



## Agenda

### Ordinary Meeting

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

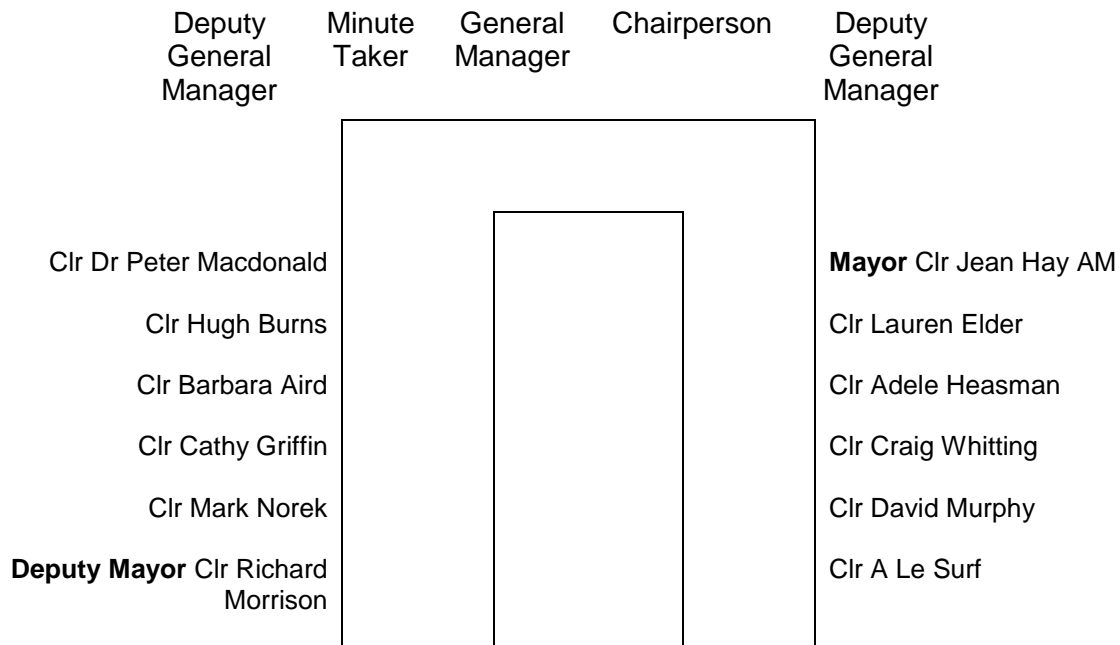
**Monday 13 December 2010**

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 Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

# Seating Arrangements for Meetings



Press

Public  
Addresses

**Public Gallery**

**Chairperson:** The Mayor, Clr Jean Hay AM  
**Deputy Chairperson:** Deputy Mayor Clr Richard Morrison

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(In accordance with Clause 66 in Council's Code of Meeting Practice, Public Forum is for a maximum of fifteen (15) minutes for <i>matters that are not listed on the Agenda</i> . A total of five (5) people may address Council for a maximum of three (3) minutes each.)	
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**QUESTIONS WITHOUT NOTICE****MATTERS OF URGENCY**

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

**CLOSED SESSION****CONFIDENTIAL COMMITTEE OF THE WHOLE****Corporate Services Division Report No. 48**

## Legal 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. 22**

## Legal Advice

*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) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**Civic and Urban Services Division Report No. 11**

## Tender T2010/084 SHOROC Natural Environment Works Panel of Contractors

*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 - 13 December 2010  
**REPORT:** Mayoral Minute Report No. 15  
**SUBJECT:** Joan Menzies  
**FILE NO:**

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I would like to inform Council that Joan Menzies died peacefully in Barraba on 3 December. Joan was the wife of Cec Menzies former Town Clerk of Manly who passed away in September this year.

Joan's Requiem Mass was held in Barraba on Friday 10 December.

Joan was a very supportive wife to Cec in his time serving the Manly community and it is with much fondness that they are remembered by the Manly community as a very loving couple.

Joan is survived by her son and daughter Angus and Meg.

I would ask the Council to express condolences to her family.

#### **RECOMMENDATION**

Submitted for consideration.

#### **ATTACHMENTS**

There are no attachments for this report.

OM131210MM\_1

\*\*\*\*\* End of Mayoral Minute Report No. 15 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Mayoral Minute Report No. 16  
**SUBJECT:** Late Night Transport Solutions for Manly  
**FILE NO:**

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### Summary

This Mayoral Minute informs Council on the recommendation of matters from the Community Safety Committee meeting of 9<sup>th</sup> December 2010 for action to be taken on Late Night Transport Solutions for Manly.

### Background

Subsequent to the Community Safety Committee meeting of 9 December 2010, I report to the Council, that the Committee advises on the creation of two late night transport hubs in Manly. This recommendation is made aiming to streamline the current transport options available to maximize the late night resources by combining transport options, to two main hubs and to promote awareness of these transport hubs for patrons in the late night entertainment precinct.

The Late Night Transport Solution for Manly is supported by Manly Police, the STA representative, Manly Night Shuttle operator, Manly Liquor Accord and Council was advised by the representative of Manly Warringah Cabs that no objection is raised to the transport hub solutions.

I recommend to the Council, following consideration of the recommendations of the Community Safety Committee regarding Late Night Transport Solutions, that the two proposed late night transport hubs be adopted at the two locations shown on Attachment 1.

- The area adjacent to Belgrave Street taxi rank and at Gilbert park, and
- the existing late night taxi rank along North Steyne at the junction of Raglan Street

### Report

The late night transport options working party was formed by the Community Safety Committee at the meeting of 14 October 2010 which recommended:

*That the General Manager consider the establishment of a Working Party to include Council staff representatives with the appropriate expertise in transport to develop an integrated late night strategy for Manly to then report back to the Community Safety Committee.*

The Working Party was established by resolution of Council (OM206/10) at the Ordinary Meeting of 8 November 2010.

Improving late night transport has been identified as one of the key issues in reducing alcohol related anti-social behavior and assaults in Manly. Meetings of the Working Party have focused on the solutions needed to provide greater transport options to improve patron migration out of Manly from the current locations.

The Transport Working Party proposed solutions were presented to the Community Safety Committee meeting of 9 December 2010:

**Mayoral Minute Report No. 16 (Cont'd)**Situational Analysis:

Current options for late night transport are:

Transport options for Friday/Saturday nights	Issue
<p>Taxis – two late night secure taxi ranks at:</p> <ul style="list-style-type: none"> <li>• Belgrave Street with 3 security personnel.</li> <li>• North Steyne/Raglan Street with 2 security personnel</li> </ul>	<ul style="list-style-type: none"> <li>• Not enough taxis to cater for demand – changeover time remains an issue.</li> <li>• Queue regularly exceeds over 200 patrons between 1.30 – 3.30am at Belgrave Street</li> <li>• Many taxi drivers are reluctant to come to Manly due to risk of anti-social behaviour</li> <li>• Many drivers wish to head to the city from Manly, not north up the peninsula</li> </ul>
<p>STA Buses after midnight:</p> <ul style="list-style-type: none"> <li>• Bus routes 155 to Dee Why and 151 to Mona Vale north, depart from the corner of Raglan and Belgrave Street.</li> <li>• Bus route 151 to the city departs from the corner of Belgrave and Whistler Street</li> </ul>	<ul style="list-style-type: none"> <li>• Patronage is low for all services past midnight</li> <li>• many people do not know late night bus services depart from corner of Raglan and Belgrave Street (lack of marketing?)</li> <li>• Most patrons walk to the Belgrave Street area in the hope of catching a taxi.</li> <li>• Departure point is not central, and many patrons choose not to walk to corner of Raglan and Belgrave Street to catch a bus</li> <li>• Issue for drivers is intoxication levels and anti-social behaviour</li> </ul>
<p>Manly Night Shuttle</p> <ul style="list-style-type: none"> <li>• Has exemption to operate until end April 2011</li> <li>• Exemption allows operation between midnight and 4am</li> <li>• Patrons pay \$5.00 for 3 destinations: Seaforth, Harbord or Warringah Mall bus stop</li> </ul>	<ul style="list-style-type: none"> <li>• Does not use a designated pick up point</li> <li>• Vehicles are not marked as 'Manly Night Shuttle'</li> <li>• Lack of promotion means most patrons are unaware of service</li> <li>• Tends to pick up groups of patrons from streets around Manly CBD</li> <li>• Needs extension to exemption to operate until end April 2012 – lobby Ministry of Transport/ Communities NSW</li> </ul>

Summary of Key Issues:

- Anti-social behaviour experienced by drivers of taxis and STA buses
- Various departure points for different transport options
- Low patron awareness of late night transport options and departure points

Proposal for late night transport hubs on Friday night, Saturday and Sunday mornings:

The Working Party has proposed the development of **two late night transport hubs**. These hubs would be further developed and promoted at:

Location 1: North Steyne/Raglan Street existing taxi rank.

- Manly Night Shuttle and taxis would share the beachfront taxi and bus bay

Location 2: Belgrave Street

- Taxis will use the existing secure rank, which is also now operating as a split rank for north/south bound patrons



**Mayoral Minute Report No. 16 (Cont'd)**

- Manly Night Shuttle would depart from a few spaces in front of the existing taxi rank (signage exists for daytime Council bus service and this area would not be parked out at night).
- STA bus routes 151 and 155 past midnight would depart from Gilbert Park, Belgrave Street (opposite Court House).

**Reasons for centralising transport departures were:**

- Patrons will be moved out of Manly quickly by having a greater choice of transport options at these two locations:
- Beachfront at the junction of Raglan and North Steyne and at Belgrave Street.
- Patrons leaving late night venues along North Steyne (especially from larger venues such as Manly Pacific, The Steyne and The Shore Club) will be encouraged to make better use of the North Steyne/Raglan Street combined taxi/Night Shuttle departure point, alleviating the pressure from the Belgrave Street departure point.
- Regular occurrence of over 200 people between 2.00am and 3.00am on Saturday & Sunday mornings waiting for a taxi at Belgrave Street and the inevitable conflicts or assaults which occur during waiting.
- 3 Security staff provided by Ministry of Transport for the Belgrave Street secure taxi rank can better control the queue of people waiting for a taxi.
- 2 STA security staff is currently present after midnight at the bus stop on the corner of Belgrave Street and Raglan Street, and if this stop is moved to Gilbert Park, Belgrave Street, these 2 security staff will be present there.
- Manly Police have indicated their focus will be on late night transport safety
- Manly Police have indicated their presence will be centralised at the Belgrave street location and will serve to deter anti-social behaviour and therefore create a safer environment for drivers of taxis, Manly Night Shuttle and STA buses.
- Manly Night Shuttle have indicated they will increase the number of vehicles currently used and will utilise the two proposed departure points of Belgrave Street and Raglan Street.

The recommendation from the Community Safety Committee meeting of 9th December 2010, as shown in Attachment 1, is referred to Council for adoption, as follows:

**RECOMMENDATION**

The Council adopts the following late night transport solution for a trial period of 3 months with an evaluation plan to be developed and conducted every 4 weeks:

1. That a late night transport hub be located at Belgrave Street, specifically:
  - That the existing departure point of the daytime 'HS&J' bus on Belgrave Street (in front of the Belgrave Street taxi rank) be used as a **departure point by the Manly Night Shuttle** to collect patrons between midnight and 4am on Saturday and Sunday mornings.
  - That late night STA bus route numbers 151 to Mona Vale and the 155 to Dee Why operating after midnight **be moved from the current departure point** of the corner of Belgrave and Raglan Street to **commence departures from the Gilbert Park bus stop** along Belgrave Street across from The Court House.
2. That a late night transport hub also be located at the junction of Raglan Street and North Steyne in the current bus bay. This hub will allow for a departure point for the **Manly Night Shuttle** to be **positioned adjoining the existing Taxi rank** at the current and marked layback bus/taxi location for use on Friday, Saturday night/ Sunday morning from 7.00pm until 7.00am.
3. That signage is installed at both transport hub locations to advise late night patrons of the transport options

**Mayoral Minute Report No. 16 (Cont'd)**

4. That a media release and art work for posters be prepared by Council to promote the newly formed late night transport hubs and the transport options in the licensed premises and to be utilized in the local media and on relevant websites.
5. That a banner showing 'no parking' be produced for use at the combined late night taxi rank and Manly Night Shuttle departure point at the junction of Raglan Street and North Steyne

**RECOMMENDATION**

Submitted for consideration.

**ATTACHMENTS**

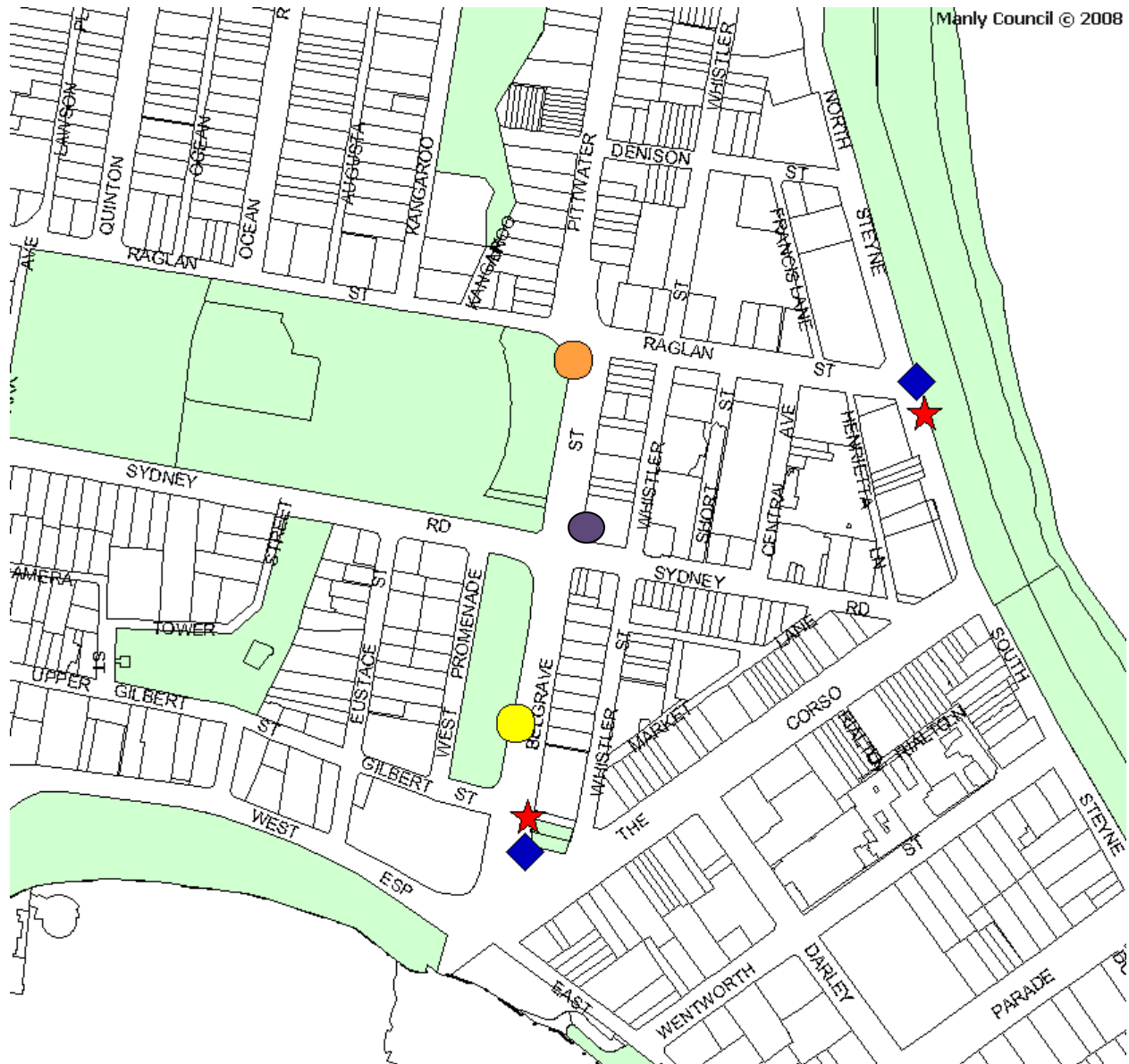
**AT- 1** Late Night Transport Solutions 1 Page

