is well serviced by public transport. How important is this to you?**

Very important      Important      Neither important nor unimportant      Not important      Not at all important

☐      ☐      ☐      ☐      ☐

**\*11. The Draft LEP does not significantly alter the provisions of floor space ratio (FSR) and building height, which it carries over from the current DCP. Are you satisfied with the current FSR and building height controls, or would you like to see a review of these controls?** For more information see Fact Sheets 16 and 17. Please tick one only.

- ☐ I am satisfied with the current controls  
☐ I support a review of the current controls  
☐ Don't know  
☐ Other preference (please describe)



### Manly Resident Panel Survey - June 2012

**\* 12. The Draft LEP permits 'neighbourhood shops' in all Residential Zones (R1, R2 and R3), with consent. This allows for a wider range of uses than the current LEP (which did not contain neighbourhood shops in the Low Density Residential Zone-R2). It also permits a larger shop size than the current LEP (of up to 80sqm, rather than 50sqm). How appropriate do you think the new provisions are?** For more information see pages 11-12 of the LEP. Please tick all that apply.

- ☐ I am satisfied with the wider range of uses set out in the new provisions
- ☐ I am satisfied with the larger shop size set out in the new provisions
- ☐ I support a review of the new provisions
- ☐ Don't know
- ☐ Other preference (please describe)

**\* 13. The Draft LEP protects land to the east of Roseberry Street for light industrial uses in accordance with NSW Government strategy and directions. This includes warehouse and related land uses, but excludes bulky goods retailing. Do you support the protection of land for light industrial developments?** For more information see Fact Sheets 7 and 8.

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Other preference (please describe)

### Specific Sites

**\* 14. Under the DRAFT LEP it is possible that the former Fairlight Reservoir site will take on the zoning of the adjacent residential area (R1 General Residential). Do you think residential or other uses are appropriate for this site?** For more information see Fact Sheet 9.

- ☐ I support residential uses only on this site
- ☐ I do not support residential use on this site.
- ☐ I support a mix of residential and open space on this site
- ☐ Other preference (please describe)

<p><b>Manly Resident Panel Survey - June 2012</b></p> <p><b>* 15. Under the DRAFT LEP it is proposed that any potential development of St Patrick's Estate in Manly would be limited, to protect the heritage values of this site. Do you think limiting development to protect the site's heritage significance is appropriate? For more information see Part 7 of the DRAFT LEP and Part 5.3 of the DRAFT DCP.</b></p> <p> <input type="radio"/> I support limiting development on this site (as per the DRAFT LEP)  <input type="radio"/> I support further development on this site  <input type="radio"/> I do not support any development on this site  <input type="radio"/> Other preference (please describe)  <input type="text"/> </p>
<p><b>Draft Manly Plans – Public Exhibition and future communications</b></p> <p><b>* 16. Before doing this survey, had you heard about Council's public exhibition for the DRAFT Manly LEP 2011?</b></p> <p> <input type="radio"/> Yes  <input type="radio"/> No         </p>
<p><b>* 17. How did you hear about it?</b></p> <p> <input type="checkbox"/> Council's website  <input type="checkbox"/> Flyer/Brochure  <input type="checkbox"/> Letter from Council  <input type="checkbox"/> Precinct Committee meeting  <input type="checkbox"/> Local newspaper  <input type="checkbox"/> Community Information Session at shopping centre / Manly Corso  <input type="checkbox"/> Other (please describe)  <input type="text"/> </p>

### Manly Resident Panel Survey - June 2012

**18. In the future, how do you think Council can best provide opportunities for the community to find out about issues of interest relating to the Draft Plans and other planning matters?**

- ☐ In person (eg Community Information Sessions)
- ☐ By phone (eg in conversation with Council's Planning Officers)
- ☐ Using print information (eg brochures, fact sheets)
- ☐ Using online information (Council's webpage)
- ☐ Other (please describe)

**19. Do you have any other comments on the Draft Plans?**

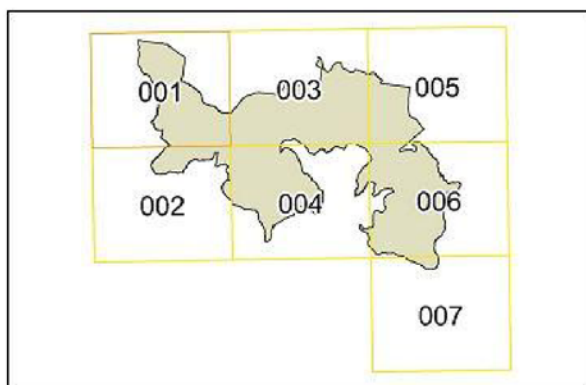
### Optional questions

Are you interested in taking a look at the maps that accompany the DRAFT Manly LEP? If so, we'd like to invite you to complete the next couple of questions (on this page). If not, please continue to the next page. To see the maps that accompany the Draft LEP [click here](#).

**20. Which one of the seven grid areas shown on the maps that accompany the Draft Manly LEP do you live in? (see map below)**

Grid 001      Grid 002      Grid 003      Grid 004      Grid 005      Grid 006      Grid 007

☐      ☐      ☐      ☐      ☐      ☐      ☐



**21. Please add any comments you wish to make in relation to the zonings proposed under the Draft LEP for your local area:**

## Manly Resident Panel Survey - June 2012

### About you

**\*22. What is your age group?**

- ☐ Under 18
- ☐ 19-25
- ☐ 26-35
- ☐ 36-45
- ☐ 46-55
- ☐ 56-65
- ☐ 65+

**\*23. Which suburb do you live in?**

**24. Which street do you live in?**

**25. How long have you lived in the Manly LGA?**

- ☐ Under 6 months
- ☐ 6-12 months
- ☐ 1-2 years
- ☐ 2-3 years
- ☐ More than 3 years

**26. Do you own or rent your home?**

- ☐ Own/purchasing my home
- ☐ Rent my home

**27. Do you own your home outright or are you currently purchasing your home?**

- ☐ Own my home outright
- ☐ Purchasing my home

Manly Resident Panel Survey - June 2012

28. What type of household do you live in?

☐ Couple with children at home

☐ Couple with children who have left home

☐ Couple with no children

☐ Single parent with children at home

☐ Single, living alone

☐ Single, sharing with other adults

☐ Extended family household (eg including grandparents or other relatives)

☐ Other (please describe)

Thank you for completing the survey!

If you would like more information about this survey please contact Lucy Greig at Elton Consulting (93872600 / [lucyg@elton.com.au](mailto:lucyg@elton.com.au)) or Nayeem Islam at Manly Council (9976 1500 / [Nayeem.Islam@manly.nsw.gov.au](mailto:Nayeem.Islam@manly.nsw.gov.au)).

29. Please ensure all survey questions have been completed. If you would like to update any of your contact details, please do so by completing the following section.

Name:

Email address:

Mail address:

Daytime phone number:

For more information on the Draft Plans and to have your say as part of the public exhibition process please [click here](#).

Ordinary Meeting Agenda

Page 99

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Environmental Services Division Report No. 19  
**SUBJECT:** Heritage Grant Applications Received  
**FILE NO:**

## SUMMARY

Since 1995, Council has conducted an Annual Local Heritage Assistance Grants Scheme. The Scheme provides funding to the owners of properties listed as heritage items under Schedule 4 of the Manly Local Environmental Plan 1988 for conservation projects.

The grant for any individual project generally ranges in value from \$250 to \$2,000. The maximum amount available to each application is determined on a merit basis and available funds are matched dollar for dollar by the applicant. The fund has an annual budget of \$15,000. The NSW Heritage Office has for the past two years provided annual assistance to this grant program of up to \$7,500 (on a dollar for dollar basis partly reimbursing Councils small grants scheme).

**Note:** That Grants will have to be approved by Council's OM. However, opinions of heritage committee are also sought.

## REPORT

Council sought submissions from owners of heritage listed properties for funding in April 2012, with four (4) applications received.

The criteria for funding include:

- The property is a listed heritage item.
- The project will promote and encourage heritage conservation works.
- Works generally involve:
  - Replacement of significant built elements;
  - Preparation of an authentic colour scheme;
  - Conserve or reinstate original elements;
  - Development consent (if required) must be obtained prior to commencement of work.

The table below provides a summary and assessment of the submissions received.

Property	Proposal	Amount sought / recommended	Heritage Comments
37-39 Ashburner Street, Manly	Removal of cast concrete driveway and its replacement with concrete porous blocks in grey and charcoal colour	\$2,000	Works are supported as general improvement of curtilage. Total cost is over \$80,000.
1 Griffiths Street, Seaforth	Reconstruct chimneys	\$2,000	Works are supported as reconstruction. Total cost is \$4,722.
7 Pine Street, Manly	Reconstruct stone verandah.	\$2,000	Repair of the verandah is appropriate. Total cost is \$4,179.
18 Crescent Street, Fairlight	Removal of paint from stone steps and minor repairs to stonework and door glass	\$1,500	Works are supported as typical maintenance. Total cost is \$3,080.

The works specified above do not require formal DA because they can be described as maintenance, repairs, or minor works.

**Environmental Services Division Report No. 19 (Cont'd)**

Each of the four applications received was assessed to meet the funding criteria and all the four are considered to have merit in heritage conservation terms. The proposals are thus supported and recommended for approval of the sought funding. The projects amount up to a total of \$7,500 to be funded through the Manly Council Local Heritage Assistance Fund Scheme for 2012-2013. This will not use the entire allocated budget for this financial year, but will allow another round of grants to be organised later this year.

**RECOMMENDATION**

It is recommended THAT:

1. The Council receives and notes the report.
2. The Council supports the staff recommendation to GM to grant the funds as per the presented table.

**ATTACHMENTS**

There are no attachments for this report.

OM160712ESD\_6

\*\*\*\*\* End of Environmental Services Division Report No. 19 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Environmental Services Division Report No. 20  
**SUBJECT:** Current Appeals Relating to Development Applications During July 2012.  
**FILE NO:**

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### SUMMARY

A list of current Appeals relating to Development Applications during July, 2012.

### REPORT

DA #	LEC	Address	Date Appeal Lodged	Solicitor	Current Status
13/10	Class 1 10584/10 S56A Appeal	46-48 North Steyne	27/09/11	HWL	Judgement Reserved
64/11	Class 1 10839/11	23 Beatrice Street	15/09/11	Pikes	Appeal Dismissed 22/05/12
138/11	Class 1 11004/11	69 Pittwater Road	07/11/11	Marsdens	Judgment Reserved
294/11	Class 1 11221/11	31 The Crescent	21/12/11	Maddocks	S34 Conference 13/06/12
126/11	Class 1 10676/12	4 West Street Balgowlah	10/07/12	Maddocks	Callover 31/07/12

### RECOMMENDATION

THAT the information be noted.

### ATTACHMENTS

There are no attachments for this report.

