

## Agenda

### Ordinary Meeting

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

**Monday 11 February 2013**

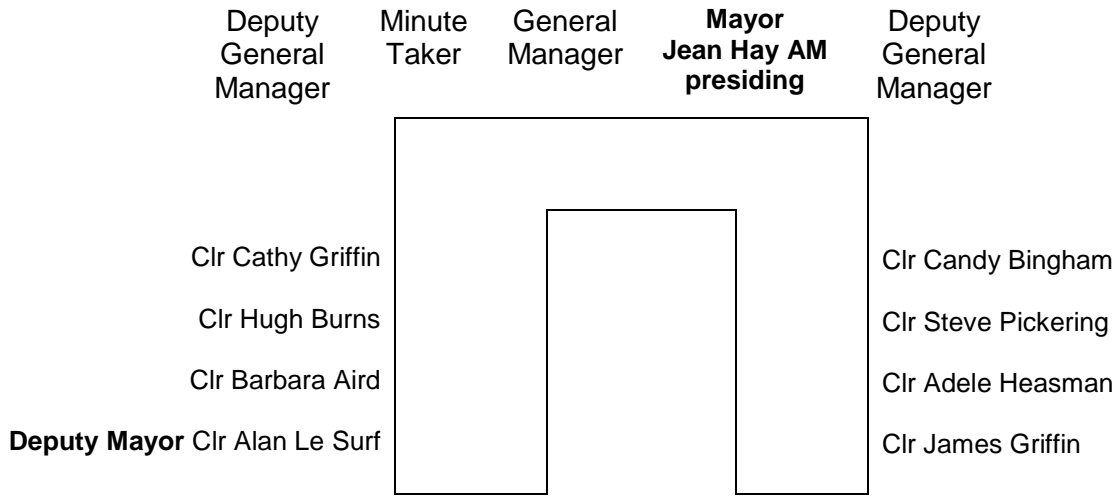
Commencing at 7.30pm for the purpose of considering items included on the Agenda.

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

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

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

# Seating Arrangements for Meetings



Press

Public  
Addresses

**Public Gallery**

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

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The Ordinary Meeting of Monday, 10 December 2012

### PUBLIC FORUM

(In accordance with Clause 66 in Council's Code of Meeting Practice, Public Forum is for a maximum of fifteen (15) minutes for *matters that are not listed on the Agenda*. 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****Civic and Urban Services Division Report No. 1**

Tender No. 2012/055 - Plant Hire Services Panel

*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.*

**Civic and Urban Services Division Report No. 2**

Tender No. T2013/01 - Tree Tender Cyclic Tree Works

*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 - 11 February 2013  
**REPORT:** Mayoral Minute Report No. 1  
**SUBJECT:** Australia Day Honours 2013  
**FILE NO:** MC/13/12846

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I would like the Council to acknowledge and formally congratulate the following residents of the Manly Local Government area who were awarded 2013 Australia Day Honours.

**Officer (AO) in the General Division of the Order of Australia**

Professor Robert Graham Clark AO of Balgowlah Heights. For distinguished service to science and technology through leadership and governance of the scientific community of the Australian Defence Force and through contributions to quantum computing and nanotechnology.

**Member (AM) in The General Division of the Order of Australia**

Mr Eric John Goodwin AM of Fairlight. For significant service to the community through educational organisations and to business

**Medal (OAM) of the Order of Australia in the General Division:**

Mrs Patricia Anne (Anne) Lanham OAM of Manly. For service to the community, particularly through mental health organisations.

**RECOMMENDATION**

**I Move that:**

A letter is written on behalf of Council to Professor Robert Clark AO, Mrs Patricia Anne Lanham OAM and Mr Eric John Goodwin OAM offering Council's congratulations for their 2013 Australia Day Honours awards in acknowledgement of their service to the community.

**ATTACHMENTS**

There are no attachments for this report.

OM110213MM\_1.DOC

\*\*\*\*\* End of Mayoral Minute Report No. 1 \*\*\*\*\*

**TO: Ordinary Meeting - 11 February 2013**  
**REPORT: Notice of Rescission Report No. 1**  
**SUBJECT: Notice of Rescission**  
**FILE NO: MC/13/2662**

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**Councillor Barbara Aird, Councillor Candy Bingham, and Councillor Hugh Burns will move:**

"That the Council's decision of Ordinary Meeting, 10 December 2012 being Mayoral Minutes No. 12 in respect of Stuart Street Properties be and is hereby rescinded."

The resolution passed on 10 December 2012; Resolution No. 203/12 was in the terms of:

1. *properties 34, 36 and 38 Stuart Street Manly be zoned for Environmental Living E4 under the Draft Manly Comprehensive LEP;*
2. *Council proceed to create a three metre wide right of way at the rear of 34 and 36 Stuart Street to enable public access to the beach from the Craig Avenue Carpark; and the Dingy Storage facility located at the rear of 34 be retained as an on-going concern with existing use rights attached and requiring the purchaser of 34 to maintain the facility. And the General Manager to consult with the Heritage Committee regarding the Farrell Family memorial and anchor;*
3. *Council approach the owners of 38 Stuart Street to seek agreement for a right of way at the rear of their property to link up with that proposed for 34 and 36;*
4. *following the creation of the right of way at the rear of 34 and 36 Stuart Street, these properties be sold and proceeds go to repay the loan on 40 Stuart Street, and the General Manager to determine the timing for these divestments;*
5. *the General Manager be authorised to do all things necessary to implement the above points one to four, including the execution of any documents and the affixing of the Council Seal upon them; and*
6. *40 Stuart Street remain zoned for open space.*

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

To enable Council to make a fully-informed decision, based on the facts, in relation to the future of the properties 34 - 40 Stuart, that:

1. Council appoint an Expert Advisory Committee to present to Council the options available for dealing with properties 34-40 Stuart Street and the consequences of adopting each option.
2. That the Advisory Committee consist of experts appointed by Council in the areas of urban design and town planning; valuation & finance; and local government & planning law.
3. That the Advisory Committee be fully briefed on the history of each property and the plans for the area currently being prepared by the former Landscape Management & Urban Design Committee (now known as the Public Domains Committee).
4. Upon receipt of the options paper from the Committee, Council engage in full public consultation on all options before a final decision is made as to the future of each property.

**Notice of Rescission Report No. 1 (Cont'd)**

**RECOMMENDATION**

That the above Notice of Rescission be submitted for consideration.

**ATTACHMENTS**

**AT- 1** Notice 2 Pages

OM110213NR\_2.DOC

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

# ATTACHMENT 1

## Notice of Rescission Report No. 1.DOC - Notice of Rescission Notice



### 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: 10.12.12

being Item No. Mayoral Report in respect of Stuart St.  
Proprietor

be and is hereby rescinded.

Date: 10.12.12

Councillor:

Signature:

1. BARBARA AIRD

[Signature]

2. CANDY BISHAM

[Signature]

3. Hugh Burns

[Signature]



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

Attached

Approved by General Manager, Manly Council

Date

13/12/12

## ATTACHMENT 1

### Notice of Rescission Report No. 1.DOC - Notice of Rescission Notice

We the undersigned request a rescission  
motion in relation to the Mayoral minute No. 12  
as follows:

Mayoral Minute Report No. 12  
Stuart Street Properties

**AMENDMENT** to be proposed by Cllr Bingham

To enable Council to make a fully-informed decision, based on the facts, in relation to the future of the properties 34 – 40 Stuart, that:

1. Council appoint an Expert Advisory Committee to present to Council the options available for dealing with properties 34- 40 Stuart Street and the consequences of adopting each option.
2. That the Advisory Committee consist of experts appointed by Council in the areas of urban design & town planning; valuation & finance; and local government & planning law.
3. That the Advisory Committee be fully briefed on the history of each property and the plans for the area currently being prepared by the former Landscape Management & Urban Design Committee (now known as the Public Domains Committee)
4. Upon receipt of the options paper from the Committee, Council engage in full public consultation on all options before a final decision is made as to the future of each property.

\$ Lodged by:

Dr. CANBY BINGHAM.  
*Canby Bingham*

Cllr. Barbara Aird  
*B. Aird*

Cllr. Hugh Burns  
*Hugh Burns*

**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Notice of Motion Report No. 1  
**SUBJECT:** Consultation on Planning White Paper  
**FILE NO:** MC/13/10881

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**Councillor Cathy Griffin will move:**

That Council:

1. Notes the potential widespread impact on our local community of the proposed planning law reform being undertaken by the NSW government;
2. Write to the NSW government calling on it to ensure there is at least 6 months of public consultation on the planning reform White Paper when it is released early this year; and
3. Commits to holding one or more local community consultation workshops on the White Paper once it is released to:
  - a. Assist the community to understand the NSW Government planning reforms;
  - b. Discuss the implications of these reforms for our Local Government Area;
  - c. Consult with the community on how to cooperate in the new environment for the benefit of our local area;
  - d. Gain feedback on what the Council needs to know to support their community; and
  - e. Obtain resident views for the Council response to the White Paper and Draft Legislation.

**Background**

**Planning Review Panel's Consultation**

[July 2011] Government Announces Planning law review by Planning Review Panel consisting of Tim Moore and Ron Dyer [July 2011 – November 2011] Consultation and submissions on law reforms undertaken by Planning Review Panel [December 2011] Planning review Panel publish Issues Paper [December – March 2012] Public consultation on Issues Paper [June 2012] Final report and Recommendations of the Planning Review panel delivered to NSW Planning Minister.

**Government's Consultation**

[14 July 2012] Govt. releases its Green Paper on Planning Review together with the Planning Review Panel's Report and Recommendations [May – September 2012] Public Submissions received on Green Paper [October 2012] Extension granted for submission from Local Councils [TBA – Expected February 2013] Government's White Paper to be released with unknown period for consultation.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

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

**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Notice of Motion Report No. 2  
**SUBJECT:** Amendment to the Code of Meeting Practice  
**FILE NO:** MC/13/11348

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**Councillor Cathy Griffin will move that:**

1. Manly Council amend the Manly Council Code of Meeting practice to permit a more balanced meeting regime.
  - a) In accordance with section 8.2(1) the Corporate Planning and Strategy Committee (Principle Committee of Council) be wound up.
  - b) In accordance with the requirements of Section 3, Convening Council Meetings, the meetings currently advertised as Corporate Planning and Strategy Meetings become Ordinary Meetings. That is; two Ordinary Meetings be held on the first two Monday evenings of each month with the exception when public holidays occur, in which case only one Ordinary meeting be held.
  - c). The current Chair of the Planning and Strategy Committee chair each alternate Ordinary Meeting for the duration of 2013.
  - d). Alternate Ordinary Meeting be chaired by the Deputy Mayor from February 2014.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM110213NM\_2.DOC

\*\*\*\*\* End of Notice of Motion Report No. 2 \*\*\*\*\*



**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Notice of Motion Report No. 3  
**SUBJECT:** Proposed redevelopment of Manly Swim Centre  
**FILE NO:** MC/13/11506

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**Councillor Barbara Aird will move that:**

1. Manly Council conducts a fundamental analysis to determine whether to do a major or minor upgrade, including a thorough, open and transparent investigation and consultation process (including all precincts) to determine what our community really wants and is prepared to pay for in the upgrade of the Manly Swim Centre, detailed feasibility investigations and detailed financial modelling, before the current \$16 million proposal is progressed any further.

**Background**

Manly Council is proposing to build a \$16 million new Aquatic Centre on the site of the present Manly Andrew Boy Charlton Swim Centre.

Council's report of 6th August, 2012 stated that:

*"the new Aquatic Centre planned will provide new indoor swimming facilities including an eight lane 25 metre pool, an indoor childrens' play pool and a 17m by 10m indoor program pool. There is also proposed to be additional indoor facilities for spa and sauna, cafe facilities, gymnasium and multi-purpose health therapy space.*

*An independent feasibility study for the Manly Swim Centre was prepared in November, 1997 and identified a regional market potential for expanded facilities at the centre.*

*The proposed centre will be a major regional centre and would serve the entire Northern beaches and Northern Sydney region..."*

However, this feasibility study is now over 15 years old and there is significant concern and opposition to this \$16 million proposal within the community. Council has also just completed an upgrade of the babies' and toddlers' pools at considerable cost, and Warringah Council is in the final stage of completing its plans for an upgrade of the Warringah Aquatic Centre.

Whilst it is recognised that an upgrade to the Manly Swim Centre is needed, Council has a responsibility to fully investigate what our community really wants before the current proposal is progressed any further.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM110213NM\_3.DOC

\*\*\*\*\* End of Notice of Motion Report No. 3 \*\*\*\*\*



**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Notice of Motion Report No. 4  
**SUBJECT:** Ongoing problems with North Head Sewerage Treatment Plant  
**FILE NO:** MC/13/11698

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**Councillor Barbara Aird will move that:**

Manly Council calls on the Premier of NSW to:

1. acknowledge the adverse impacts (particularly odours, health concerns and sludge trucks) and concerns of the Manly community and Manly Council over many decades in regard to the North Head Sewage Treatment Plant.
2. urgently begin the planning process to remove the ocean outfall and close the North Head Sewage Treatment Plant.
3. immediately take steps to implement at the North Head Sewage Treatment Plant, the "ultimate aim" of section 27(1) of the Sydney Water Act 1994, which states, inter alia "the corporation is to adopt as an ultimate aim the prevention of all dry weather discharges of sewage to waters, including from ocean outfalls, except to the extent that this is necessary to safeguard public health or prevent environmental degradation, or both."
4. explain why despite continual licence breaches at North Head Sewage Treatment Plant there have been no prosecutions.