OM131210MM\_2






\*\*\*\*\* End of Mayoral Minute Report No. 16 \*\*\*\*\*

## ATTACHMENT 1

### Mayoral Minute Report No. 16 - Late Night Transport Solutions for Manly Late Night Transport Solutions



#### Legend

-  Proposed Manly Night Shuttle Departure Point
-  Existing Late Night Taxi Rank
-  Proposed STA Departure Point Northbound After Midnight for Buses 151 & 155
-  Existing STA Departure Point Northbound After Midnight or Buses 151 & 155
-  Existing STA Departure Point Citybound After Midnight for Bus 151 (no change proposed)

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Motion Report No. 57  
**SUBJECT:** Status report on nsw ombudsmans report  
**FILE NO:**

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**Councillor Cathy Griffin will move:**

Councillor Griffin moves that the General Manager report in writing on the progress or status of the following recommendations contained in the NSW Ombudsman's report of 3 September 2010 to the next Ordinary meeting (Feb 2011).

The Ombudsman Report contained criticism of management processes and procedures and some Council Staff. In order to maintain and enhance public confidence in Manly Council and provide procedural fairness and natural justice, the General Manager should be given the opportunity to respond to the recommendations in the report on the public record.

The Manly Council Ombudsman Report Implementation working group has taken advice, engaged consultants and referred information to various committees and Councillors should now seek a response from the General Manager.

**Recommendation 12.**

The progress of the implementation of the May 2008 report regarding improvements in the methods of collecting and verifying development application data that is used for the Department of Planning Local Development Performance Monitoring Report. The General Manager should include a flow chart highlighting the new measures in this report and the performance measures used to measure the success of otherwise of these improvements.

**Recommendation 13.**

The progress on the implementation of a compliance and enforcement plan for the full range of Council's regulatory functions. The General Manager should include in this report a brief outline of the plan and the performance measures used to determine the success of this plan.

**Recommendation 14.**

The progress on the development of the written guidelines for preparing planning assessment reports that ensure consistency in reporting and guidance on the interpretation of codes and planning instruments and the exercise of discretion by planning staff. the General Manager should include a flow chart highlighting any changes.

The General Manager advise on the performance measures applicable to measuring this function that provides Councillor with confidence in the DA processing system. The General Manager is also requested to report on the training undertaken by staff in the use of these guidelines.

**Recommendation 15**

The implementation of outstanding recommendations of Professor Sourdin's report on DA processing at Manly Council.

**Recommendation 16.**

The implementation of written procedures for assessing and investigating complaints alleging misconduct against staff, the General Manager and Councillors.

**Recommendation 17.**

The training program for staff on the new procedures for dealing with complaints alleging

**Notice of Motion Report No. 57 (Cont'd)**

misconduct against staff, the General Manager and Councillors.

Recommendation 18.

Advise on who, how and when refresher training will be conducted for Staff and Councillors on Manly council's Code of Conduct.

Recommendation 19.

The progress of the implementation of the Complaints Handling Procedures. The General Manager should include the method in which it is proposed to restore public confidence in these new procedures.

Recommendation 20.

The training program for staff on the new complaints handling procedures, including how staff will be trained to recognise and respond to Tier 3 complaints.

Recommendation 22.

The implementation of the integration into the Performance management system for senior staff measures for obligations to manage complaints.

Recommendation 23.

The progress on the implementation of the adoption of a recruitment policy that includes measures to ensure that employees provide full accurate and honest advice regarding their personal qualifications as well as the progress of implementation of a performance management policy.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM131210NM\_1

\*\*\*\*\* End of Notice of Motion Report No. 57 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Motion Report No. 58  
**SUBJECT:** Tree Policy  
**FILE NO:**

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**Councillor Cathy Griffin will move:**

That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.

Attached is an example template for such a policy.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

**AT- 1** Draft Tree Policy for Manly 6 Pages

OM131210NM\_2

\*\*\*\*\* End of Notice of Motion Report No. 58 \*\*\*\*\*

# **A Draft Tree Policy for Manly**

[Much taken from various sites such as that of Sydney City, Ryde Council, Campbelltown S.A., Shepparton, Vic.]

## **A – Introduction**

### **1.1 General description**

The Manly local government area covers an area of ----square kilometers with a population of --- people at the Eastern end of Sydney Harbour.

The built area was started as a holiday and tourist destination in the early 1850's and has retained much of the historic heritage from that era.

Manly includes several distinctive areas with very different tree planting opportunities. These are:

#### **CBD**

The business and pleasure area stretching from the East and West Esplanade and Wharf through the Corso and related business areas to the Ocean Beach in its entirety.

#### **Residential areas**

The residential precincts contain a range of building types and arrangements from traditional Victorian and Federation styles to modern high rise. Ivanhoe Park, Fairlight, parts of the Corso and Ocean Beach all have fine grained street patterns with street tree plantings that enhance the historic character and create streetscapes that have a sense of dense community. Seaforth, North Harbour, Balgowlah and Clontarf generally have larger blocks and more modern built structures and unique street plantings that enhance the sense of space, relaxation and beauty in the location.

#### **Industrial**

There is a limited industrial area that generally is well designed with generous setbacks and larger established tree plantings.

#### **Parks**

Manly is lucky in that it has two types of reserves, the natural parkland such as North Head, Grotto Point and Dobroyd Head as well as the more managed areas such as Cabbage Tree Bay, Clontarf Park, Ivanhoe Botanic Park, and the various beach reserves which all have very different tree planting and management needs.

For all these areas the tree planting and management is a very significant and critical component of our view or impression of our public domain, Manly. It also explains why people continue to want to live here and also to visit us.

The Norfolk Island Pines, Fig Trees and Cabbage Tree Palms are an integral part of Manly's appeal to all who live, visit or trade here.

For this reason the Municipality of Manly has committed the time and resources to the creation of a Tree Master Plan to provide a co-ordinated and strategic approach to our tree management and planning activities.

### **1.2 Benefits of Street Trees**

**Trees make Manly beautiful**

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**Notice of Motion Report No. 58 - Tree Policy**  
**Draft Tree Policy for Manly**

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Trees create a sense of place. Our tree lined streets and beaches contribute and create the different character of Manly. They diminish traffic noise, screen unwanted views, reduce glare and provide summer shade for the comfort of residents, pedestrians and beach users/visitors.

Trees provide seasonal interest and natural beauty through foliage, interesting leaf patterns, flowers, bark, fruit and canopy shape. They also add to a sense of historic or heritage differentiation in our various suburbs.

**Trees improve our living environment**

Trees improve our air by removing carbon dioxide and returning oxygen to the atmosphere. This is done through photosynthesis, with the tree removing carbon and storing it in their leaves, trunk, bark and roots.

Trees reduce pollution and dust from our streets, by entrapping the airborne particles and pollutants, such as sulphur dioxide, ozone and carbon monoxide. They also trap particles that are mostly emitted by diesel exhausts.

Trees reduce heat in the streets by providing shade both for the pavements and the streets, benefiting pedestrians, parked cars as well as residents. Reducing street temperatures by between 2 and 4 degrees also improves the life of the road surfaces.

Trees provide a link to nature and habitat and a source of food for our urban fauna.

**Trees provide financial benefits**

Trees enhance property values as they establish and mature. Trees also provide cost savings for energy consumption. The shade of trees in summer reduces the need for air conditioning, and reduces the heat on absorbing surfaces- such as bitumen or pathways. Collectively, trees reduce what is known as the 'urban heat island effect'.

**1.3 Key objectives**

The key objectives of this plan are:

To establish a street tree palette suited to the environmental and historic/Heritage conditions of Manly. This will encompass both native and exotic tree species depending on the heritage and environmental needs.

To reinforce and enhance the special characteristics of the various precincts using distinct planting.

To increase the number of trees in our area.

To direct the most appropriate species and planting techniques for each area –“the right tree for the right area”.

To guide the maintenance and management of existing and new trees to ensure that they survive and thrive in our environment and to ensure that they are good succession planting and planning as our existing stock matures and ages.

To set and maintain high tree establishment standards



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**Notice of Motion Report No. 58 - Tree Policy**  
**Draft Tree Policy for Manly**

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**1.4 Who will use this plan?**

Manly Municipal staff as a guide to the provision and management of trees in the public domain

Landowners and developers- to assist in the selection and installation of tree species.

The general public – to foster a better understanding of the desired tree character for our precincts

**1.5 The structure of this tree policy/plan**

A Introduction

B Species selection – including tree selection criteria, design principles

C Precinct plans – nominates the tree palette and design objectives for each precinct

D -----

**B – Tree Selection Criteria**

**1.1 How we have selected our trees.**

Tree in our streets and parks may well occupy their planting sites for 50 to 200 years so correct selection is vital.

Our streets are on average 70% planted with established trees. If they are performing well we will endeavour to continue with this planting. If they perform poorly or are particularly damaging to pavements, kerbs, gutters or underground services we will have the opportunity to introduce additional tree species or cultivars.

There is no perfect tree but selection criteria will fit in to environmental tolerances, functional requirements, aesthetic/ design needs.

**1.2 Environmental criteria Climate**

We have a typical subtropical east coast climate but many of our plantings are effected by our direct proximity to the coast and strong sea winds and spray.

**Geology and Soils**

**Topography**

**Tolerance to paving**

**Tolerance to paving**

**Wildlife habitat**

**Native versus exotic tree selection**

of exotics is that they include deciduous trees that provide sun access in the winter but both natives and exotics have strengths and weaknesses. -----

**1.3 Functional criteria**

**Performance record**

**Availability at advanced size**

**Acceptable leaf & fruit fall characteristics**

**Low risk of becoming an environmental weed**

**Not prone to major limb shear**

**Long lived**

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**Notice of Motion Report No. 58 - Tree Policy**  
**Draft Tree Policy for Manly**

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**Capacity to lift pavements & kerbing**  
**Low maintenance**  
**Solar access**

**1.4 Aesthetic/ design criteria**

A town is a constructed cultural landscape consisting of, buildings, streets and parks. Trees play an important part in enriching the cultural experience of the place and so aesthetic characteristics are an important selection consideration.

**Relationship with distinctive landscape characters**

**Ultimate size of tree canopy**

**Historic/cultural associations**

Manly's Norfolk Island Pines on the ocean beach are an internationally known symbol of our town.

**Form of tree canopy**

**Deciduous versus evergreen**

In residential areas deciduous trees are useful to maximize summer shading and winter light particularly for buildings located on the southern side of a street.

**1.5 Factors that impact on street tree selection and establishment**

**Overhead power lines**

Possibilities are smaller trees, aerial bundled conductor (ABC) roll out with Energy Australia or underground cables.

**Underground services**

**Narrow footpaths**

**1.6 No street tree is perfect**

Frequent negatives are:

**Allergies**

**Leaf and fruit dropping**

**Damage to pavements**

**2.1 Design principles**

**Consistency and visual uniformity for each street**

**Precinct based approach**

The Corso

Little Manly

Fairy Bower

Ocean Beach

Ivanhoe Park

Fairlight

North Harbour

Balgowlah

Balgowlah Heights

Clontarf

Seaforth

North Seaforth

**Reinforce and celebrate the gateways to Manly**

**Reinforce major features in Manly**

Ocean Beach

Manly Cove

**Reinforce the harbour edge**

**Enhance key cultural and commercial areas**

The Corso

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Motion Report No. 59  
**SUBJECT:** Promotion of sustainable tourism  
**FILE NO:**

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**Councillor Barbara Aird will move:**

In view of the high visitation to Manly (estimated between 6 and 8 million persons p.a.) and the resulting opportunity this presents to Council for promotion of sustainable tourism and environmental education, that Council markets its "Enjoy Manly" re-usable carry-bag and refillable water bottles. Also, in line with our "Towards Zero Waste" Policy Council works towards marketing a re-usable take-away coffee cup with similar environmental messages, as soon as possible.

Note: Council recently won a national waste avoidance award and was also the NSW State winner of the LGSA "Excellence in the Environment" award (waste avoidance category) for our water bubbler initiative.

Also, the "Enjoy Manly" code of respect for the environment, (see below) which was adopted by Council in June, 2008, carries excellent messages for residents and visitors alike which promote environmental sustainability and lift the profile of Manly as a place where we treasure our magnificent natural environment.

**ENJOY MANLY**

E everyone can enjoy Manly  
N native wildlife needs your care and protection  
J join Manly in supporting Fair Trade  
O only admire the birds, please do not feed them  
Y your water bottles can be refilled at our filtered water stations

M Manly beaches and playgrounds are alcohol and smoke free areas  
A always recycle and dispose of rubbish thoughtfully  
N no plastic bags please  
L leave your car at home  
Y you can make the difference to Manly

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM131210NM\_3

\*\*\*\*\* End of Notice of Motion Report No. 59 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Motion Report No. 60  
**SUBJECT:** Call for a legislated ban on non bio-degradable plastic bags  
**FILE NO:**

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**Councillor Barbara Aird will move:**

That Manly Council calls on both the Premier and leaders of the Opposition and The Greens in NSW to support and implement legislation to ban the use of non-bio-degradable plastic bags, in line with South Australia, the ACT, Northern Territory and recent all-party support in Tasmania (a legislated ban is expected in Tasmania within a year). Further, that Council also calls on the Minister and shadow minister for the Environment, The Greens and Independents in Federal Parliament to implement a ban at the national level.