OM160712ESD\_7

\*\*\*\*\* End of Environmental Services Division Report No. 20 \*\*\*\*\*



**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Environmental Services Division Report No. 21  
**SUBJECT:** Development Applications Being Processed During July 2012.  
**FILE NO:**

---

## SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JULY 2012.

## REPORT

The following applications are with the Town Planners for assessment.

418	2003	65 Bungalow Avenue	Section 96 Modification
76	2004	11 Adrian Place	Section 96 Modification
372	2005	11 Fairlight Crescent	Section 96 Modification
57	2008	6 Waratah Street	Section 96 Modification
16	2010	164 Condamine Street	Section 96 Modification
106	2010	358 Sydney Road	Section 96 Modification
124	2010	3 Camera Street	Section 96 Modification
206	2010	15 Grandview Grove	Section 96 Modification
358	2010	80 Bower Street	Section 96 Modification
404	2010	22 Ellery Parade	Section 96 Modification
8	2011	27 Eurobin Avenue	Section 96 Modification
108	2011	17 Addison Road	Threatened species development
149	2011	23 Bolingbroke Parade	Section 96 Modification
161	2011	468 Sydney Road	Section 82A Review
322	2011	15 The Crescent	Alterations and additions to RFB
330	2011	45 The Corso	Alterations and additions
331	2011	20 East Esplanade	Section 96 Modification
337	2011	2A Gilbert Street	New 3 storey RFB
349	2011	41C Castle Circuit	New 3 storey dwelling
22	2012	25 Palmerston Place	Alterations and additions
27	2012	14 Brook Road	Alterations and additions
29	2012	84 Woodland Street	Alterations and additions
31	2012	19A-21 Addison Road	Alterations and additions
38	2012	15 Cliff Street	Alterations and additions
40	2012	11 Bruce Street	Demolition & new 3 storey dwelling
46	2012	6 The Corso	Partial demolition, retention of heritage facade - 6 storey with basement level
47	2012	24A Beatty Street	Alterations and additions
52	2012	31 Vista Avenue	Alterations and additions
55	2012	29 Castle Circuit	2 Storey dwelling with double garage
64	2012	307 Sydney Road	Alterations and additions
65	2012	120 Pittwater Road	Demolition & new 2 storey dwelling
69	2012	21 George Street	Alterations and additions
71	2012	19 Pacific Parade	Alterations and additions
75	2012	46 East Esplanade	Change of Use - Foyer Bar to Manly Cinema

**Environmental Services Division Report No. 21 (Cont'd)**

76	2012	12 Prince Edward Road	Alterations and additions
78	2012	82 Wood Street	Alterations and additions
80	2012	46 August Road	Alterations and additions
82	2012	26 Alto Avenue	Alterations and additions
85	2012	50 Francis Street	Alterations and additions
86	2012	6 Cecil Street	Alterations and additions
90	2012	3 Laura Street	Alterations and additions
98	2012	33 Darley Road	Alterations and additions to RFB
99	2012	33 Darley Road	Alterations and additions to RFB
101	2012	63 Lauderdale Avenue	Alterations and additions
102	2012	243 Pittwater Road	Alterations and additions
103	2012	7 Gurney Crescent	Alterations and additions
104	2012	45 Wood Street	Alterations and additions
105	2012	385 Sydney Road	Demolition, new 4 storey building
109	2012	210 Sydney Road	Alterations and additions
112	2012	17 Maretimo Street	Alterations and additions
113	2012	43-45 North Steyne	Alterations and additions to RFB
114	2012	468 Sydney Road	Change of use to a Veterinary Hospital
115	2012	14 South Steyne	Alterations and additions
116	2012	20 Herbert Street	Alterations and additions
117	2012	37 Fromelles Avenue	Alterations and additions
118	2012	196 Woodland Street	Alterations and additions
119	2012	81 Birkley Road	Alterations and additions
120	2012	77 Griffiths Street	Double carport, driveway and removal of existing conifer tree
121	2012	22 Angle Street	Alterations and additions
122	2012	58 Beatrice Street	Alterations and additions
123	2012	6 Eurobin Avenue	Alterations and additions
124	2012	19 Stuart Street	Alterations and additions
126	2012	25 Cutler Road	Alterations and additions
127	2012	30 Denison Street	Alterations and additions
128	2012	6 Adelaide Street	Alterations and additions
129	2012	30 White Street	Alterations and additions
130	2012	133-139 Pittwater Road	Extension of hours - BP Service Station
131	2012	7 Vista Avenue	Alterations and additions
132	2012	3 Munoorra Street	Alterations and additions
134	2012	59 Bungalow Avenue	Alterations and additions
136	2012	7 Lombard Street	Carport and front fence

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

12/2012                      9 Addison Road, MANLY 2095

THREATENED SPECIES DEVELOPMENT - Demolition of existing boatshed and construction of a new boatshed, timber deck and slipway

264/2010                      10 Addison Road, MANLY 2095

Section 96 to modify approved Two (2) storey dwelling with basement car parking, swimming pool and associated landscape works, and consolidation of two (2) lots into one (1)

**Environmental Services Division Report No. 21 (Cont'd)**

156/2011            33 Amiens Road, CLONTARF 2093

Section 96 to modify approved Alterations and additions to an existing dwelling including internal alterations, replacement of pergola, new pergola, barbeque area, external shower and stormwater pit

125/2012            2 Addison Road, MANLY 2095

THREATENED SPECIES DEVELOPMENT - Construction of stairs to the foreshore

20/2011            20 Adelaide Street, BALGOWLAH HEIGHTS 2093

Section 96 to modify approved Alterations and additions to an existing dwelling including family flat, demolition of existing carport, new double garage, balconies, terrace, swimming pool and landscaping – remove reference to family flat and deletion of condition 19 (2US01) in relation to Section 94 Contributions - Part 2

482/2004            106 Darley Road, MANLY 2095

Section 96 to modify approved Subdivision of Lot 2 DP 544297 being Precincts 4, 5, 6, 10 and 11 into 21 Allotments being 17 Residential lots for Individual Dwellings, Lot 1 for 5 Townhouses, 1 Lot for 16 Apartments, 1 Lot containing road and landscape areas and 1 Lot comprising precinct 4 and 11 of the St Patrick's Estate and construction of 11 Residential Apartments, 5 Townhouses and 17 Detached Dwellings at Precincts 5, 6 & 10 St Patrick's Estate - involving the change of the floor levels, alter the roof profile, modify the carparking layout and other minor alterations Part 5

299/2011            57 Golf Parade, MANLY 2095

Section 96 to modify approved Alterations and additions to an existing semi-detached dwelling including first floor addition, ground floor rear addition, detached double garage with loft in the roof – involves installation of two (2) windows on the first floor of the west elevation – Part 2

133/2012            14 Abernethy Street, SEAFORTH 2092

Installation of an inclinor at the rear along the northern side of the property

135/2012            Wharves and Jetties, MANLY 2095

Alterations to the Manly Wharf Hotel including the conversion of part of the existing Lounge Bar into an indoor and partially outdoor Gaming Room area and revise entrance on the northern side of the hotel – Manly Wharf

137/2012            22 Central Avenue, MANLY 2095

Alterations and additions to level 5 and level 6 of the existing Residential Flat Building including alterations of internal and external areas to create a caretakers apartment within the Manly National Building

162/2008            19 Amiens Road, CLONTARF 2093

Section 96 to modify approved Alterations and Additions to an existing dwelling including demolition of existing first floor and construction of a new larger first floor with rear terrace and new elevated double hardstand carparking area at the front of the site – involving the removal of a tree – Part 3

277/2009            7 Smith Street, MANLY 2095

Section 96 to modify approved Change of use to a boarding house – involving the deletion of condition ANS01 in relation to the twelve(12) month trial period – Part 2

138/2012            20 King Avenue, BALGOWLAH 2093

Alterations and additions to an existing dwelling including a ground floor deck, extension to the first floor deck, a new gate and retaining wall

139/2012            38 Boyle Street, BALGOWLAH 2093

Alterations and additions to an existing dwelling including a first floor addition, rear ground floor extension, double garage, terrace, swimming pool, tree removal, front fence and landscaping

140/2012            17 Alma Street, CLONTARF 2093

Alterations and additions to an existing dwelling including a first floor front addition, ground floor rear addition,

**Environmental Services Division Report No. 21 (Cont'd)**

terrace extension, patio, double carport, driveway, swimming pool and landscaping

52/2009 197-215 Condamine Street, BALGOWLAH 2093  
Shop Fitout

65/2009 197-215 Condamine Street, BALGOWLAH 2093  
Shop Fitout

76/2009 197-215 Condamine Street, BALGOWLAH 2093  
Section 96 to modify approved Shop fitout and establishment of use as a Cafe/ Patisserie within the Balgowlah Shopping Centre (Totem) – involving table service to communal seating and additional tables with chairs outside of the leased area (Shop 36) - Part 3

141/2012 22 Darley Road, MANLY 2095  
Change of use to a Health Care Professional premises

243/2010 5 Marine Parade, MANLY 2095  
Change of Use/New Use

142/2012 4 College Street, MANLY 2095

143/2012 44 Alma Street, CLONTARF 2093  
Alterations and additions to an existing dwelling including first floor addition, lower ground and floor rear addition, terrace, access stairs and retaining walls

148/2011 77 Wood Street, MANLY 2095  
Residential Flat Building

144/2012 51 Gordon Street, CLONTARF 2093  
Dwelling

145/2012 112 Sydney Road, FAIRLIGHT 2094  
Residential Flat Building

146/2012 8 Jackson Street, BALGOWLAH 2093  
Alterations & Additions to Dwelling

The following applications were presented to the Manly Independent Assessment Panel in June 2012.

DA#	Site	Proposal
45/12	61 Gurney Crescent Seaforth	Construction of a new multilevel dwelling, swimming pool, spa, balconies, terrace, driveway and landscaping
126/11	4 West Street Balgowlah	Residential flat building containing eight (8) units of affordable and other housing with basement car parking accommodating twelve (12) spaces and landscaping
21/12	46 White Street Balgowlah	The demolition a dwelling house and swimming pool, and the construction of 3x2 storey dwellings over a part basement garage, courtyards, balconies and landscaping works
298/11	131A Woodland Street Balgowlah	Demolition of existing structures and construction of a three (3) storey Multi-Dwelling Development consisting of three (3) attached dwellings with garages, balconies, driveway and landscaping

## Environmental Services Division Report No. 21 (Cont'd)

16/10	164 Condamine Street Balgowlah	Demolition of existing buildings, excavation, construction of a two (2) level hardware and building supplies warehouse with mezzanine, signage and two (2) levels of basement car parking
277/11	374-378 Sydney Road Balgowlah	Demolition of a retail building and the construction of a mixed use development consisting of a retail area on the ground floor, twenty four (24) residential apartments, and two levels of basement carparking with twenty five (25) car parking spaces
35/12	53 Fairlight Street Fairlight	Alterations and additions to an existing Residential Flat Building including bike storage area, new shelter to roof terrace to Unit 1 and window to level 1 of Unit 3
174/11	6 Malvern Avenue Manly	Alterations and additions to an existing dwelling including a first floor addition with deck, new entry and double garage at rear at 6 Malvern Avenue Manly be <b>Approved</b> subject to the original conditions of consent and modification of DA1, the addition of condition No. ANS02 and the deletion of deferred commencement condition No. A1, A2, A3, A4, A5 and A6
9/12	32 Pacific Street Manly	Partial demolition of existing and alterations and additions to the existing dwelling to create a three (3) storey dwelling including double garage, first floor balconies, second floor rear and side terrace, swimming pool, decks and landscaping at 32 Pacific Street, Manly
59/12	22 High Street Manly	Alterations and additions to existing semi-detached dwellings including first floor additions, terrace to rear, driveway, extend front fence and rear deck extension
66/07	11-27 Wentworth Street Manly	Use of a basement car parking space in a mixed use building at Lot 12 in SP 63766 11 –27 Wentworth Street, Manly, as a storeroom for the use of storage and refrigeration for retail food items in relation to the Fusion café upstairs

The following applications were presented to the Manly Independent Assessment Panel (Review) in June 2012.