(cc to Ministers and Shadow Ministers for Environment and Heritage, and Health, Local Member for Manly, Sydney Coastal Council Group, L.G.S.A)

**Background**

Over many decades, Manly residents and Council have raised concerns about adverse impacts from the North Head Sewage Treatment Plant. Odours, health issues and sewage sludge trucks continue and there is still only primary treatment of the sewage before being dumped into the ocean. There are no plans to phase out ocean outfalls, although many developed countries throughout the world have now outlawed this. In fact, the operations at North Head continue to grow. State Government still draws major dividends and taxes from Sydney Water, possibly amounting to more than \$5 billion over the last 20 years.

Over 20 years ago there was an opportunity to process the sludge in a remote location with a large buffer zone ( because of the hazards) about 90ks from Sydney. However, the Water Board rejected this (ICAC enquiry) and chose the cheaper option, Manly....a dense residential location with virtually no buffer zone (only 400 metres). Since then the population density has increased, with the International College of Tourism and University, St. Patricks' housing estate, Quarantine Station resort, Police College, Manly Hospital and St. Paul's College all in close proximity to the Treatment Plant.

An investigation by the Sun Herald in October, 2011 revealed that there have been significant licence breaches at the North Head Sewage Treatment Plant and yet the NSW Government's Office of Environment and Heritage has not prosecuted one of the breaches. The Manly Daily Editorial of 29/10/2011 also stated that "of all the local complaints that find their way to the office at the Daily, the smell coming from North Head is one of the most consistent...But the revelation that potentially toxic mercury was discharged from the facility in 2009/10 goes well beyond an unpleasant stench....There's too much at stake."

This can be rectified with political vision and will!

**Notice of Motion Report No. 4 (Cont'd)****RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

<b>AT- 1</b>	The Sun Herald 23/10/11 "Sydney Water's shame"	2 Pages
<b>AT- 2</b>	Fairlight Survey Group Address to Council 18/01/1994	1 Page
<b>AT- 3</b>	Fairlight Survey Group Address Notes	1 Page
<b>AT- 4</b>	The Sun Herald 23/10/2011 "Look who's polluting:"	1 Page
<b>AT- 5</b>	Copy of letter to Mike Baird MP, Member for Manly by Beverley Trevenen for Clean Ocean Foundation dated 9 October 2012	1 Page
<b>AT- 6</b>	Attachment to letter to Mike Baird, MP Member for Manly dated 9 October 2012 by Beverley Trevenen	6 Pages

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\*\*\*\*\* End of Notice of Motion Report No. 4 \*\*\*\*\*

THE SUN-HERALD SUNDAY, OCTOBER 23, 2011 NEWS 13+

INVESTIGATION

# Sydney Water's shame

## Smell no evil: North Head in the sand

Natalie O'Brien

IT SEEMS the stench from the North Head sewage plant above Manly is offending the senses of everyone, except the state government's environmental watchdog.

Residents have long complained about the odour, which they say at times is so unpleasant it makes their eyes water.

So bad was the smell last year, they called on the Office of Environment and Heritage for help.

But it took the office almost a year to respond to the complaints. It took affidavits from residents but they were told it could not be proved "beyond reasonable doubt" the odour was coming from the plant.

As such, the then chief executive of the office, Lisa Corbyn, wrote to residents saying the watchdog would not prosecute Sydney Water.



Recreation site ... beachgoers at Kyeemagh, where the baths were found to be among the worst places affected by pollution.  
Photo: Jon Reid





# Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

The Sun Herald 23/10/11 "Sydney Water's shame"

loosened licence conditions under which industry pays for the right to pollute. Even the less rigorous conditions were not being met, Professor Beder said. "Basically the system is not keeping up ... successive governments have not been willing to spend money on infrastructure."

The OEH had shown itself to be incapable of enforcing environmental laws, she said. The OEH has also not prosecuted the Lithgow sewage treatment plant, operated by the local council, which has shown faecal contamination in its discharged waters every year for five years.

This water goes into the Sydney drinking water catchment area. The

Do you know more?

n.obrien@ FairfaxMedia.com.au

## Heavy metal

- Sydney Water is the state's second-worst copper polluter after the metal ore mining industry. And it is the second-biggest zinc polluter.
- Office of Environment and Heritage records show that in 2009/10 emissions from Sydney Water's North Head sewage treatment plant at Manly had 13,000 kilograms of copper, 54 kilograms of cadmium and 16,000 kilograms of zinc.
- At its Malabar sewage treatment plant, Sydney Water is discharging 11,000 kilograms of copper, 49 kilograms of cadmium and 15,000 kilograms of zinc.

OEH has defended Sydney Water's record, saying the utility had made many improvements and that they are working together on pollution reduction programs at North Head, Malabar, Bondi and Cronulla.

The OEH said it had asked for 62 pollution-reduction programs for Sydney Water, issued eight infringement notices and given three warning letters in the past decade. None

has progressed to a prosecution. The Environment Minister, Robyn Parker, said she had been advised that Sydney Water had made many improvements. "However, OEH have identified that there is more to do on sewer overflows, particularly during wet weather," she said.

James Clark-Kennedy, the campaign manager for the Clean Oceans Foundation, said the OEH could not

properly set the standards or pretend to police them while it was a servant of the same government. "The public perception is that the watchdog is there to protect [the public] ... not other government departments," he said. "The teeth need to be put back into the watchdog. We need to create the political will to spend money on improving the system. But while the government is relying on the dividends, it is a bit like being addicted to the pokie tax."

Sydney Water recorded an after-tax profit of \$305 million to June. It will pay a dividend of \$230 million to the government this year, rising over the next four years. The pricing regulator is reviewing its proposed price rise, which could cost households an extra 15 per cent over four years.

Jeff Angel, from the Total Environment Centre, said Sydney Water should be "majorly embarrassed".

Editorial - Extra, Page 8

Stink grips ... Angella Treichler and Jenny Wilson, who are among residents protesting. Photo: Anthony Johnson

And yet, on its website, Sydney Water states it is trying to tackle the problem by introducing a new odour scrubber that extracts odours from the air around the plant and filters them.

A spokeswoman for Sydney Water said the watchdog told it that it had met all requirements regarding the odour emission. Sydney Water had completed a \$150 million upgrade to North Head Waste Water Treatment Plant last year.

Residents have now taken their complaints about the OEH to the state ombudsman.



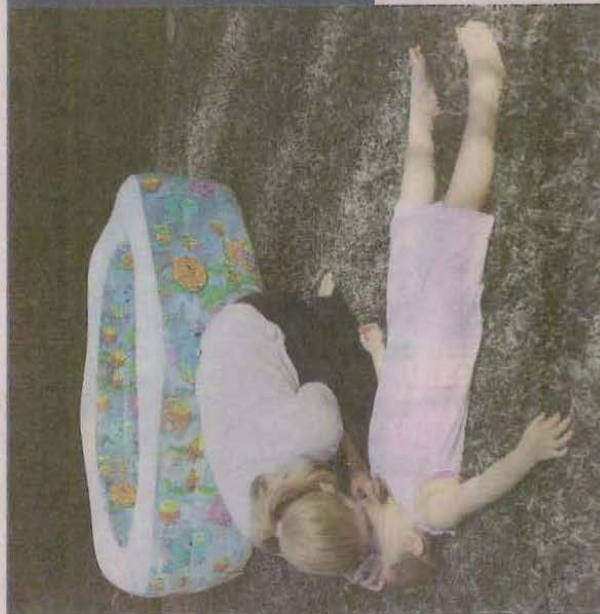
the children's hospital at Westmead

# Kids can drown in inflatable pools too!



kids health  
the children's hospital at Westmead  
Child Health Foundation Ltd

By law, all pools that can be filled with 30cm of water or more must have a fence. For more information on safe pool fencing, please visit [www.kidshealth.chw.edu.au/projects/drowning-prevention/swimming-pool-fencing](http://www.kidshealth.chw.edu.au/projects/drowning-prevention/swimming-pool-fencing)





## ATTACHMENT 2

### Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

Fairlight Survey Group - Address to Council - 18/01/1994

ADDRESS TO COUNCIL Tues 18 January 1994

REPORT FROM ENVIRONMENT DIVISION ON NORTH HEAD S.T.P. B.E.46

Ladies and Gentlemen:

This is a brief statement at very short notice.

We would not be here for the fact that there is cause for serious concern. We are suffering health ailments and stress living with closed windows against the dust and gases which the Water Board refers to as odours.

As recently as 6.00 pm yesterday, at Manly Hospital, Hydrogen Sulphide gas was smelt from the plant, confirmed by a male nurse also as not from the hospital and, at 11.10 last night, in heavy overcast weather, strong phenol deodorant masking hydrogen sulphide gas, produced instant swelling, blocking of nose and headache necessitating shutting windows, in fairlight.

This is a health, technical and funding issue. We are a group acting in the public interest. We ask you the Council as residents and representatives, where does the responsibility lie for our health?

We would like to work with Council on this issue.

The technical and wind reports are flawed. The apparent direction on supporting the Water Board and EPA is wrong, not representing the community needs and, in this short time there is not the competent technical expertise to deal with it.

We note Council Environment Division's summary includes references from the EPA only on the dust tests. The Minister for the Environment writes "the E.P.A officers who inspect the Water Board's North Head Plant have not observed material from the sludge stockpile to become airborne".

Both in the May Report and the revised October 28 Report, 1993, "the Water Board staff said on occasions dust was created from the windrows of treated sludge (which Jim Fairlie confirmed August 7th, 1993 at a public group meeting)". Why was this not quoted in Council Environment Division's summary?

With reference to the winds, 10th March, 1993, the Water Board's weather facility was not working. It was based on a forecast. The Sydney/Hobart Yacht Race would depend on Bureau of Meteorology Reports not Water Board Reports.

Sludge Disposal Options Study November, 1992 compares Manly and environs with volcanic areas and eye nasal and cough symptoms in the vicinity of a paper mill. If a paper mill was started locally, an E.I.S. would be required and without same would not be allowed to operate.

Appointing another independent body is a delaying tactic. We all know the dust and gases extend beyond the perimeters of the plant and is significantly affecting our environment, requiring an E.I.S.

What is council doing for the residents and their state of health in the short term? 2010 is too far away, ALSO Manly's tourism will be affected and there should be a piping solution in the short term before the Olympics.

The 200 million dollars from the Environmental Levy should help.

We have many statements, in one submitted there is mention of an ear nose and throat specialist informing her that 70% of his patients were from this area and all with breathing and nasal problems, and her quality of life has deteriorated. Others state skin irritations, sore eyes, sore throat and constant congestion, nasal polyps etc.

Why bother with pelletising when money would be saved by immediate piping?

Fairlight Survey Group



### ATTACHMENT 3

## Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

### Fairligh Survey Group Address Notes

*ADDRESSES* Notes Fairligh Survey Group  
There are many of us in Fairlight & Manly whose health is being affected by the works at the North Head Sewerage Treatment Plant.

Briefly, incineration ceased and sludge processing commenced 1991. This is deodourizing the H<sub>2</sub>S with chemicals, (chlorine & caustic) and, neutralizing the sludge with lime and cement kiln dust.

The health problems suffered & complained about include skin & eye irritations, a frightening-sudden-inability-to-breathe choking & gasping for breath, coughing, nausea; watering eyes & noses, increased mucous production; sore dry throats effecting voice & chest, general malaise and, especially if one leaves the window open at night with wind direction from the plant, sinus headaches & blocked nose. Spot bleeding of nose, & throat through continued clearing, has been reported, plus nasal polyps.

Testimonials state some of these symptoms coincide with odours from the plant, and some appear without noticeable odours, but all are localized. If one leaves the area for holiday or weekend symptoms vanish only to return on return.

The odours include: H<sub>2</sub>S, chlorine/ammonia, a sulphur smell, a cheap-bathroom-deodourant-type smell masking H<sub>2</sub>S - (the result is a foetid decaying carcase smell and/or decaying fish/fish glue), various chemical odours and a metal smell - we have learned from the EPA this last would be when the incinerator shafts are aired to prevent rusting.

Not all areas are affected, and some more often than others, the winds follow land contours, Fairlight, Eastern Hill and North Steyne appear to be more effected, but the air dispersion is not even and odours can vary from barely detectable to dense concentration - in "pockets", - this can cause onset of gasping-for-breath &/or immediate headache & nausea.

The background and results of our complaints to the EPA & Water Board are covered under the facts published in The Sydney Morning Herald "Let's clear the air" and the N.Beaches W/ender "Water Bd Sludge Report Unreliable". (available/attached).

The Report concentrated on the dust and ignored the gas-&-chemical-deodourising emissions. Some of the health symptoms suffered are classic reactions from exposure to ozone which was produced at North Head, using ultra violet light to control odour from a ventilation shaft, trialled during 1992. The EPA have informed us ozone is no longer produced. The sludge dust contains fibres & silica.

There is mention in the Report they expect resident reaction when the sludge pelletising processing commences in 1994 for which no E.I.S. (Environmental Impact Statement) has been done, which the EPA state is necessary for the long term.

In the Review of Environmental Factors, Oct 1991, covering North Head Sludge Trial refs: Environmental considerations include there should be no "Harmful effect on H ealth" & no "adverse odour impacts on local communities" Despite these violations of the Clean Air Act (Section 15A "no scheduled premises shall have an emission of odour pertaining to the handled chemicals beyonds its boundaries"), the EPA state, one of their officers has to be present at the time of the smell for action to be taken. Of course by the time one rings the EPA, and registers the odour, it is fatuous to expect it to be still present by the time an officer reaches the spot! - and one hears no more. So complaining to the EPA is rather like writing to Santa Claus, nil response & one gives up.

In the original tender, Ecore Consortium stated sludge processing would be done in a remote industrial location with a large buffer zone 90k SW of Sydney (Maldon)- (because of the hazards). The Water Board rejected this, (recent ICAC enquiry), and chose the cheaper option Manly - a dense residential location with no buffer zone.

In a North Head Sludge Disposal Options Study 1992 (Appendix A p.1) "There is documented evidence that some pollutants can be harmful when inhaled in high concentrations or at frequent intervals and the recent public concern may be warranted."