Note: A national approach on this fell apart in 2008 when the then environment minister, Peter Garrett, failed to implement legislation. Local government has met repeated setbacks to rid the country of billions of checkout bags used annually. NSW and Victoria have previously committed to phasing out bags but failed to introduce legislation. Meanwhile, plastic bags continue to have disastrous impacts on the environment.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM131210NM\_4

\*\*\*\*\* End of Notice of Motion Report No. 60 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Motion Report No. 61  
**SUBJECT:** Investigation of Feasibility of Tri-generation for Manly Council  
**FILE NO:**

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**Councillor Hugh Burns will move:**

That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.

**Background**

The City of Sydney is demonstrating leadership in seeking to reduce its carbon emissions by looking for alternative sources of electricity that have higher energy efficiency of conversion than current coal fired power stations.

One option is natural gas fired tri-generation plants that produce electricity for Council (and potentially other) premises and also produce waste heat that is recovered for heating or absorption air conditioning.

The recovery and use of the waste heat from locally installed electricity power plants results in much greater energy efficiency and lower carbon emission than from remote coal fired power plants fed to the local area via the grid.

For more information see: <http://www.cityofsydney.nsw.gov.au/2030/makingithappen/AllanJones.asp>

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM131210NM\_5

\*\*\*\*\* End of Notice of Motion Report No. 61 \*\*\*\*\*

**TO: Ordinary Meeting - 13 December 2010**  
**REPORT: Notice of Motion Report No. 62**  
**SUBJECT: Little Penguins**

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**Councillor Cathy Griffin will move that:**

1. Council adopt a consistent approach to regulation of dogs being "on leash" on popular promenades, as is currently the case on Manly Ocean Beach promenade. For ease of communication and public understanding the "on leash" regulations should be consistently applied to East Esplanade, West Esplanade, Federation Point up to and including Delwood Beach. These areas are critical due to the proximity of nesting Little Penguins and the Wildlife Protection Zone.
2. It would assist communication with dog owners and safety of penguins, if a zero tolerance to dog management infringements was adopted in these areas.
3. Out of the ten environmental hot spots needing regular ranger presence, the Committee requests Council prioritise East Esplanade/Federation Point and Manly Wharf/Manly Cove marine areas (to protect seahorses and seagrasses from inappropriate behaviour).
4. That fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.
5. The protocols for notifying and handing dead penguins be reviewed in consultation with National Parks and Wildlife Service.
6. That Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.

**Background**

At their December meeting, the Community Environment Committee was saddened and dismayed to hear of the loss of seven little penguins from a public area in the last week. Penguin Warden Angelika Treichler gave a comprehensive report to the committee including recommendations to address immediate issues. There will also be a comprehensive report from the current investigations of the forensic scientists retained by National Parks in due course.

The Committee commends and thanks the Rangers for their handling of the initial notification of the penguin deaths and the transporting of them to Taronga Zoo.

The minutes of the Environment Committee December meeting will not be adopted until early 2011. It would assist if the following urgent matters could receive earlier attention. Below are what the committee considered are the most urgent and time critical recommendations for Council to consider acting on.

As this is one of the most publicly visible breeding sites for the endangered colony and given that it has received national media coverage, with National Parks even making a public appeal for people to come forward, there is an immediate need for Council to play its part with strong and decisive measures towards preventing a repeat occurrence.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM131210NM\_6\*\*\*\*\* End of Notice of Motion Report No. 62 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Motion Report No. 63  
**SUBJECT:** Options to to improve planning controls applicable to late night trading premises in Manly  
**FILE NO:**

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**Councillor Hugh Burns will move:**

That staff bring back a report to Council on the feasibility of strengthening Manly's existing Late Night DCP to incorporate the trial licensing features and other improvements contained in the current City of Sydney Late Night plan.

**Background**

Manly currently has in place a Development Control Plan for Late Night Venues (since 2005) See <http://www.manly.nsw.gov.au/DownloadDocument.aspx?DocumentID=2563>

Similarly the City of Sydney also has a Late Night Trading Premises Development Control Plan (since 2007)  
[http://www.cityofsydney.nsw.gov.au/Development/documents/PlanningControlPlans/latenight%20tradingDCP2007\\_250608.pdf](http://www.cityofsydney.nsw.gov.au/Development/documents/PlanningControlPlans/latenight%20tradingDCP2007_250608.pdf)

One of the interesting features of the City of Sydney plan is the use of trial trading hours which enables late trading to assess the impact of such premises in a revocable manner. This facility has recently been enhanced by minor changes to the DCP passed unanimously by the City of Sydney Planning, Development & Transport Committee on the 29th November.

Like the Manly Late Night DCP the City of Sydney Late Night DCP attempts to strike a balance between providing a vibrant night time economy while at the same time protecting amenity and ensuring good management of high impact premises.

For further information the report to the City of Sydney Planning, Development & Transport Committee is at:  
[http://www.cityofsydney.nsw.gov.au/Council/documents/meetings/2010/Committee/Planning/291110/101129\\_PDTC\\_ITEM02.pdf](http://www.cityofsydney.nsw.gov.au/Council/documents/meetings/2010/Committee/Planning/291110/101129_PDTC_ITEM02.pdf)

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM131210NM\_7

\*\*\*\*\* End of Notice of Motion Report No. 63 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Notice of Rescission Report No. 7  
**SUBJECT:** World Food Markets  
**FILE NO:**

---

Councillor Adele Heasman, Councillor David Murphy, and Councillor Alan Le Surf will move:

"That the Council's decision of Planning & Strategy Meeting of Monday 1 November 2010 being Item 16 in respect of World Food Markets be and is hereby rescinded."

The resolution passed on Monday 1 November 2010 was in the terms of:

PS1/10 **RESOLVED:** (Macdonald / Whitting)

**THAT:**

1. The World Food Markets be discontinued because of negative impacts on local business.
2. This resolution regarding the Manly Venue Management Plan be referred to the Community Safety Committee for comment and to propose suggestions to further encourage families to Manly.

The **Motion** was put and declared **CARRIED**.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Nil.

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

That Manly Council reinstate the World Food Markets on the forecourt of the Manly Council Chambers.

## **RECOMMENDATION**

That the above Notice of Rescission be submitted for consideration.

## **ATTACHMENTS**

**AT- 1** Notice of Rescission 1 Page

OM131210NR\_1

\*\*\*\*\* End of Notice of Rescission Report No. 7 \*\*\*\*\*



**Notice of Rescission Report No. 7 - World Food Markets**  
**Notice of Rescission**

**Manly Council**

Council Offices 1 Belgrave Street Manly  
 PO Box 82 MANLY NSW 1655 AUSTRALIA  
 DX 9205 Manly [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)  
 Phone 02 9976 1500 Fax 02 9976 1400  
 Email: [records@manly.nsw.gov.au](mailto:records@manly.nsw.gov.au)

**NOTICE OF RESCISSION**

ABN 43 662 868 065

***This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.***

That the Council's decision of: 1 November 2010

being Item No. 16 in respect of \_\_\_\_\_

Human Services and Facilities Division Report No. 16

be and is hereby rescinded.

Date: 30-11-10

Councillor:

Signature:

- |                          |                       |
|--------------------------|-----------------------|
| 1. <u>Adèle McKeenan</u> | <u>Adèle McKeenan</u> |
| 2. <u>David Murphy</u>   | <u>[Signature]</u>    |
| 3. <u>Alan LE SURF</u>   | <u>[Signature]</u>    |

If the above Notice of Rescission is carried, it is proposed to move the following alternate motion -

That Manly Council relocate the  
World Food Markets on the forecourt  
of the Manly Council Chambers

[Signature]  
 Approved by General Manager, Manly Council

30/11/2010  
 Date

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** General Managers Division Report No. 21  
**SUBJECT:** Manly Surf Life Saving Club – Kiosk Sub Lease  
**FILE NO:**

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## SUMMARY

Council is in receipt of a letter from Manly Surf Life Saving Club Inc seeking Council's advice as to the current procedure for gaining both Council and the Land and Property Management Authority (Department of Lands) consent as Lessors, to a new Sub Lease of the kiosk at the Club.

Council has written to the Club thanking them for their request and advising them of the formal requirements under the *Local Government Act 1993*, the *Crown Lands Act 1989* and for commercial operations on Crown Land that the Club must fully comply with in completing all the necessary steps to finalise any Sub Lease. The Land and Property Management Authority have also been advised of this request from the Club and are supportive of Council's advice to the Club in moving forward to ensure that all the required procedures for requesting consent are implemented as soon as practicable.

## REPORT

Council resolved to grant a 20 year lease to the Club in 2000 and the Lease was fully executed by all parties and commenced in 2005. The annual rental for the Lease was set at \$70 per annum which was the then Crown minimal rental for community and not for profit type leases.

In 2005 Council granted Development Application consent to the Club for a kiosk fit out in a previous IRB storage room. The Club preceded to Sub Lease the kiosk space for 5 years to 1 December 2010 to a Club member, who operated the Kiosk as a Michel's Patisserie. Neither Council nor the Minister for Lands had given written consent for the Sub Lease, as is required under the Head Lease and therefore the Sub Lease was invalid.

The rental set by the Club for the Sub Lease was \$30,000 per annum with a 5% annual increase. There was also a clause to charge turnover rental (without outdoor seating) on an incremental scale commencing at 10% of gross sales per annum in excess of \$300,000. The financial statements in the Club's 2010 Annual report show a rental income from the kiosk at \$34,946.

If the Club wish to grant any new Sub Lease, the Club must formally request written consent from Council and the Minister as required under the Head Lease. However, before doing so, the Club must fully comply with the Land Property Management Authority formal requirements regarding commercial operations on Crown land, including calling tenders for the proposed Sub Lease and completing all the necessary steps to finalise any occupation.

Following the Club providing satisfactory evidence of the tender process, a copy of the proposed Sub Lease signed by the Club and the successful tenderer should be provided to Council and the Crown for their consent.

The Land Property Management Authority has previously expressed concern that funds from any Sub Lease must provide direct benefit to management of the Reserves. This concern has not been resolved to the Department's satisfaction therefore a condition of any consent to a Sub Lease should be that an arrangement must be put in place which ensures that an agreed proportion of the Sub Lease rent since 2 December 2005 is paid to the Reserve Trust/s in accordance with a direction by the Minister under Section 106 of the *Crown Lands Act 1989* for maintenance of the Reserves. In this regard, it should be noted that often the Minister directs that 15% of all proceeds received from a lease of Crown land must be paid into a Public Reserves Management Fund.

**General Managers Division Report No. 21 (Cont'd)****FUTURE**

Condition 4 of the recent Development Consent 53/09 for the alterations to the Club requires that the Head Lease to be amended to reflect any relevant changes resulting from the DA consent. This will include identification of the different areas which will become available for hire and or possibly Sub Lease.

As Torrens Title has now issued for each of the Crown Reserves on which the Club is located, Council also requires the Head Lease to be surrendered and for a new Head Lease to be simultaneously granted for the remainder of the existing term. Such new Head Lease will be registered and must include the template provisions now required by the Land Property Management Authority as a condition of any consent and addressing any issues arising from the present review of management of surf club facilities on Crown land. The new Head Lease must also include the terms and conditions of the agreement between the Reserve Trusts, Council and the Club regarding sharing of any Sub Lease rent.

Council now looks forward to receiving as soon as possible documentation from the Club of evidence of the kiosk tender process, a copy of the proposed Sub Lease signed by the Club and the successful tenderer, together with a formal request to Council for Council's and the Crown's consent to the Sub-Lease. Council will proceed to draft a new Head Lease for the Club as soon as possible.

**RECOMMENDATION**

That the report be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

OM131210GMO\_4

\*\*\*\*\* End of General Managers Division Report No. 21 \*\*\*\*\*

**TO: Ordinary Meeting - 13 December 2010**

**REPORT: Item For Brief Mention Report No. 9**

**SUBJECT: Items For Brief Mention**

**FILE NO:**

### 1. Reports:

Correspondence has been received from Local Government Remuneration Tribunal advising it is undertaking an annual determination on the fees payable to Councillors and Mayors to take effect from 1 July 2011.

Submissions should be received by the Tribunal no later than 18 February 2011.

Please see Attachment 1 for further information and details of the review.

### 2. Complaints made to the General Manager

In the month of November 2010, the General Manager finalised the following complaints:

Received	Nature of complaint	Outcome	Status
October	Alleged misuse of resources and conflict of interests	Review in progress	In progress
October	Misconduct in relation to a council meeting	Review in progress	In progress
November	Misrepresentations / misinformation at a council meeting	Review in progress	In progress
November	Misrepresentations / misinformation at council meetings	Review in progress	In progress

### 3. Notices of Motion status report

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
202/10	8 Nov	Notice of Motion - Manly Council's Website	That the General Manager provide a report to Council which includes but is not limited to a timeline and budget proposal for consideration in the next financial year to upgrade and improve the Manly Council website.	In progress
201/10	8 Nov	Notice of Motion - Recommendations from Ombudsman's Report	That the General Manager be requested to publish on the Council website responses that pertain to DA processing and reporting procedures, Complaints Handling, Employee Recruitment, Training and Performance Management policies and procedures and record management.	Webpage is online and has agenda and minutes available for public view.

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

196/ 10	8 Nov	Notice of Motion - Bike racks in Balgowlah Heights Precinct	To encourage sustainable transport and provide a bike storage option, Council: 1. Install bike racks in an appropriate location in the Balgowlah Heights shopping precinct through consultation with the Balgowlah Heights Precinct Committee and store owners for a minimum of 10 bikes.	In progress
			2. Bring back a report on potential bike racks within the Manly LGA.	In progress
173/ 10	11 Oct	Notice of Motion Report No. 49 - Road Reserve Lease for 4 Peronne Avenue, Clontarf	1. Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence and the proposed layback alteration to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence.	To Traffic Committee meeting on 13/12/10.
149/ 10	13 Sept	Notice of Motion - Manly Lagoon Rehabilitation	That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.	Warringah Council has distributed letters. Website is being populated by Council's MEC & Natural Resources Teams.
44/1 0	19 April	Notice of Motion - Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs or savings from taking over these assets over say a 20 year term. - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a transfer would enable Council to place more lighting wiring	Awaiting response from Energy Australia.

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

			underground to make selected areas more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.	
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**4. Documents Tabled at this meeting**

<b>Date Received</b>	<b>Author</b>	<b>Subject</b>
9 November 2010	The Hon David Ipp AO QC, Commissioner ICAC	ICAC Annual Report for year ended 30 June 2010.
16 November 2010	ICAC	Report - Investigation into corruption risks involved in lobbying
November 2010	Carol Mills Director-General	Withdrawal of section 79 Disturbance Complaint

**RECOMMENDATION**

1. That the correspondence be received and noted.
2. That the information be received and noted.
3. That the report be received and noted.
4. That the documents be received and noted.