DA#	Site	Proposal
316/11	374-378 Sydney Road Balgowlah	Change of Use from a shop to a refreshment room
46/11	44 Griffiths Street Fairlight	Boundary adjustment, alterations and additions to a dwelling house and construction of an attached dwelling

**RECOMMENDATION**

THAT the information be noted.

**ATTACHMENTS**

There are no attachments for this report.

OM160712ESD\_9

\*\*\*\*\* End of Environmental Services Division Report No. 21 \*\*\*\*\*

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Environmental Services Division Report No. 22  
**SUBJECT:** Draft Manly Development Control Plan 2011 (Post Exhibition)  
**FILE NO:**

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## SUMMARY

The Draft Manly Development Control Plan 2011 (Draft DCP) has been prepared under the *Environmental Planning and Assessment Act 1979* (The Act) and the *Environmental Planning and Assessment Regulation 2000* (The Regulation).

Preparation of the draft DCP commenced in 2007 when the Director General of the Department of Planning responded to Council's notification to prepare a comprehensive LEP for Manly in the standard instrument format and advised Council on 2 August 2007 as follows:

*Council should develop a comprehensive DCP for Manly in tandem with the LEP, as a new consolidated DCP must be adopted when the draft LEP is adopted.*

On 3 November 2009, Council received and noted a report updating Council on the progress made with the consolidation of an existing 14 DCPs as well as a variety of other reviews, to ensure the DCP is consistent with the LEP and the requirements of the NSW Standard Instrument Order. As the drafting of the LEP has progressed, the DCP provisions were reviewed having regard to new LEP zones, development standard, land use definitions and local provisions.

On 15 November, 2011, a final consultation draft DCP was presented to the Manly LEP DCP Working Group following on from the final presentation of the LEP on 7 September, 2011. A series of further amendments were undertaken in response to a variety of issues raised by the Working Group and were presented in subsequent Working Group meetings up to 12 June 2011. Following final editing, the Exhibition Draft DCP 2011 was completed and exhibited with the LEP from 29 June 2012 to 29 June 2012.

Details of the LEP DCP Exhibition are detailed in a separated report to Council and included wide circulation of information brochures, website and displays in shopping precincts.

Submissions arising from the exhibition in relation to the exhibited draft DCP are summarised and reviewed in this reports' Attachment 1. All recommended actions in response to submissions received have been incorporated into the post exhibition draft DCP 2011 at Attachment 2. Of a total of 93 submissions received, 20 submissions raised issues in relation to the DCP. The approval of the Manly draft DCP 2011 with amendments arising from the post exhibition review is recommended.

## REPORT

### Background

The primary purpose of this draft DCP 2011 is to consolidate Manlys' existing DCPs. The purpose of the DCP, generally is to make more detailed provision with respect of development to complement the provisions, and achieve the purposes of the new LEP.

While the *Standard Instrument (Local Environmental Plans) Order 2006* prescribes a standard form and content for the LEP, the drafting of the DCP can be more flexible in response to local needs and priorities.

**Environmental Services Division Report No. 22 (Cont'd)****The Draft Exhibited Document**

The MDCP 2011 will provide one DCP for Manly, consolidating 14 existing DCPs including:

- Manly DCP for the Residential Zone 2007 (Amendment 2);
- Manly DCP for the Business Zone 1989 (Amendment 7);
- Manly DCP for the Industrial Zone 1991 (no amendment);
- Manly DCP for Energy Efficient Buildings 1998 (no amendment);
- Manly DCP for Advertising Signs 1993 (no amendment);
- Manly DCP for Backpacker Accommodation 1998 (Amendment 1);
- Manly DCP for Disability Access incorporating the Manly Access Policy 1996 (no amendment);
- Manly DCP for Landslip and Subsidence 2001 (no amendment);
- Manly DCP for Waste Minimisation and Management 2000 (no amendment);
- Manly DCP for The Corso 2005 (Amendment 1);
- Manly DCP for Notification 1999 (Amendment 2);
- Manly DCP for Childcare Centres 2004 (no amendment);
- Manly DCP for Late Night Venues 2005;
- Manly DCP for Telecommunications and Radiocommunications 2005 (no amendment).

The MDCP 2011 is to be read in conjunction with, and in addition to MLEP 2011. Under the Environmental Planning and Assessment Act, 1979 Clause 74C(1) 'Preparation of development control plans', Council may prepare a DCP to 'make more detailed provision with respect to development to achieve the purpose of the LEP'. The draft LEP is in accordance with the statutory functions of a DCP and amendments arising from the existing DCPs are made to ensure consistency with the LEP, retaining and improving clarity of DCP policy under this overarching function.

The structure of the draft plan is as follows:

**Part 1 – Introduction**

This part outlines the application and relationship with other plans; the purpose and structure of this plan and a detailed table of contents and general aims and objectives.

**Part 2 – Process (what do I lodge with the DA & how is the DA notified)**

This part outlines the range of submission requirements for lodgement with a DA for assessment. The different types of applications and the notification and advertising processes involved.

**Part 3 - General Principles of Development**

This part outlines general development principles to be considered and applied as relevant for all forms of development.

**Part 4 – Development Controls and Development Types**

This part outlines development controls relating to residential developments as well as a range of other non- residential developments.

**Part 5- Special Character Precincts, Areas and Sites**

This part contains additional design requirements and/or environmental sensitivities exist for certain places that require special consideration. Development Proposals are also to have regard to the general provisions of Parts 3 and 4, in conjunction with the additional design requirements of this part.

**Dictionary:** Additional meanings referred to in the DCP and not contained in the LEP Dictionary.

**Schedules:** A range of maps and additional supporting material.

**Environmental Services Division Report No. 22 (Cont'd)****CONCLUSION**

The draft Manly DCP 2011 has been exhibited and amended in response to a review of submissions received from the exhibition. It is recommended that Council adopt draft DCP 2011 as reported so that it may take effect at the publication of Manly draft LEP 2011.

The Draft Development Control Plan 2011 will be CIRCULATED SEPARATELY to Councillors at the Ordinary meeting 16 July, 2012.

**RECOMMENDATION**

1. THAT Council consider the reported issues arising from the exhibition of draft DCP 2011 as amended in relation to the review of submissions and approve the amended and Manly DCP as reported.
2. THAT when the Manly draft LEP 2011 is published, that Council administratively give statutory notice in the Manly Daily of the commencement of the reported Manly DCP.

**ATTACHMENTS**

**AT- 1** Summary of Submissions in relation to the Draft DCP 2011 8 Pages

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\*\*\*\*\* End of Environmental Services Division Report No. 22 \*\*\*\*\*



**SUMMARY OF SUBMISSIONS IN RELATION TO THE DEVELOPMENT CONTROL PLAN 2011**

**Planning Controls (Density, Height and Number of Storeys)**

*Housing NSW:* Concern is raised that the density and maximum storey provisions in the DCP may restrict housing delivery.

*Actions:* In relation to the DCP density provisions a new paragraph is recommended to exclude secondary dwellings from the application of the DCP Residential Density Map (Schedule 1 - Map A) under paragraph 4.1.1.1.

*Actions:* In relation to the DCP maximum number of storeys control, paragraph 4.1.2.2 is redrafted to avoid any apparent uncertainty or inconsistency with the height development standards. While the DCP currently states that all buildings in the residential zones must generally not exceed 2 storeys it is proposed to introduce a maximum 3 storeys in the residential areas identified as areas 'L' and 'N1' on the LEP Height Map where the total height and wall height is greater. Accordingly the amended paragraph 4.1.2.2.a. would read:

*i) Buildings in all areas other than areas 'L' and 'N1' on the LEP Height of Building Map must not exceed 2 storeys notwithstanding the wall and roof height controls in this plan.*

*ii) Buildings in areas 'L' and 'N1' on the LEP Height of Building Map must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.*

*Squillace and Fitzgerald (Architects and Residents):* Further to objection with the LEP Height of Building Standard, the submission queries the rationale for reducing the current minimum roof height from 3m to 2.5m further limiting interesting and desirable design outcomes and roof forms.

*Comment:* Councils' Development Assessment Unit advised that 2.5m is a more acceptable maximum roof height and that very few developments exceed 2.5m and still result in acceptable outcomes in terms of roof form. The 2.5m roof height is also more consistent with the statutory Height of Building in the LEP.

This submission also requests an additional DCP paragraph dealing with exceptions to FSR. For existing buildings that are greater than the FSR, the submission requests that Council consider alterations and additions, or replacement of that building to exceed the FSR on the condition that the objectives of the LEP are met.

*Action:* This submission is considered inconsistent with clause 4.6 of the LEP and is not supported as consideration of the LEP objectives is just one of the criteria referred to in that clause. The submission is also considered inconsistent with other paragraphs in the DCP including paragraph 4.4.2 dealing with the extent to which the plan applies to alterations and additions.

This submission also objects to a note contained in the draft Dictionary under the meaning of gross floor area (currently at paragraph 3.4.2 of the Residential DCP). This notes states:

*Note: Subparagraph (g) of the LEP meaning excludes from GFA 'any carparking to meet the requirements of the consent authority (including access to that carparking'. In determining the extent of this exclusion an area of 30sqm for each residential parking space may be adopted including access. While Council recognises that in some circumstances additional parking may be justified, the additional parking not*

## ATTACHMENT 1

### Environmental Services Division Report No. 22.DOC - Draft Manly Development Control Plan 2011 (Post Exhibition)

#### Summary of Submissions in relation to the Draft DCP 2011

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*excluded by the LEP dictionary meaning will be counted as gross floor area and FSR.*

This submission considers the above to be onerous and unfair as an area larger than 30sqm per space often requires a larger area due to the nature of the site. It is suggested that the applicant should not be penalised, particularly when parking is provided below ground where there will be no impact on the bulk of the building.