The population density within 3 sq.k of the plant is 18,000; 6,000 per sq.k., Fairlight, according to the Water Board, is 5k from the plant.

PROPOSED RESOLUTION:

pto



# Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

The Sun Herald 23/10/2011 "Look who's polluting:"

+12 NEWS SUNDAY, OCTOBER 23, 2011 THE SUN-HERALD

## INVESTIGATION

# Look who's polluting:

Natalie O'Brien

UNTREATED sewage and heavy metals from the nation's biggest water utility are contaminating some of Sydney's most picturesque waterways and posing potentially widespread health risks, but the extent of the problem has been kept quiet.

The \$32 billion Sydney Water Corporation has breached its pollution licences more than 1000 times in the past five years. And yet the NSW government's Office of Environment and Heritage has not prosecuted one of the breaches.

In many cases, a *Sun-Herald* investigation has found, untreated effluent overflowed into waterways such as the Georges River, Berowra, Cattai and Narrabeen Creek, which leads to Newport beach.

Sydney Water has also been unmasked as the state's biggest polluter of mercury, but the OEH has placed no restriction on how much it can discharge.

The federal government's National Pollutant Inventory shows Sydney Water's North Head sewage plant dumped 24 kilograms of mercury off Manly in 2009-10, through its deep ocean outfall pipe. That dwarfs the next biggest mercury polluter, the Springvale Colliery's 0.66 kilograms.

Medical studies published in 2008 revealed the cases of three Sydney children found to have toxic levels of mercury after eating fish, which had

### Special treatment

#### Southern Suburbs Sewerage Treatment Plant (Malabar)

Owned by: **Sydney Water**

- Pollution licence breaches (2009-10): **29**
- Breaches in the past five years: **212**
- Sewage overflow
- Odour complaints
- Overflow into waterways and one school
- Unable to demonstrate improvement to environmental performance
- Oil and grease dumped offshore: **4.9 million kg**
- What it paid for permission to pollute: **\$3.3 million** **No prosecution**

#### Cronulla Sewerage Treatment System

**Sydney Water**

- Licence breaches (2009-10): **13**
- Breaches in the past five years: **64**
- Sewer overflow
- Odour complaints
- Sewage into Georges R/River
- Unable to demonstrate improvement to environmental performance
- Odour complaints higher in 2004-09 than in 1995-2000
- Oil and grease dumped: **4: 632,380kg**
- What it paid for permission to pollute: **\$24,683.61** **No prosecution**

#### North Head Sewerage Treatment Plant

**Sydney Water**

- Licence breaches (2009-10): **67**
- Breaches in the past five years: **334**
- Sewer overflow
- Broken pipes
- Overflow to creek
- Not all flows received full treatment
- Processes not followed
- Oil and grease dumped offshore: **4.8 million kg**
- Paid: **\$3.2 million** **No prosecution**

#### Bondi Sewerage Treatment Plant

**Sydney Water**

- Licence breaches (2009-10): **12**
- Breaches in the past five years: **55**
- Sewer overflow
- Odour problems
- Not all flows received full treatment
- Unable to demonstrate improvement to environmental performance
- Exceeded aluminium concentration
- Oil and grease dumped offshore: **1.5 million kg**
- Paid: **\$690,857.72** **No prosecution**

THE STATE'S BIGGEST MERCURY POLLUTERS (2009/10)

Sydney Water

Springvale Coal

Centennial

BlueScope

## ATTACHMENT 5

### Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

#### Copy of letter to Mike Baird MP, Member for Manly by Beverley Trevenen for Clean Ocean Foundation dated 9 October 2012



9 October, 2012

The Hon. Mike Baird, MLA  
Member for Manly  
NSW Treasurer  
Minister for Industrial Relations  
Shop 2, 2 Wentworth Street,  
Manly NSW 2095.

Dear Mr. Baird,

We are asking that you, as our local member, take the following request to Premier O'Farrell:

Mr. Premier, we request that the NSW Government immediately take steps to implement at the North Head Wastewater Treatment Plant (NHWWTP), the "ultimate aim" of Section 27(1) of the Sydney Water Act 1994, which states, *inter alia*

*'the corporation is to adopt as an ultimate aim the prevention of all dry weather discharges of sewage to waters, including from ocean outfalls, except to the extent that this is necessary to safeguard public health or prevent environmental degradation, or both.'*

Accompanying this letter of request is a history of the protracted record spanning over a third of a century of community activity regarding NHWWTP that plainly indicates a failure to achieve landmark objectives caused by procrastination, unfulfilled promises and expectations coupled with apparent conflict between Sydney Water and EPA, the regulator. Consequently, we have come to the conclusion that only the strong intervention of the NSW Government will enable the above aims to be achieved.

Mr. Premier, we are proud of our city of Sydney – a city which stands tall in the world listings but, which scores poorly in its treatment of its waste by its use of archaic processes to dispose of its sewage. The current Sydney Water plan will not meet the 1994 Act Section 27(1) let alone compare with the sewage disposal practices of the world's major coastal cities. It is an unfortunate fact that in NSW the EPA allows the NHWWTP's effluent concentration for solids to significantly exceed the maximum legal levels in, for example, the USA.

We are aware that the planning, implementation and cost of solutions to New South Wales' issues of ocean pollution by its sewage treatment plants cannot be made during the term of a single government – and we acknowledge the problems which accompany such a long time frame. But in issues as environmentally fundamental as using the world's best modern practice in sewage waste disposal, a government should make bold plans for the State's future without evasion or equivocation. And, in doing so, let the electorate know of its wisdom in making plans for ensuring a safe and clean environment.

Sincerely

Beverley Trevenen  
For concerned citizens represented by  
Clean Ocean Foundation



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**Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant**

**Attachment to letter to Mike Baird MP Member for Manly dated 9 October 2012 by Beverley Trevenen**

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**Introduction**

North Head Sewage Treatment Plant (NHSTP) is located on a headland that forms part of the gateway to Sydney Harbour and our internationally renowned city, in fact, considered one of the top 10 cities in the world. Surprisingly, Sydney is still sending sewage through ocean outfall tunnels to the Tasman Sea. Despite Community action, little change has occurred in this since the 1970s.

Over many years NHSTP, its ocean outfalls, the odours emitted from both the plant and biosolids being transported by trucks have been the subject of a plethora of written plans from the Government, Sydney Water and its predecessor organisation as well as press, radio and, television commentary. Notable amongst the plans, was Sydney Water's WaterPlan 21, released to the public in 1997, that detailed their goals for the future. WaterPlan 21 was used as the cornerstone to promote two large projects in Manly. However, the finished projects, ended-up, far removed from satisfying the goals of WaterPlan 21.

NHSTP was first constructed in 1970s. A health study revealed significant effects on the swimmers' health on Manly's Beaches during high pollution events caused by effluent from NHSTP being released at the cliff face. This led the Government to initiate the construction of the Ocean Outfalls to release the effluent 3.5 km offshore.

Since many people were opposed to releasing untreated effluent to the ocean, People Opposed to Ocean Outfalls (POOO) marches commenced 1985 in Manly protesting against sewage pollution of the ocean. The protests culminated in 1989 in the Midnight Oil "Turn the Tide" concert at Bondi, attracting an estimated 200,000 people. Nevertheless, the ocean outfall at NHSTP was commissioned in 1990.

In December 1989 the Clean Waterways Program was established to promote clean oceans, beaches, harbours, estuaries, rivers and waterways in the State by spending \$7 billion over 20 years within the Water Board region. This sum was to fund work additional to the Board's ongoing work, and was funded by a Special Environment Levy (SEL) of \$80 per annum per Board ratepayer for five years. Most people were supportive of the levy for a cleaner environment.

**History of Government Proposals and Community Activity NHSTP**

In January 1991 the New South Wales Government and the Water Board released a series of public discussion documents. The discussion document "Towards Clean Beaches and Ocean Waters for Sydney" records:

**"A message from the Minister for the Environment and the Chairman of the Sydney Water Board**

*"In a series of public forums conducted throughout Sydney in 1989, the community gave a very clear message that they wanted clean beaches and ocean waters."*

*"Given limited resources, it is imperative the community provide input into the decision-making process..."*

Another document in the series "Improved Effluent Quality" provided options for improved effluent from Sydney's coastal sewage treatment plants. Extracts from this document are presented below:

**"Introduction** A report commissioned by the Government and prepared by independent consultants, Camp, Dresser and McKee was released 1989 "...found that the ocean outfalls would achieve an improvement in the levels of beach pollution from sewage effluent. However, the outfalls would not provide the solution to the pollution of the oceans themselves".

*"The community gave a very clear message that they wanted, among other things, clean beaches and ocean water."*

**Where we want to go**

*"The current standard for ocean water quality was set by the NSW State Pollution Control Commission (SPCC) in 1976. The Water Board is currently meeting this standard with the first submarine ocean outfalls at Malabar and North Head, as well as at plants at Warriewood, Wollongong, Bombo and Shellharbour."*

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**Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant**

**Attachment to letter to Mike Baird MP Member for Manly dated 9 October 2012 by Beverley Trevenen**

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***Effluent Quality Goal***

*"The Water Board has adopted a goal for the quality of the effluent being discharged into the ocean."*

*The short and medium term strategy proposed by the Board is designed to facilitate the treatment plants meeting this goal."*

*"The goal against which all the treatment processes will be assessed is 50 parts per million for solids and 20 parts per million for grease."*

*"The longer term goal is to meet the Environment Protection Authority effluent quality after 1995."*

The series of documents for a public discussion initiated a process of genuine community consultation, presenting options to be assessed, no contracts already signed, and a dollars decision not already made. No funding was allocated for construction after completion of the consultation.

Is the continuing inaction of Governments in improving the treatment standards at its ocean wastewater plants, the result of the sentiments expressed on page 111 of the 1994 "Report of the Joint Select Committee Upon Sydney Water Board"

*"The Industry commission Report No. 26, Water Resources and Waste Water disposal, 1992 warned of the dangers of committing operational organisations such as the Water Board to a spiral of rising costs. The Report also warned of an attendant inability to fund future infrastructure improvements to secure critical environmental improvements via the simplistic application of command and control approaches."*

This seems to be contradictory if the "environmental improvements" are indeed "critical", then what could possibly be meant by "the simplistic application of command and control approaches"

However, it is interesting to note that the next step was a headline in the Sydney Morning Herald January 1995 "Scrap Ocean Outfalls says EPA". In the article, Professor John Niland the Chairman of the EPA is quoted as saying "We can't keep treating the oceans the way we have. Unless a body like the EPA starts to speak out we will get five or 10 years down the track and find we are still no better off. The next stage is a complete phase-out of the deep ocean outfalls." Unfortunately Professor John Niland was correct! Seventeen long years later there has been no change to licence levels for effluent concentration of sewage solids and grease pollution of the ocean.

The EPA's Pollution Reduction Program 010 issued to Licence Number 378 North Head STP required Sydney Water to report to the EPA by 31 October 1997, as to how to achieve items 1 and 2 while item 3 to be reported by 30 April 1997.

- 1 A fifty percentile NFR concentration in the plant effluent of 100 milligrams per litre;*
- and*
- 2 A fifty percentile oil and grease concentration in the plant effluent of less than 25 milligrams per litre; and*
- 3 Sludge removal from the premises which maintains sludge truck numbers at or below a ceiling of 120 truck movements per 5 day week.*

By world standards this was not an ambitious enterprise, and, certainly very much less than had been proposed by the NSW Government and the Water Board in the "Improved Effluent Quality Options 1991-1992" documentation.

In November 1997 Mr. Hartcher asked in Parliament why the upgrade to full primary treatment for NHSTP was being delayed until 2002 and the Ministerial response was: "There is no delay. It is going through processes – completion to full primary upgrade will be in 2005".

Sydney Water stated that PRP010 had been included in Environmental Protection Licence 378 (EPL378) that regulates NHSTP.

## ATTACHMENT 6

### Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

#### Attachment to letter to Mike Baird MP Member for Manly dated 9 October 2012 by Beverley Trevenen

On 19 May 1998 Sydney Water noted the detail of their response to PRP010 in a paper presented at a meeting of the SWC Executive:

*"A PRP report for North Head was submitted to the EPA in October 1997 for options to achieve effluent NFR 100mg/L and O & G 25 mg/L (ie consistent with the Waterplan 21 outcomes) and to maintain trucking at or below 120 movements per week. The PRP options report identified a preferred liquid treatment option of chemically assisted sedimentation and conventional primary treatment (CAS/CPT). The PRP report also identified a preferred on site process for biosolids management consisting of digestion and drying. Similar PRP's for Malabar and Bondi will be submitted to the EPA in November 98."*

It appears that Sydney Water having submitted the options to the EPA in response to PRP10, the matter "died" there, and no further action was taken by the EPA. It is clear that PRP010 no longer forms part of EPL378 but the licence is not annotated as to how or when PRP010 was removed.

#### Northside Storage Tunnel (NST)

This tunnel was built to keep Sydney Harbour clean, particularly for the 2000 Olympics. In order to alleviate community opposition from the Manly Community to NHSTP being the recipient of another "long pipe solution", Sydney Water promoted the NST to Manly with a sludge pipe that would end the trucking of sludge from NHSTP through the streets of Manly. Sydney Water placed three full-page advertisements in The Manly Daily and made presentations to Manly Council and precincts.

