



Agenda

Ordinary Meeting

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

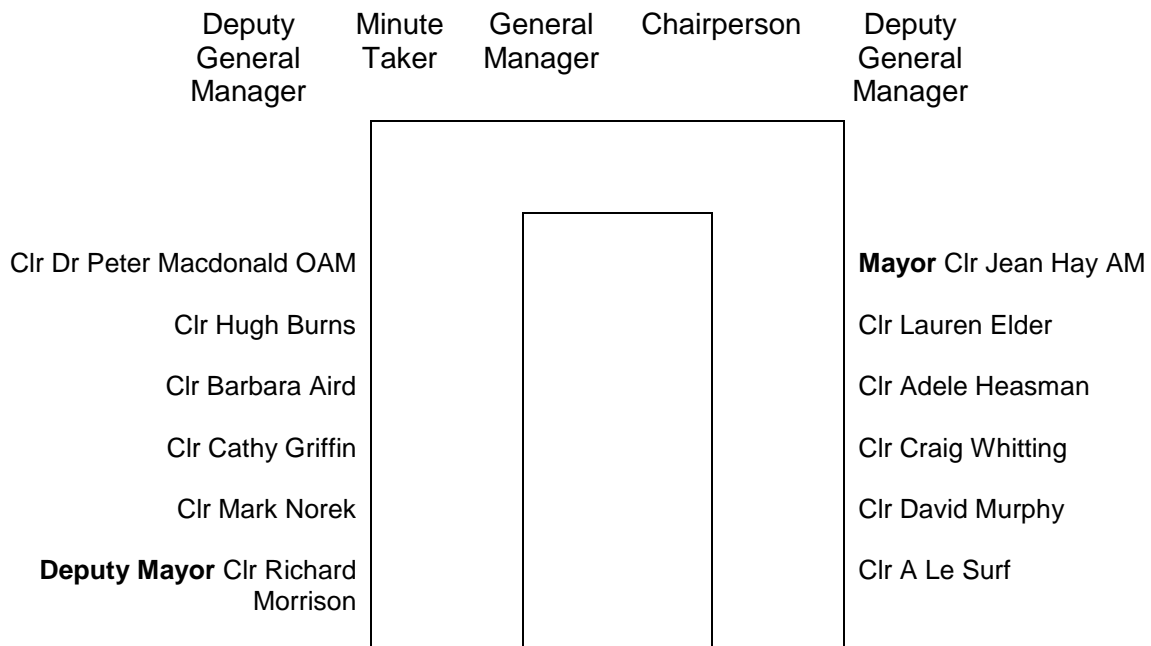
Monday 12 September 2011

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

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

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

Seating Arrangements for Meetings



Public
Addresses

Public Gallery

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

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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****Human Services And Facilities Division Report No. 8**

Community and Cultural Grants Allocation 2011/12

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

Human Services And Facilities Division Report No. 9

Tender T2011/28 - Hire of Beach Equipment

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

Human Services And Facilities Division Report No. 10

Tender T2011/29 - Surf Safety Awareness, Manly Beach

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

Human Services And Facilities Division Report No. 11

Tender T2011/30 - Provide and conduct a Beach Volleyball Program on Manly Beach

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

Human Services And Facilities Division Report No. 12

Tender T2011/31 - Ride a Surfboard and Bodyboard Coaching Rights

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

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

TO: Ordinary Meeting - 12 September 2011

REPORT: Notice of Rescission Report No. 4

SUBJECT: Notice of Rescission - Manly Local Environmental Plan 1988 - Draft Amendment 82

FILE NO:

Councillor Hay, Councillor Heasman, and Councillor Norek will move:

“That the Council’s decision of the Planning and Strategy meeting on 5 September 2011 being Planning And Strategy Division Report No.17 in respect of Manly Local Environment Plan 1988 Draft Amendment 82 be and is hereby rescinded.”

The resolution passed on 5 September 2011 was in terms of the matter being referred to the next meeting of the Manly LEP/DCP Working Group for discussion and recommendation.

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

“That the staff recommendation in Planning and Strategy Division Report No.17, as presented to Council on 5 September 2011, be adopted.”

RECOMMENDATION

That the Notice of Rescission be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM120911NR_1.doc

***** End of Notice of Rescission Report No. 4 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Notice of Motion Report No. 24
SUBJECT: The Grove Bike Track, Seaforth
FILE NO:

Councillor Craig Whitting will move:

That Manly Council investigates how to manage with Warringah Council the area of land near Burnt Bridge Creek Deviation, known as 'Freedom to the Riders' for recreational purposes including bike riding.

Background

The Grove Bike Park in Seaforth supported and built by Manly Council provides a facility for young BMX and mountain bike riders to learn and progress their skills and confidence in the fast growing cycling discipline of dirt jumping. Unfortunately, the planning and design of 'The Grove' does not cater for the intermediate or advanced riders.

The intermediate and advanced riders, hand built dirt jump trails that meet their needs near Burnt Bridge Creek Deviation, known as 'Freedom to the Riders'.

Freedom to the Riders, has recently gained some attention from both Warringah and Manly Councils and the Manly Daily:

(<http://manly-daily.whereilive.com.au/news/story/freedom-is-a-joint-concern/>
<<https://exchange.manly.nsw.gov.au/owa/redir.aspx?C=13d7dc9bc72b4e42a0ab0747ca6f7f5f&URL=http%3a%2f%2fmanly-daily.whereilive.com.au%2fnews%2fstory%2ffreedom-is-a-jointconcern%2f>>
and
<http://manly-daily.whereilive.com.au/news/story/bike-path-freedom-in-doubt/> <
<https://exchange.manly.nsw.gov.au/owa/redir.aspx?C=13d7dc9bc72b4e42a0ab0747ca6f7f5f&URL=http%3a%2f%2fmanly-daily.whereilive.com.au%2fnews%2fstory%2fbike-path-freedom-indoubt%2f>>

The site is in both Warringah and Manly LGA's. Manly Council owns the lots which contains the majority of the dirt jump trails. On any given weekend there is often up to 40 riders using the track.

There is an obvious need for intermediate and advanced bike track trails in our local council area.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM120911NM_3.doc

***** End of Notice of Motion Report No. 24 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Notice of Motion Report No. 25
SUBJECT: Roadway pavement condition and planned services upgrading
FILE NO:

Councillor Hugh Burns will move:

That Manly Council carries out a comprehensive audit of roadway pavement condition in the Manly LGA with a report brought back to Council, with the report also to be provided to relevant Council Committees for comment.