Comment: This note was inserted in a recent edition of the existing DCP in response to concerns arising from the Development Assessment Unit with regards to increasing numbers of DAs with excessive basements that are not reflected in maximum FSR. The retention of this note is not considered unreasonable and provides applicants with a guide as to the extent to which parking and access may be exempt from FSR consistent with standard dimensions for parking and access.

*Undisclosed author (resident 1):* It is noted that in the vicinity of Waratah Street, Balgowlah, the streets seem too narrow and the blocks are too narrow to support traffic/parking and open space requirements in the DCP. The submission suggests that consideration be given to increasing the minimum lot size which would require consolidation of lots to develop townhouses and therefore provide better amenity for future residents.

Comment: To ensure the DCP maintains consistency with the LEP under statutory requirements, a review of DCP provisions in this instance would follow any review of the LEPs principal development standards including lot size.

Action: Further review of traffic/parking and open space requirements in the DCP will be undertaken arising out of any review of the LEP Minimum Lot Size Map.

This submission also requests further definitions for prevailing setback and seeks to clarify the method for calculating front setbacks, in relation to neighbouring properties at paragraph 4.1.4.1. of the draft DCP. Also additional reference to providing for 'air movement' in the objectives is also suggested.

Comment: In addition to the exhibited meaning of 'setback' in the DCP dictionary, a more prescriptive approach to determining the 'prevailing setback' is not supported as the DA assessment will appropriately consider prevailing setbacks in its review of streetscape in the circumstances of the case. Suggested additions to objectives are supported and drafted in the reported DCP.

#### **Onsite Parking, Parking Rates and Application of Manly Contributions Plan**

*Ingham Planning (for Manly Chamber of Commerce):* Requests a more general parking rate of 1 space per 60sqm for all non residential floor space. In relation to Restaurants, a survey of other Council rates demonstrates in this submission more onerous requirements for Manly. Amendment to the application of Development Contributions are also sought to allow more flexibility in changes of use. It is noted that a change of use from a 100sqm shop to an office would generate a requirement for 13 spaces or \$428103 in contributions.

Comment: As the parking generated by various development types can differ considerably, a single rate for all non residential land uses are not supported. In response to concerns in relation to onerous development contributions in the Manly Contributions Plan, Council supports certain concessions for the provision of changes of use involving food and drink premises. Council is in the process of amending its Section 94 Contribution Plan, once the

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#### Summary of Submissions in relation to the Draft DCP 2011

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Guidelines from the Department of Planning and Infrastructure are confirmed. It should be noted that the Department has advised Council that it will be issuing Guidelines for the preparation of Section 94 Contribution Plans.

Action: Further consideration and exhibition of amendment to the Manly Contributions Plan can be done when the Guidelines are received.

Another submission requests that in residential areas that garage doors not be permitted on carports. In this regard the existing and exhibited requirement for carports to be 'open on all sides' is reviewed and amended in the reported draft DCP to read 'open on both sides and the front' at paragraph 4.1.6.1. In addition this submission suggests that in relation to onsite parking in front of heritage buildings that suitably landscaped car parking hardstand areas may be considered by Council. This submission is supported and a note to this effect is inserted at draft DCP paragraph 3.2.4.

#### **Preservation of Trees and or Vegetation**

*Office of Environment and Heritage:* Recommends addition to DCP paragraph 5.9 to state that provisions apply to all threatened species, endangered ecological communities and their habitat. Consideration is also sought to the protection of hollow bearing trees in the DCP to protect and retain them wherever possible. It is noted hollow bearing trees are important as habitat for many threatened species and the loss of hollow bearing trees is recognised as a key threatening process under the Threatened Species Conservation Act. It is also recommended that Council prescribe the forms of proof that will be required to satisfy paragraphs 5.9(5) and (6) of dead or dying vegetation that is 'not required as habitat of native fauna' and this is a 'risk to human life or property'

*Manly Council Parks and Reserves Manager:* Recommends amendments to paragraph 2.3.1 in relation to when a tree permit is required and Councils assessment of tree permits. Reference to trees with a trunk diameter over 25 cm is to be omitted at paragraph 2.3.1.a. as the other tree height a criteria for when a tree permit is required as reference to trees over 5m high is considered sufficient. The period between reasonable maintenance trimming and pruning is amended from 6 months to 12 months. When assessing trees in the vicinity of structures, reference to retaining walls over 0.6m high is amended to refer to walls over 1m high. A requirement for photographic evidence in the assessment of view impacts is added and the amended clause also specifies that a tree permit must be displayed or available regarding any tree works.

*D Willman (Upper Beach Street):* Recommends the title of draft Tree Schedule 4.1 be amended from 'Noxious Tree List' to 'Noxious, Invasive and Actively Discouraged Trees'. The submission suggests all trees on this list are detrimental to the local environment, neighbouring amenity and biodiversity and the need to be removed from all but the moist limited areas. Additions to the list are also proposed (Small and Large leafed Privet and Leylandii sp. 'Leighton's Green'). Support for ongoing conditions on use of Leylandii sp. are also supported (This point is actioned with referral to the Development Assessment Unit as well as the authors operational concerns with the DA referral process and the assessment of landscaping plans.)

This submission also recommends that at Schedule 4, Part C that both Paw Paw and False Acacia be omitted from the list of trees recommended for energy efficiency as both are noxious trees in Manly.

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#### Summary of Submissions in relation to the Draft DCP 2011

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*J & V Sipajlo (Plant Street):* In addition to the DCP list of trees not requiring a tree permit, the submission also requests a list of trees to be protected. It is also suggested that trees along shared boundaries should not be permitted.

**Actions:** Additional provisions for the protection of trees are recommended at paragraph 5.9 to include all threatened species, endangered ecological communities and their habitat. Also the protection of hollow bearing trees is sought in the DCP to protect and retain them wherever possible as important habitat for many threatened species (See also related actions in response to Office of Environment and Heritage). Further, the DCP prescribes when tree permits are required at paragraph 2.3.1 and as such aims to preserve trees in the manner sought in this submission. In relation to the suggested restriction on trees along shared boundaries, guidelines on appropriate tree locations are preferred over more

**Actions:** All recommendations for the preservation of trees and or vegetation and other amendments are supported and drafted in post exhibition draft DCP accompanying this report.

Concerns of another submission are also noted in relation to apparent inconsistencies between the criteria at draft paragraph 2.3.1(c) compared to the existing criteria that is on the website for Tree Permits. In this regard the proposed draft DCP clauses in relation to the preservation have been reviewed in numerous consultations with Manly Parks and Reserves staff and it may be reasonable anticipated that website information will be updated as appropriate at the time the DCP comes into effect.

Another submission requests more detailed objectives in relation to landscape design to add 'to balance and/or mitigate effects of building structure on vistas of the site from public and private vantage points' and more detailed reference to preservation of 'bushland' character. In this regard, this suggested objective is already adequately made under the draft DCP. Additional reference to preservation of 'bushland' character is made in the draft DCP reported to Council.

#### Privacy

*J & V Sipajlo (Plant Street) and D Willman (Upper Beach Street):* Considers privacy impacts should be assessed as distances beyond 10m and that on-site inspections are required.

**Comment:** While there is no 'steadfast rule' adopted by Council stating that privacy issues are confined to distances on less than 10m, the Land and Environment Court Planning Principle from Commissioner Roseth in *Meriton v. Sydney City Council* (2004) is as follows:

*"Planning principle: protection of visual privacy*

*45 When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. Most planning instruments and development control plans acknowledge the need for privacy, but leave it to be assessed qualitatively. Numerical guidelines for the separation of dwellings exist in the Australia-wide guideline, AMCORD; as well as in the NSW-specific Residential Flat Design Code attached to SEPP 65. AMCORD recommends a separation of 9m between habitable rooms. The Residential Flat Design Code recommends increasing separation between buildings as they get taller. For buildings up to three storeys, it suggests 12m between habitable rooms and balconies, 9m between a habitable and non-habitable room, and 6m between non-habitable rooms. For tall buildings (such*

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*as the proposal) it suggests 24m between habitable rooms, 18m between habitable rooms and non-habitable rooms, and 12m between non-habitable rooms."*

*D Willman (Upper Beach Street):* Recommend amendment to paragraph 3.4.2.1 to clarify where the use of narrow, translucent or obscured glass windows should be sought to minimise privacy loss. In particular the submission requests that opaque glass be used wherever proposed windows give a line of sight into neighbours' rooms.

One submission also raises privacy and overshadowing problems which arise in relation to proposed rooms over rear garages.

Action: The DCP continue to ensure privacy and overshadowing (see below) impacts are minimised at draft DCP paragraph 3.4.2 and assess impacts with particular regard to the local circumstances of the site and its relationship with surrounding properties. The importance of onsite assessment is contained in Council's DA assessment operational protocols. A requirement for opaque glass in all windows with a line of sight into neighbours' rooms is not supported in favour of an approach based on individual merit, the circumstances of the site and its relationship to neighbouring properties.

#### **Overshadowing**

*J & V Sipajlo (Plant Street):* need for DCP controls identified in relation to the overshadowing of adjoining outdoor entertainment or alfresco areas.

Comment: draft DCP paragraph 3.4.1.1 - Overshadowing Adjoining Open Space, deals particularly with the submission here. In particular the DCP requires that in relation to sunlight to private open space of adjacent properties 'new development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties'.

Action: No further amendment required.

*Undisclosed Author (resident 2):* Additional clarification is sought in relation to requirements for shadow diagrams and correction sought to the note at paragraph 3.4.1.3 in relation to the length of shadow in relation to height.

Actions: Further drafting of paragraph 2.1.4 of the draft DCP provides more detailed clarifications consistent with this submission. The note at paragraph 3.4.1.3 is also amended.

#### **View sharing**

*D Willman (Upper Beach Street):* Minor clarification sought and an expanded objective recommended seeking reference to view loss being particularly minimised from the adjoining and nearby properties and place.

Action: An additional clarification in the DCP objectives drafted into the post exhibition draft DCP as recommended in the submission.

*J & V Sipajlo (Plant Street):* The extent to which view loss will be 'minimised and shared' is not prescribed eg as a ratio and it is suggested that all that is retained is a view of the sky.

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**Comment:** Council adopts the LEC Planning Principles for view protection which includes consideration of the nature of the view i.e. whether to significant landmarks for vistas compared to 'just requesting to retain a view of the sky'.

**Action:** DCP adoption of detailed and widely accepted principles of view sharing retained.

#### Noise considerations

*D Willman (Upper Beach Street):* Proposed paragraph in the DCP is considered another welcome inclusion and additions to the exhibited paragraph recommended to recognise typical sources of noise offence, encourage design that considers acoustical privacy and affirms the assessment of impacts in the DA assessment process.