As an indication of the claims made by Sydney Water, the following are extracts from the advertisement The Manly Daily Saturday, November 8, 1997:

*"It's part of WaterPlan 21, which is Sydney Water's twenty year \$3 billion program to improve our waterways."*

*"The design of the tunnel will also let us maximize recycling along its length in the future with a resultant reduction of flow through North Head."*

*"\$375 million buys a lot more than a tunnel. The rest of the money is being spent on other environmental benefits. These include \$50 million to take biosolids away from North Head, rather than using trucks. As well, recycling pipes for water for water will be installed. The storage tunnel is flexible and can run both ways which is important for increased recycling in the future."*

*"We want you to appreciate that WaterPlan 21 is an ambitious and responsible plan to bring very real benefits to everybody in Sydney..."*

No sludge pipe was integrated in the NST, since it had not been included as an item in the contract that Sydney Water issued for building the tunnel. The reuse water pipe, installed in the NST, had so deteriorated by 2008 that it could not be used and it was too costly to be replaced.

Sydney Water later declared the promotion of the sludge pipe a 'mistake'. On 28 September 2001 at a parliamentary enquiry Mr. Alex Walker, the then CEO of Sydney Water said:

*'On 14 May 1999 Sydney Water formally and publically apologised to the Manly community for incorrectly publicizing the intention to install a pipeline to transfer sludge to Camellia for off-site treatment.'*

Further, Mr. Walker stated regarding North Head Sewage Treatment Plant:

*'The proposed on-site processing would ensure the production of a stable grade A pellitised product that can be transported in a fully enclosed tanker-type truck.'*

A step change in thinking about wastewater seems to have occurred at the beginning of 2000 as may be seen from the correspondence discussed below. On 24 Jan 2000 the Managing Director of SWC wrote to the Director General of EPA. The third paragraph reads:

*"The Board was advised that at the Strategic Liaison (SLG) meeting of 17 November, 1999 the EPA stated that there were no environmental imperatives that would require Sydney Water to upgrade North Head STP and nor were there likely to be in the next 5 years. Specifically, the EPA does not propose to issue a Pollution Reduction Program for an upgrade on environmental grounds over the next five years. The SLG agreed that any decision to upgrade the STP to improve its reliability is a decision for Sydney Water to make based on the Corporation's Risk Management Strategies."*

And then continued with

## ATTACHMENT 6

### Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

#### Attachment to letter to Mike Baird MP Member for Manly dated 9 October 2012 by Beverley Trevenen

*"The Board of Directors requested that I write to you to obtain written confirmation of the EPA's view regarding the upgrade of North Head STP."*

EPA Director General replied 2 February 2000 confirming that the EPA has no current requirements on SWC to upgrade the North Head STP. The last sentence in that letter reads; *"I accept that any decision to upgrade the North Head plant to improve its reliability is a decision for Sydney Water to make based on the Corporation's risk management strategies."*  
IN February 2000 Sydney Water Corporation's Board of Directors approved funding for NHSTP Project North Head for upgrade to cost \$179m ±25% which included a reduction in the concentration of solids and oil and grease in the effluent.

This was followed by a presentation to the Board of Sydney Water at its meeting of 11 April 2001 at which it was confirmed that:

*'In February 2000 the Board approved in principle the upgrade of the major ocean plants to full primary treatment.'* (Interface with Upgrade of Major Ocean Plants)

In June 2001, the Sydney Water Board of Directors approved a Community Consultation Policy that would provide the foundations for the approach to communication with the community on Project North Head, extract from Consultation Policy:

*"Sydney Water provides products and services essential to the communities it serves. Community consultation provides Sydney Water with the opportunity to understand and incorporate community views and preferences into the decision-making process. The views and preferences of the community are one of several important factors considered by Sydney Water in the decision-making process. Other factors include environmental, health, economic, technical, operational and safety considerations."*

In November 2001 Project North Head (PNH) community consultation commenced. The catchphrase for the PNH consultation was "no surprises".

On reviewing the notes of the meetings and data provided for assessment for Project North Head for members of the MKSF between November 2001 and 25 March 2003, it can be seen that MKSF members demonstrated their commitment to community and environment with attendance at meetings despite recognising that it was an information forum for decisions already made by Sydney Water for an upgrade to NHSTP within an already allocated budget. There was a feeling amongst MKSF members that they were being shepherded, participating in a mix and match game. One member angrily declared that they were there to select the colour of any paint required.

The PNH 'consultation solutions' were based on the premise that the community were prepared to have sewage solids, oil and grease pollution to the ocean continued. This was shown to be wrong by a statement signed by eight members of MKSF that there could be no consensus based on the options provided failing to achieve sustainability objectives, given population growth, the timelines under consideration. Four members of MKSF presented a Resolution that called on Sydney Water to:

- 1. Embark upon a preliminary study that determines when NHSTP will become partially, or fully redundant.*
- 2. Describe an alternative viable scheme(s) that could supersede current wastewater disposal methods at North Head, as requested by key stakeholders at your recent workshops.*
- 3. Give the potential timeframe for implementing a replacement scheme*

Members of Manly Key Stakeholders' Forum (MKSF) were advised by letter dated 9 October 2002, Ref:831/486/OC 086 that the final workshop on Project Objectives would be held on 22 October 2002, however, the meetings continued until March 2003.

A consultant for IPART who undertook a Review between October and December 2002 had raised the issue with EPA *"... that Sydney Water intends to upgrade all the ocean outfall sewage treatment plants by 2010 which is outside the capital program that they defined. The North Head STP is identified for upgrading to start within the defined program. This is said to be in reaction to increasing grease loads The EPA says that upgrading the ocean outfall plants is not a priority."* (EPA representing the Government's environmental priorities).

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IPART's Determination No 4 of May 2003 states:

*"All above ground asset renewal capital expenditure was allowed except for:*

*\$16 million for an upgrade at the North Head sewerage treatment plant, as this was not in line with the priorities set by the Environmental Protection Authority of NSW."*

*"In evaluating the appropriateness of environment-related capital expenditure projects, the Tribunal relies heavily on advice from the EPA (representing the Government's environmental priorities)*

Sydney Water argued the consultant misinterpreted the prime drivers for NHSTP upgrade.

*"Sydney Water explained that the drivers for the project are partly to ensure the maintenance of effluent standards under the existing licence, and to improve the reliability of existing equipment systems."* Further, *"WaterPlan 21 is a significant driver also"*.

Despite the overwhelming support from the Manly Key Stake-Holders' Forum that the reduction in solids pollution to the ocean should be greater than the options presented in the PNH, IPART questioned community support for the upgrading at North Head STP.

As a result of IPART Determination No 4 of May 2003 Sydney Water sought approval from its Board of Directors at a meeting in November 2003, *"for works to include reliability, renewal, process improvement, biosolids management and a water reuse facility at North Head Sewage Treatment Plant (STP) in the price submission to the Independent Pricing and Regulatory Tribunal (IPART) at an estimated cost of \$106 million."* The following were presented 19 November 2003 in a paper for the Sydney Water Corporation's Board:

*'... there will be 13% growth within the catchment over the next 20 years';* Page 1

*'Project North Head was targeted at increasing solids capture from the current 30%, to 60%.'*

Page 1

*'The process upgrade may result in an increase in oil and grease captured, including a solids capture increase, from the current 30%, to approximately 35% capture.'* Page 11

Extracts from Sydney Water's "Client Needs Specification for North Head STP Performance and Reliability Project Concept Design"

#### *"2.1 Objective*

*The overall objective of the PAR project is to provide North Head STP with the appropriate process capability, reliability and operability to ensure compliance with the current EPA licence requirements with respect to effluent quality up to the year 2023".*

As mentioned above, it was not intended that the in the long term the effect of PAR would be an increase in the capture rate, because the licence was not to be changed till at least 2023. The Project was therefore constructed on the assumption of a 13% growth in the inflow to the plant, but no change to the effluent pollution levels. The current licence concentration pollution levels for TSS, oil and grease have existed since 1976 – 36 years to date.

Since odours have been a perennial problem at NHSTP, the PAR Project 'Client Needs Specification' included section '5.3 Task 3 Odour Mitigation' with

#### *'5.3.3 Project Scope*

*The scope of works for odour mitigation shall include but shall not be limited to:*

*Based on the capital works recommended by Sydney Water's Air Quality & Atmospheric Monitoring Unit and agreed by the IPT, provide a concept design for odour mitigation of the operation of North Head STP following implementation of PAR. Provide capital and operating and maintenance costs for the odour mitigation components of the PAR project.* 'Page 17

Whilst the digesters and the biosolid storage facilities at NHSTP were being designed, the Community Consultative Group members requested that contingency measures should be included in the design to avoid offensive odours that at that time were being experienced by community from Malabar STP. The possibility of offensive odours being produced by the biosolids from the digesters was forcefully denied by the representatives of Sydney Water. Unfortunately, the experience with the new biosolids facility, which became operational in September 2007, indicates otherwise and is supported by an extract from FOI document SW Ref KH004130 dated 01.08.08

## ATTACHMENT 6

### Notice of Motion Report No. 4.DOC - Ongoing problems with North Head Sewerage Treatment Plant

#### Attachment to letter to Mike Baird MP Member for Manly dated 9 October 2012 by Beverley Trevenen

*'However, the biosolids produced by the new digesters are more odorous than when Thiess Services operated their plant.'*

and

*'From December 2007, Sydney Water has required all trucks transporting biosolids from North Head STP to use special tarpaulin covers that are very effective in preventing odours from the biosolids escaping.'*

As well as

*'Additionally Treatment Operations, working in conjunction with Asset Planning and Sustainability, has initiated a research and development project to investigate methods to reduce the odour levels of biosolids from North Head STP.'*

It appears that the writer of the PAR 'Client Needs Specification' was aware that odours were likely to be problematic since the two dot point quoted above and repeated here for emphasis

" odour mitigation of the operation of North Head STP following implementation of PAR. Provide capital and operating and maintenance costs for the odour mitigation components of the PAR project' ,

indicate that odour problems were expected to occur!

It is noteworthy that the PAR "Client Needs Specification" Section "3.3 Compatibility with Project North Head" states

*'The full primary upgrade as identified by Project North Head is the blue print for the long term development of the plant. The concept design for the PAR project will be compatible with the provision of the full primary equivalent upgrade at a later date. The concept design will identify and accommodate a two stage approach to the provision of the full primary upgrade.'* Page 7

Finally it was proposed in section '5.7.4 Proposal' that:

*'North Head STP is to be progressively upgraded, over time, to achieve full primary sedimentation.'*

And

*'In the full primary treatment upgrade of North Head STP (to be carried out beyond 2020).*

*'The Options Report of Project North Head contains the proposed general arrangement for the full upgrade.'*

The performance outcomes in Sydney Water's proposed upgrade to full primary treatment at NHSTP after 2020 were rejected in the 2003 PNH consultation.

In response to a request for information made under the GIPA Act regarding the claim that EPA advised Sydney Water to proceed with PARR on the premise that changes to effluent concentration levels was unlikely before 2023 the Office of Environment & Heritage replied "*we have been unable to locate a record that refers to 2023.*"

SWC has acknowledged that this is correct. However, SWC still claims that the PARR project was designed to meet the current pollution concentration loads until 2023. How this could be done without setting an effluent concentration is not clear, so *ipso facto* whether the EPA has or has not set the licence conditions to persist till 2023.

EPL378's Assessable Pollutant Load Limit (kg) specifies:

Total Suspended Solids	35010800kg (35,000 tonnes)
BOD	35010800kg (35,000 tonnes)
Oil and Grease	5569900kg ( 5,500 tonnes)

**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Notice of Motion Report No. 5  
**SUBJECT:** Reinstatement of Mural at Manly Lagoon Park  
**FILE NO:** MC/13/13055

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**Councillor Candy Bingham will move:**

That Council provide a report on the feasibility of reinstating the mural, which was previously located in the old children's playground, back to Manly Lagoon Park.

**Background**

Since its refurbishment in 2011, the children's playground at Manly Lagoon Park has become one of the most popular in Manly.

However during the refurbishment program a mural was removed from the playground which was part of an award-winning art and educational initiative by the Manly Environment Centre. This mural complemented the plaques that are along the Eco-Discovery Walking Track, sculptures and the well-recognised mural titled "Memories of Manly Lagoon" on the wall of the amenities black facing Manly Lagoon Foreshore Walk.

The overall project won the National Local Government Award in 2003, was written up in the Commonwealth's Wetlands Australia 2004 journal and as a result Manly Lagoon and the Manly Environment Centre is recognised by them as one of 17 Wetland Education Centres in Australia.

The missing mural was an important part of this project. It is believed to be currently in storage at the council's Work Depot.

**RECOMMENDATION**

That the Notice of Motion be submitted for consideration.

**ATTACHMENTS**

There are no attachments for this report.

OM110213NM\_5.DOC

\*\*\*\*\* End of Notice of Motion Report No. 5 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Item For Brief Mention Report No. 1  
**SUBJECT:** Items For Brief Mention  
**FILE NO:** MC/13/1978

### 1. Complaints made to the General Manager

There were no complaints to the General Manager in January 2013

### 2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
208/12	10 Dec	Notice of Motion Report No. 46 - Master Plan for Ivanhoe Botanic Gardens	i) Manly Council develop a Master Plan for the Ivanhoe Botanic Gardens area	In progress
			ii) the Master Plan proposal be referred to the first Council Workshop in February 2013	In progress
207/12	10 Dec	Notice of Motion Report No. 43 - 2014 School Student of the Year	That Manly Council establishes a School Student of the Year Award	In progress
205/12	10 Dec	Notice of Motion Report No. 44 - Proposal to locate a six person outrigger canoe at Little Manly	That consideration be given to the proposal from the Northern Beaches Dragon Boat Club, to locate a six-person Outrigger Canoe at Little Manly Cove. Manly Council.	In progress

### 3. Tabled Documents

Date	Author	Subject
30 January 2013	Barry O'Farrell MP Premier	Response to our letter re national container deposit scheme
31 January 2013	Mayor Felicity-ann Lewis President Australian Local Government Association	2013 National General Assembly of Local Government – Call for Motions

### RECOMMENDATION

- That the items for brief mention reports 1, 2 and 3 be received and noted.

### ATTACHMENTS

There are no attachments for this report.