**ATTACHMENTS**

**AT- 1** NSW Local Government Remuneration Tribunal letter 1 Page

OM131210IBM\_2

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

**Item For Brief Mention Report No. 9 - Items For Brief Mention  
NSW Local Government Remuneration Tribunal letter****Local Government  
Remuneration Tribunal**

Clr Jean Hay  
Manly Council  
PO Box 82  
Manly NSW 2095



Dear Clr Jean Hay

Pursuant to s. 243 of the *Local Government Act* 1993, the Tribunal is required to make an annual determination, by no later than 30 April 2011, on the fees payable to Councillors and Mayors to take effect from 1 July 2011. The purpose of this letter is to advise that the Tribunal has commenced its review for the 2011 determination.

**Fees**

The Tribunal will be undertaking a review of the minimum and maximum fee levels for each Category. The Tribunal would welcome submissions from individual councils or joint submissions in regard to the quantum and/or structure of fees.

**Categorisation**

Categories of councils and mayoral offices were last determined by the Tribunal in 2009. In accordance with Section 239 of the Act, the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal does not intend to undertake a further review of categories during the 2011 review. The Tribunal will review the categories of Councils again as part of the 2012 review. Until then the Tribunal would not expect to move councils within categories unless there is a significant change in the role and responsibilities of individual councils.

Submissions should be received by no later than 18 February 2011 and should be forwarded to:

Local Government Remuneration Tribunal  
Level 12, Bligh House  
4-6 Bligh Street  
SYDNEY NSW 2000.

Enquiries should be directed to Sandra Scacciotti on 02 9228 4657 or email at [sandra.scacciotti@dpc.nsw.gov.au](mailto:sandra.scacciotti@dpc.nsw.gov.au).

Yours sincerely

Emanuel Sklavounos  
Executive Director

Level 12, Bligh House, 4-6 Bligh Street, Sydney NSW 2000 ■ GPO Box 5341, Sydney NSW 2001  
Tel: (02) 9228 3570 ■ F: (02) 9228 3578 ■ [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au)

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Report Of Committees Report No. 50  
**SUBJECT:** Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature  
**FILE NO:**

---

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

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

- i) Manly Traffic Committee – 8 November 2010
- ii) Human Services Planning and Policy Committee – 16 November 2010
- iii) Art and Culture Committee – 16 November 2010
- iv) Manly LEP/DCP Working Group – 22 November 2010
- v) Sister Cities Committee – 24 November 2010

**RECOMMENDATION**

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

- i) Manly Traffic Committee – 8 November 2010
- ii) Human Services Planning and Policy Committee – 16 November 2010
- iii) Art and Culture Committee – 16 November 2010
- iv) Manly LEP/DCP Working Group – 22 November 2010
- v) Sister Cities Committee – 24 November 2010

**ATTACHMENTS**

There are no attachments for this report.

OM131210RC\_5

\*\*\*\*\* End of Report Of Committees Report No. 50 \*\*\*\*\*



**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Report Of Committees Report No. 51  
**SUBJECT:** Minutes for Adoption by Council - Access Committee - 19 October 2010  
**FILE NO:**

---

This report was dealt with at the Access Committee meeting of 19 October 2010 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 7 ACCESS ITEMS FOR UPDATE AND DISCUSSION**

The Committee was briefed on the progress of previous access matters discussed in relation to: accessible taxis pick-up and drop-off zone, accessible parking in CBD; Access DCP; Manly Missed Business Guide; "Accessible Manly" information; Manly Ambassador for People with Disabilities; Fairlight shops accessible parking spaces; Accessible bus stops North & South Steyne; Parking of Sailability vehicles on East Esplanade; Request for street trees map.

#### **RECOMMENDATION**

That the minutes of the Access Committee meeting on 19 October 2010 be adopted including the following item:

#### **ITEM 7 ACCESS ITEMS FOR UPDATE AND DISCUSSION**

**Proposed Ramp at Belgrave Street Kiss & Ride Zone to enable safe access to Accessible Taxis.** The lack of ramp at this location, first requested 18 months ago, is a safety issue. The Committee requests the building of this ramp be given urgent priority.

#### **ATTACHMENTS**

There are no attachments for this report.

OM131210RC\_1

\*\*\*\*\* End of Report Of Committees Report No. 51 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Report Of Committees Report No. 52  
**SUBJECT:** Minutes for Adoption by Council - Playground Committee - 11 November 2010  
**FILE NO:**

---

This report was dealt with at the Playground Committee meeting of 11 November 2010 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.

#### **1. ITEM 4 REPORT: Lagoon Park Playground Discussion & Planning**

The Committee discussed the possible use of the open space in the playground. The Committee agreed that a series of cycle ways and fantasy play would be the best use of the space, while retaining the open look of the area. The revised landscape design submitted could now be used as a better footprint design for consultation, allowing various equipment types as options in the consultation process.

Playground design to include:

- Change Bike paths to allow a safer layout to reduce the possibility of children walking across bike path to get to each piece of equipment, the path will follow the line of the fence. This change will allow ease of flow and supervision for parents and children. The path will be incorporated into the platform area and run off towards the extended fence line, providing greater play value and increased activity.
- Equipment suitable for 0-5 to include :
  - Kompan Story Maker Ocean /Jungle
  - Proludic Dragster
  - A Play Ferry in colours the same as Queenscliff Ferry
- An area for 0-2
  - Proludic Tiboo
- Relocation of some equipment to accommodate new design
- Seating to include low level square platforms that have a variety of uses, bench seating and table and chair for use by families.
- A new filtered water bubbler has already been installed near the bike stand, just outside the playground.
- Mature Tree planting to provide shade over the new equipment, in the first stage of the development; this can be reviewed at later stage, if a built shade structure is required.
- Softfall around equipment and retain grass
- The extension of the fence to accommodate more equipment, include a gate on the Lagoon side to allow access for mowing.

Since the last meeting the Community Partnership project funding has been significantly increased which may allow more projects to be considered locally. The announcement of grants is not expected until late 2010. The project will be staged in accordance with the level of funding that becomes available. If the project has to be staged because of the related funding, the following could be implemented.

Stage 1 Council Budget	The new area on the northern periphery with cycle ways and new equipment.
Stage 2 Funding	Refurbishment of the existing playground and soft fall relocation of

**Report Of Committees Report No. 52 (Cont'd)**

equipment, refurbishment of platform and slides.

**Stage 3 Funding**

Development of 0-2 area and extension of fence, soft fall and new equipment

The time frame for the announcement of funding is towards the end of 2010. It is proposed to hold a series of consultations in the playground during December 2010 to discuss with parents and residents the proposed design and gain feedback for any changes. Once the consultation is completed and recommendations made, full design will be costed and a project timeframe will be developed so the project can be implemented immediately if the funding is approved.

The committee agreed that the revised footprint design could be used as a base plan to support a number of options that could be used during the consultation process, in order to get consensus on the type of equipment and needs of the community.

**RECOMMENDATION**

That the minutes of the Playground Committee meeting on 11 November 2010 be adopted including the following items:

**1. ITEM 4 REPORT: Lagoon Park Playground Discussion & Planning**

The Committee recommends that:

1. The revised plan be used as a basic footprint for the consultation. Providing the local community with the various options for equipment. To enable a consensus on the types of equipment and needs of the community.
2. The consultation be co-ordinated in the playground in the form of a survey and discussion days in December 2010 to allow for the funding announcements.
3. A sign be constructed within the playground showing the options available.
4. That the project be planned to commence late February /Early March 2011.

**ATTACHMENTS**

There are no attachments for this report.

OM131210RC\_4

\*\*\*\*\* End of Report Of Committees Report No. 52 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Report Of Committees Report No. 53  
**SUBJECT:** Minutes for adoption by Council - Manly Scenic Walkway Committee - 16 November 2010  
**FILE NO:**

---

These reports were dealt with at the Manly Scenic Walkway Committee meeting of 16 November 2010 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      REPORT: Manly Scenic Walkway Committee 2010 Review**

During 2010 the Manly Scenic Walkway Committee has deliberated on numerous issues and projects specific to the Manly Scenic Walkway. This report provides a review of the issues and projects discussed, and the outcomes achieved by the Committee.

The 21<sup>st</sup> Anniversary of the Manly Scenic Walkway was held on the 14<sup>th</sup> December, and the event was successful. Throughout the first half of 2010 the sample bags were distributed from the VIC and at various Council events. The bags proved very popular, and a great method for promoting the walkway.

Several requests had been made that additional bags be produced. At this stage this may not be practical. There is the possibility to repeat this promotional strategy for future events.

The widening of the footpath along the seawall at North Harbour Reserve in a style similar to that between Federation Point and Lauderdale Avenue has been a long standing agenda item for the Committee. During 2010 this work was completed and has provided an excellent improvement to the walkway. In addition to this work, new stairs down to the mud flat have also been installed to provide safe access and resolved further issues with this section of the walking track.

Landscape improvements to the section of walkway at the Beatrice Street entrance to the track has commenced. To date, substantial weed control has been undertaken, and the walking track erosion has been addressed. Further works are still to be completed including re vegetating native plants and installation of seating.

The Committee has recommended that a concrete footpath from Clontarf Reserve to Sandy Bay be constructed in the same style as the path from Federation Point to Lauderdale Avenue. Whilst the work has not been completed, a Landscape Master Plan is being developed in consultation with the Committee to implement this recommendation.

The improvement of aquatic habitat at Fisher Bay by planting mangroves has commenced. Given the low survival rates of the initial plant installation, a revised plan to plant more advanced plants is underway. A local nursery is currently growing these for Council and are scheduled for planting in March 2011.

The MSW Committee has recommended to Council for many years that vehicles be excluded from parking on the Walkway near Bollingbroke Parade. During the course of this year a resolution has been reached to action the closing of the pathway to vehicles. In April bollards were installed at the Bollingbroke Parade entrance preventing vehicle access.

Manly Scenic Walkway Trackhead signage has been redesigned to replace the dated signs that were previously in place. The signage was produced to replicate the graphic design utilised on the brochure which was reproduced last year.

An inspection of the Manly Scenic Walkway track was undertaken by several of the Committee

**Report Of Committees Report No. 53 (Cont'd)**

members on Tuesday 29<sup>th</sup> June. The aim of the inspection was to assess the condition of the walking track and identify projects for the Committee to consider and make recommendation to Council to undertake within the current allocated budget.

During the course of the year the Committee has also been involved in reviewing and contributing to several Coastline Management Plans and Landscape Masterplans that Council is currently developing. These include North Harbour Coastline Management Plan and Landscape Masterplan, Sandy Bay Masterplan, Ellery Punt Reserve Landscape Masterplan and Manly Cove Coastline Management Plan

**2. ITEM 5 REPORT: Manly Scenic Walkway Committee 2011 Works Program**

In 2011 the Manly Scenic Walkway Committee will continue to progress the improvement of the Manly Scenic Walkway. This will be achieved by working towards the completion of uncompleted projects, identifying new projects, providing advice and recommendations towards the development of planning documents, and continuing to provide advice to Council on matters relating to the walkway.

This report provides an outline of the projects to be implemented during 2011.

The table below provides an outline of projects to be considered by the Committee for implementation during 2011. The table includes both outstanding projects and new projects. This table has been produced by both recommendations from the Committee and from Council staff.

The Committee is to review and discuss the projects listed, and provide recommendation as to their implementation by Council. Opportunity also exists for the Committee to propose new projects for consideration which will form agenda items next year for deliberation.

Project	Description	Budget Estimate
Stormwater pipe repair	Repair broken stormwater pipe at 40 Baskets Beach	Un-costed
Landscape improvements	Continue the landscape improvement near Beatrice Street section.	\$5,000
Bushland track upgrade	Upgrade the Fisher Bay to Ellery Punt Reserve track in a style similar to the work done by NP&WS.	\$10,000
Sandy Bay footpath construction	Undertake the construction of footpath between Clontarf Reserve and Sandy Bay following adoption of the Landscape Master Plan	\$50,000
Esplanade Park revegetation	Revegetate lawn areas on eastern side of 95 Lauderdale Avenue, and at the rear of 73 Lauderdale Avenue.	\$5,000
40 Baskets Beach high tide access	Committee to provide recommendations on improving the high tide access issues at 40 Baskets Beach.	Un-costed
Wellings Reserve Retaining wall	Construction of rock retaining wall at Wellings Reserve Foreshore to protect Aboriginal middens	\$10,000
Coastline Management Plan / Landscape Masterplan development	Continue to provide advice and recommendations to develop and implement Coastline Management Plans and Landscape Masterplans	No cost
Mangrove reinstatement at Fisher Bay	Continue the replanting of Mangroves at Fisher Bay utilising advanced plants to improve survival rate of plantings.	\$2000

**Report Of Committees Report No. 53 (Cont'd)**

Walking Track Audit	Undertake annual walking track audit to identify future projects and resolve issues.	No cost
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**RECOMMENDATION**

That the minutes of the Manly Scenic Walkway Committee meeting on 16 November 2010 be adopted including the following items:

**1. ITEM 4      REPORT: Manly Scenic Walkway Committee 2010 Review**

That the report be received and noted.

**2. ITEM 5      REPORT: Manly Scenic Walkway Committee 2011 Works Program**

That Council endorse the proposed works program, within the Councils budget parameters.

**ATTACHMENTS**

There are no attachments for this report.

OM131210RC\_7

\*\*\*\*\* End of Report Of Committees Report No. 53 \*\*\*\*\*

**TO: Ordinary Meeting - 13 December 2010**  
**REPORT: Report Of Committees Report No. 54**  
**SUBJECT: Minutes for Adoption by Council - Waste Committee - 17 November 2010**  
**FILE NO:**

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This report was dealt with at the Waste Committee meeting of 17 November 2010 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.

**1. ITEM 7.1 General Business - Summer Litter Issues - Council Rangers & Litterguards Report**

As requested by the Waste Committee at its meeting on September 15<sup>th</sup>, a senior spokesperson for Council's Rangers and a senior spokesperson for Council's Litterguards spoke to the Committee re issues they face with educating the community, enforcing fines re cigarette butt litter, general litter and dumping of shopping trolleys.

Terry Jones, Manager Ranger Services, explained that the Rangers have instigated regular patrols of the beach (three or four times a day including between 5 – 6pm). They are speaking to people as they leave the beach and asking them to remove their rubbish. If necessary the rangers will issue fines for litter offences. Mr Jones noted that a large proportion of the waste originates from local take-away food outlets such as Hungry Jacks and McDonalds.