Similar to the draft cycleway condition audit just completed by Council, the report is to include but not be limited to: assessing current condition of all roads maintained by Council (not RTA), remaining life before resurfacing, anticipated resurfacing costs and dates of this work.

Due to the extent of the task, priority should first be given to a CBD and town centre/shopping strip (various) streets and main thoroughfares (that are not RTA roads). The report can also be brought back in stages.

Background

The purpose of the audit is to address residents concerns about the condition of roadway condition around Manly - particularly those streets affected by recent electricity services upgrades and streets where future upgrades may be planned, including streets affected by proposed installation of the CBD tramway loop.

If such information has already been collected by staff it can be re-presented to Council in the requested format.

That as part of the report, staff also liaise with all service/utility providers, including but not limited to electricity (Ausgrid), gas, water and sewerage, and communication (specifically including NBN) providers in the Manly LGA, as to all future upgrade plans (as applicable). This is to enable planned resurfacing and footpath remediation to logically follow any services works.

The report is to present the works requirements and budgets in the 4 and 10 year planning horizons to match the new strategic planning framework. Any expected works budget shortfalls or works backlog and are to be clearly identified in the report.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM120911NM_5.doc

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

TO: Ordinary Meeting - 12 September 2011
REPORT: Notice of Motion Report No. 26
SUBJECT: Manly Village School Drop off Parking Signs
FILE NO:

Councillor Craig Whitting will move:

That the Manly Village School Drop off parking signs along Darley Road be replaced to reduce the current parking confusion.

This is a matter of urgency as there are many concerns related to the current ambiguous signage, causing significant parking confusion to drivers wanting to park along Manly Village School during allocated drop off and pick-up times.

The present Parking Signs (3) per pole located along Darley Road are confusing and do not clearly state the same school drop times. This confusion has impacted on local businesses as well as parents dropping off and picking up their school children.



RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM120911NM_4.doc

***** End of Notice of Motion Report No. 26 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Notice of Motion Report No. 27
SUBJECT: Audit of Council Reserve and Plaza Lighting
FILE NO:

Councillor Hugh Burns will move:

That Council carry out an audit of all lighting installations in its reserves (including those reserves it administers) and public plaza areas.

The focus of the audit is to include but not be limited to:-

- Assessing illumination levels (in general, and to particularly identify where discharge lamps are operating beyond their design life).
- Determining the condition and anticipated remaining life of the light fittings and installations.
- Determining who owns the assets and what the current written down value of the assets are in each case.
- The scope for upgrading to more energy efficient technology - e.g. use of solar collectors or LED lamp technology, including a basic costs and saving analysis for each site where upgrading is possible.

Background

There are many areas where existing lighting installations are dated and are currently poorly illuminating areas they are meant to serve. There are problems with discharge lamps operating beyond their design life with greatly reduced light output. All installations should be inspected operating at night.

If such information has already been collected by staff it can be re-presented to Council in the requested format.

That as part of the report, staff also liaise with Ausgrid as to all future lighting upgrade and undergrounding plans (as applicable). Identified planned Council upgrades (e.g. for Manly 2015 streets) can be included with special treatment (e.g. only restoration to proper operation of existing lamps in the meanwhile, and consideration of best options for the new installations, to completed as part of the street upgrading works).

The report is to present the requirements and budgets in the 4 and 10 year planning horizons to match the new strategic planning framework. Any expected budget shortfalls or works backlog and are to be clearly identified in the report.

This lighting assessment report is to be completed in coordination with the report on the feasibility of Manly Council taking over maintenance of street lighting in the Manly LGA (currently in progress).

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM120911NM_6.doc

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

TO: Ordinary Meeting - 12 September 2011
REPORT: Notice of Motion Report No. 28
SUBJECT: Support for Funding of the Manly Women's Shelter
FILE NO:

Councillor Dr Peter Macdonald will move:

That Manly Council resolves to include in the draft budget for 2012/13 an amount of \$50,000 towards the funding of the Manly Women's Shelter on a recurrent basis.

Background

MWS was established last year as a community organisation to provide short term (up to three months) accommodation and support for homeless and at risk women. The desperate need for such a service in the Manly region has been widely recognised for many years. In 2009 alone nearly 300 homeless women approached the Manly Community Centre and the St Vincent de Paul Society in Brookvale seeking emergency accommodation and support but none was available.

MWS started operating from two adjoining houses in Manly in November 2010. It provides homeless and at risk women (many of whom are escaping domestic violence and / or suffering from mental illness) with a holistic service which offers:

- ▶ Up to 3 months accommodation, food and clothing;
- ▶ Crisis intervention and Case Management;
- ▶ Access to medical care, particularly in relation to Mental Health Issues;
- ▶ Counselling and access to a psychologist and psychiatrist;
- ▶ Culturally appropriate care, particularly for indigenous and refugee women;
- ▶ Life skills, budgeting and assistance with finding employment;
- ▶ A therapeutic environment (art classes, cooking, gardening, and massage therapy) to build self esteem; and
- ▶ Assistance with finding long term accommodation.

MWS is led by a senior welfare worker with significant experience in dealing with homeless women and relies heavily on volunteer support. Since opening in November 2010 it has helped 51 homeless women (40 have now left the Shelter and 11 are currently living at the Shelter). Of the 40 who have left the Shelter:

- ▶ 32 had Mental Health problems such as anxiety, depression, schizophrenia and personality and bi-polar disorders;
- ▶ 21 had experienced Domestic Violence; and
- ▶ 20 were from a culturally and linguistically diverse backgrounds.

Tragically, these figures highlight the level of mental health issues and domestic violence in our community.

A worrying statistic is that 10 of the 40 women were over 55 years of age and had become homeless because they had been retrenched from work or had suffered, marriage or family breakdowns. These women do not qualify for a pension until they reach 65 years of age – which

Notice of Motion Report No. 28 (Cont'd)

means that they can only claim a New Start Allowance of \$110 per week. This amount does not cover rent anywhere in the Manly region, let alone allow for food and clothing.