OM110213IBM\_2.DOC

\*\*\*\*\* End of Item For Brief Mention Report No. 1 \*\*\*\*\*



**TO: Ordinary Meeting - 11 February 2013**  
**REPORT: General Managers Division Report No. 1**  
**SUBJECT: Council Online Permit Parking Application System – ePermits**  
**FILE NO: MC/13/8902**

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## SUMMARY

Council at its meeting of 6 August 2012 considered Notice of Motion Report No. 35 - Parking Permits - Report on Residential Parking Scheme and resolved:

*"That in relation to ongoing concerns over a number of years, especially from residents of Little Manly and Ocean Beach precincts, regarding a "black market" in resident parking permits, the General Manager brings back a report to the next Council meeting, detailing what steps have been taken by Manly Council to trial an online registration system for parking permits and what proposals could be considered and implemented to overcome the problem."*

The purpose of this report is to update Council regarding the progress of this project/initiative.

## REPORT

Council has had very few complaints or advices in regard to the illegal use of parking permits over the life of the operation of the permit parking schemes. Everytime Council has received such advice these are investigated immediately.

The development of a new online permit parking system which ties all parking permits issued by Council, both designated parking permits and resident parking permits, to vehicle registration numbers, will enable improved regulation of the use of all permits and will reduce the number of permits being issued.

### Online Parking Permit Application System

Council has recognised the need to provide residents with the opportunity to apply and pay on line for their parking permits. An online system will be developed to offer an application and payment system for residents which will operate in addition to the existing application methods ie hardcopy by mail, facsimile, email and at the Customer Service Counter.

An online system will provide residents with the following benefits:

- a 24/7 application system;
- one system that caters for both Designated and Resident parking permit applications;
- residents may upload their support documentation;
- residents receive an email notification when the permit/s have been activated;
- the ability to manage all applications and payments in one database;
- the ability to communicate with applicants by email to hasten the processing of their application or for email bulletins for renewal reminders; and
- provide pro-rata parking permits – e.g. permits valid for shorter terms such as 3 months in line with residential tenancies.

It is envisaged that the online permit parking application system will be made available to Manly residents in mid 2013.

## RECOMMENDATION

That Council receives and notes this report.

## ATTACHMENTS

There are no attachments for this report.

OM110213GMO\_1.DOC

\*\*\*\*\* End of General Managers Division Report No. 1 \*\*\*\*\*

**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Corporate Services Division Report No. 2  
**SUBJECT:** Investment Report December 2012  
**FILE NO:** MC/13/2629

---

## **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 December 2012.

## **Legislative & Policy Implications**

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

## **Certification – Responsible Accounting Officer**

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

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

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

## **Investment Performance**

The Investment Report shows that Council has total Investments of \$16,722,979 comprising a combined Bank Balance of \$413,163; and Investment Holdings of \$15,309,816 directly managed and \$1,000,000 externally managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.29% (*Council Benchmark = 3.16% - benchmark is 90 day average BBSW*)

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

**Corporate Services Division Report No. 2 (Cont'd)**

The average rate of return for investments paying interest is 4.88%

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

During the month of November Return on Lehman Brothers Australia Limited (Grange) Managed Funds was -4.65%. 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.

**Movements in Investments for the Month of December 2012****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Bendigo and Adelaide Bank	Term Deposit	\$1,000,000
Rural Bank	Term Deposit	\$500,000

**Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
NIL			

**RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 31 December 2012 be received and noted.

**ATTACHMENTS**

**AT- 1** Investment Report 4 Pages

OM110213CSD\_3.DOC

\*\*\*\*\* End of Corporate Services Division Report No. 2 \*\*\*\*\*

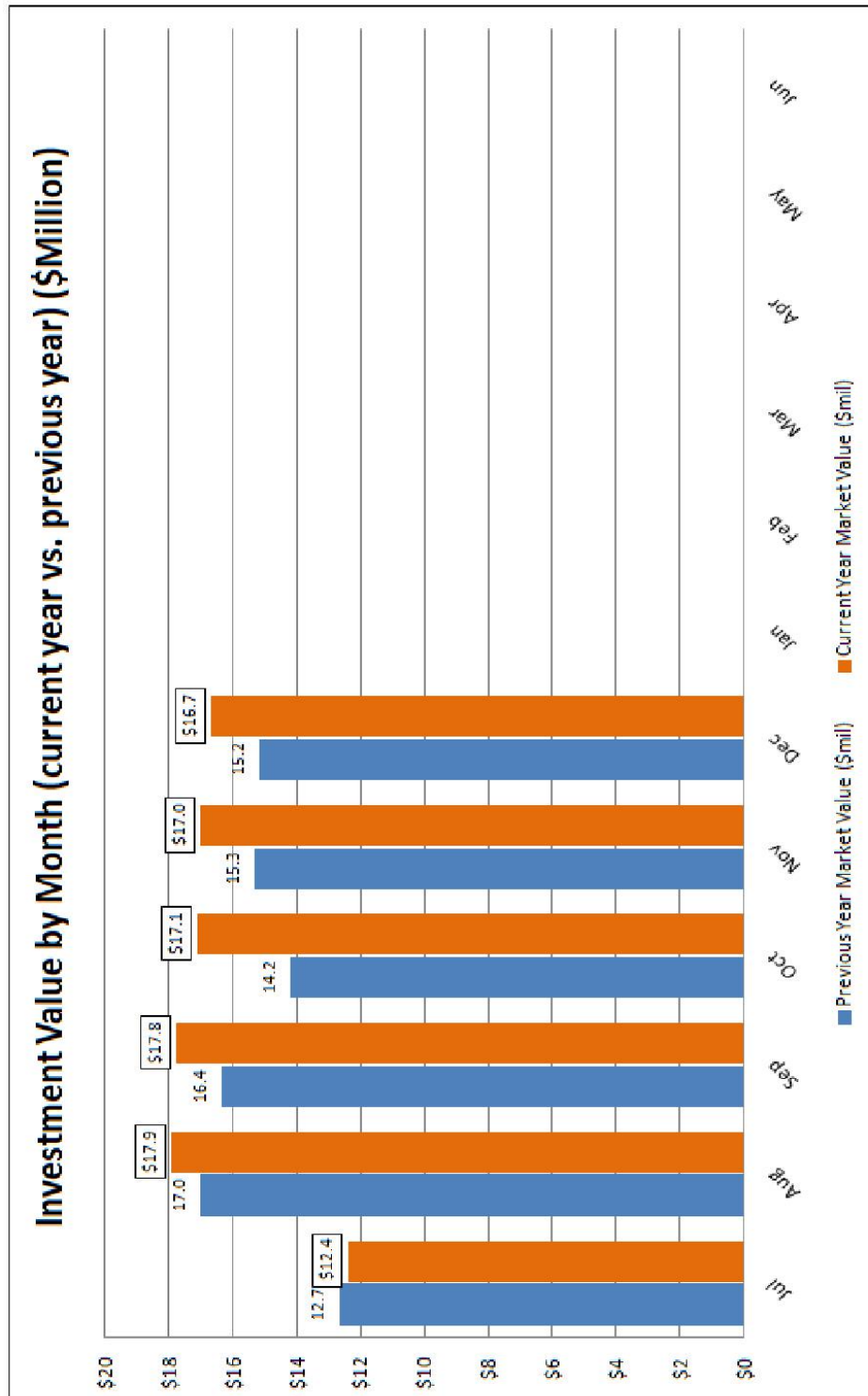
# ATTACHMENT 1

## Corporate Services Division Report No. 2.DOC - Investment Report December 2012 Investment Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 December 2012									
Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	YTD	Interest Dec 2012
<b>Directly Managed Funds</b>									
<b>Trading Account</b>									
CSEA Trading Account	413,163	413,163	2.47%	AA-			0.95% <sup>3)</sup>	12,706	1,811
<b>Others</b>									
USA @ call	1,023,904	1,023,904	5.12%	AA-	At Call	At Call	3.50%	37,202	5,147
AMP @ call	2,717,947	2,717,947	16.25%	A	At Call	At Call	3.85%	51,623	9,055
Mucquinto @ call	234	234	0.00%	A	At Call	At Call	3.00%	4	1
Rabodirect (All Gallery)	719,877	719,877	4.50%	AA	08/07/2012	04/07/2013	5.02%	17,830	3,069
Rabodirect (Meals on Wheels)	347,853	347,853	2.08%	AA	19/09/2012	18/03/2013	4.95%	4,859	1,482
Bank of QLD	1,000,000	1,000,000	5.98%	A2	28/08/2012	25/02/2013	5.14%	17,603	4,365
Rural Bank	1,000,000	1,000,000	5.98%	A2	31/08/2012	04/01/2013	5.00%	16,712	4,247
Members Equity Bank Pty Ltd	1,000,000	1,000,000	5.98%	A2	07/09/2012	06/03/2013	5.01%	15,785	4,255
Bank of QLD	1,000,000	1,000,000	5.98%	A2	07/09/2012	04/02/2013	5.01%	15,785	4,255
Bank of QLD	1,000,000	1,000,000	5.98%	A2	10/09/2012	08/01/2013	5.06%	15,527	4,298
Bank of QLD	1,000,000	1,000,000	5.98%	A2	19/09/2012	17/01/2013	5.06%	14,279	4,298
Polish Credit Union	1,000,000	1,000,000	5.98%	Credit Union	19/09/2012	18/03/2013	4.90%	13,827	4,162
Members Equity Bank Pty Ltd	1,000,000	1,000,000	5.98%	A2	22/10/2012	22/04/2013	4.76%	9,129	4,043
Uendigo and Adelaide Bank	1,000,000	1,000,000	5.98%	A2	03/12/2012	03/06/2013	4.80%	3,529	3,529
Rural Bank	500,000	500,000	2.99%	A2	10/12/2012	11/06/2013	4.60%	1,323	1,323
Emu Nola - Dresdner Bank AG	500,000	457,000 <sup>5)</sup>	2.99%	AAA	25/10/2005	30/10/2015	0.00%	-	-
ANZ Climate Change Trust	500,000	453,540 <sup>5)</sup>	2.99%	AA-	18/01/2000	18/01/2014	0.00%	-	-
Total	15,309,816	16,250,365	91.55%						
<b>Total Directly Managed Funds</b>	15,722,979	16,683,518	94.02%						
<b>Lehman Brothers Australia (Grange) Managed Funds (All in AU\$)</b>									
<b>Interest Bearing Securities (Non Bank)</b>									
Denyl Global Bank Note	500,000	545,000	2.99%	N/R	03/04/2007	20/09/2014	0.00%	-	-
Zircon (Coulterella)	500,000	490,000	2.99%	N/R	20/03/2007	20/09/2014	0.00%	-	-
<b>Total Grange Managed Funds</b>	1,000,000	1,035,000	5.98%					78,390	
Retired Investments									
<b>TOTAL PORTFOLIO</b>	16,722,979	17,688,518	100.00%				4.29%	320,113	59,319
<b>BENCHMARK<sup>(1)</sup></b>							3.16%		
<b>Notes:</b>									
1 Benchmark is 90 day Average BBSW for the month of December									
2 CDO Collateralized Debt Obligation									
3 CDO Collateralized Debt Obligation									
4 CDO Collateralized Debt Obligation									
5 Market Values as at 30 November 2012									

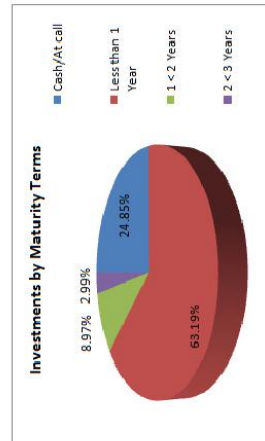
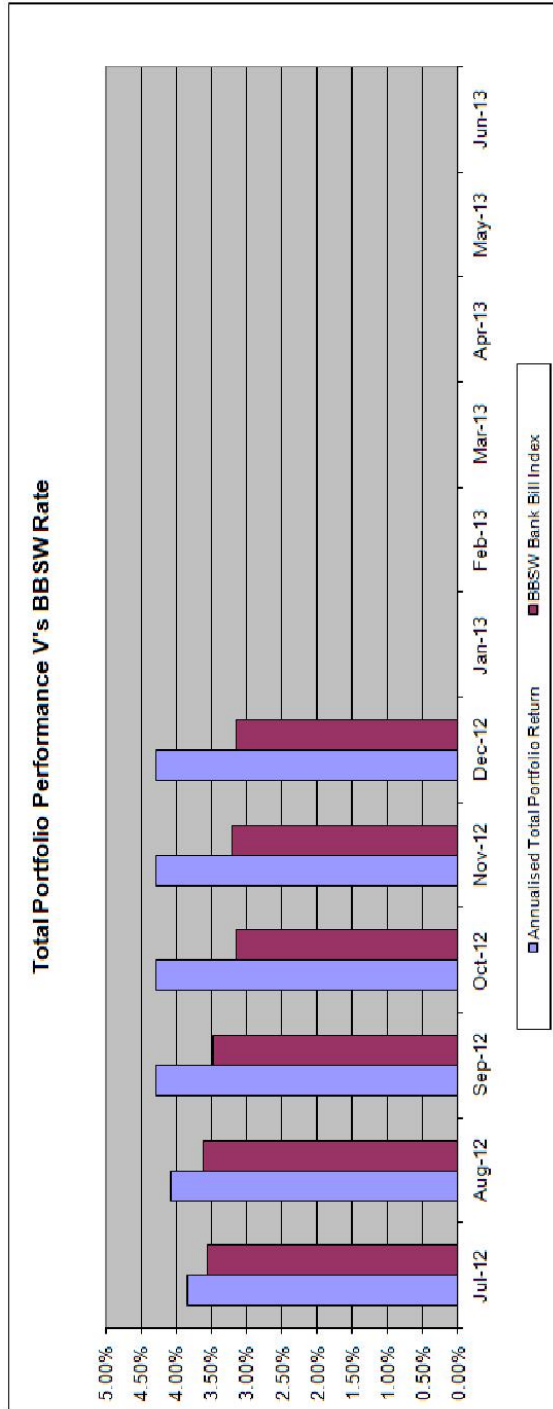
# ATTACHMENT 1