Ed McPeake, Manager Community and Environmental Partnerships advised that the Litterguard Patrols will take place from 12-4pm on weekends over the summer months. On December 16<sup>th</sup> the contents of the beach rake will be emptied on Manly Beach to highlight the issue of beach litter. The media will be informed of this event.

Banners with the text "Litter Blitz On Now, Every piece of rubbish left on the beach harms our environment, take your rubbish with you or risk an on the spot fine up to \$375" will be displayed over the summer months.

**RECOMMENDATION**

That the minutes of the Waste Committee meeting on 17 November 2010 be adopted including the following items:

**1. ITEM 7.1 General Business - Summer Litter Issues - Council Rangers & Litterguards Report**

The Committee recommends the following:

- That Council write to the head office of fast food outlets, alerting them to the pollution issues from the litter of their product packaging and that these letters should be made available to the Manly Daily. That Council should seek legal advice to see if these companies are responsible for the correct disposal of their products once they leave the store.
- That Council continue to write to all levels of government requesting the implementation of container deposit legislation.
- That Council writes to Manly Chamber of Commerce to highlight the issue of litter and its impact on the marine environment.
- That signs, with the same text as the "litter blitz" banner be provided to the Rangers to

**Report Of Committees Report No. 54 (Cont'd)**

display in their vehicles when parked.

- That corflute signs with the “litter blitz” message be erected at places that have a history of litter, such as Little Manly and East Esplanade. These signs could be given to penguin wardens and interested members of the Waste Committee to display.
- That the “litter blitz” signage be placed on the litterguard buggy.
- That the Litterguards program be extended to include the October and Easter school holiday periods, if staff resources and budget allow.
- That the Litterguards uniform be reviewed for future seasons. Litterguard uniforms should be distinguishable from lifesavers and show some vibrant design initiative.
- That Council writes to the Hills Bus Company and asks them to a) display the “litter blitz” signage on their “beach bus” service and b) make announcements on the bus about the litter issue and litter blitz.
- That the Waste Committee be invited to participate in the beach litter event on December 16<sup>th</sup>.

**ATTACHMENTS**

There are no attachments for this report.

OM131210RC\_6

\*\*\*\*\* End of Report Of Committees Report No. 54 \*\*\*\*\*



**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Corporate Services Division Report No. 46  
**SUBJECT:** Report on Council Investments as at 30 September and 31 October 2010  
**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 September and October 2010.

## **Legislative & Policy Implications**

Manly Council Investment Policy  
Section 625 Local Government Act 1993  
Clause 212 Local Government (General) Regulation 2005  
DLG Circular 08-48 – Ministerial Investment Order  
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.

- Flinders CDO currently rated BB
- Parkes CDO currently rated CCC-
- Scarborough CDO currently rated CCC-
- Torquay CDO currently rated CCC-
- Coolangatta CDO – B+ (unwinding)
- Global Bank Note - B- (unwinding)

## **Investment Performance**

The Investment Report shows that Council has total Investments of \$16,920,971, comprising a combined Bank Balance of \$1,202,299; and Investment Holdings of \$12,668,672 directly managed and \$3,050,000 externally managed.

**Corporate Services Division Report No. 46 (Cont'd)**

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 5.18% (*Council Benchmark =4.82% - benchmark is 90 day average BBSW*)

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

The average rate of return for investments paying interest is 6.03%

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

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 4.84%, less than the benchmark UBSWA Index of 5.59% (for the month of October 2010 the monthly return was 2.31% above the benchmark UBSWA Index). Whilst the current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark, it is important to note that the Investments are recorded by Council at their original principal face value, and there would be no erosion of Council's initial capital investment if the investment continues to be held at the present time to maturity.

**Movements in Investments for the Month of September 2010****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Savings & Loans Credit Union	Term Deposit	\$500,000.00
Police & Nurses Credit Society Ltd	Term Deposit	\$500,000.00
Suncorp Metway Ltd	Term Deposit	\$500,000.00
Illawarra Mutual Building Society Ltd	Term Deposit	\$500,000.00
Commonwealth Bank	Term Deposit	\$1,000,000.00
Savings & Loans Credit Union	Term Deposit	\$500,000.00
AMP Limited	Term Deposit	\$500,000.00

**Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Community CPS Australia Ltd	Term Deposit	\$500,000.00	\$500,000.00
Police & Nurses Credit Society Ltd	Term Deposit	\$500,000.00	\$500,000.00
Greater Building Society	Term Deposit	\$571,268.28	\$571,268.28

**Movements in Investments for the Month of October 2010****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Police & Nurses Credit Union	Term Deposit	\$500,000.00
Savings & Loans Credit Union	Term Deposit	\$500,000.00
Community CPS Credit Union Ltd	Term Deposit	\$500,000.00
Heritage Building Society	Term Deposit	\$500,000.00

**Corporate Services Division Report No. 46 (Cont'd)****Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Savings & Loans Credit Union	Term Deposit	\$500,000.00	\$500,000.00
Police & Nurses Credit Union	Term Deposit	\$500,000.00	\$500,000.00
Suncorp Metway Ltd	Term Deposit	\$500,000.00	\$500,000.00
Commonwealth Bank	Term Deposit	\$500,000.00	\$500,000.00
Credit Union Australia	Term Deposit	\$500,000.00	\$500,000.00

**Summary**

In relation to the structured portfolio a small number of credit events occurred across the CDO portfolio during the month. The subordination remaining on some CDOs is reaching low levels with the Scarborough CDO being of most immediate concern.

The October quarterly investments coupon season was completed and all coupons were paid with the exception of the following which, as previously reported, have not been paying a coupon for some time.

<b>Name</b>	<b>Face Value \$</b>	<b>Reason for non payment</b>
<b>Lehman Bros Managed Funds</b>		
Coolangatta CDO	\$500,000	Early termination ,legal action for collateral
Global Bank Note	\$500,000	Early termination ,legal action for collateral
<b>Directly Managed Funds</b>		
Emu Note-Dresdner Bank	\$500,000	Capital protection
ANZ Climate Change Trust	\$500,000	Capital protection

As has been reported to Council, action is continuing in both the UK and US with regards to the recovery of the collateral, in respect to the Lehman arranged products that have been subject to early termination following the administration of Lehman Brothers Holdings in the US. Legal action in relation to the securities subject to early unwinding is ongoing in both the UK and US.

Council is continuing to make reasonable returns with low risk term deposit investments with Approved Deposit Institutions that are regulated by APRA under the Banking Act. The portfolio is diversified between a wide range of institutions including, banks, building societies and credit unions.

The outlook for the structured portfolio is uncertain due to continuing credit events which reduces the credit support of the CDOs within the portfolio. Council is receiving independent advice in relation to the ongoing outlook for the portfolio.

In early November the Reserve Bank lifted the cash rate by 0.25% to 4.75%. The bank's public statement indicated that this was done to prevent an increase in inflation due to the expansionary effects of the mining boom. This was despite inflation being at a level of less than 3% when the September CPI figures were released.

The increase in the cash rate pushed up short term deposit rates by 10 to 15 basis points and Council has been able to take advantage of some of the improved rates on offer, with Council able to obtain yields above 6% which is 125 basis points above the cash rate, and above the current investment benchmark rate.

**Corporate Services Division Report No. 46 (Cont'd)****RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 30 September and 31 October, 2010 be received and noted.

**ATTACHMENTS**

**AT- 1** Investment Reports September and October 2010 3 Pages

OM131210CSD\_1

\*\*\*\*\* End of Corporate Services Division Report No. 46 \*\*\*\*\*

# ATTACHMENT 1

## Corporate Services Division Report No. 46 - Report on Council Investments as at 30 September and 31 October 2010 Investment Reports September and October 2010

MANLY COUNCIL INVESTMENT PORTFOLIO as at 30 September 2010								Investment Returns		Interest Accrual	
Form of Investment	Investment in AUS\$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Investment Returns Interest Rate		YTD	Sept 2010		
<b>Directly Managed Funds</b>											
<b>Trading Account</b>											
CBA Trading Account	Cash	411,356	Market Val 411,356	2.22%	AA-	3% <sup>(3)</sup>		\$ 12,112		\$ 5,889	
<b>Others</b>											
Emu Note - Dresdner Bank	Structured Note	500,000	378,100	2.70%	AAA	25/10/2005	13/12/2012	0.00%	\$ -	\$ -	
ANZ Climate Change Trust	Structured Note	500,000	421,187	2.70%	AA	21/12/2007	21/12/2013	0.00%	\$ -	\$ -	
Community CPS Australia Ltd	Term Deposit	500,000	500,000	2.70%	Cr Union	28/09/2010	24/12/2010	5.88%	\$ 154	\$ 154	
Bank of Queensland	Term Deposit	500,000	500,000	2.70%	BBB+	29/06/2010	22/12/2010	6.21%	\$ 7,826	\$ 2,552	
Credit Union Australia	Term Deposit	500,000	500,000	2.70%	Cr Union	30/06/2010	28/10/2010	6.00%	\$ 7,562	\$ 2,466	
Credit Union Australia	Term Deposit	500,000	500,000	2.70%	Cr Union	23/08/2010	21/02/2011	6.18%	\$ 3,217	\$ 2,540	
Bank of Queensland	Term Deposit	500,000	500,000	2.70%	BBB+	5/07/2010	30/06/2011	6.30%	\$ 7,508	\$ 2,589	
Adelaide and Bendigo Bank	Term Deposit	719,877	719,877	3.89%	BBB+	5/07/2010	30/06/2011	6.20%	\$ 10,638	\$ 3,668	
Suncorp Metway	Term Deposit	500,000	500,000	2.70%	AA	6/07/2010	30/06/2011	6.30%	\$ 7,508	\$ 2,589	
ING Direct Limited	Term Deposit	453,004	453,004	2.45%	A	23/08/2010	23/02/2011	6.36%	\$ 3,000	\$ 2,369	
ING Direct Limited	Term Deposit	445,550	445,550	2.41%	A	23/08/2010	23/02/2011	6.36%	\$ 2,950	\$ 2,329	
Savings & Loans Credit Union	Term Deposit	500,000	500,000	2.70%	Cr Union	2/09/2010	5/10/2010	5.47%	\$ 2,098	\$ 2,098	
Police & Nurses Credit Society Ltd	Term Deposit	500,000	500,000	2.70%	Cr Union	2/09/2010	5/10/2010	5.37%	\$ 2,060	\$ 2,060	
Suncorp Metway	Term Deposit	500,000	500,000	2.70%	A+	2/09/2010	5/10/2010	5.27%	\$ 2,021	\$ 2,021	
Illawarra Mutual Building Society Ltd	Term Deposit	500,000	500,000	2.70%	BBB+	6/09/2010	5/11/2010	5.60%	\$ 1,841	\$ 1,841	
Commonwealth Bank	Term Deposit	1,000,000	1,000,000	5.40%	AA-	6/09/2010	6/10/2010	5.40%	\$ 3,551	\$ 3,551	
Savings & Loans Credit Union	Term Deposit	500,000	500,000	2.70%	Cr Union	6/09/2010	6/12/2010	5.84%	\$ 1,920	\$ 1,920	
AMP Limited	Term Deposit	500,000	500,000	2.70%	A	8/09/2010	8/09/2011	6.31%	\$ 1,902	\$ 1,902	
LGFS Fixed Out-Performance Cash Fund	@ Call	57,221	57,221	0.31%	AA-	At call	At call	5.11%	\$ 749	\$ 234	
LGFS Ethical Fund	@ Call	31,711	31,711	0.17%	A	At call	At call	6.03%	\$ 488	\$ 150	
Macquarie Cash Management Account	@ Call	213	213	0.00%	AAA	At call	At call	4.50%	\$ 4,769	\$ 1	
AMP Limited	@ Call	2,500,000	2,500,000	13.50%	A	At call	At call	5.50%	\$ 11,301	\$ 11,301	
Commonwealth Bank	@ Call	2,844,784	2,844,784	15.37%	AA-	At call	At call	4.00%	\$ 35,900	\$ 13,960	
Total		15,052,359	14,851,646	81.30%							
<b>Total Directly Managed Funds</b>		<b>15,463,715</b>	<b>15,263,002</b>								
<b>Lehman Brothers Australia (Grange) Managed Funds (All in AUS\$)</b>											
<b>Approved Deposit Institutions (Bank)</b>											
HSBC	Floating Rate Note	500,000	Market Val 494,465	2.70%	AA	20/03/2007	22/09/2011	5.11%	\$ 6,514	\$ 2,115	
Total		500,000	494,465	2.70%							
<b>Interest Bearing Securities (Non Bank)</b>											
Magnolia (Flinders)	Floating Rate CDO	300,000	255,513	1.62%	BB	20/03/2007	20/03/2012	6.24%	\$ 4,826	\$ 1,600	
MAS6-7 (Parkes IIA)	Floating Rate CDO	500,000	15,575	2.70%	CCC-	20/03/2007	20/06/2015	8.04%	\$ 5,645	\$ 194	
Heli0308 (Scarborough)	Floating Rate CDO	250,000	15,318	1.35%	CCC-	21/06/2007	23/06/2014	6.63%	\$ 4,164	\$ 1,332	
Corsair (Torquay)	Floating Rate CDO	500,000	5,450	2.70%	CCC-	20/03/2007	20/06/2013	6.39%	\$ 4,306	\$ 1,197	
Zircon (Coolangatta)	Floating Rate CDO	500,000	415,000	2.70%	B+	20/03/2007	20/09/2014	0.00%	\$ -	\$ -	
Beryl (Global Bank Note)	Floating Rate Note	500,000	490,000	2.70%	B-	3/04/2007	20/09/2014	0.00%	\$ -	\$ -	
Total		2,550,000	1,196,856	13.77%							
<b>Total Grange Managed Funds</b>		<b>3,050,000</b>	<b>1,691,321</b>	<b>16.47%</b>							
Retired Investments									\$ 30,979	\$ 5,118	
<b>TOTAL PORTFOLIO</b>		<b>18,513,715</b>	<b>16,954,322</b>	<b>100.00%</b>				<b>5.14%</b>	<b>\$ 187,509</b>	<b>\$ 76,957</b>	
<b>BENCHMARK</b>								<b>4.81%</b>			
<b>Notes:</b>											
1 Benchmark is 90 day Average BBSW											
2 CDO - Collateralised Debt Obligation											
3 Balances less than \$250,000 earn 3%, \$250,000 to \$499,999 earn 3.25%, \$500,000 to \$750,000 earn 3.5% & greater \$750,000 earn 3.75%											
4 CBA Trading & At Call account not included in the monthly portfolio return calculation											
<b>In 2008 Council's Portfolio was written down from Face Value to its Market Value by \$2.2million. Since then there has been partial recovery of some write downs and overall there has been no further deterioration in Council's Portfolio Market Value</b>											