**Action:** An additional clarification in the DCP objectives drafted into the post exhibition draft DCP as recommended in the submission.

*J & V Sipajlo (Plant Street):* The need for noise control provisions are recognised to ensure noise impacts are considered in the design and assessment of development.

**Action:** A new clause dealing with noise consideration is proposed at paragraph 3.4.2.4. - Acoustical Privacy.

#### Insulation, eaves, glazing, orientation and the like

*J Mellowes (61 Addison Rd, Manly):* Various measures are supported such as insulation, wide eaves and double glazing where appropriate to orientation to sunlight and noise impacts. While the additional cost is recognised these measures would be minimal if integrated into the original design and would reap benefit in energy use.

**Comment:** The draft DCP the new part 3.5 - Sustainability provides the guidelines sought in this submission.

#### Plant and Machinery Rooms

*Squillace and Fitzgerald (Architects and Residents):* In relation to the minimum area around plant and machinery, this submission suggests that the distance should be changed from 0.5m to 1.2m for consistency with occupational, health and safety requirements. In this regard the existing and exhibited DCP control was drafted to ensure that the area of plant rooms which is excluded from gross floor area and FSR calculation, is not excessive. In response to this submission it is suggested that the DCP note that while additional space around plant equipment may be required for occupational, health and safety reasons, (i.e. more than 0.5m around the plant) then the additional floor area will be calculated as gross floor area for the purpose of the FSR calculation.

This submission also notes draft DCP paragraph 3.9.1 requires that roof top plan and lift towers etc be designed as an integral part of the building. In this regard it is suggested that such a requirement may actually lead to bulkier developments as flat roof development may need to be raised to accommodate a lift overrun, which is quite often in the order of 4m. The submission recommends some redrafting of the paragraph such that lift overruns may be 'inconspicuous and / or an integral part of the design'.

**Action:** The proposed amendment is supported and drafted into the reported DCP.

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### Environmental Services Division Report No. 22.DOC - Draft Manly Development Control Plan 2011 (Post Exhibition)

#### Summary of Submissions in relation to the Draft DCP 2011

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##### Reflectivity

*Little Manly Precinct:* Raised the need for non-reflective roofs. While understanding this issue has been addressed with DAs, the Precinct seeks confirmation that it is clearly defined in the DCP; given the extent of concerns arising in meetings and the need to be able to give suitable responses to complaints regards the reflectivity of approved and completed developments that are aired at meetings.

Comment: The exhibited draft DCP contains a definition of reflectivity in the Dictionary as follows:

*reflectivity means a measure of the amount of light which is reflected from a surface. The NSW Department of Planning has recommended that no more than 20 percent of light should be reflected from glass used on external walls in order to minimise the impact of glare (meaning that 80 percent of the light is either absorbed by or passed through the glazing). By way of example, the blue glazing used on the building at 18-22 Darley Road, Manly has a reflectivity index of 20 percent.*

In addition to reflectivity control in the submission of schedules of materials and finishes at paragraph 2.1.6 and at paragraph 3.1.1.3, a new paragraph under paragraph 3.4. Designing for Amenity is proposed which reads:

*The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards.*

##### Telecommunications Development

*Mobile Carriers Forum Australia:* While draft DCP paragraph 4.4.7 is supported, particular paragraphs in relation to lodgement and referral processes are not supported given the existence of detailed provisions under the Australian Communications Industry Forum Code for Deployment of Mobile Phone Network Infrastructure.

Comments: This submission details certain matters in the DCP that would lead to misunderstanding and misinterpretation of the Australian Codes and detailed provisions and guidelines under the Telecommunications Act 1997. Drafting of simpler and clear references to the Code for Deployment of Mobile Phone Network Infrastructure is preferred in this regard.

Action: The draft DCP is amended to omit paragraphs 2.1.18 and 2.2.2.5 to be replaced by reference to relevant Codes and Guidelines at paragraph 1.3 of the DCP which lists the relationship with other plans and policy.

##### Supporting DCP Controls for LEP Zone B6 – Enterprise Corridor

*Undisclosed Author (resident 1):* DCP controls considered inadequate to support the draft LEP Zone B6 and does not strategically plan for the future uses in this area. It is noted that the draft DCP 'translates' the current Industrial DCP dated 1991 including setbacks, landscaping requirements, and the height controls (into the new MLEP). Further consideration of supporting DCP control is sought for this zone.

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#### Summary of Submissions in relation to the Draft DCP 2011

Comment: The exhibited draft DCP identifies the Balgowlah Industrial Master Plan 2011 as policy to be read in conjunction with the DCP. In approving this Master Plan on 12 December 2011 Council resolved that recommendations in relation to principal development standards for the precinct (including FSR and Height in the LEP) be deferred pending further consultation on land use zoning in the LEP which is the subject of a separate report. Paragraph 4.3 of the draft DCP is consistent with the draft LEP as exhibited and reported to Council. Following the determination of all LEP recommendations made in the Master Plan, the DCP may be further reviewed to support the LEP. Other significant issues in relation to pedestrian and road infrastructure are subject of further consultation and will require resolution prior to further DCP drafting. Concerns are raised in the submission that the Master Plan lacks certainty regarding intentions, delivery and funding of recommendations and is unlikely to carry any weight in the assessment of DAs. In this regard it is noted that FSR and height are now principal development standards in the LEP. Paragraph 4.3.2 is a new clause proposed in the draft DCP approved by the LEP/DCP Working Group and consistent with the Masterplan as follows:

#### *4.3.2. - FSR and Height*

*Note: The maximum FSR (1:1) and building height (11m above existing ground level) are principal development standards contained in the LEP. This DCP provides more detailed control accompanying the LEP.*

*a) Variation in relation to the FSR and Building Height standards in the LEP may be considered having regard to:*

*...iii) reduced bulk and scale in the vicinity of lower density residential streetscapes.*

### **Bush Fire Prone Lands**

Rural Fire Service: In relation to child care centres in bush fire prone lands, reference to special approval requirements is sought.

Action: Note added to DCP at paragraph 4.4.6.

### **Savings Provisions**

Squillace and Fitzgerald (Architects and Residents): Paragraph 1.4 - Saving Provisions is correctly identified in this submission as being inconsistent with the savings provisions in the LEP at clause 1.8A.

Action: Notwithstanding some legislative differences between these plans, the DCP has been amended to ensure adopt the same provisions as in the LEP and clause 18A.

### **Other**

Another submission request an additional requirement that the location of garbage areas must consider the amenity of adjoining properties. This addition is supported and inserted at paragraph 3.1.1.5(d) of the draft DCP.

In relation to the transparency of front fences the DCP is amended such that the transparency need not be unreasonably limited to the top third of the fence in response to a submission. See paragraph 4.1.10.1(b) of the draft DCP. A suggested requirement for all solid fencing to street frontages (including laneways) to be treated with a suitable anti-graffiti coating is not supported. While it is understood this recommendation is to maintain streetscape amenity, its insertion into the draft DCP is not supported.



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### **Environmental Services Division Report No. 22.DOC - Draft Manly Development Control Plan 2011 (Post Exhibition)**

#### **Summary of Submissions in relation to the Draft DCP 2011**

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In relation to arcades, one submission requests that the minimum opening time be limited to 7am to 11pm rather than the being open 24 hours due to security issues. It is considered that public access is reasonably retained with the hours suggested and the amendment to the draft DCP is supported.

Spelling of 'compliment' corrected at paragraph 4.1.7.1(a) and correction of a reference to 'minimum' to read 'maximum' are both made in response to submission.

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Corporate Services Division Report No. 18  
**SUBJECT:** Local Government Association of New South Wales - Annual Conference 2012  
**FILE NO:**

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## **SUMMARY**

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from 28 - 30 October 2012 at Dubbo.
2. The purpose of this report is to advise and confirm Council's delegation numbers (including observers) to attend the Conference and to acknowledge Motions to be submitted on behalf of Council to the Conference.

## **REPORT**

### **Background**

The 2012 Annual Conference of the Local Government Association of New South Wales will be held in Dubbo from 28-30 October 2012.

### **Attendance**

Based on population, Manly Council is entitled to three (3) delegates at the conference and in the past council has also sent three (3) observers. Accommodation has been reserved for the Manly delegation.

Council is requested to determine the names and numbers of delegates and observers who are planning to attend the conference. Having regard to the forthcoming local government elections the nominations of delegates and observers should be referred to the first meeting of the new council.

### **Submissions of Motions**

Councillors were invited by the General Manager via email on 25 June 2012 to submit Motions on matters of interest to the conference.

Motions to be submitted to the conference must be received by the Local Government Association of New South Wales by 5pm on Wednesday 15 August 2012.

The following proposed Motions have been submitted for adoption by Council and inclusion in the Business Paper for the 2012 LGSA Conference:

### **Submitted by Councillor Cathy Griffin**

**Subject:** Certified Free Range product

### **Motion text: Motion:**

- a) That the Local Government Association and its member Councils actively support a campaign to build community awareness of, and participation in, the purchase of food products bearing a label that indicates that they are a Certified Free Range product.

**Environmental Services Division Report No. 23 (Cont'd)**

- b) That the Local Government Association and its member Councils write to the major supermarket chains, Coles and Woolworths, encouraging their inclusion of Certified Free Range producers in their supply chain.

**Background:**

The Humane Society International's Australian organisation (HSI Australia's) has developed a Certified Free Range food labelling scheme to improve the lives of farm animals and to address unsustainable aspects of intensive farming of animals. The label, which will be audited by AUS-QUAL, is currently available to producers of pasture-raised pork, beef, lamb, chicken and eggs.

By supporting this program or similar certification schemes, the Local Government Association and its member Councils will:

- Assist in building shared understanding between rural/regional producers and urban consumers
- Lend additional support to, and provide opportunity for local producers to participate in a scheme that will enhance their reputation in their local area and in doing so, encourage local food purchasing which helps reduce 'food miles' and thus contributes to a reduction of local community carbon footprints
- Help address the ethical aspects of sustainable food production

HSI Australia is currently developing a Certified Free Range Towns & Communities program, modeled on the existing Fair Trade program\* in which communities meeting and maintaining commitment to a set of guidelines receive recognition and promotion as a 'Fair Trade Community'. As community concerns for the welfare of farm animals grow, other similar programs may follow.

\* For more information about the Fair Trade Community program see [www.fairtrade.com.au](http://www.fairtrade.com.au)

**RECOMMENDATION**

1. That Council be represented at the Local Government Association of New South Wales 2012 Annual Conference in Dubbo from 28-30 October 2012 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That the determination of councillor delegates and observers to attend the conference be referred to the first meeting of the new Council.
3. That Council note the Motion received from Councillor Griffin and this shall be submitted to the conference via the General Manager.

**ATTACHMENTS**

There are no attachments for this report.

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

**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Corporate Services Division Report No. 19  
**SUBJECT:** Report on Council Investments as at May 2012  
**FILE NO:**

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## 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 May 2012.