## Corporate Services Division Report No. 2.DOC - Investment Report December 2012 Investment Report



# ATTACHMENT 1

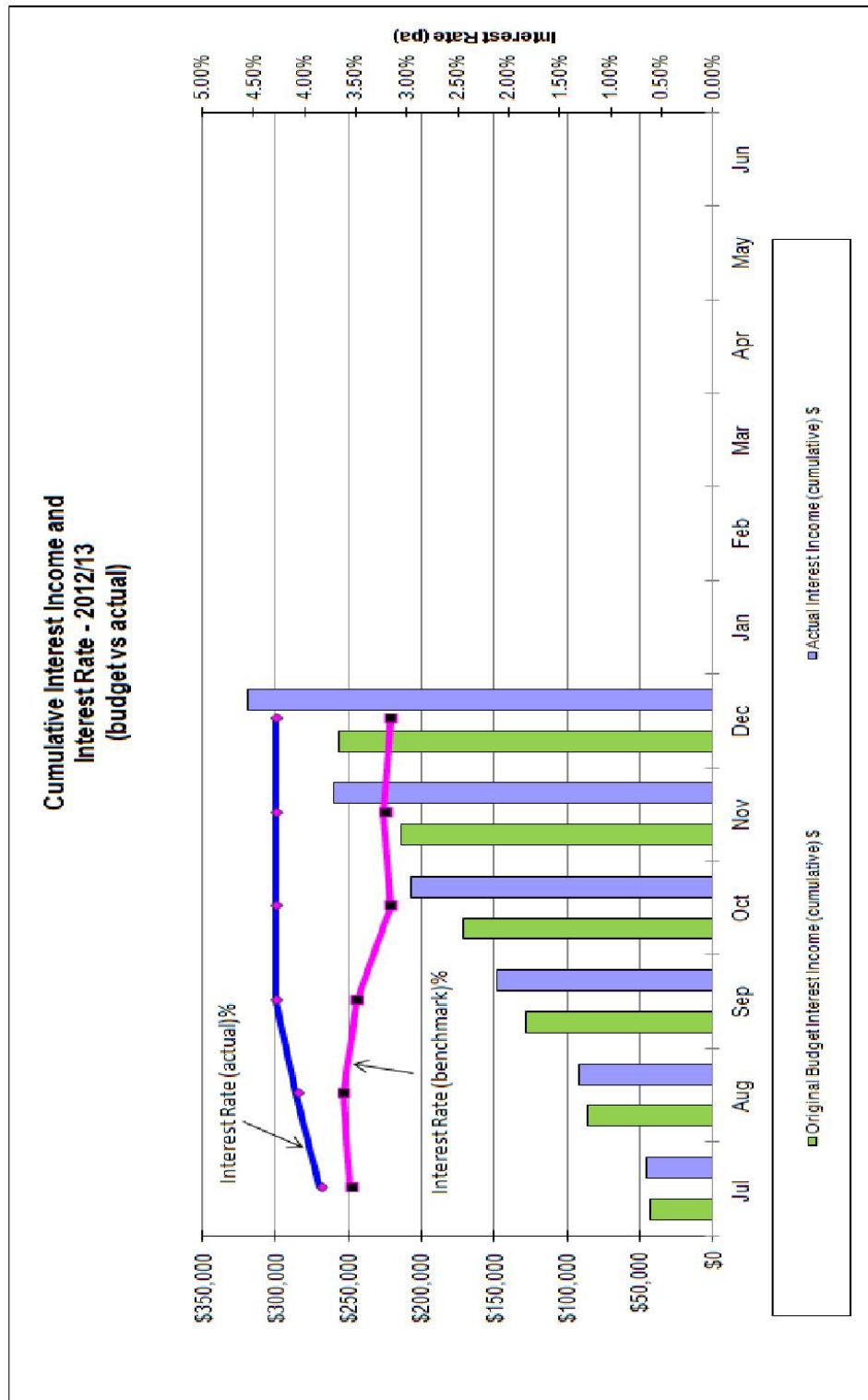
## Corporate Services Division Report No. 2.DOC - Investment Report December 2012 Investment Report



Summary by Credit Rating		No.
AAA	2.99%	1
AA	6.38%	2
AA-	11.58%	3
A	16.25%	2
A2	50.83%	9
Credit Union	5.98%	1
N/R	5.98%	2
	100.00%	20

# ATTACHMENT 1

## Corporate Services Division Report No. 2.DOC - Investment Report December 2012 Investment Report



**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Corporate Services Division Report No. 3  
**SUBJECT:** Investment Report January 2013  
**FILE NO:** MC/13/11107

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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 January 2013.

## **Legislative & Policy Implications**

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

## **Certification – Responsible Accounting Officer**

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

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

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

## **Investment Performance**

The Investment Report shows that Council has total Investments of \$14,046,664 comprising a combined Bank Balance of \$522,646; and Investment Holdings of \$12,524,018 directly managed and \$1,000,000 externally managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.29% (*Council Benchmark = 3.05% - benchmark is 90 day average BBSW*)



**Corporate Services Division Report No. 3 (Cont'd)**

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

The average rate of return for investments paying interest is 4.87%

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

During the month of December Return on Lehman Brothers Australia Limited (Grange) Managed Funds was 0%. 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.

**Movements in Investments for the Month of January 2013****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Bank of Queensland	Term Deposit	\$1,000,000

**Investments Matured**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Rural Bank	Term Deposit	\$1,000,000	\$1,000,000
Bank of Queensland	Term Deposit	\$1,000,000	\$1,000,000
Bank of Queensland	Term Deposit	\$1,000,000	\$1,000,000

**RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 31 January 2013 be received and noted.

**ATTACHMENTS**

**AT- 1** Investment Report January 2013 Pages

OM110213CSD\_7.DOC

\*\*\*\*\* End of Corporate Services Division Report No. 3 \*\*\*\*\*

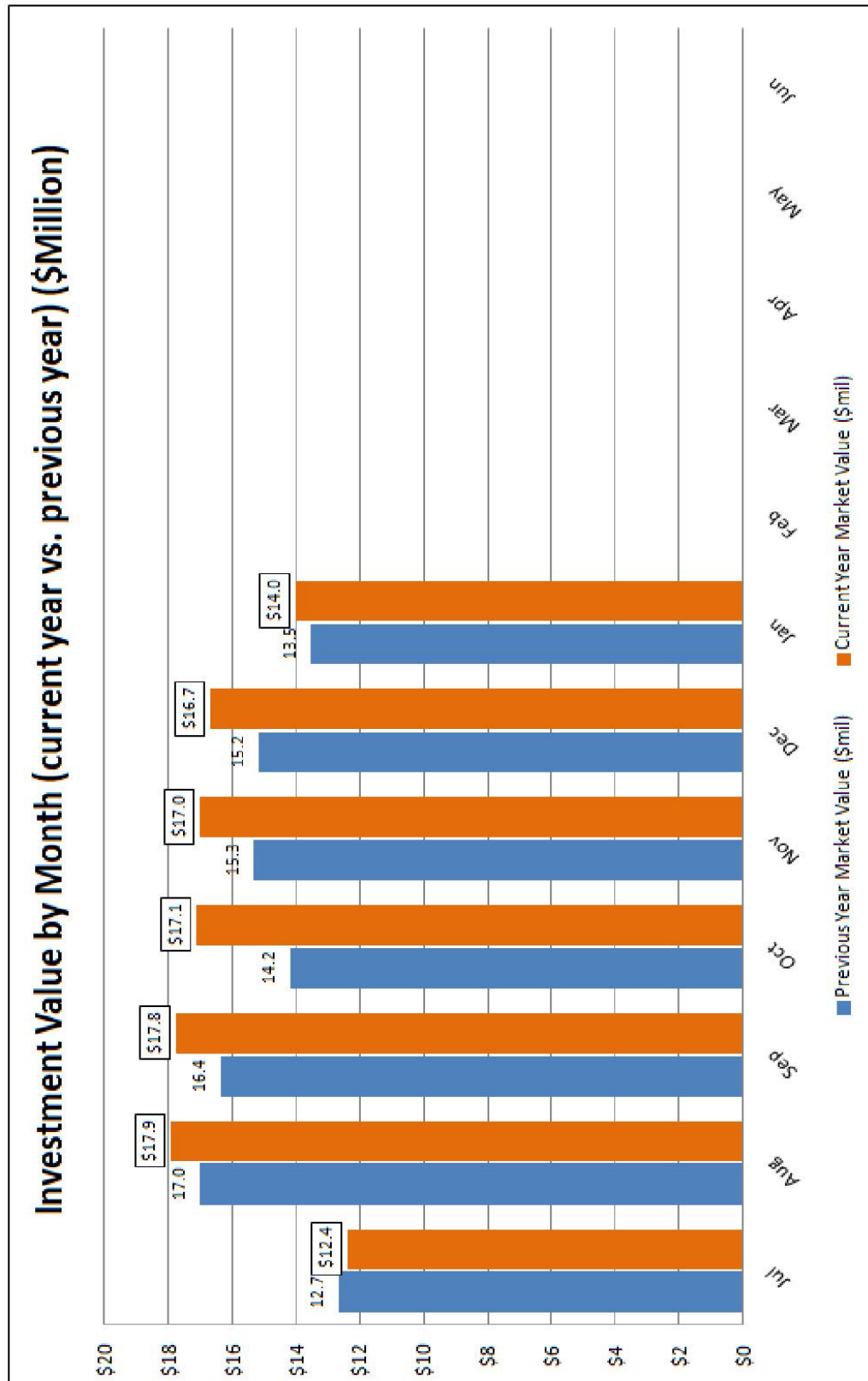
# ATTACHMENT 1

## Corporate Services Division Report No. 3.DOC - Investment Report January 2013 Investment Report January

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 January 2013									
	Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	Interest YTD Jan 2013
<b>Directly Managed Funds</b>									
<b>Trading Account</b>									
CBA Trading Account	Cash	522,046	522,046	3.72%	AA-			0.9% <sup>(5)</sup>	14,193
<b>Others</b>									
CBA @ call	At Call	229,051	229,051	1.63%	AA-	At Call	At Call	3.30%	39,906
AMP @ call	At Call	2,727,002	2,727,002	19.41%	A	At Call	At Call	3.85%	60,540
Macquarie @ call	At Call	234	234	0.00%	A	At Call	At Call	3.00%	4
Rabodirect (Art Gallery)	TD	719,877	719,877	5.12%	AA-	06/07/2012	04/07/2013	5.02%	20,900
Rabodirect (Meals on Wheels)	TD	347,853	347,853	2.48%	AA	19/09/2012	18/03/2013	4.95%	6,321
Bank of QLD	TD	1,000,000	1,000,000	7.12%	A2	28/08/2012	25/02/2013	5.14%	21,968
Members Equity Bank Pty Ltd	TD	1,000,000	1,000,000	7.12%	A2	07/09/2012	06/03/2013	5.01%	20,040
Bank of QLD	TD	1,000,000	1,000,000	7.12%	A2	07/09/2012	04/02/2013	5.01%	20,040
Police Credit Union	TD	1,000,000	1,000,000	7.12%	Credit Union	19/09/2012	18/03/2013	4.90%	17,989
Members Equity Bank Pty Ltd	TD	1,000,000	1,000,000	7.12%	A2	22/10/2012	22/04/2013	4.76%	13,172
Dendigo and Adelaide Bank	TD	1,000,000	1,000,000	7.12%	A2	03/12/2012	03/06/2013	4.60%	7,436
Rural Bank	TD	500,000	500,000	3.56%	A2	10/12/2012	11/06/2013	4.60%	3,277
Bank of QLD	TD	1,000,000	1,000,000	7.12%	A2	08/01/2013	10/07/2013	4.65%	2,950
Emu Note - Dreschner Bank AG	Struct'd Note	500,000	457,100 <sup>(5)</sup>	3.50%	A	25/10/2005	30/10/2015	0.00%	-
ANZ Climate Change Trust	Struct'd Note	500,000	466,000 <sup>(5)</sup>	3.56%	AA-	18/01/2008	18/01/2014	0.00%	-
Total		12,524,018	12,467,117	89.16%					
Total Directly Managed Funds		13,046,864	12,989,764	92.88%					
<b>Lehman Brothers Australia (Grange) Managed Funds (All in AU\$)</b>									
<b>Interest Bearing Securities (Non Bank)</b>									
Bery (Global Bank Note)	Floating Rate CDO	500,000	545,000 <sup>(5)</sup>	3.56%	N/R	03/04/2007	20/09/2014	0.00%	-
Zircon (Coolangatta)	Floating Rate CDO	500,000	480,000 <sup>(5)</sup>	3.56%	N/R	20/03/2007	20/09/2014	0.00%	-
Total Grange Managed Funds		1,000,000	1,025,000	7.12%					
Retired Investments									128,922
TOTAL PORTFOLIO		14,046,864	14,014,764	100.00%				4.29%	377,636
BENCHMARK <sup>(1)</sup>								3.05%	51,524
<b>Notes:</b> 1. Benchmark is 90 day Average BBSW for the monthly of December 2. CDO - Collateralised Debt Obligation 3. Balance less than \$250,000 earn 0.20%, \$250,000 to \$199,999 earn 1%, greater \$500,000 earn 1.5% 4. CBA Trading account not included in the monthly portfolio return calculation 5. Market Value as at 31 December 2012									