With MWS help most of these 40 women have achieved good outcomes and there is now an outreach service to continue to support these women after they leave the Shelter. Of the 40 women:

- ▶ 2 achieved a permanent unit from the Department of Housing;
- ▶ 13 went back to their families following counselling and / or with conditions;
- ▶ 10 were transferred to other facilities for safety or to be near their family and friends;
- ▶ 3 went on to Drug Rehabilitation Programs;
- ▶ 2 were placed into a Retirement Village; and
- ▶ 10 went to shared private rental.

The net annual funding requirement for MWS is approximately \$240,000. As MWS is likely to have supported more than 60 homeless women in the Shelter during the first year, this equates to a cost per woman supported of about \$4,000. This amount covers food and lodging, professional support, crisis intervention and active case management.

The main operating costs of the shelter are professional wages for welfare workers employed by MWS and rent and utility costs on the two houses being leased. As many of the women will have become homeless through domestic violence and mental illness, welfare workers are needed to cover the day time hours Monday to Friday (where the focus is on individual case management) as well as the night and weekend periods (when the risk to the women from ex partners tends to be greater).

To keep costs down volunteers are being used as much as practical but subject always to the safety of the women and volunteers being paramount.

MWS has the support of many groups within the Manly Community including the Manly Community Centre, Manly Sunrise Rotary Club, the International School of management, the NSW Harbour Trust, Manly Police Station, the Little Manly Precinct and the many donors and volunteers who live in Manly.

MWS plays a critical role in supporting homeless and at risk women in crisis in the Manly community. It is requesting that the Manly Council provide MWS with a significant amount of recurrent funding to secure the long term viability of this important service.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM120911NM_1.doc

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

TO: Ordinary Meeting - 12 September 2011
REPORT: General Managers Division Report No. 10
SUBJECT: Roads to Recovery Program
FILE NO:

SUMMARY

The President of the Australian Local Government Association (ALGA) has requested via letter of 28 July 2011 that Council consider supporting the ALGA's launch of its Roads to Recovery campaign.

REPORT

The Roads to Recovery Program has operated successfully since its inception in 2000 through until the current proposed phase out date of 2014. By this proposed end date it will have provided more than \$4.5 billion nationally in additional funding to councils for the purposes of local road upgrades.

The ALGA proposes that this program should become a permanent funding mechanism, and intends to launch a national campaign at the 2011 National Local Roads and Transport congress in November of this year.

RECOMMENDATION

It is recommended that Council supports the ALGA's campaign and calls on the Federal Government to:

1. Recognize the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government in meeting its responsibilities of providing safe access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognizes the shortfall of funding to local roads of \$1.2 billion annually.

ATTACHMENTS

AT- 1 Australian Local Government Association letter dated 28 July 2011 2 Pages

OM120911GMO_1.doc

***** End of General Managers Division Report No. 10 *****

General Managers Division Report No. 10 - Roads to Recovery Program
Australian Local Government Association letter dated 28 July 2011



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

28 July 2011

Mayor Hay
Manly Council
PO Box 82
MANLY NSW 1655



Dear Mayor Hay

Roads to Recovery Program

We achieved the Roads to Recovery Program because of strong and united local government campaigning in 2000. Further campaigns by local government have been very successful with two extensions to the Program and a funding increase to \$350m per annum in 2009. By the time the current Program ends in 2014 more than \$4.5 billion in additional funding will have been provided for local roads.

It is now time for local government to again mount a campaign for increased and ongoing Roads to Recovery Program funding. There is no question that local government needs the funding. The Australian Local Government Association (ALGA) commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury, which shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.

ALGA will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from 16-18 November.

Our campaign needs the support of every council and in advance of the launch I am asking your council to pass a resolution of support. A suggested text for your council's motion is attached.

The motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide all councils with certainty of funding and give them the control over the works to be funded.

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ATTACHMENT 1

General Managers Division Report No. 10 - Roads to Recovery Program Australian Local Government Association letter dated 28 July 2011

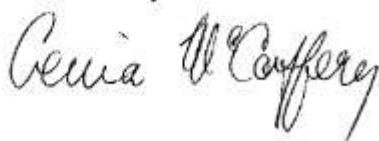
You will notice that the motion does not link the ongoing Roads to Recovery Program to any source of funding such as fuel excise. I have discussed the suggested wording for the motion with all state associations and we have agreed not to link the campaign to a funding source at this time because of uncertainty arising from the announcements to review fuel excise by the Productivity Commission, the review of the Financial Assistance Grants and the Henry Taxation Review recommendations on road user charging. You may be assured that ALGA will be making the strongest possible representations to these reviews to protect and improve local government's financial position.

As part of our campaign, it is important to ensure that national political leaders are left in no doubt about local government views. I am therefore asking that you write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and your local Federal Member of Parliament to advise them of councils' support for a new Roads to Recovery Program. I have enclosed some possible text for such letters which you might find useful. To help coordinate the campaign, I would appreciate your advice when council has passed this motion.

Our advocacy on this vital issue will be strengthened by a show of unity and it is important that as many councils as possible attend the Congress in Mount Gambier for the launch of the Roads to Recovery campaign to show local government's strong support for its extension. I will be writing separately with a brochure on the arrangements for the Congress. In the meantime you can register for the Congress using the ALGA website and take advantage of cheap "early bird" registrations rates.

I have no doubt that by working together we can successfully take the argument to the Federal Government on Federal local road funding and achieve a new Roads to Recovery program.

Yours sincerely



Mayor Genia McCaffery
President

TO: Ordinary Meeting - 12 September 2011
REPORT: Item For Brief Mention Report No. 14
SUBJECT: Items for Brief Mention

FILE NO:

1. Complaints made to the General Manager

There are no pending complaints made to the General Manager as at September 2011.

2. Notices of Motion status report.

There are no Notices of Motion actions outstanding.

3. Documents to be Tabled

Date	Author	Subject
25/08/11	Premier & Cabinet, Division of Local Government	Circular: Community Indicators Project
23/08/11	Aboriginal Heritage Office	Aboriginal Heritage Office Annual Report 2010
19/08/11	Premier & Cabinet, Division of Local Government	Destination 2036 Workshop – Communiqué
18/08/11	Local Government Association of NSW	2011 Local Government Association Executive Elections
10/08/11	Telstra	Removal of underutilised payphones in Council's area

RECOMMENDATION

1. That the information be received and noted.
2. That the information be received and noted.
3. That the documents tabled at this meeting be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM120911IBM_1.doc

***** End of Item For Brief Mention Report No. 14 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Report Of Committees Report No. 38
SUBJECT: Minutes for adoption by Council - Special Purpose Committee - without recommendations of a substantial nature
FILE NO:

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

- i) Traffic Committee – 8 August 2011

RECOMMENDATION

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

- i) Traffic Committee – 8 August 2011

ATTACHMENTS

There are no attachments for this report.