## 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 report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

The following securities held are currently rated less than the minimum required under the Ministerial Investment Order. Council is permitted to hold securities under the grandfathering clause in the Ministerial Investment Order dated 31 July 2008.

- Coolangatta CDO currently rated N/R
- Global Bank Note currently rated N/R

## Investment Performance

The Investment Report shows that Council has total Investments of \$17,337,730, comprising a combined Bank Balance of \$1,150,400; and Investment Holdings of \$15,187,330 directly managed and \$1,000,000 externally managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.71% (*Council Benchmark = 3.68% - benchmark is 90 day average BBSW*)

The following investments are not paying interest coupons and initiating capital guarantee mechanisms to protect the investment. These include Emu Note (Dresdner Bank), ANZ Climate Change Trust, and Lehman Bros Zircon (Coolangatta) and Beryl (Global Bank Note).

**Corporate Services Division Report No. 19 (Cont'd)**

The average rate of return for investments paying interest is 5.68%

**Lehman Brothers Australia (Grange) Portfolio Performance**

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 3.11% which is 2.27% less than the benchmark UBSWA Index of 5.38% (for the month of May 2012 the monthly return was 0.37% less than benchmark UBSWA Index). The current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark. Council in 2008 recognised a loss in market value of the CDO portfolio amounting to \$2.2 million. Since then Council recovered part of that loss reducing it at financial year 30<sup>th</sup> June 2011 to \$1.4 million.

During the month of May two credit events took place that affected negatively the market value of the CDOs, Parkes and Torquay separately. Both Parkes and Torquay sales value declined to \$0 consideration and hence have been removed from the portfolio. These losses were accounted for in 2008 and have no impact on Council's 2012 accounts.

**Movements in Investments for the Month of May 2012****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Wide Bay Australia Pty Ltd	Term Deposit	\$1,000,000
Wide Bay Australia Pty Ltd	Term Deposit	\$1,000,000
Wide Bay Australia Pty Ltd	Term Deposit	\$1,000,000

**Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Members Equity Bank Pty Ltd	Term Deposit	\$ 500,000	\$ 500,000
Wide Bay Australia Pty Ltd	Term Deposit	\$1,000,000	\$1,000,000
Wide Bay Australia Pty Ltd	Term Deposit	\$1,000,000	\$1,000,000
Wide Bay Australia Pty Ltd	Term Deposit	\$1,000,000	\$1,000,000

**RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 31 May 2012 be received and noted.

**ATTACHMENTS**

**AT- 1** Investment Report 4 Pages

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\*\*\*\*\* End of Corporate Services Division Report No. 19 \*\*\*\*\*

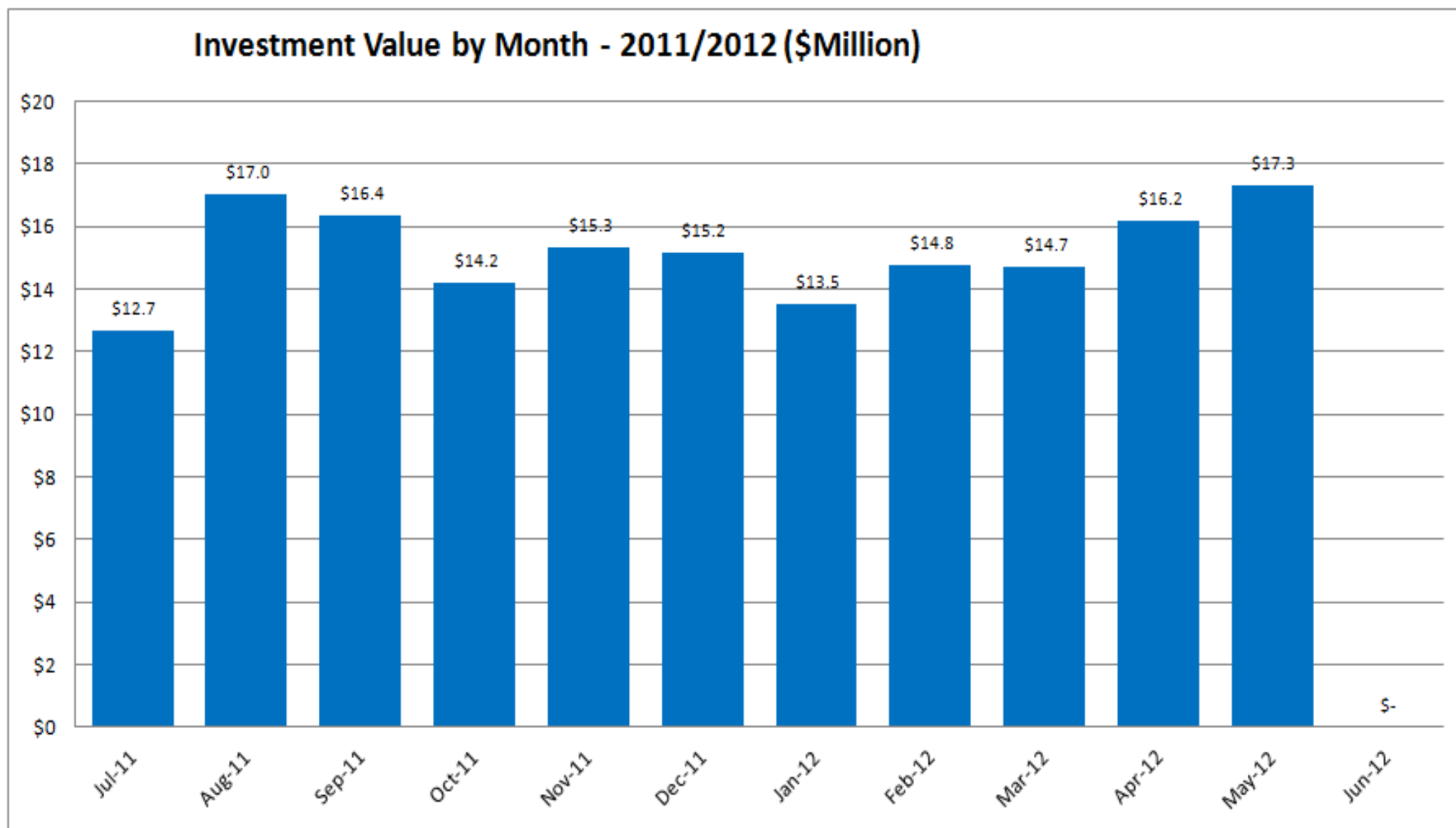
# ATTACHMENT 1

## Corporate Services Division Report No. 19.DOC - Report on Council Investments as at May 2012 Investment Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 May 2012										
	Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	Interest YTD	Interest May 2012
<b><u>Directly Managed Funds</u></b>										
<b>Trading Account</b>										
CBA Trading Account	Cash	1,150,400	1,150,400	6.64%	AA-			1.65% <sup>(3)</sup>	37,286	4,304
<b>Others</b>										
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	436,550 <sup>(5)</sup>	2.88%	AAA	25/10/2005	30/10/2015	0.00%	-	-
ANZ Climate Change Trust	Struct'd Note	500,000	476,895 <sup>(6)</sup>	2.88%	AA	18/01/2008	18/01/2014	0.00%	-	-
Members Equity Bank Pty Ltd	TD	500,000	500,000	2.88%	BBB	05/07/2011	04/07/2012	6.36%	28,838	2,701
RaboDirect Australia Limited	TD	719,877	719,877	4.15%	AA	11/07/2011	29/06/2012	6.40%	41,023	3,913
AMP	TD	1,000,000	1,000,000	5.77%	A	03/02/2012	30/08/2012	6.00%	19,397	5,096
Bank of QLD	TD	1,000,000	1,000,000	5.77%	BBB	23/03/2012	21/06/2012	5.80%	10,964	4,926
B & E Ltd	TD	1,000,000	1,000,000	5.77%	Building Society	23/03/2012	21/06/2012	5.80%	10,964	4,926
Police Credit Union	TD	1,000,000	1,000,000	5.77%	Credit Union	23/03/2012	21/06/2012	5.92%	11,191	5,028
AMP @ call	At Call	3,348,963	3,348,963	19.32%	A	At Call	At Call	4.60%	214,923	14,047
CBA @ call	At Call	5,618,260	5,618,260	32.40%	AA-	At Call	At Call	3.75%	123,341	6,338
Macquarie @ call	At Call	230	230	0.00%	A	At Call	At Call	3.75%	10	1
	Total	15,187,330	15,100,775	87.60%						
<b>Total Directly Managed Funds</b>		16,337,730	16,251,175							
<b><u>Lehman Brothers Australia (Grange) Managed Funds (All in AU\$)</u></b>										
<b>Interest Bearing Securities (Non Bank)</b>										
Zirccon (Coolangatta)	Floating Rate CDO <sup>(2)</sup>	500,000	490,000	2.88%	N/R	20/03/2007	20/09/2014	0.00%	-	-
Beryl (Global Bank Note)	Floating Rate Note	500,000	560,000	2.88%	N/R	03/04/2007	20/09/2014	0.00%	-	-
<b>Total Grange Managed Funds</b>		1,000,000	1,050,000	5.77%						
Retired Investments									188,292	13,578
<b>TOTAL PORTFOLIO</b>		17,337,730	17,301,175	100.00%				4.71%	686,229	64,857
<b>BENCHMARK<sup>(1)</sup></b>								3.68%		
<b>Notes:</b>										
1 Benchmark is 90 day Average BBSW										
2 CDO - Collateralised Debt Obligation										
3 Balances less than \$250,000 earn 0.95%, \$250,000 to \$499,999 earn 1.75%, greater \$500,000 earn 2.25%										
4 CBA Trading account not included in the monthly portfolio return calculation										
5 Valuation as at 30 April 2012										
6 Valuation as at 31 May 2012										