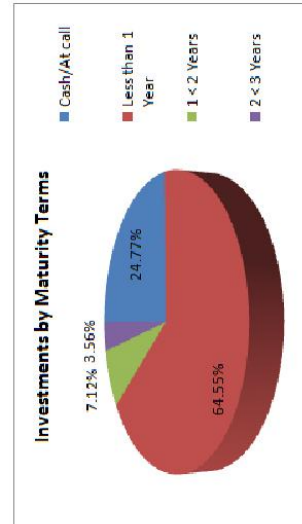
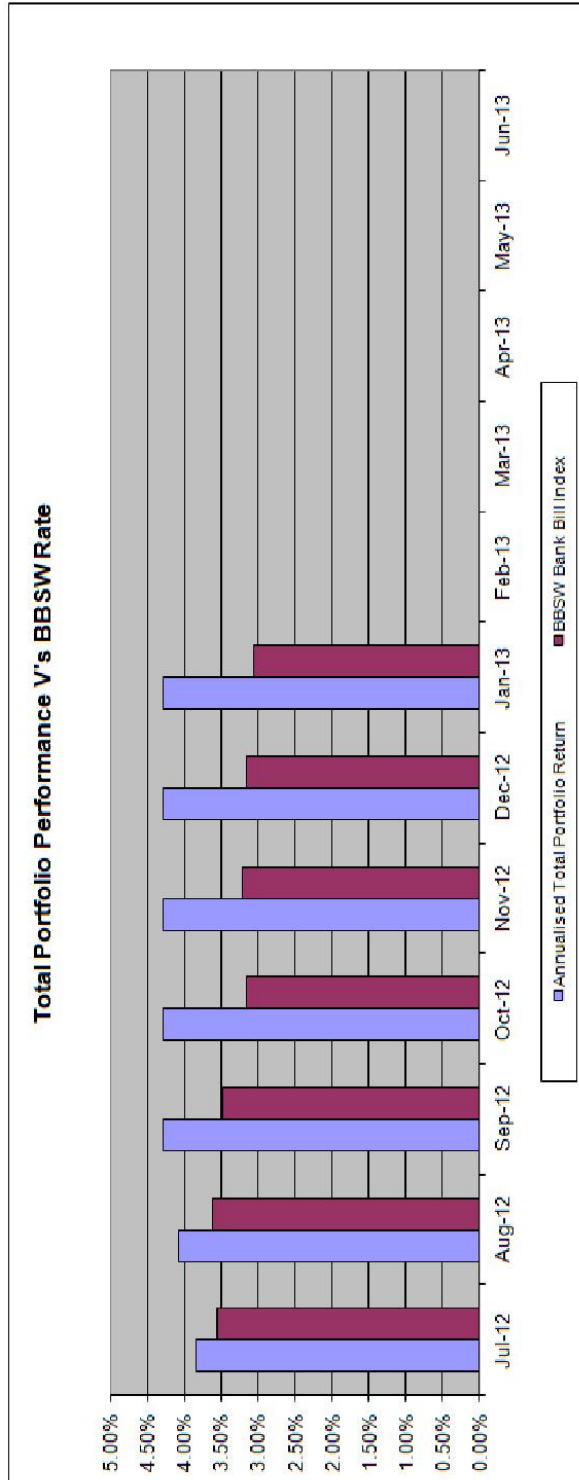
# ATTACHMENT 1

## Corporate Services Division Report No. 3.DOC - Investment Report January 2013 Investment Report January



# ATTACHMENT 1

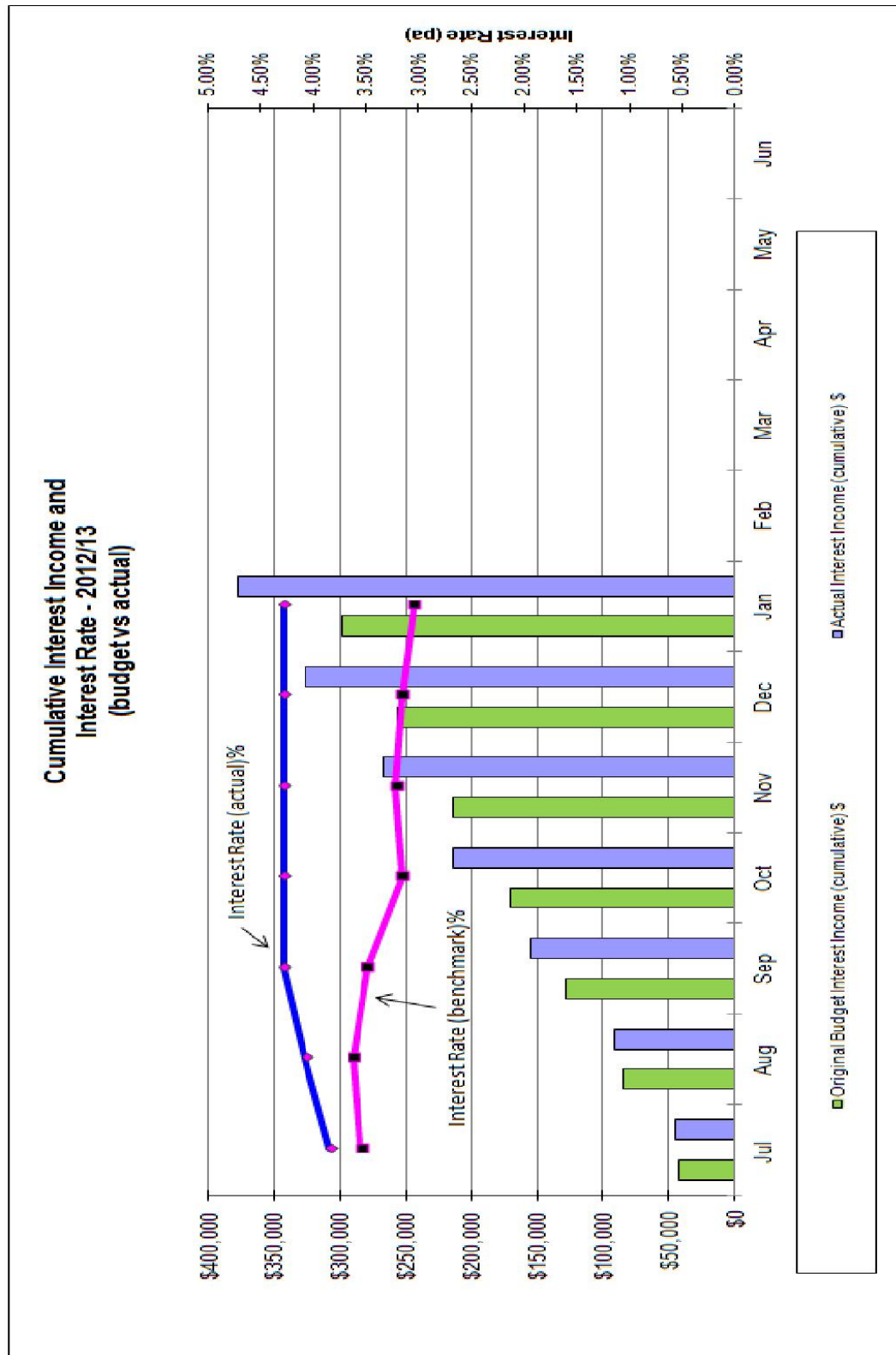
## Corporate Services Division Report No. 3.DOC - Investment Report January 2013 Investment Report January



Summary by Credit Rating		No.
AA-	16.51%	5
A	22.98%	3
A2	46.27%	7
Credit Union	7.12%	1
N/R	7.12%	2
	100.00%	18

# ATTACHMENT 1

## Corporate Services Division Report No. 3.DOC - Investment Report January 2013 Investment Report January



**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Corporate Services Division Report No. 5  
**SUBJECT:** Second Quarter Report (1 October to 31 December 2012) –  
Progress with Four Year Delivery Program 2011-2015, Operational Plan 2012-  
2013 and Budget 2012-2013  
**FILE NO:** MC/13/3142

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## SUMMARY

This report provides the second progress report on Council's Four Year Delivery Program 2011-2015 and One Year Operational Plan 2012-13 for the period 1 October to 31 December 2012, in accordance with the requirements of section 404(5) of the *Local Government Act, 1993*.

Attached is a detailed matrix and graphs showing Council's progress in the second year of its 2011-2015 Delivery Program as adopted by Council in June 2012.

Quarterly Financial Review Reports for the period ending 31 December 2012, including variation recommendations are also discussed and detailed in the Attachments.

## REPORT

Section 404(5) of the *Local Government Act, 1993*, requires the General Manager to ensure that regular progress reports are provided to the council "with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided at least every 6 months".

In June 2011, Council adopted the Community Strategic Plan Beyond 2021 and its various components, including the Four Year Delivery Program 2011-2015.

In June 2012, Council revised various elements of its previously adopted Community Strategic Plan Beyond 2021, including its ten year Resourcing Strategy based on Council's new priorities, Four year Delivery Program 2011-2015 and adopted a new One Year Operational Plan 2012-2013 and Budget 2012-13.

The Delivery Program establishes the principal activities to be undertaken by Council to implement the strategies established by the Community Strategic Plan within the resources available under the Resourcing Strategy. This cascades downwards to the various one year actions that are articulated in the One year Operational Plan 2012-13 and reported to Council on a quarterly (through quarterly reports) and annual basis (through the Annual Report).

Contained within the Delivery Program are the four main strategic directions undertaken by Council that provide a focus for the development of key goals and strategies arising from the adoption of the Community Strategic Plan. These are:

1. Social Priorities;
2. Economic Priorities;
3. Environmental Priorities; and
4. Governance Priorities.

The attached spreadsheet (see Attachment 1) shows progress on the various 2011-2015 Delivery Program strategies and actions for the October to December 2012 quarter, and is circulated under separate cover, along with trend data on the key performance indicators. The graphs (at Attachment 2), displaying monthly data for the 2010, 2011 and 2012 calendar years for comparative analysis purposes, are also circulated under separate cover.

**Corporate Services Division Report No. 5 (Cont'd)**

This Report provides for the requirement of statutory reporting on the Council's four Strategic directions in the Delivery Program for the period ending 31 December 2012.

Some of the key Delivery Program highlights for the second quarter are as follows:

**Social priorities** – Council continues its long standing commitment to operations in the areas of community safety, information and cultural services. This included programs relating to late night transport education, youth and children's services, meals on wheels, library events and services, citizenship and special needs specific programming. Funding of Social Welfare programs was provided to the Manly Community Centre. The professional lifeguard service continues on Manly Ocean Beach during the spring and summer months. Highlights in the cultural area included the Manly Vibe during the October long weekend, the Art Gallery's various exhibitions and the Christmas Choral Concert held at Manly Oval in early December, and the New Years Eve Fireworks Display.

**Economic priorities** – Key projects have progressed relating to the former Seaforth TAFE Site, including renovation and landscaping works in order to be ready for future community uses. The Manly 2015 project is progressing in terms of streetscape designs for Short Street and Raglan street and a financial feasibility assessment. Maintenance and improvements to our community infrastructure took place through footpath audits and capital works programs, *Hop Skip Jump* community bus network, and car parking facilities. Collaboration with the Manly Chamber of commerce continued through the operation of the Manly Mainstreet program.

**Environmental priorities** – during the quarter Council continued to responsibly manage our waste, cleaning, community environmental partnerships to protect our community and environmental assets. There is continuous progress with environmental initiatives eg Bushland regeneration, threatened species management, Coastline Planning initiatives, and Watercycle Management. Manly Environment Centre continued its monthly program of events, environmental advocacy work and environmental education initiatives. In relation to urban planning a new draft Local Environmental Plan is still with the NSW Department of Planning and awaiting approval in the new year.

**Governance priorities** – continuous progress is being made with improvements to legal governance and reporting systems policies and procedures. Computer system upgrades are occurring including the refinements of the new Electronic Document Management System (HP - TRIM), recruitment of staff, strategic organisational development initiatives included a focus on Work Health & Safety, performance partnering and coordination of the Investors in People program. Council continues to work with regional stakeholders through SHOROC to improve resources for the local area and northern beaches region through savings and enhancements to transport, health and liveability.

**QUARTERLY FINANCIAL REPORT**

This Financial Report for the period ending 31 December 2012 for the 2012/2013 Financial Year has been prepared in accordance with the Clause 203(2) of the Local Government (General) Regulation, 2005. The Division of Local Government has also issued guidelines to Councils regarding the requirements for the Quarterly Budget Review Statements (QBRs) reporting.

The QBRs are now required to be presented on an accrual basis, and include the following Statements:

1. Budget Review Statement by the Responsible Accounting Officer on Council's financial position;
2. Income and Expenses Budget Review Statement (with recommended variations);
3. Capital Budget Review Statement;
4. Cash and Investments Statement;

**Corporate Services Division Report No. 5 (Cont'd)**

5. Key Performance Indicators;
6. Summary of Contracts entered into during the Quarter; and
7. Consultancy and Legal Expenses Statement.

Council's Budget as presented to Council has been prepared on a "Cash" basis, while the 4 Year Delivery Plan Budget and LTFP adopted by Council in June 2012 with the Community Strategic Plan is prepared on an "Accruals" basis.

The following is a summary of Council's adopted Cash Budget for 2012/2013 and revised Budget Estimates as at 31 December 2012, following the adjustments included in this report.

	<b>Original Budget</b>	<b>Revised Budget At 30/09/2012</b>	<b>Revised Budget At 31/12/2012</b>
Operating Income	-\$69,962,724	-\$70,063,538	-\$70,118,471
Capital Income	-\$21,382,384	-\$21,809,384	-\$21,823,484
Total Income	-\$91,344,658	-\$91,872,922	-\$91,941,955
Operating Expenditure	\$69,826,737	\$69,896,051	\$69,981,084
Capital Expenditure	\$22,390,870	\$22,845,370	\$22,915,370
Total Expenditure	\$92,217,607	\$92,741,421	\$92,896,454
Net Surplus / (Deficit)	<b>(\$872,499)</b>	<b>(\$868,499)</b>	<b>(\$954,499)</b>

The Statements (listed above) setting out details of the variations to the Budget for the financial year ended 30 June 2012, as well as Council's Restricted Funds Balance (Reserves) are attached as Attachment 3.