OM120911RC_1.doc

***** End of Report Of Committees Report No. 38 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Environmental Services Division Report No. 27
SUBJECT: Discolouration of Rocks at Little Manly Point
FILE NO:

SUMMARY

This report provides a response to Notice of Motion No. 16 at the Ordinary Meeting dated 18th July 2011 regarding cliff-face leaching and blue discolouration at Little Manly Point.

The NSW Department of Planning is responsible for ownership and management of the contamination and associated remediation at the site.

REPORT

Background

While the Department of Planning (DoP) is responsible for ownership and management of contamination and associated remediation at the Little Manly point site, under a lease with the DoP, Council manages the open space including its upkeep.

Discolouration

Discolouration of rocks from leachate on the western cliff faces at Little Manly Point has been observed and has caused concerns for the local community because the adjacent area was a former gas works.

Independent review conducted on Council's behalf by Water Research Laboratory of the University of NSW has determined that there is already a substantial regime of environmental testing and site validation monitoring being carried on the site by the DoP.

From the most recent public advice issued by the NSW Office of Environment and Heritage on 12 August 2011, the indication is that the blue discolouration is:

- a non-toxic complex known as Prussian Blue, commonly used in dye.
- an aesthetic consequence of the previous land-use and constituents in the groundwater at the site and groundwater chemistry.

Manly Council Testing

Initial screening testing by Manly Council was also undertaken of collected water and soil at the site near the western cliff face on 19th May 2011. This testing was for screening purposes only given the substantial campaign of testing undertaken by others.

Samples were tested for Sulphate, Ammonia, Total Dissolved Solids, and Total Cyanide. This initial testing indicated the discoloured soil is not contaminated, and the initial screening tests were consistent with previous findings.

The tests indicated the discoloured soil is not contaminated, and are consistent with testing carried out by NSW Department of Planning.

RECOMMENDATION

It is recommended that the report is received and noted.

ATTACHMENTS

There are no attachments for this report.

***** End of Environmental Services Division Report No. 27 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Environmental Services Division Report No. 28
SUBJECT: North Steyne Stormwater Outfall Pipes – Further Opinion
FILE NO:

SUMMARY

At its meeting of 20 June 2011, Council *inter alia* resolved to seek an opinion from the Manly Hydraulics Laboratory on the likely impacts of the proposal to remove the outfall pipe on surf breaks at North Steyne.

REPORT

The removal of the North Steyne outfall pipe has been a goal of this Council since 2004. However, the Council and its surfing community were concerned that its removal should not be at the expense of the famous surf breaks of this location.

From consultations with the local surfers Mark Eymes and Neil Ohlbach, surfers are understandably sceptical of expert advice that did not accord with their own experience from surfing at this location. Their views and fears in this regard are reasonable.

Although Cardno, a multi-disciplinary consulting firm engaged by Council to design the project, had already advised Council that the removal of the pipe at North Steyne will not have an impact on surf breaks, but, as a matter of caution, Council engaged specialist consultant GBA Consulting to undertake a peer review of the Cardno's assessment.

The GBA review supported the Cardno's conclusion.

When Council was advised of the outcome of the GBA peer review, it resolved to ask the Manly Hydraulics Laboratory (MHL) for a further opinion (attached). That review found:

" that bay wide coastal processes and offshore seabed bathymetry, including potential wave focusing from Queenscliff, Bombora and surrounding reefs are responsible for the semi-permanent surf break at North Steyne.

There is no scientific evidence to support the suggestion that the Pine Street pipeline materially affects the quality of waves for surfing at North Steyne."

RECOMMENDATION

It is recommended that:

1. The information be received and noted.
2. The Manly surfing community be further consulted on the MHL findings.

ATTACHMENTS

AT- 1 Manly Hydraulics Laboratory Report dated 6 September 2011 5 Pages

OM120911ESD_5.doc

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

Environmental Services Division Report No. 28 - North Steyne Stormwater Outfall Pipes – Further Opinion
Manly Hydraulics Laboratory Report dated 6 September 2011



Public Works
 Manly Hydraulics Laboratory

1108 King Street
 Manly Vale NSW 2093
 T 02 9949 0200 F 02 9948 6185 TTY 1300 301 181
 ABN 81 913 830 179 www.mhl.nsw.gov.au

6 September 2011
 Ref: MHL2098 / WBS 125496

Michael Galloway
 Water Cycle Management Team Leader
 Landuse & Sustainability
 Manly Council
 1 Belgrave Street
 Manly NSW 2095

Dear Michael,

**PEER REVIEW ON THE IMPACT OF REMOVING THE PINE STREET
 STORMWATER PIPE ON MANLY BEACH**

As requested in your email of 19 August 2011, Manly Hydraulics Laboratory (MHL) is pleased to provide the following peer review of the Cardno letter report of 27 October 2010 (600163/L2204) and the gbaCOASTAL Peer Review of 22 February 2011 (gpb:gpb/11-3/lr946v1) in relation to *'the impact of removing the [Pine St] stormwater pipe on the surf zone and wave action on Manly Beach'*.

As outlined by gbaCOASTAL (2011), Manly Council is proposing to remove the Pine Street stormwater pipeline which crosses North Steyne Beach (**Figure 1**) and install a stormwater infiltration system behind the seawall as described by Cardno (2010). This peer review by MHL is based on the information presented in the above reports with reference to appropriate literature and MHL's experience in coastal engineering and coastal processes which extends for over 60 years. This review is associated with surf zone dynamics and wave action aspects of the proposed pipeline removal only following concerns raised by seasoned surfers of the area that have suggested that the quality of the waves at North Steyne is attributed to the presence of the stormwater pipeline.