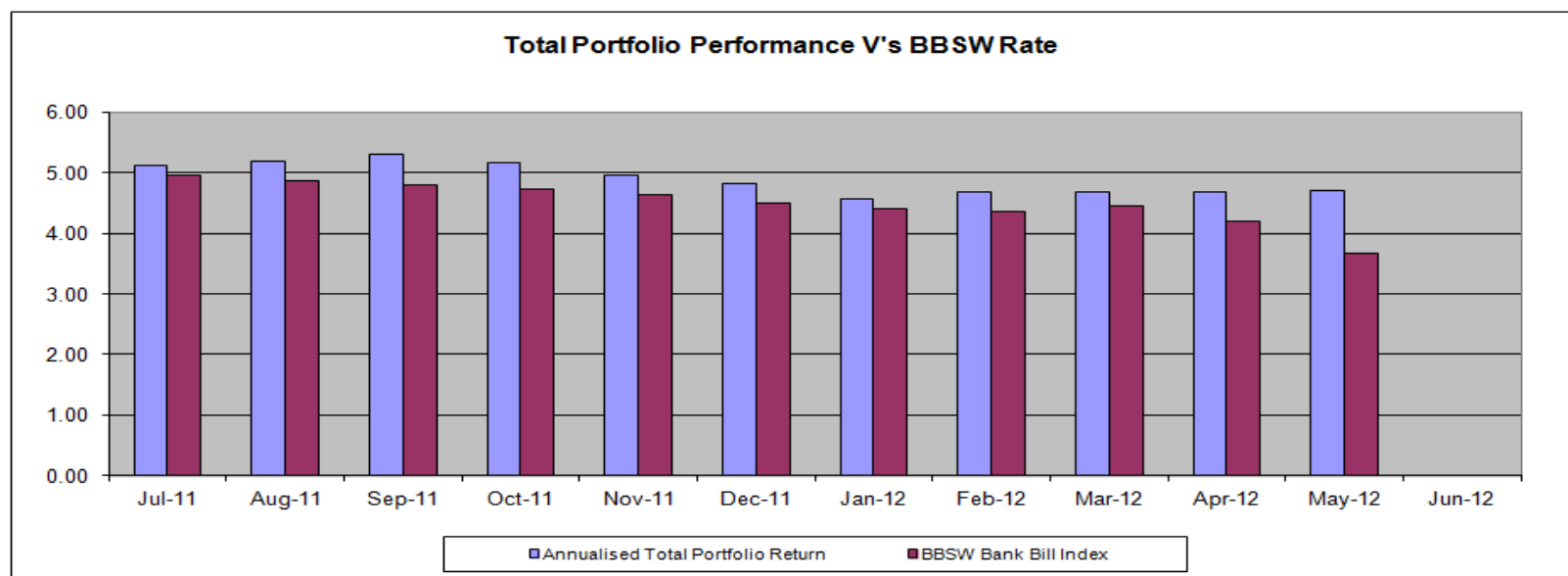
## ATTACHMENT 1

### Corporate Services Division Report No. 19.DOC - Report on Council Investments as at May 2012 Investment Report

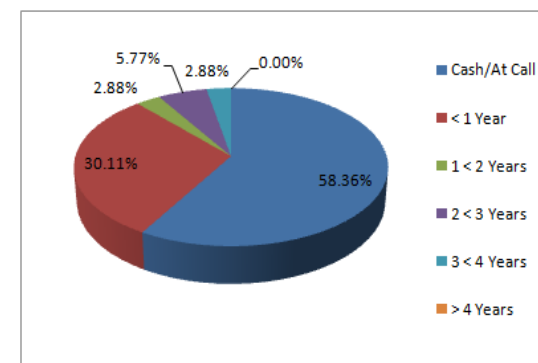


## ATTACHMENT 1

### Corporate Services Division Report No. 19.DOC - Report on Council Investments as at May 2012 Investment Report



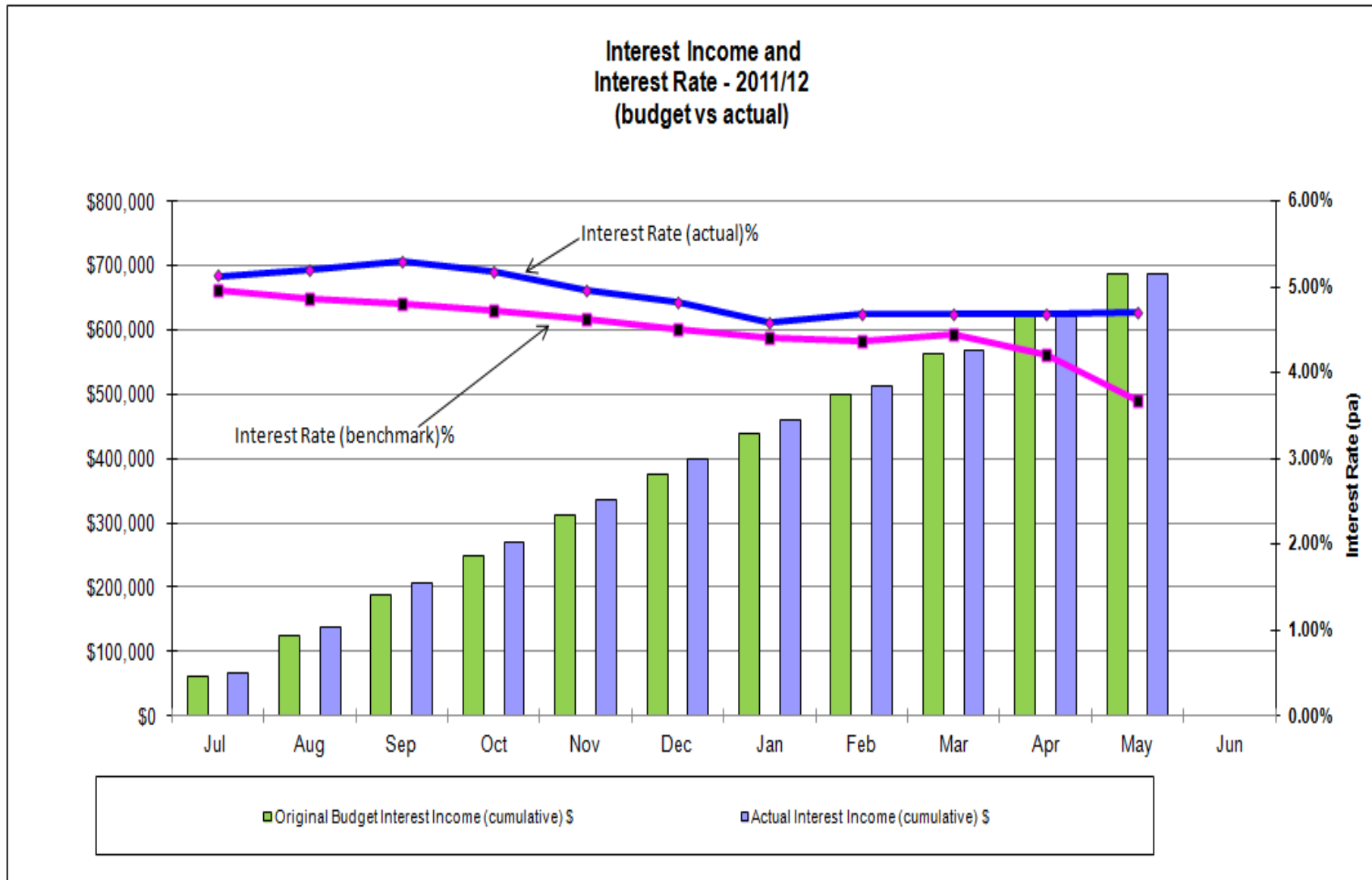
Summary by Credit Rating		No.
AAA	2.88%	1
AA	7.04%	2
A	25.09%	3
AA-	39.04%	2
BBB	8.65%	2
Building Society	5.77%	1
Credit Union	5.77%	1
D	0.00%	0
N/R	5.77%	2
	100.00%	14





# ATTACHMENT 1

## Corporate Services Division Report No. 19.DOC - Report on Council Investments as at May 2012 Investment Report



**TO:** Ordinary Meeting - 16 July 2012  
**REPORT:** Corporate Services Division Report No. 20  
**SUBJECT:** Report on Council Investments as at June 2012  
**FILE NO:**

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## 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 June 2012.

## 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 report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

The following securities held are currently rated less than the minimum required under the Ministerial Investment Order. Council is permitted to hold securities under the grandfathering clause in the Ministerial Investment Order dated 31 July 2008.

- Coolangatta CDO currently rated N/R
- Global Bank Note currently rated N/R

## Investment Performance

The Investment Report shows that Council has total Investments of \$14,531,431, comprising a combined Bank Balance of \$1,217,761; and Investment Holdings of \$12,313,670 directly managed and \$1,000,000 externally managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.76% (*Council Benchmark = 3.49% - benchmark is 90 day average BBSW*)

The following investments are not paying interest coupons and initiating capital guarantee mechanisms to protect the investment. These include Emu Note (Dresdner Bank), ANZ Climate Change Trust, and Lehman Bros Zircon (Coolangatta) and Beryl (Global Bank Note).

**Corporate Services Division Report No. 20 (Cont'd)**

The average rate of return for investments paying interest is 5.57%

**Lehman Brothers Australia (Grange) Portfolio Performance**

During the month of May Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 3.11% which is 2.27% less than the benchmark UBSWA Index of 5.38% (for the month of June 2012 the monthly return was 0.37% less than benchmark UBSWA Index). The current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark. Council in 2008 recognised a loss in market value of the CDO portfolio amounting to \$2.2 million. Since then Council recovered part of that loss reducing it at financial year 30<sup>th</sup> June 2011 to \$1.4 million.

**Movements in Investments for the Month of June 2012****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Members Equity Bank Pty Ltd	Term Deposit	\$500,000
Defence Bank	Term Deposit	\$1,000,000
People's Choice Credit Union	Term Deposit	\$600,000
Members Equity Bank Pty Ltd	Term Deposit	\$220,000
Bank of Queensland	Term Deposit	\$1,000,000
Police Credit Union	Term Deposit	\$1,000,000
Railway Credit Union	Term Deposit	\$1,000,000

**Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Bank of Queensland	Term Deposit	\$1,000,000	\$1,000,000
B & E Ltd	Term Deposit	\$1,000,000	\$1,000,000
Police Credit Union	Term Deposit	\$1,000,000	\$1,000,000
RaboDirect Australia Limited	Term Deposit	\$719,877	\$719,877

**RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 30 June 2012 be received and noted.

**ATTACHMENTS**

**AT- 1** Investment Report June 2012 4 Pages

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\*\*\*\*\* End of Corporate Services Division Report No. 20 \*\*\*\*\*