The December 2012 quarter budget review reports a cash budget deficit for the financial year of \$954,499. On an accrual basis the Quarterly Budget Review Statement forecasts a quarterly deficit of \$46,000 both before and after capital. However the full year forecast on an accrual basis is a net operating result from all operations surplus of \$248,000.

**RECOMMENDATION****THAT:**

1. The second quarterly report for the 2012-13 Operational Plan and progress report with the second year of Council's Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 31 December 2012, including the revised estimates and recommended variations contained within the report, be adopted.

**ATTACHMENTS**

<b>AT- 1</b>	Delivery Program Second Quarter Matrix	29 Pages	Circulated Separately
<b>AT- 2</b>	KPI Graphs for the Second Quarter Report	12 Pages	Circulated Separately
<b>AT- 3</b>	Report Quarterly Budget Review December 2012	12 Pages	Circulated Separately

OM110213CSD\_5.DOC

\*\*\*\*\* End of Corporate Services Division Report No. 5 \*\*\*\*\*



**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Corporate Services Division Report No. 6  
**SUBJECT:** Report on Wi-Fi in The Corso  
**FILE NO:** MC/13/8901

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## **SUMMARY**

This report arose from a resolution of the Council at the Ordinary Meeting held on 10 December 2012 and recommends to Council a program to roll out an independent Wi-Fi mesh over The Corso and at the beachfront to provide free public internet access.

## **REPORT**

In response to the subject resolution Council has contacted several other metropolitan councils and assessed their various approaches to free Wi-Fi, and has determined Waverley Council's approach best suits our desire to engage a known supplier at zero cost to Council.

Mesh topology was assessed and can be utilised in this deployment and is being utilised at Waverley Council as described in the following conceptual diagram.

The system used at Bondi by Waverley Council has been in situ for several months and according to them, is operating well. The value proposition involved in the Waverley mesh is users receiving Council approved messaging from business subscribers at user logon in exchange for free internet access.

Aside from minor costs to Council, the deployment at Waverley was essentially self-funded from a partnership with business and service providers.

A similar solution for The Corso is therefore envisaged and can be rolled out and within two months.

## **RECOMMENDATION**

Council receive and note the report.

## **ATTACHMENTS**

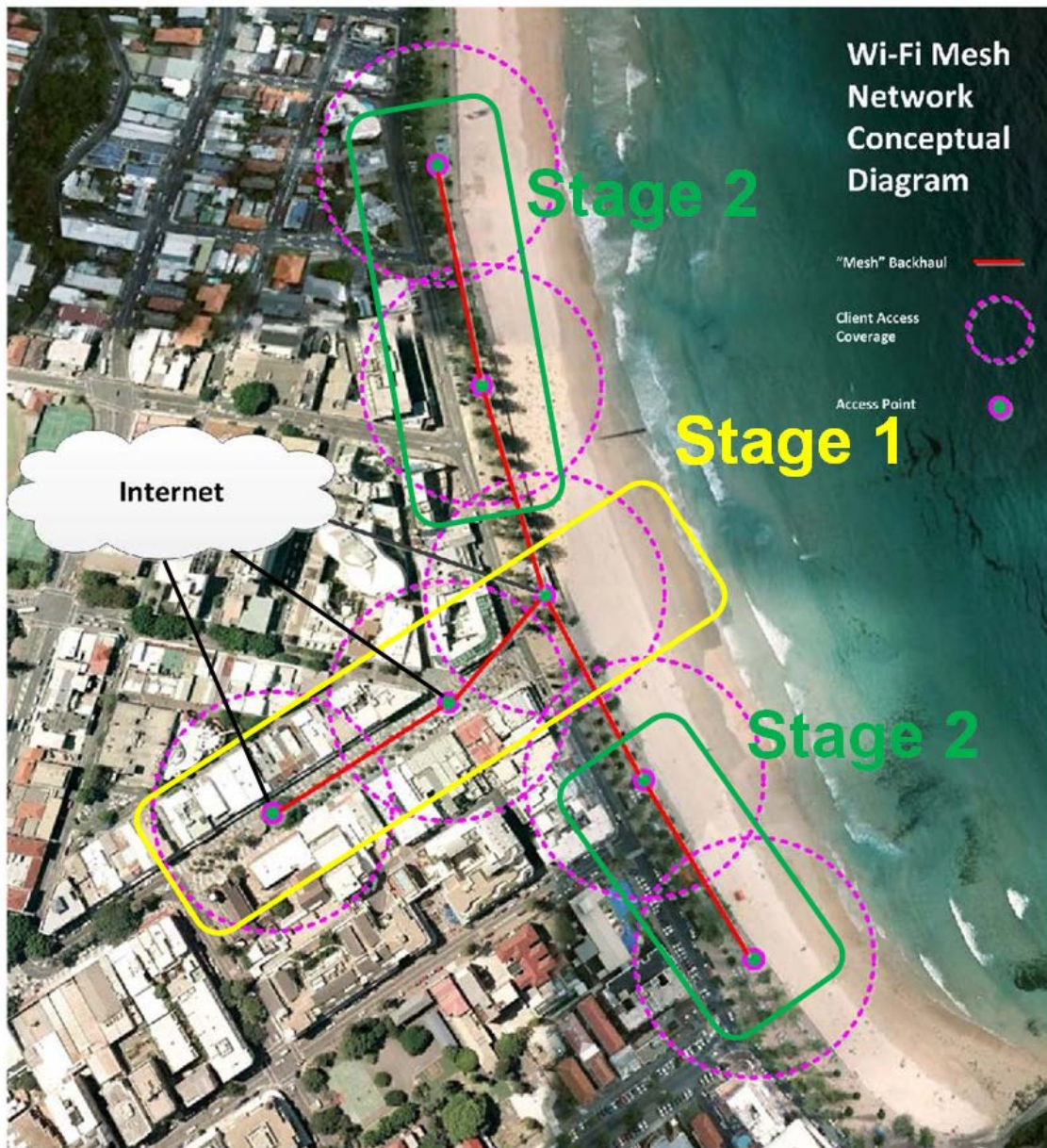
**AT- 1** Wi-Fi Location Map and Specifications 1 Page

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\*\*\*\*\* End of Corporate Services Division Report No. 6 \*\*\*\*\*

Corporate Services Division Report No. 6.DOC - Report on Wi-Fi in the Corso  
Wi-Fi Location Map and Specifications

Coverage Map



**TO:** Ordinary Meeting - 11 February 2013  
**REPORT:** Corporate Services Division Report No. 7  
**SUBJECT:** Approval to Write-off Bad Debts  
**FILE NO:** MC/13/11472

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## **SUMMARY**

The purpose of this report is to obtain Council's approval to write off five bad debts amounting to \$54,426.61 (inc GST) where the debtors have gone into liquidation or cannot be traced by the debt recovery agency. These are Excel Austra P/L, Penny Bella P/L, Jalba P/L, Organicus Kitchen & Pantry P/L and Vital Services P/L. The GST component of \$4,947.87 will be recovered from the ATO.

## **REPORT**

Clause 213 of the Local Government (General) Regulation 2005 specifies the condition that if a debt is not lawfully recoverable it may be written off.

Excel Austra P/L (T/AS Manly Ocean Beach House) went into liquidation in September 2010 and the company was deregistered in April 2012 hence the debt for the outstanding lease fee for part of July 2010 is no longer recoverable.)

Vital Services P/L went into liquidation in March 2010. A final dividend was paid to Council on 27/3/2010 by the liquidator discharging only part of the outstanding restorations debt. No further distributions will be made to creditors hence the outstanding debt is no longer recoverable.

Organicus Kitchen & Pantry P/L had an External Administrator/Liquidator appointed on July 2012. Council's debt recovery agency have advised that no funds are expected to be left to allow for a final dividend to be paid to Council given other major claims by major creditors such Penn Health hence the debts for the outstanding trade waste collection and the outdoor eating licence are no longer recoverable.

Jalba P/L (T/AS Manly Fruit Market pre April 2009) sold the business to Penny Bella P/L (T/AS Manly Fruit Market from April 2009). Councils debt recovery agency could not locate the owners of Jalba P/L after making enquiries of ASIC and Fair Trade, making the debt no longer recoverable from Jalba P/L .

Penny Bella P/L (T/as Manly Fruit Market since April 2009) had its business deregistered from ASIC in January 2012 and are no longer trading. Deregistration means the company no longer exists hence making the debt no longer recoverable.

Accordingly, it is now appropriate to write these amounts off as a bad debt.

## **Financial Impact**

Provision for these bad debts has already been made so there is no further financial impact on the budget.

## **Policy Impact**

Council has authorised the General Manager in accordance with Clause 131(1) of the Regulations authority to write off debts up to \$2,000. As this debt is over that limit a Council resolution to write off the amount is required.

**Corporate Services Division Report No. 7 (Cont'd)****Details**

Clause 213 of the Local Government (General) Regulation 2005 specifies conditions in which bad debts may be written off specifically:

- (a) If the debt is not lawfully recoverable, or
- (b) As a result of a decision of a court, or
- (c) If the Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Where it is required that the bad debt be written off, specific details regarding the outstanding debts must be disclosed.

Clause 213(4) requires that:

“A resolution or order writing off a debt to a council must:

- (a) Specify the name of the person whose debt is being written off, and
- (b) Identify the account concerned, and
- (c) Specify the amount of the debt.

Or must refer to a record kept by the Council in which those particulars are recorded”.

Details have been provided below in a form compliant with Clause 213(4). It is recommended that Council approves the write-off of bad debts totalling \$54,426.61 (Including GST) as detailed below:

Debtor Reference	Debtor Account 5174.50 Excel Austra Pty Ltd T/as Manly Ocean Beach House Ocean Promenade South Steyne
Date Debt Incurred	4 July 2010 to 3 August 2010
Amount (inclusive of GST)	\$12,747.05
Description	Restaurant monthly Lease
Comments	Company placed in liquidation in March 2009. Business sold in September 2010 excluding existing creditor balances. After sale of business balance of assets left to settle outstanding debts paid to Council was \$2,029.32. Company deregistered in April 2012 hence the debt cannot be recovered.

Debtor Reference	Debtor Account 6391.65 Vital Services NSW Pty Ltd 2/19 Young Street NEUTRAL BAY NSW 2089
Date Debt Incurred	10 September 2009
Amount (inclusive of GST)	\$19,608.86
Description	Restoration Works at Seaview & White Street
Comments	January 2010 agreed to a payment plan of \$7000 per month this was not honoured. Company placed in liquidation in March 2010. Administrators declared and paid final dividend of \$1,723.86 in March 2012. Balance of outstanding debt will not be recovered.

Debtor Reference	Debtor Account 6512.50 and 6512.20 Organicus Pty Ltd T/as Organicus Kitchen & Pantry Shop B 2-8 Darley Road, MANLY NSW 2095
Date Debt Incurred	1 July 2011 to 30 June 2012 Outdoor Eating Licence

**Corporate Services Division Report No. 7 (Cont'd)**

	billed quarterly and July 2011 to October 2011 Trade Waste billed monthly
Amount (inclusive of GST)	\$10,339.14 (\$7,311.64 + \$3,027.5)
Description	Outdoor Eating Licence due quarterly and Trade Waste due monthly.
Comments	Letter of Demand sent January 2012. Client requested Council hold action for 6 weeks to allow them to seek refinancing. Council escalated action to a summons in May 2012. Company went into liquidation in July 2012. Company has major creditors on list such as Penn Health. Based on past experience Council's debt collection agency do not feel that this debt can be recovered.

Debtor Reference	Debtor Account 6232.20 Penny Bella Pty Ltd T/as Manly Fruit Market Shop 1 2-8 Darley Road, MANLY NSW 2095
Date Debt Incurred	7 May 2009 to 20 October 2010 Trade Waste billed monthly
Amount (inclusive of GST)	\$9,304.16
Description	Monthly collection of Trade Waste services.
Comments	Letter of Demand sent November 2009. Statement of Claim served on client in February 2010 this went to judgement in September 2010 and then to Statutory Demand in September 2011. The company was deregistered in January 2012 making this debt unrecoverable.

Debtor Reference	Debtor Account 496.20 Jalba Pty Ltd T/as Manly Fruit Market (sold business to Penny Bella) Shop 1 2-8 Darley Road, MANLY NSW 2095
Date Debt Incurred	12 January 2009 to 9 April 2009
Amount (inclusive of GST)	\$2,427.40
Description	Monthly collection of Trade Waste services.
Comments	Letter of Demand sent 2 May 2009. September 2009 Council's debt recovery agency tried to trace the owners via ASIC and Fair Trade but could not locate any further contact details to further pursue this debt.

**RECOMMENDATION**

That Council approve writing off of the debts of:

1. \$12,747.05 (Including GST) against Excel Austra P/L T/as Manly Ocean Beach House, Ocean Promenade South Steyne Manly;
2. \$19,608.86 (Including GST) against Vital Services NSW P/L of 2/19 Young Street Neutral Bay;
3. \$10,339.14 (Including GST) against Organicus P/L T/as Organicus Kitchen & Pantry, Shop B 2-8 Darley Road, Manly;
4. \$9,304.16 (Including GST) against Penny Bella P/L T/as Manly Fruit Market, Shop 1 2-8 Darley Road, Manly; and

**Corporate Services Division Report No. 7 (Cont'd)**

5. \$2,427.40 (Including GST) against Jalba P/L T/as Manly Fruit Market Shop 1 2-8 Darley Road, Manly.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Corporate Services Division Report No. 7 \*\*\*\*\*