The quality of the waves for surfing at North Steyne is well recognised. A left hand beach break (with breakers peeling north to south) is often present adjacent to the North Steyne Surf Club. The break, referred by some surfers as "Larry's Left" (**Figure 1**) became famous during the 1978 2SM-Coke Surfabout where Larry Blair rode an 8 second tube ride in front of a huge crowd (**Figure 2a**). The waves at North Steyne have been considered of high quality for surfing for some time, particularly since local surfer Bernard (Midget) Farrelly won the first world surfing championships held between North Steyne and Manly Beach in 1964. Other high quality surf breaks at Manly include Fairy Bower (near Shelly Beach; **Figure 1**) and Queenscliff Bombora (**Figure 1**) that breaks about 800 metres offshore when wave heights exceed about 3 metres (**Figure 2b**).

The quality of waves for surfing has been well quantified in the scientific literature as described by AWACS (1996) including the breaker characteristics (spilling, plunging or collapsing/surging), peel rates, peel angles and surface characteristics. High quality waves for surfing are generally characterised as plunging (or tubing) with peel rates less than the surfer's velocity (typically 10 km/h to 45 km/h) and peel angles ranging from 30° (fast ride) to 90° (straight to beach), although 60° peel angles are typical for surfing.

Environmental Services Division Report No. 28 - North Steyne Stormwater Outfall Pipes –
Further Opinion
Manly Hydraulics Laboratory Report dated 6 September 2011

MHL Letter Report 2098

The wave characteristics at a particular location will depend on the incident wave climate (wave heights and wave periods) and the seabed shape or bathymetry. Local wind speed and direction will affect the texture of the water surface (where smooth is more desirable for surfing) and the breaker characteristics (where onshore winds, amongst other things, encourage spilling breakers and offshore winds encourage plunging breakers).

The surf breaks at Manly exist due to the particular seabed configuration. Both Fairy Bower and the Queenscliff Bombora, for example, produce consistently high quality waves due to the presence of reef structures as shown in **Figure 1**. The surf quality at these locations is affected by the incident wave climate and local wind conditions only. The seabed configuration along the beach compartment from Manly to North Steyne and Queenscliff, however, is more dynamic, with beach sands moving due to littoral currents caused primarily by breaking waves and return flow rip currents. As described by Cardo (2010) and gbaCOASTAL (2011), the quality of beach breaks for surfing depends on an undulating bathymetry of sand banks and channels or discontinuities that result in peeling breakers as opposed to "close out" breakers associated with straight beach contours parallel to incoming wave crests.

It is well recognised that the existence of semi-permanent rip cells and resultant surf banks (as is typical at Manly) often occur due to the interaction of the incident wave climate with bay wide morphology and offshore bathymetry (Short, 2008). Whether the presence of the Pine Street stormwater pipeline has a further localised effect on the quality of the beach break at North Steyne (being responsible for "Larry's Left") is further assessed below.

Both Cardo and gbaCOASTAL have undertaken a scientific review based on historical aerial photography and established coastal processes theory to demonstrate that the presence of the pipeline does not materially affect the quality of waves for surfing at this location. It is agreed that the only possible mechanisms by which the pipeline could affect the coastal processes and hence surf quality include groyne effects and stormwater flow / rip current effects.

On the basis that there is no evidence of sediment accumulation or depletion on either side of the pipeline, the limited seaward extent and elevated configuration of the pipeline and well established coastal theory on the behaviour of groynes (CERC, 1984, 2002), it is agreed that the Pine Street pipeline does not behave as a groyne.

On the basis of observed rips and channels presented from historical aerial photography and the relative frequency of wave induced verses stormwater induced currents (from the pipeline), it is further agreed that there is no scientific basis that flows from the pipeline initiate or materially affect the semi-permanent surf bank at North Steyne ("Larry's Left").

It is further agreed that bay wide coastal processes and offshore seabed bathymetry, including potential wave focusing from Queenscliff Bombora and surrounding reefs are responsible for the semi-permanent surf bank at North Steyne. There is no scientific evidence to support the suggestion that the Pine Street pipeline materially affects the quality of waves for surfing at North Steyne. The more seaward wave break point during larger wave climates characteristic of "Larry's Left" may be further attributed to a local reef protrusion (similar to that seen in **Figure 1** offshore of the Pacific Street drain) that could have been buried or missed in the 1989 NSW Public Works survey.

ATTACHMENT 1

Environmental Services Division Report No. 28 - North Steyne Stormwater Outfall Pipes – Further Opinion Manly Hydraulics Laboratory Report dated 6 September 2011

MHL Letter Report 2098

Modern survey techniques now available could be used to better determine the local seabed information and bathymetry that may influence the semi-permanent bank at North Steyne.

I trust that this review has addressed Council's requirements. Please contact me directly on telephone 9949 0200 or mobile 0419 617 986 should you wish to discuss any aspects further.

Yours sincerely,

Edward Couriel
Principal Engineer
Manly Hydraulics laboratory

References

AWACS, 1996. International Literature Review, Artificial Surfing. Australian Water and Coastal Studies Report 95/39.

CERC, 1984. Coastal Engineering Research Centre. *Shore Protection Manual*, US Army Corp of Engineers, Vicksberg, Mississippi, USA.

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Cardno, 2010. Proposed Removal of Pine Street Stormwater Pipe – Impact on Beach Processes. Letter report, 27 October 2010, Ref. 600163/L2204.