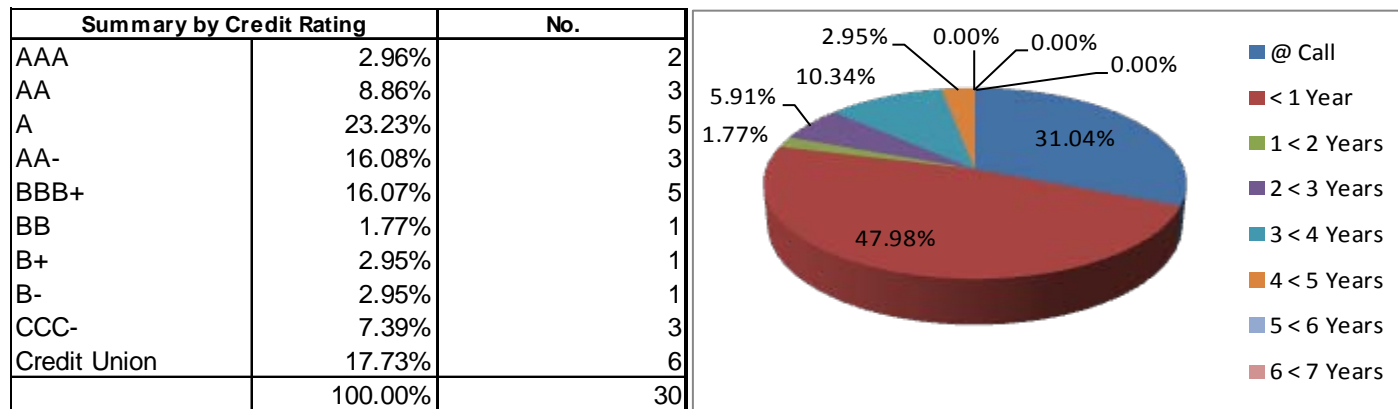
# ATTACHMENT 1

## Corporate Services Division Report No. 46 - Report on Council Investments as at 30 September and 31 October 2010 Investment Reports September and October 2010

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 October 2010													
	Form of Investment	Investment in AU\$	Market Val	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Investment Returns Interest Rate	Interest YTD	Accrual Oct 2010			
<b>Directly Managed Funds</b>													
<b>Trading Account</b>													
CBA Trading Account	Cash	1,202,299	1,202,299	7.11%	AA-	.	.	3% <sup>(3)</sup>	\$ 15,451	\$ 3,339			
<b>Others</b>													
Emu Note - Dresdner Bank	Structered Note	500,000	378,100 <sup>(5)</sup>	2.95%	AAA	25/10/2005	13/12/2012	0.00%	\$ -	\$ -			
ANZ Climate Change Trust	Structured Note	500,000	422,354	2.95%	AA	21/12/2007	21/12/2013	0.00%	\$ -	\$ -			
Community CPS Australia Ltd	Term Deposit	500,000	500,000	2.95%	Cr Union	28/09/2010	24/12/2010	5.88%	\$ 2,658	\$ 2,504			
Bank of Queensland	Term Deposit	500,000	500,000	2.95%	BBB+	29/06/2010	22/12/2010	6.21%	\$ 10,463	\$ 2,637			
Credit Union Australia	Term Deposit	500,000	500,000	2.95%	Cr Union	23/08/2010	21/02/2011	6.18%	\$ 5,841	\$ 2,624			
Bank of Queensland	Term Deposit	500,000	500,000	2.95%	BBB+	5/07/2010	30/06/2011	6.30%	\$ 10,184	\$ 2,676			
Adelaide and Bendigo Bank	Term Deposit	719,877	719,877	4.25%	BBB+	5/07/2010	30/06/2011	6.20%	\$ 14,429	\$ 3,791			
Suncorp Metway	Term Deposit	500,000	500,000	2.95%	AA	6/07/2010	30/06/2011	6.30%	\$ 10,184	\$ 2,676			
ING Direct Limited	Term Deposit	453,004	453,004	2.68%	A	23/08/2010	23/02/2011	6.36%	\$ 5,446	\$ 2,446			
ING Direct Limited	Term Deposit	445,550	445,550	2.63%	A	23/08/2010	23/02/2011	6.36%	\$ 5,357	\$ 2,407			
Illawarra Mutual Building Society Ltd	Term Deposit	500,000	500,000	2.95%	BBB+	6/09/2010	5/11/2010	5.60%	\$ 4,219	\$ 2,378			
Savings & Loans Credit Union	Term Deposit	500,000	500,000	2.95%	Cr Union	6/09/2010	6/12/2010	5.84%	\$ 4,400	\$ 2,302			
AMP Limited	Term Deposit	500,000	500,000	2.95%	A	8/09/2010	8/09/2011	6.31%	\$ 4,581	\$ 2,679			
Police & Nurses Credit Union	Term Deposit	500,000	500,000	2.95%	Cr Union	6/10/2010	5/01/2011	5.73%	\$ 1,962	\$ 1,962			
Savings & Loans Credit Union	Term Deposit	500,000	500,000	2.95%	Cr Union	6/10/2010	5/04/2011	6.11%	\$ 2,092	\$ 2,092			
Community CPS Australia Ltd	Term Deposit	500,000	500,000	2.95%	Cr Union	6/10/2010	6/12/2010	5.66%	\$ 1,938	\$ 1,938			
Heritage Building Society	Term Deposit	500,000	500,000	2.95%	BBB+	19/10/2010	18/04/2011	6.10%	\$ 1,086	\$ 1,086			
LGFS Fixed Out-Performance Cash Fund	@ Call	57,484	57,484	0.34%	AA-	At call	At call	5.56%	\$ 1,012	\$ 263			
LGFS Ethical Fund	@ Call	31,864	31,864	0.19%	A	At call	At call	6.32%	\$ 655	\$ 167			
Macquarie Cash Management Account	@ Call	213	213	0.00%	AAA	At call	At call	4.50%	\$ 4,769	\$ 0			
AMP Limited	@ Call	2,500,000	2,500,000	14.77%	A	At call	At call	5.50%	\$ 11,678	\$ 377			
Commonwealth Bank	@ Call	1,460,681	1,460,681	8.63%	AA-	At call	At call	4.00%	\$ 51,797	\$ 15,897			
Total		12,668,672	12,469,126	74.87%									
Total Directly Managed Funds		13,870,971	13,671,425										
<b>Lehman Brothers Australia (Grange) Managed Funds (All in AU\$)</b>													
<b>Approved Deposit Institutions (Bank)</b>													
HSBC	Floating Rate Note	500,000	497,345	2.95%	AA	20/03/2007	22/09/2011	5.11%	\$ 8,661	\$ 2,147			
Total		500,000	497,345	2.95%									
<b>Interest Bearing Securities (Non Bank)</b>													
Magnolia (Flinders)	Floating Rate CDO	300,000	259,203	1.77%	BB	20/03/2007	20/03/2012	6.24%	\$ 6,399	\$ 1,573			
MAS6-7 (Parkes IIA)	Floating Rate CDO	500,000	37,365	2.95%	CCC-	20/03/2007	20/06/2015	8.04%	\$ 9,173	\$ 3,528			
Heli0308 (Scarborough)	Floating Rate CDO	250,000	31,728	1.48%	CCC-	21/06/2007	23/06/2014	6.63%	\$ 5,557	\$ 1,393			
Corsair (Torquay)	Floating Rate CDO	500,000	6,855	2.95%	CCC-	20/03/2007	20/06/2013	6.39%	\$ 6,960	\$ 2,654			
Zirccon (Coolangatta)	Floating Rate CDO	500,000	415,000	2.95%	B+	20/03/2007	20/09/2014	0.00%	\$ -	\$ -			
Beryl (Global Bank Note)	Floating Rate Note	500,000	490,000	2.95%	B-	3/04/2007	20/09/2014	0.00%	\$ -	\$ -			
Total		2,550,000	1,240,151	15.07%									
Total Grange Managed Funds		3,050,000	1,737,496	18.02%									
Retired Investments													
TOTAL PORTFOLIO		16,920,971	15,408,920	100.00%									
BENCHMARK									4.82%				
<b>Notes:</b>													
1 Benchmark is 90 day Average BBSW													
2 CDO - Collateralised Debt Obligation													
3 Balances less than \$250,000 earn 3%, \$250,000 to \$499,999 earn 3.25%, \$500,000 to \$750,000 earn 3.5% & greater \$750,000 earn 3.75%													
4 CBA Trading & At Call account not included in the monthly portfolio return calculation													
5 Market Valuation is at 30/9/2010													
In 2008 Council's Portfolio was written down from Face Value to its Market Value by \$2.2million. Since then there has been partial recovery of some write downs and overall there has been no further deterioration in Council's Portfolio Market Value													

# ATTACHMENT 1

## Corporate Services Division Report No. 46 - Report on Council Investments as at 30 September and 31 October 2010 Investment Reports September and October 2010



**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Corporate Services Division Report No. 47  
**SUBJECT:** Complaints Management Policy  
**FILE NO:**

---

**SUMMARY**

Council at the Ordinary Meeting held 11 October 2010 resolved that the draft ***Complaints Management Policy*** be adopted and placed on public exhibition for twenty eight (28) days, subject to any submissions being received at the close of the exhibition period.

The Policy is now recommended for adoption.

**REPORT**

Council at the Ordinary Meeting held 11 October 2010 resolved that the draft *Complaints Management Policy* be adopted and placed on public exhibition for twenty eight (28) days, subject to any submissions being received at the close of the exhibition period.

Public notice was given in accordance with section 705 of the Local Government Act and the draft *Complaints Management Policy* was placed on public exhibition from Tuesday 19 October 2010 to Monday 15 November 2010, inviting public submissions.

At the close of the exhibition period Council had not received any submissions.

It is therefore recommended that the draft *Complaints Management Policy* be adopted.

**RECOMMENDATION**

That Council having given public notice in accordance with section 705 of the Local Government Act 1993, of its intention to adopt the draft *Complaints Management Policy*, and having received no submissions at the close of the exhibition period, that the *Complaints Management Policy* be adopted.

**ATTACHMENTS**

**AT- 1** Complaints Management Policy (Dec 2012) 8 Pages Circulated Separately

OM131210CSD\_8

\*\*\*\*\* End of Corporate Services Division Report No. 47 \*\*\*\*\*



**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Planning And Strategy Division Report No. 31  
**SUBJECT:** Outcomes of the LEP and DCP Working Group 2010  
**FILE NO:**

---

## SUMMARY

The purpose of this report is to provide Council with an update on progress made by the LEP and DCP Working Group in 2010. The drafting process and relevant matters for consideration to progress in 2011 are also outlined.

## REPORT

The Draft Manly Local Environmental Plan 2011 (draft LEP) has been prepared over the past three (3) years and follows the template prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*. Council's strategic land use planners have coordinated the plan making process carried out under the *Environmental Planning and Assessment Act 1979* (The Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). The preparation of the draft LEP has involved extensive consultation and communication between the Council and Statutory agencies. Two Councillor workshops, held in 2009/10 and four LEP & DCP Working Group meetings between August – October 2010 have assisted drafting. All actions and outcomes as advised by the Working Group are detailed in Attachment 1.

Council is advised that the draft LEP project is nearing completion of the 'pre-lodgment' stage. As soon as the mapping series is completed, the written document and maps along with all relevant studies, consultations, and reports (referred to as 'the bundle' by Department of Planning (DoP)) can be considered in a formal pre-lodgment meeting between Manly Council planners and the DoP Regional Team. This is due to take place in the first quarter of 2011.

Following the pre-lodgment meeting with the DoP, the draft LEP will be refined in response to any new drafting recommendations made by the DoP. The LEP will then be formally presented to Council for endorsement under section 64 of the Act to submit the draft plan to the Director General under Section 65 of the Act to certify that the draft plan may be publicly exhibited.

When the Director General issues a certificate to publicly exhibit the draft LEP, the matter will be reported to Council. This report to Council will provide information of any advice or direction received from the DoP regarding the content of the draft LEP.

Following certification, the draft LEP and associated DCP shall be placed on public exhibition for a minimum period of two (2) months, or as otherwise determined by the Director General.

Council should also be aware of various relevant matters affecting the continued progress of reaching formal lodgement of the LEP, particularly due to resource intensive drafting and mapping requirements and Ministerial directions under Section 117 of the Act.

The DoP is aware of the resource implications of drafting a Standard Instrument LEP and is expected to formally announce a \$10 million LEP Acceleration Fund to support councils through the next stages of drafting. Further, a number of consultations with State agencies in relation to the Standard Instrument template carried out in 2010 remain to be resolved as well as the inclusion of the proposed Natural Resource Management LEP model provisions, which previously had been removed from the Standard Instrument template are proposed to be reincorporated commencing in December according to the DOP. State elections due to take place on 26 March 2010 may also affect the progress of Standard Instrument LEP's across NSW.

**Planning And Strategy Division Report No. 31 (Cont'd)****CONCLUSION:**

Good progress towards the finalisation of the draft Manly LEP 2011 instrument and mapping has been made in 2010 by Strategic Land Use Planning Branch and the LEP and DCP Working Group.

A number of consultations with Government agencies remain outstanding and the gazettal of Natural Resources Management provisions in the Standard Instrument template by the Department of Planning commencing in December 2010 have yet to be incorporated in the draft LEP.

The next stage in the legislative process of drafting is formal pre lodgement. Strategic Land Use Planning will prepare for a formal pre lodgement meeting to take place with the Department of Planning in the first quarter of 2011.

Following formal pre lodgment with the Department the draft LEP instrument and maps, and associated documentation will be presented to the Council to be endorsed and lodged with the DoP for certification by the Director General under Section 65 of the Environmental Planning and Assessment Act 1979 for approval to publically exhibit the draft LEP.

**RECOMMENDATION**

It is recommended that Council:

Receive and note the report on the draft Manly Local Environmental Plan 2011.