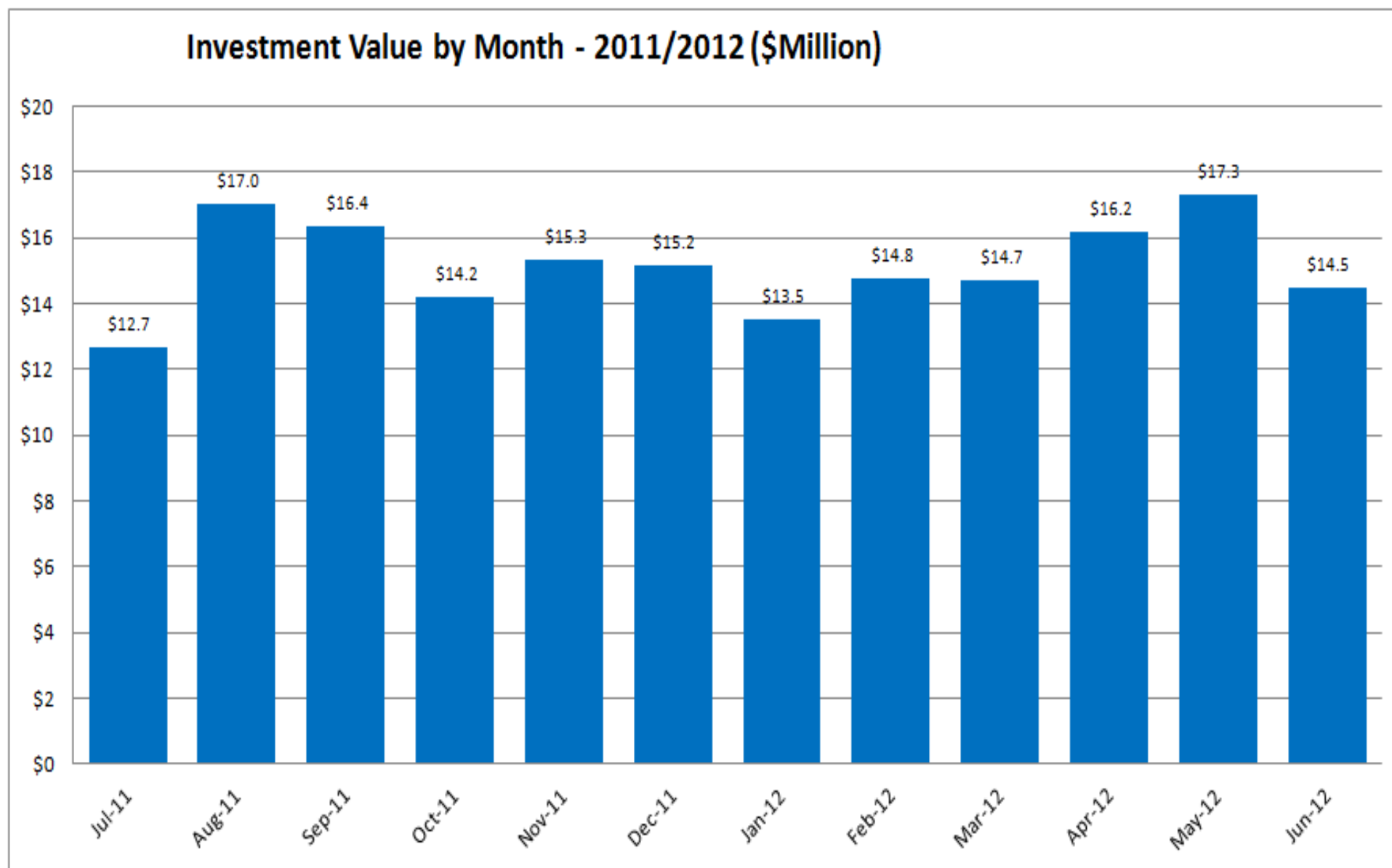
# ATTACHMENT 1

## Corporate Services Division Report No. 20.DOC - Report on Council Investments as at June 2012 Investment Report June 2012

MANLY COUNCIL INVESTMENT PORTFOLIO as at 30 June 2012										
	Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	Interest YTD	Jun 2012
<u>Directly Managed Funds</u>										
<b>Trading Account</b>										
CBA Trading Account	Cash	1,217,761	1,217,761	8.38%	AA-			1.4% <sup>(3)</sup>	39,637	2,352
<b>Others</b>										
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	448,850 <sup>(5)</sup>	3.44%	AAA	25/10/2005	30/10/2015	0.00%	-	-
ANZ Climate Change Trust	Struct'd Note	500,000	476,895 <sup>(5)</sup>	3.44%	AA	18/01/2008	18/01/2014	0.00%	-	-
Members Equity Bank Pty Ltd	TD	500,000	500,000	3.44%	BBB	05/07/2011	04/07/2012	6.36%	31,452	2,614
AMP	TD	1,000,000	1,000,000	6.88%	A	03/02/2012	30/08/2012	6.00%	24,329	4,932
Members Equity Bank Pty Ltd	TD	500,000	500,000	3.44%	A2	05/06/2012	06/08/2012	5.11%	1,750	1,750
Defence Bank	TD	1,000,000	1,000,000	6.88%	Credit Union	05/06/2012	06/08/2012	5.35%	3,664	3,664
People's Choice Credit Union	TD	600,000	600,000	4.13%	Credit Union	13/06/2012	11/09/2012	5.19%	1,450	1,450
Members Equity Bank Pty Ltd	TD	220,000	220,000	1.51%	A2	19/06/2012	17/09/2012	5.11%	339	339
Bank of QLD	TD	1,000,000	1,000,000	6.88%	A2	21/06/2012	19/09/2012	5.11%	1,260	1,260
Police Credit Union	TD	1,000,000	1,000,000	6.88%	Credit Union	21/06/2012	19/09/2012	5.05%	1,245	1,245
Railway Credit Union	TD	1,000,000	1,000,000	6.88%	Credit Union	21/06/2012	20/08/2012	5.09%	1,255	1,255
AMP @ call	At Call	3,362,964	3,362,964	23.14%	A	At Call	At Call	4.35%	227,292	12,369
CBA @ call	At Call	1,130,475	1,130,475	7.78%	AA-	At Call	At Call	3.50%	140,591	17,250
Macquarie @ call	At Call	231	231	0.00%	A	At Call	At Call	3.50%	10	1
	Total	12,313,670	12,239,415	84.74%						
<b>Total Directly Managed Funds</b>		13,531,431	13,457,176							
<u>Lehman Brothers Australia (Grange) Managed Funds (All in AU\$)</u>										
<b>Interest Bearing Securities (Non Bank)</b>										
Zircon (Coolangatta)	Floating Rate CDO <sup>(2)</sup>	500,000	490,000 <sup>(5)</sup>	3.44%	N/R	20/03/2007	20/09/2014	0.00%	-	-
Beryl (Global Bank Note)	Floating Rate Note	500,000	560,000 <sup>(5)</sup>	3.44%	N/R	03/04/2007	20/09/2014	0.00%	-	-
<b>Total Grange Managed Funds</b>		1,000,000	1,050,000	6.88%						
Retired Investments									276,269	13,835
<b>TOTAL PORTFOLIO</b>		14,531,431	14,507,176	100.00%				4.76%	750,545	64,316
<b>BENCHMARK<sup>(1)</sup></b>								3.49%		
<b>Notes:</b>										
1 Benchmark is 90 day Average BBSW										
2 CDO - Collateralised Debt Obligation										
3 Balances less than \$250,000 earn 0.75%, \$250,000 to \$499,999 earn 1.5%, greater \$500,000 earn 2%										
4 CBA Trading account not included in the monthly portfolio return calculation										
5 Valuation as at 31 May 2012										

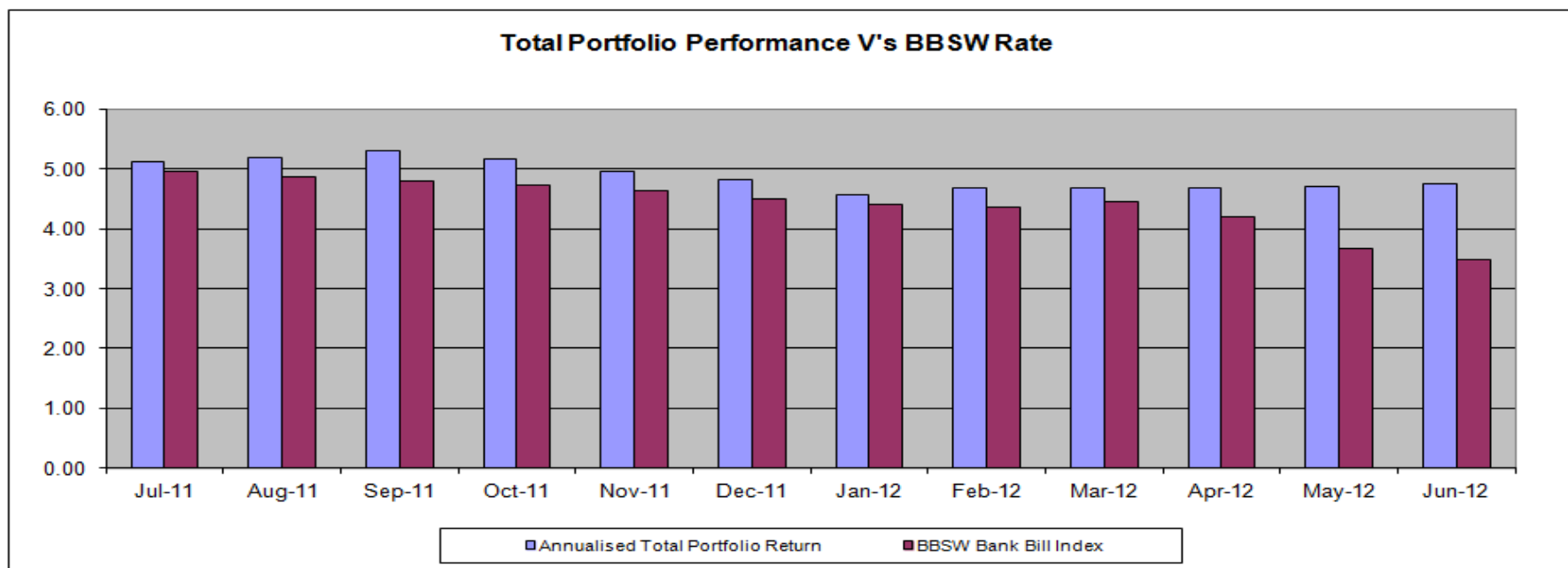
## ATTACHMENT 1

### Corporate Services Division Report No. 20.DOC - Report on Council Investments as at June 2012 Investment Report June 2012

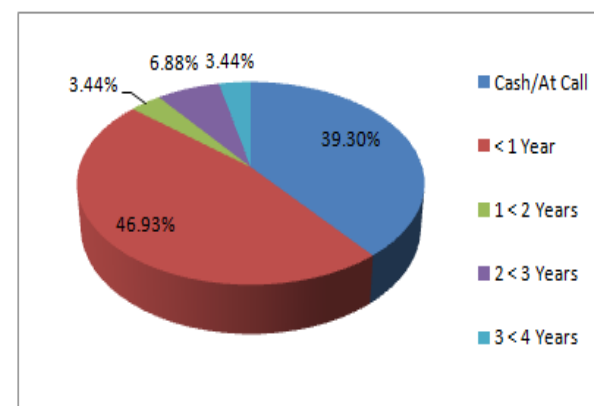


## ATTACHMENT 1

### Corporate Services Division Report No. 20.DOC - Report on Council Investments as at June 2012 Investment Report June 2012



Summary by Credit Rating		No.
AAA	3.44%	1
AA	3.44%	1
A	30.03%	3
AA-	16.16%	2
A2	11.84%	3
BBB	3.44%	1
Building Society	0.00%	0
Credit Union	24.77%	4
N/R	6.88%	2
	100.00%	17



# ATTACHMENT 1

## Corporate Services Division Report No. 20.DOC - Report on Council Investments as at June 2012 Investment Report June 2012