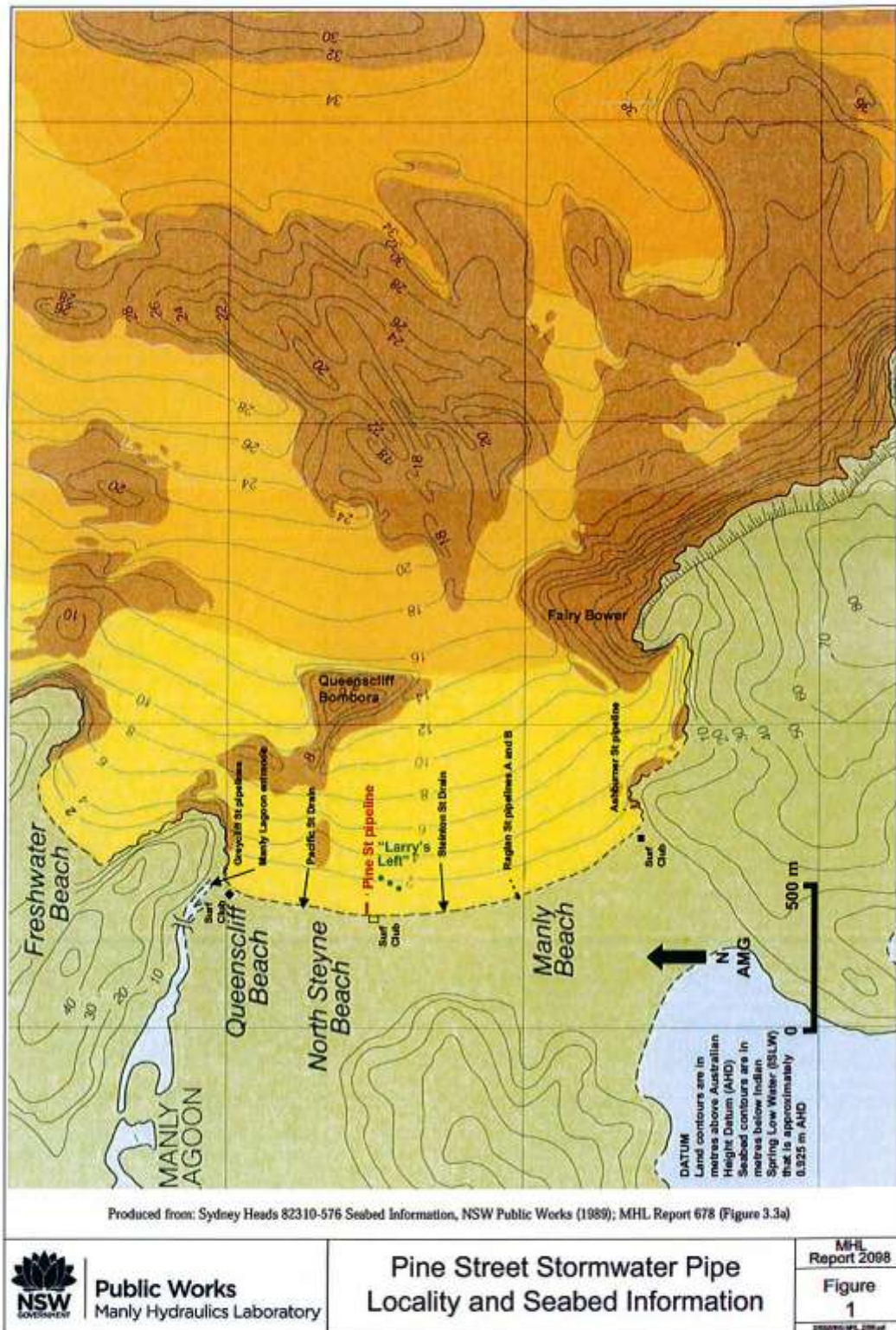
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MHL, 1995. Sydney Ocean Beaches Stormwater Outlet Study, Manly Hydraulics Laboratory Report MHL678.

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ATTACHMENT 1

Environmental Services Division Report No. 28 - North Steyne Stormwater Outfall Pipes – Further Opinion
Manly Hydraulics Laboratory Report dated 6 September 2011

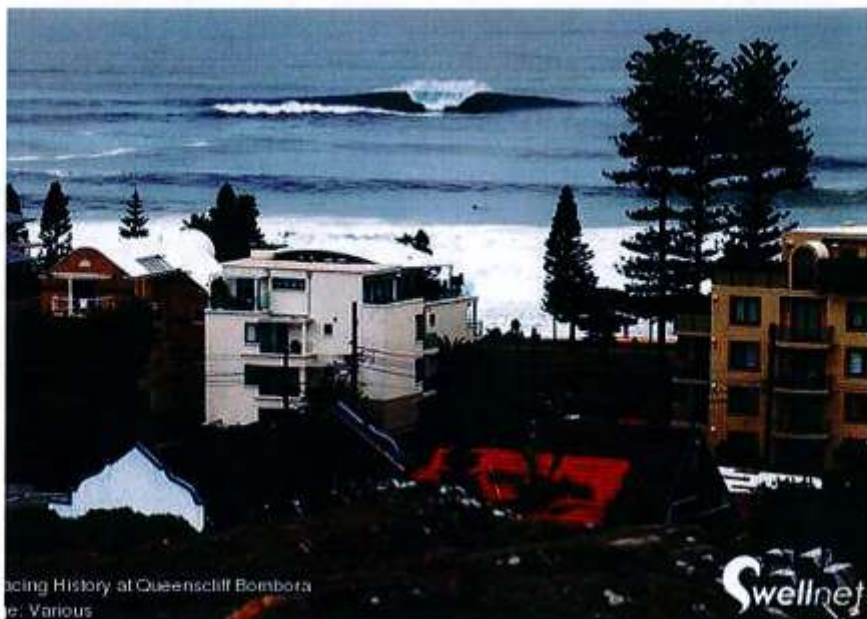


ATTACHMENT 1

Environmental Services Division Report No. 28 - North Steyne Stormwater Outfall Pipes – Further Opinion Manly Hydraulics Laboratory Report dated 6 September 2011



a) Larry Blair at North Steyne ("Larry's Left") during the 1978 2SM-Coke Surfabout
<http://www.youtube.com/watch?v=abs7u09f-8E>



b) Queenscliff Bombora

http://www.swellnet.com.au/news/2330-retracing-history-at-queenscliff-bombora/images?image_id=54524



Public Works
Manly Hydraulics Laboratory

**North Steyne Beach Break 1978
and Queenscliff Bombora**

MHL
Report 2098

Figure
2

QUEENSLIFF_BOMBORA.jpg

TO: Ordinary Meeting - 12 September 2011
REPORT: Corporate Services Division Report No. 33
SUBJECT: Adoption of Draft Charge Card Facility Policy
FILE NO:

SUMMARY

This report presents to Council the draft Charge Card Facility Policy for adoption.

A recommendation of the Internal Auditor to the Internal Audit and Risk Committee was the adoption by Council of a Charge Card Use Policy.

The draft *Charge Card Facility Policy* sets out the requirements to be followed in the use of charge cards, and is recommended to Council for adoption.

The purpose of this policy is to regulate the use of Charge Cards held by staff and Councillors.

REPORT

Council at the Planning & Strategy Meeting held on 1st August 2011 resolved to place the draft Charge Card Facility Policy on public exhibition.