**ATTACHMENTS**

**AT- 1** Outcomes of the LEP and DCP Working Group 2010 1 Page

OM131210PSD\_1

\*\*\*\*\* End of Planning And Strategy Division Report No. 31 \*\*\*\*\*

# Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010

## Outcomes of the LEP and DCP Working Group 2010

### Outcomes of the LEP and DCP Working Group 2010

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<p><b>DATE: MONDAY, 23 AUGUST</b> <b>TIME: 8:30AM-10:30AM</b></p> <p><b>SITE SPECIFIC ZONING MATTERS TO FINALISE S.62 CONSULTATION WITH OWNERS</b></p> <p><b>Issue 1: Dalwood (NSW health)</b> The southern and western area of the site at Dalwood contains high value bushland identified in the "Planning Study of Surplus Government Land at Seaforth" prepared for the RTA and Department of Planning. It is proposed that this area of Dalwood Estate be zoned E2 (Environmental Conservation) to protect the remaining bushland. The majority of the site which includes a heritage listed building is proposed to be zoned SP1 Infrastructure in accordance with State guidelines.</p> <p><b>Issue 2: Manly Hospital (NSW health)</b> The south end at Manly Hospital comprises bushland that adjoins Sydney Harbour National Park. NSW Health owns two parcels of land on which there is high conservation value bushland. The Hospital area is proposed to be zoned SP2 Infrastructure</p> <p><b>Issue 3: Duffy Forest Land at WakehurstParkway (RTA)</b> Part of the RTA land at Wakehurst Parkway is identified as Duffy's Forest Ecological Community, (DFEEC) although currently zoned Residential. The staff considers the area on which there is DFEEC should be zoned E2 (Environmental Conservation). Alternatively it could remain Residential (R2 Low Density Residential).</p> <p><b>Issue 4: Foreshore Land containing Single Dwellings (Private)</b> Some of the foreshore at Middle Harbour (Seaforth/Clontarf), parts of Balgowlah Heights foreshore and a small area of Fairlight foreshore contain many single dwellings on large allotments that are likely to be subject to pressures for higher impact residential buildings. The proposal is to zone the land on these sensitive foreshore lots on the Harbour foreshores containing single dwellings as E4 (Environmental Living).</p>	<p>Issue 1 Strategic Land use Planning to write to NSW Health and Department of Environment, Climate Change and Water to propose the bushland on the Dalwood site be zoned E2 Environmental Conservation.</p> <p>Issue 2 Write to NSW Health and DECCW to propose the bushland on the southern part of the Hospital land be zoned E1 National Park and transfer to the National Park.</p> <p>Issue 3 Consult RTA and DECC regarding the proposed E2 Environmental Conservation zoning on the Duffy's Forest EEC land on the eastern side of Wakehurst Parkway.</p> <p>Issue 4 Produce a briefing report and maps for presentation to the Working Group on the proposed zoning of Harbour foreshore lands.</p>	<p>Letter sent to NSW Health and Department of Environment, Climate Change and Water on 3<sup>rd</sup> September 2010</p> <p>Letter sent to NSW Health and Department of Environment, Climate Change and Water on 3<sup>rd</sup> September 2010</p> <p>Letter sent to RTA and DECC on 3<sup>rd</sup> September 2010</p> <p>Strategic Land Use Planning produced a report providing a brief summary of the Draft LEP proposal to zone certain land in Manly LGA as Zone E4 Environmental Living and maps of these locations. To be presented to the Working Group on 20<sup>th</sup> September 2010</p>

**Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010**

**Outcomes of the LEP and DCP Working Group 2010**

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<p><b>Issue 5: Acquisitions (Private)</b> Outstanding acquisitions for which the Council is responsible under LEP 1988 at Stuart Street, Manly and Rignold Street, Seaforth.</p> <p><b>OPEN SPACE ZONING – PUBLIC RECREATION V PRIVATE RECREATION</b></p> <p>The Open Space zone in Manly LEP 1988 has been replaced by two open space zones; RE1 (Public Recreation) and RE2 (Private Recreation) under the Standard Instrument template. The Manly Golf Club land is proposed to be zoned RE2 because it is privately owned but for the other open space land, the Council needs to decide whether it should be zoned RE1 or RE2. This is based upon what kind of land uses the Council wants to permit and the long term future of the publicly owned Open Space land.</p> <p><b>ZONING SCHOOLS AND OTHER SPECIAL USES- INFRASTRUCTURE V ADJOINING LAND</b></p> <p>The Standard Instrument template removes most of the current Special Uses zones. This applies particularly to schools and churches, etc. Only the STP and the Hospital would retain an SP Infrastructure zone. Schools would be zoned the same as the adjoining land. Department of Planning has enforced this policy and will require schools, community facilities and churches to be zoned the same as adjoining lands, namely residential or business</p> <p><b>DCP CONTROL V DEVELOPMENT STANDARDS</b></p> <p>Advised that some of the development controls in the DCP are required to be moved to the LEP as development standards under the SI Template. The development controls include floor space ratio, height of buildings, and allotment size.</p> <p><b>GENERAL BUSINESS</b></p>	<p>Issue 5 The Working group agreed that they are not in a position to decide on this issue and that a meeting will be arranged in the next month to address this.</p> <p>Strategic Land use Planning to review the Land Use table for RE1 zone to ensure that all appropriate land uses are included.</p> <p>Note the drafting of Special Uses land to adjoining zones under the SI Template but continue to lobby on this statewide issue for an LEP zoning for these lands which recognise these local community assets such as school as important local infrastructure in Manly.</p> <p>Strategic Planning officers continue to work on the transfer of the specific controls from the DCP to the draft LEP.</p>	<p>Acquisitions were resolved at the Councillor meeting with Stephen Clements on 16<sup>th</sup> September 2010- maintain the land reserved for Acquisiton in Manly as it is in the current LEP.</p> <p>Strategic Land use Planning has reviewed the Land Use table for RE1 zone. All appropriate land use have been included and finalised.</p> <p>Ongoing.</p> <p>Strategic Land Use Planning produced a report providing information on the optional provisions that will carry through these existing DCP controls into the Manly LEP 2011 as development standards. Presented to the Working Group on October 18<sup>th</sup> 2010</p>

# Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010

## Outcomes of the LEP and DCP Working Group 2010

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<ul style="list-style-type: none"> <li>It was requested by Cllr Griffin that all relevant papers be sent to the Working Group prior to the meeting.</li> </ul>	Secretariat arranged for all papers to be sent out prior to meetings.	
<p><b>DATE: MONDAY, 20<sup>TH</sup> SEPTEMBER</b>  <b>TIME: 8:00AM-10:00AM</b></p> <p><b>ZONE E4 ENVIRONMENT LIVING</b></p> <p>Cllrs were briefed regarding the draft proposal for environmentally sensitive foreshore lands with existing low density residential development with frontage to the Harbour to be zoned E4 Environmental Living. The identified areas are essentially low density single dwelling areas under Council's current DCP and an attached family flat can be approved.</p> <p><b>UNMADE ROADS</b></p> <p>There are at least 75 parcels of unmade road in the LGA. Under the Standard Instrument template all roads (including unmade roads) are required to be zoned in accordance with the adjoining zone. It is proposed that the unmade roads be zoned Public Recreation where identified in the studies as high ecological value or having high recreation potential. Other unmade roads to be zoned Residential or Business similarly to the zoning of made roads where the adjoining zoning is adopted. Different recommendations were made about several parcels as follows: Bolingbroke Parade, Fairlight; Bundoon Lane, Manly; Quirk Road, Balgowlah; Reddall/Bower St, Manly; and Short St, Manly.</p> <p><b>DRAFT NATURAL RESOURCES MANAGEMENT (NRM) PROVISIONS FOR LEPS</b></p> <p>The report on the draft natural resources management provisions for LEPS was discussed and the implications for the preparation of Council's draft LEP which has proceeded according to the SI template which did not include natural resources provisions. Draft NRM provisions relating to Bio-diversity, Storm water Management, Riparian Land &amp; Watercourses, Landslip, Groundwater Vulnerability, Contaminated Land, and</p>	<p>Deferred till next meeting of to allow for preparation by Council officers of a table comparing and detailing current planning and development controls with the proposed controls and draft a local clause permitting secondary dwellings either within or attached to secondary dwellings</p> <p>A further more detailed report will be prepared on each of the above unmade roads for the next meeting to identify ownership, status, value for open space and ecological values and potential for linkage to other open space lands.</p> <p>Review of relevant NRM studies and issues be prepared by NRM officers. Council to write to the relevant agencies seeking funding for the natural resources management studies that are required to inform the new Manly LEP. Copy of SI Dictionary to be circulated to Working Group.</p>	<p>Strategic Land Use Planning produced a table comparing and detailing current planning and development controls with the proposed controls and draft a local clause permitting secondary dwellings either within or attached to secondary dwellings. To be presented to the Working Group on 18<sup>th</sup> October 2010</p> <p>Strategic Land Use Planning produced a report providing information regarding the ownership, potential quality of vegetation / open space of the five sites containing unmade road. To be presented to the Working Group on 18<sup>th</sup> October 2010.</p> <p>An officer of NRM team is reviewing existing studies which are relevant to identifying high conservation value bushland, threatened species and communities, and significant linkages for appropriate zoning in the new LEP</p>

**Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010**

**Outcomes of the LEP and DCP Working Group 2010**

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<p>Flood Planning sent to Council in July 2010, have been reviewed and comment forwarded to the DOP</p> <p><b>BUSINESS AND INDUSTRIAL LAND</b></p> <p>Business zoning will be across three types of business zone as opposed to one single business zone in the current LEP. This allows for a distinction in scale and purpose of commercial premises.</p> <p><b>GENERAL BUSINESS</b></p> <p>It was requested that an electronic copy of papers be circulated to councillors as well as a hard copy.</p> <p>It was agreed that a copy of the minutes be provided to all councillors to inform them of the progress of the LEP/DCP Working Group and issues discussed.</p> <p>It was proposed that a report on the draft LEP be provided to the Council in December 2010 prior to the formal submission to the DOP of the draft LEP under s 64 of the EP&amp;A Act 1979.</p>	<p>Council write to the owners of 'stand-alone' shops where they are identified for proposed B1 neighbourhood centre zoning and seek comments regarding a possible new zoning of and in addition to the owner of Birkley Street corner shop.</p>	<p>Letters will be sent prior to the public exhibition phase of the draft LEP after Council has resolved to request permission to publically exhibit, due to take place in 2011.</p>
<p><b>DATE: MONDAY, 18 OCTOBER</b> <b>TIME: 8:00AM-10:00AM</b></p> <p><b>DEVELOPMENT STANDARDS IN THE DRAFT LEP</b></p> <p>Briefed regarding the draft LEP provisions and mapping to control Subdivision Lot Size, Height of Buildings and Floor Space Ratio. These controls are currently specified in the DCP but the Standard Instrument Order specifies that they must be in the LEP. Therefore, these provisions will carry forward specific existing DCP controls into the Draft LEP as development standards.</p> <p><b>ZONE E4 'ENVIRONMENTAL LIVING'</b></p> <p>The Working Group further reviewed the proposed adoption of the standard 'Environmental Living' zone E4 for</p>	<p>A further detailed report to be submitted on the DCP Controls proposed to be carried through to the LEP as Development Standards. A further report will include a review of other controls not proposed to the LEP to date and will compare the standards contained in existing NSW Standard Instrument LEPs.</p> <p>The approved criteria for the adoption of Zone E4 Environmental Living can be</p>	<p>Strategic Land Use Planning produced a report reviewing the DCP Controls proposed to be carried through to the LEP as Development Standards and a review of other controls not proposed to the LEP to date that compare the standards contained in existing NSW Standard Instrument LEPs. To be presented to the Working Group on 22<sup>nd</sup> November 2010</p> <p>Staff prepared a follow up report in November.</p>

# Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010

## Outcomes of the LEP and DCP Working Group 2010

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<p>environmentally sensitive foreshore lands with existing low density residential development with frontage to the Harbour. Staff presented a table detailing current planning and development controls with the proposed controls as requested in the last working group meeting.</p> <p><b>FIVE UNMADE ROADS</b> (Bolingbroke Parade, Fairlight; Bundoon Lane, Manly; Quirk Road, Balgowlah; Reddall/Bower St, Manly; Short St, Manly.)</p> <p>The Working Group was presented with further information on 5 sites containing unmade roads, to facilitate resolution of the Group's recommended zoning for each parcel. This information included ownership details and the quality of vegetation/open space.</p> <p>The Working Group recommended Bolingbroke Parade, Fairlight as R2 Low Density Residential; Bundoon Lane, Manly as R2 Low Density Residential; and Reddall/Bower St, Manly, Quirk Road, Balgowlah and Short St, Manly as RE1 Public Recreation</p> <p><b>GENERAL BUSINESS:</b></p> <ul style="list-style-type: none"> <li>• Council has received a response from NSW Health regarding Council submission to zone bushland on the 'Dalwood Estate' site as E2 Environmental Conservation and to zone bush land on the southern part of the Manly Hospital as E1 National Park and incorporate it into the adjoining National Park. NSW Health advised that it will have further studies undertaken to consider future land use options.</li> <li>• Further advice is being sought from within the Council and from legal counsel regarding the new Standard Instrument Planning Order, which has provisions for tree and vegetation protection.</li> <li>• An officer of NRM team is reviewing existing studies which are relevant to identifying high conservation value bushland, threatened species and communities, and significant</li> </ul>	<p>applied to the LEP Mapping. Drafting of clause 4, Schedule 1 be finalized as approved by the Working Group. Staff provides further clarification on the treatment of access handles in the LEP mapping.</p> <p>The approved recommendations for the zoning of the 5 Unmade Road Parcels discussed to be applied to the LEP Mapping.</p>	<p>LEP Mapping completed for parcels of unmade road.</p>

# Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010

## Outcomes of the LEP and DCP Working Group 2010

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<p>linkages for appropriate zoning in the new LEP.</p> <ul style="list-style-type: none"> <li>A request for community representation on the Working Group was declined.</li> </ul>		
<p><b>DATE: MONDAY, 22 NOVEMBER</b> <b>TIME: 8:00AM-10:00AM</b></p> <p><b>RESPONSE FROM NSW HEALTH REGARDING ENVIRONMENTAL PROTECTION</b></p> <p>Received response from NSW Health. The Sydney Metropolitan Catchment Management Authority (CMA) has provided a copy of its mapping of vegetation types which confirms the presence of Littoral rainforest on the Health site at North Head as well as adjoining Church lands. The mapping for Dalwood also identified the various vegetation types on the site and in the locality.</p> <p>NSW Health will be carrying out further studies on their property at Manly Hospital and Dalwood home and will respond to Council once these are completed. It is recognized that there will be no need to hold up the progress of the LEP as these matters can be addressed on an ongoing basis and this will fit within the timeframe of exhibition of the LEP regardless.</p> <p><b>DEVELOPMENT STANDARDS IN THE STANDARD INSTRUMENT (SI) LEP: REVIEW AND COMPARISON WITH GAZETTED SI LEP'S.</b></p> <p>Briefed further on a detailed report on the DCP Controls proposed to be carried through to the LEP as Development Standards. This included a review of other controls to compare the standards contained in existing NSW Standard Instrument LEPs.</p> <p><b>CLARIFICATION OF ACCESS HANDLES FROM THE FORESHORE TO BE EXEMPT FROM E4 ENVIRONMENTAL LIVING</b></p> <p>Advised that lots only containing access handles from the foreshore that were</p>	<p>In response, Council will write to NSW Health and also send copies of the correspondence to National Parks and Wildlife Division of DECCW and the CMA to inform them of the matters currently being addressed to resolve the zoning of the land in Manly LEP 2011.</p> <p>It was maintained that the intent of current DCP controls for Height of Building, Floor Space ratio and Minimum Lot size will be translated as they are into the LEP and this appeared to be consistent across various other Councils Standard Instrument LEPs.</p> <p>A lot containing only access handles in the foreshore area</p>	<p>In the process of writing to NSW Health and informing the parties of the matters currently being addressed.</p> <p>Strategic Planning continue to work on the transfer of the specific controls from the DCP to the draft LEP.</p> <p>Zone E4 Environmental Living zoning not to apply to lots</p>