The draft policy was placed on public exhibition until 3rd September 2011, with copies available at Council's Customer Service Counter, the Library and on Council's Website.

At the close of the exhibition period, no submissions had been received. The policy is now presented to Council for formal adoption.

RECOMMENDATION

That the draft *Charge Card Facility Policy* be adopted and added to Council's Policy Register.

ATTACHMENTS

There are no attachments for this report

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***** End of Corporate Services Division Report No. 33 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Corporate Services Division Report No. 34
SUBJECT: Financial Statements for the Year Ended 30 June 2011 – Audit Statement
FILE NO:

SUMMARY

Council's Annual Financial Statements for the year ended 30 June 2011 are presented for referral to audit. An Audit Statement pursuant to Section 413(2)(c) of the Local Government Act 1993 is required in respect of the accounts from Council and Management in relation to the accuracy of the accounts. It is recommended Council sign the statement and refer the accounts for audit.

REPORT

Council's Annual Financial Statements for the year ended 30 June 2011 have been prepared and are ready to proceed for Audit.

The general purpose financial reports, special purpose financial reports and special schedules are required to be completed and ready for audit by 31 October following the financial year end.

In accordance with Section 413(2)(c) of the Local Government Act, Council is required to include with the General Purpose Financial Statements a "Statement by Councillors and Management" signed under resolution of Council, by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer, which will allow Council's Auditor to complete the audit. A similar "Statement by Councillors and Management" is also required for the Special Purpose Financial Statements.

Following completion of the Audit, the Annual Financial Statements will then be presented to Council in October, with the Auditors Report. The "Statements" to be signed plus a draft of the Annual Financial Statements for the Year ended 30 June 2011, are tabled. In order for Council's Annual Financial Statements for 2010/2011 to go forward for Audit the following resolution of Council is now required.

RECOMMENDATION

That:-

1. In respect to Council's General Purpose Financial Statements the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2011

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended).

The attached General Purpose Financial Statements for the year ended 30 June 2011, have been prepared in accordance with:-

- The Local Government Act 1993 (as amended) and the Regulations made there under;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;

Corporate Services Division Report No. 34 (Cont'd)

To the best of Council's knowledge and belief, these Statements:

- Presents fairly the Council's operating result and financial position for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render these Statements for the twelve months ending 30 June 2011, false or misleading in any way.

2. In respect to Council's Special Purpose Financial Statements, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The attached Special Purpose Annual Financial Statements for the year ended 30 June 2011, have been prepared in accordance with:-

- The Local Government Code of Accounting Practice and Financial Reporting; the
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*; and
- Department of Local Government guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.

To the best of Council's knowledge and belief, these Statements:

- Present fairly Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render the Council's Statements for the twelve months ending 30 June 2011, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2011 be referred for audit by Council's Auditors.

ATTACHMENTS

There are no attachments for this report.

OM120911CSD_11.doc

***** End of Corporate Services Division Report No. 34 *****

TO: Ordinary Meeting - 12 September 2011
REPORT: Corporate Services Division Report No. 35
SUBJECT: Report on Council Investments as at 31 July 2011
FILE NO:

SUMMARY

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

REPORT

Council is required to report on a monthly basis, all invested funds which have been made in accordance with the Local Government Act 1993, The Local Government (General) Regulation 2005, and Council's Investment Policy.

Attached is the report of the bank balances and investment performance for July 2011.

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.

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

Investment Performance

The Investment Report shows that Council has total Investments of \$14,023,802, comprising a combined Bank Balance of \$519,335; and Investment Holdings of \$10,454,466 directly managed and \$3,050,000 externally managed.

Corporate Services Division Report No. 35 (Cont'd)

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 5.13% (*Council Benchmark = 4.96% - benchmark is 90 day average BBSW*)

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

The average rate of return for investments paying interest is 6.17%

Lehman Brothers Australia (Grange) Portfolio Performance

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 2.45%, less than the benchmark UBSWA Index of 5.49% (for the month of July 2011 the monthly return was 0.85% above the benchmark UBSWA Index). Whilst the current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark, it is important to note that the Investments are recorded by Council at their original principal face value, and there would be no erosion of Council's initial capital investment if the investment continues to be held at the present time to maturity.

Movements in Investments for the Month of July 2011**Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Railways Credit Union	Term Deposit	\$ 500,000.00
Suncorp-Metway Ltd	Term Deposit	\$1,000,000.00
Bank of Queensland	Term Deposit	\$ 500,000.00
B&E Ltd	Term Deposit	\$ 500,000.00
Members Equity Bank Pty Ltd	Term Deposit	\$ 500,000.00
RaboDirect Australia Limited	Term Deposit	\$ 719,877.16

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 July 2011 be received and noted.