**Planning And Strategy Division Report No. 31 - Outcomes of the LEP and DCP Working Group 2010**

**Outcomes of the LEP and DCP Working Group 2010**

ITEMS CONSIDERED BY LEP & DCP WORKING GROUP	ACTIONS	OUTCOME OF ACTIONS
<p>otherwise set back from the foreshore area would not be zoned E4 because the developable site area of the lot was more than 15 metres from the mean high water mark. These lots will be zone low density residential.</p> <p><b>IDENTIFICATION OF AN ADDITIONAL B1 NEIGHBOURHOOD CENTRE AT MARINE PARADE/BOWER LANE</b></p> <p>Two properties at Marine Parade and Bower Lane are suitable for neighbourhood zoning given the site history and recent approval for a small shop at 5 Marine Parade.</p> <p><b>GENERAL BUSINESS:</b></p> <p>Parramatta Council successfully gained permission from the department to exhibit amendments to their Standard Instrument LEP to zone places of public worship SP1 Special Activities and also to prohibit sex services premises across the area covered by the LEP.</p> <p>The Working Group was advised that the Catchment Management Authority (CMA) had requested current and proposed zoning of the LGA in the past 12 months and that Council had provided CMA with the current zoning at the time as it was premature to provide the proposed land use zoning map.</p> <p>It was also agreed that the outcome of all LEP and DCP Working Group meetings (August to November 2010) be reported to Council.</p>	<p>to be exempt from E4 and zoned as R2 Low density Residential.</p> <p>Lots 5 and 7-9 Marine Parade proposed to be zoned B1 Neighbourhood Centre in SI LEP mapping.</p> <p>Staff to approach the Department again with proposal to zone Schools and places of public worship SP1 in the Land use zoning map in the SI LEP.</p> <p>Council to make the proposed LEP Land use zoning map available to the CMA.</p> <p>Staff to prepare summary report for Ordinary Meeting to update full Council on progress</p>	<p>containing access handles from the foreshore for boat access etc, where the principle site area is not within the 15m foreshore area.</p> <p>GIS has amended the zoning for Lots 5 and 7-9 Marine Parade on the draft LEP Map (2011)</p> <p>Staff will approach DoP to advise that they wish to proceed with mapping all Schools and places of public worship SP1 Special Activities.</p> <p>Maps will be sent to CMA once draft is finalised in December 2010.</p> <p>Progress report contained herein.</p>

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Planning And Strategy Division Report No. 32  
**SUBJECT:** Adoption of the Sandy Bay Landscape Masterplan  
**FILE NO:**

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## **SUMMARY**

The Sandy Bay Landscape Masterplan (Final Design) was placed on public exhibition following Council's resolution [115/10], and a total of nine submissions were received.

The Harbour Foreshores and Coastline Management Committee, at its meeting on 16 November 2010, reviewed all submissions and staff responses, and recommended that Council adopts the Sandy Bay Landscape Masterplan.

## **REPORT**

### **Background**

Sandy Bay is popular for a range of recreational pursuits including walking. The open spaces within Sandy Bay Reserve form an important portion of the Manly Scenic Walkway (MSW). Sandy Bay tidal flat has recently been designated a dog off-leash area and is a popular location for dog exercising.

Extensive public consultations were held during the preparation of the Clontarf/Bantry Bay Estuary Management Plan. As per community consultations and technical assessments, Sandy Bay Reserve currently lacks graded landscaping, safe and wide pedestrian access, adequate seating, waste bins, bag dispensers and up to date compliance/interpretive signage.

Further, sections of the Manly Scenic Walkway (MSW) are currently highly degraded and pose a safety risk to users. Erosion issues have been identified at Sandy Bay, due to inadequate access paths and shoreline erosion/recession. The western section of the open space in Sandy Bay has been traditionally used for dinghy/kayak storage but in a haphazard manner.

The development of the Landscape Masterplan for Sandy Bay Reserve is proposed to integrate improvements to areas which address community concerns, and encompass five different components:

1. Improved pedestrian access along popular sections of the Manly Scenic Walkway;
2. Grading and landscaping of open space with provision of seating;
3. Mitigation measures to address sections of the shoreline affected by erosion;
4. Construction of a newly designed horizontal dinghy/kayak storage facility and allocation of storage spaces through the establishment of a dinghy registration/licensing system with a 'boat storage fee' charged per annum; and
5. Responsible use of Sandy Bay for off-leash dog exercise activities with a developed 'Code of Conduct' and provisions for additional dog faeces bag dispensers, drinking fountains/bowl, waste disposal bins and improved signage.

The Plan also now shows "The Mitchell Walkway" which runs through bushland above Sandy Bay Road from the existing pedestrian crossing adjacent to the Clontarf Marina through to Sandy Bay Road at its most northern end.

Presently this walkway is on a cyclic maintenance program for mowing and bushland works.

**Planning And Strategy Division Report No. 32 (Cont'd)**

Proposed works along this secondary higher walkway through bushland will include installation of additional post and rail fencing adjacent to the pathway as required.

Based on the above comments, the design of the Sandy Bay Landscape Masterplan has been finalised for consideration and adoption by Council (refer to Attachment 1, and circulated separately).

**Public Exhibition**

The Sandy Bay Landscape Masterplan (Final Design) along with a draft 'Code of Conduct for Responsible Dog Management' was publicly exhibited from 16 August to 10 September 2010. The draft Masterplan was placed on public exhibition at the following locations:

- Manly Council Chambers,
- Manly Environment Centre,
- Manly Library, and
- Council's website.

Exhibition of the CMP was advertised in the Manly Daily, on Council's website and also through Community Precincts' Newsletters. A Morning Tea was held on 7 August 2010 between 10:00 am to 12:00 noon for residents on site at Sandy Bay prior to public exhibition.

A total of nine (9) submissions were received. All submissions were reviewed and staff responses prepared. (refer to Attachment 2, circulated separately).

**Community Involvement**

To ensure wider community involvement, an extensive awareness campaign and consultation process was undertaken during the preparation of the Clontarf Bantry Bay Estuary Management Plan. Community and stakeholder consultation was achieved through community/stakeholder field days, display panels, Council's website, and information in Precinct newsletters.

Community and user groups' survey forms were distributed through various means with a total of 120 survey forms returned. Three community consultation field days were held: Clontarf Reserve (21 October 2006 and 29 March 2008) and Seaforth (12 November 2006).

A further community consultation field day was held for residents on 7 August 2010 prior to public exhibition period.

**Financial Implications**

The preliminary cost of implementing the proposed landscape Masterplan is estimated to be \$270,000. Council has allocated \$120,000 under the 2010/11 General Revenue Fund. Council has also applied for external funding under the 'Sharing Sydney Harbour Access Program' to implement the Masterplan and is awaiting an outcome.

**Harbour Foreshores & Coastline Management Committee Recommendation**

The Harbour Foreshores and Coastline Management Committee, at its meeting on 16 November 2010, reviewed previous recommendations from Access, Manly Scenic Walkway and LMUD Committees, and reviewed all submissions and staff responses, and recommended that:

1. The Harbour Foreshore & Coastline Management Committee resolved to endorse the Final Revised Design of the Sandy Bay Landscape Masterplan which included the following modifications:
  - a) Boat & Kayak storage are located on the beach side with the path to continue along the road side
  - b) A new path access is linked to existing bushland area

**Planning And Strategy Division Report No. 32 (Cont'd)**

- c) Removal of the proposed stainless steel staircase
  - d) Seatings with native groundcover planting with timber edge surround
  - e) Seating adjacent to the dinghy storage opposite Fairburn Avenue is removed
  - f) Planting of a tree near the dinghy storage be deleted from the Plan
  - g) Garbage bin near cul-de-sac is removed
  - h) Lighting for seating areas is deleted
  - i) Building waste exposed by erosion will be removed
  - j) Additional dog poo bag dispensers are proposed.
2. That staff refer concerns regarding parking, stormwater drains, stormwater drainage networks, tidal rubbish, traffic to relevant sections of Council and relevant state government agencies.
3. The Harbour Foreshore and Coastline Management Committee recommends to the General Manager and Council that the Final Design of the Sandy Bay Landscape Masterplan be placed before the P&S Committee for adoption.

**RECOMMENDATION**

It is recommended that Council adopts the Sandy Bay Landscape Masterplan.

**ATTACHMENTS**

<b>AT-1</b>	Sandy Bay Landscape Masterplan (revised)	1 Page	Circulated Separately
<b>AT-2</b>	Submissions received during the public exhibition period	20 Pages	Circulated Separately

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\*\*\*\*\* End of Planning And Strategy Division Report No. 32 \*\*\*\*\*

**TO:** Ordinary Meeting - 13 December 2010  
**REPORT:** Environmental Services Division Report No. 38  
**SUBJECT:** Far West Children's Services Concept Plan  
**FILE NO:**

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## SUMMARY

The Department of Planning informed Council on 4 November 2010 of the decision under delegation to declare the Royal Far West Concept Plan a project to which Part 3A of the Environmental Planning & Assessment Act, 1979 applies, and accordingly, the Minister for Planning, Infrastructure and Industry, The Hon. Tony Kelly ALGA. MLC. has become the approval authority for the project.

The Council received a copy of the Director-General's Requirements (DGRs) for the project on 2 December 2010 and has an opportunity to comment by 14 December 2010.

## REPORT

### Introduction:

The Royal Far West Children's Home is situated at 12-22 Wentworth Street, 16 South Steyne and 19-21 South Steyne, Wentworth Street, and adjoins Manly Village School on its south-western boundary. The proposal to redevelop the site has been declared a Part 3A development under State Environmental Planning Policy (Major Development) 2005 (SEPP) by the Department of Planning.

### SEPP (Major Development) 2005

The proposal for a new hospital facility, retail, hotel, and residential developments has been determined by the Department to meet two of the criteria of the SEPP. The Minister for Planning is the consent authority and the Department of Planning assesses the proposal. The relevant criteria are Residential, Commercial or Retail projects with a capital investment of more than \$100 million and Hospitals being development that has a capital investment value of more than \$15 million and may include a range of health care services as follows:

- “ (1) Development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), including ancillary facilities for:
- (a) day surgery, day procedures or health consulting rooms, or
  - (b) accommodation for nurses or other health care workers, or
  - (c) accommodation for persons receiving health care or for their visitors, or
  - (d) shops or refreshment rooms, or
  - (e) transport of patients, including helipads and ambulance facilities, or
  - (f) educational purposes, or
  - (g) research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, or
  - (h) any other health-related use.
- (2) For the purposes of this clause, professional health care services include preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, care or counselling services provided by health care professionals.”

### Land Use Planning Controls

The land is zoned Special Uses (Children's Home) under Manly LEP 1988 which permits a limited range of additional uses including child care facilities and educational establishments in addition to

**Environmental Services Division Report No. 38 (Cont'd)**

the existing children's health facilities and accommodation. The LEP also specifically requires that a masterplan be prepared for the site from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified. Other uses such as Senior's Living are permitted in the Special Uses zone. The Council's Development Control Plans do not apply to land in the Special Uses zone.

The Council consulted the Royal Far West Children's Home in March 2010 regarding the zoning of the site under draft Manly LEP 2011. Land zoned Special Uses is generally required by the Department of Planning to be zoned in accordance with the surrounding zone under the Standard Instrument LEP template, with few exceptions. No response has been received to date.

**Far West Proposal**

"The Preliminary Environmental Assessment for the Proposed Expansion of Royal Far West, Manly" dated November 2010, and prepared on behalf of the Far West Children's Services which has been provided to the Council by the Department, sets out some of the key elements of the current development proposal which includes several distinct elements:

- A new clinic, conference facilities, school and accommodation for the Royal Far West Children's Services.
- Retail and Commercial uses
- Hotel, and
- Residential apartments.

The proposed development consists of four buildings.

- Building A adjoining the Manly Village School is 9 storeys.
- Building B at the corner of South Steyne and Wentworth Street is 7 storeys.
- Building C with frontage to South Steyne is 6 storeys.
- Building D situated behind Building C in a mid-block position is 11 storeys.

In addition to providing a new facility for the Far West, the proposal is intended to provide a long-term income stream from other development on the site, that will be derived from capitalization of newly developed assets. Far West Services advises that it is presently investigating financial and land tenure options.

**Director-General's requirements**

The Department of Planning has issued standard Director- General's Requirements for the project which address the majority of key issues to be addressed by the proponents (Far West) and the information required to be provided to enable the Assessment to be carried out. Any proposed development is required to comply with the specific requirements specified in the DGRs.

The additional considerations that the Council would request that the Department include in the DGRs for the Far West site include each of the following:

The "NSW Sea Level Rise Policy Statement" dated October 2009, which establishes sea level rise planning benchmarks of an increase in the mean sea levels of 40cms by 2050 and 90cms by 2100, and also the "NSW Coastal Planning Guideline: Adapting to Sea Level Rise" (August 2010) in recognition of the site being within approximately 90 metres of the mean high water mark.

The impact of the proposed gross floor area of 26,300 square metres comprising:

- 7500 square metres Far West Health facility,
- 1300 square metres Retail,

**Environmental Services Division Report No. 38 (Cont'd)**

- 7500 square metres Hotel, and
- 10000 square metres Residential on the Manly Town Centre and the Ocean Beach.

The DGRs should also require the proponent to address the relationship of the proposed Far West, Hotel, retail/Commercial and Residential development to the scale and character of the surrounding development, and the potential visual impact and increased shadowing of the Ocean Beach, the residential amenity of the area and it's significant function as a destination for day visitors from within the Sydney Region and beyond. Any future proposed development should comply with the DGRs specific requirements regarding urban design, building mass and form, and streetscape.

**RECOMMENDATION**

It is recommended that Council receive and note the report on the Proposed Assessment of the Royal Far West Concept Plan under Part 3A of the Environmental Planning & Assessment Act, 1979.

**ATTACHMENTS**

**AT- 1** Royal Far West Concept Plan 22 Pages Circulated Separately

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\*\*\*\*\* End of Environmental Services Division Report No. 38 \*\*\*\*\* .