ATTACHMENTS

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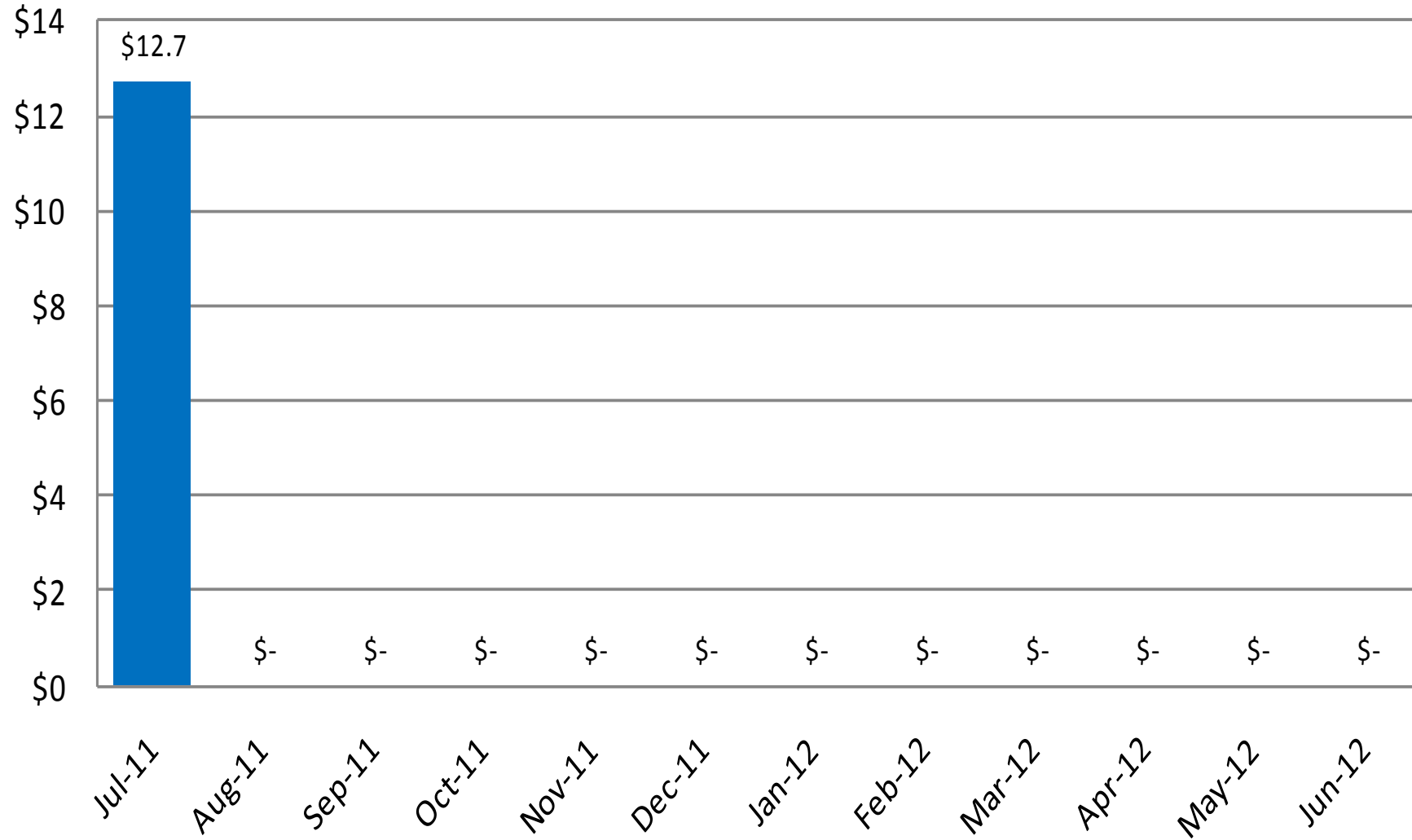
***** End of Corporate Services Division Report No. 35 *****

ATTACHMENT 1

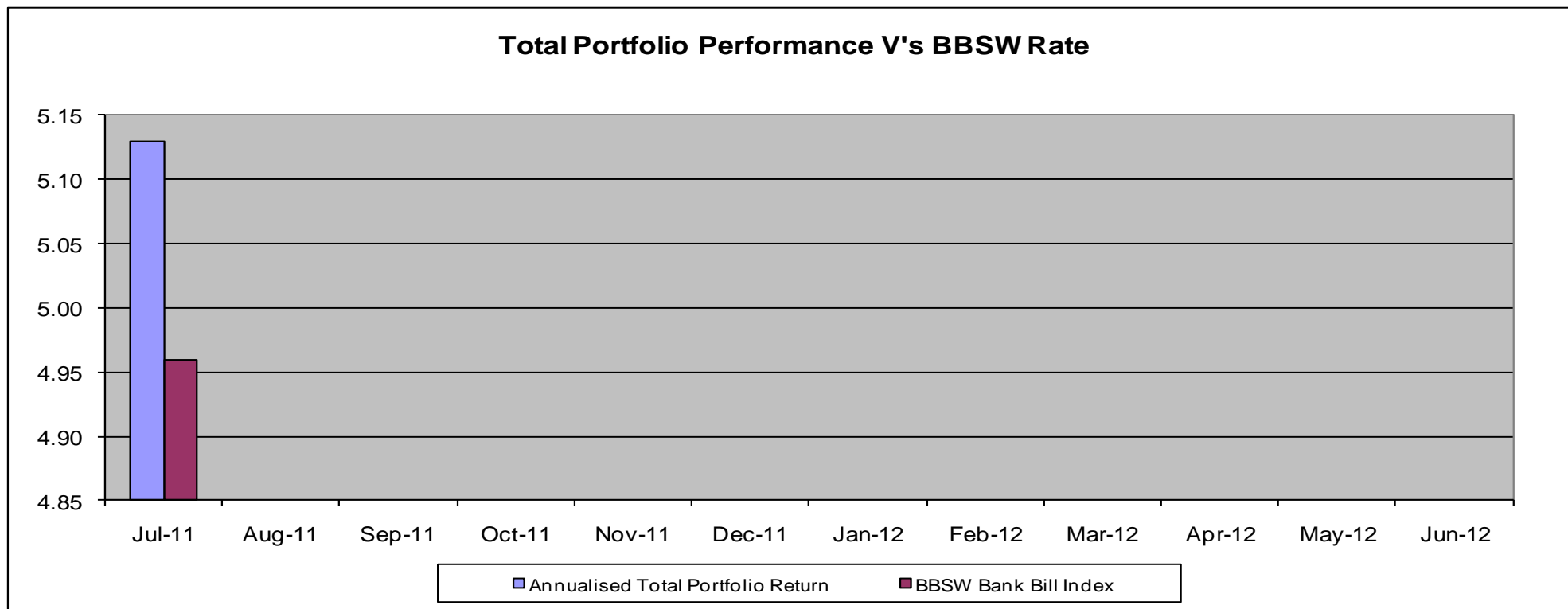
Corporate Services Division Report No. 35 - Report on Council Investments as at 31 July 2011 Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 July 2011									
	Form of Investment	Investment in AUS\$	Market Val	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Investment Returns Interest Rate	Interest Accrual YTD July 2011
Directly Managed Funds									
Trading Account									
CBA Trading Account	Cash	519,335	519,335	3.70%	AA-	.	.	3% ⁽³⁾	\$ 4,154 \$ 4,154
Others									
Emu Note - Dresdner Bank	Structered Note	500,000	404,050	3.57%	AAA	25/10/2005	13/12/2012	0.00%	\$ - \$ -
ANZ Climate Change Trust	Structured Note	500,000	444,250 ⁽⁵⁾	3.57%	AA	21/12/2007	21/12/2013	0.00%	\$ - \$ -
AMP Limited	Term Deposit	500,000	500,000	3.57%	A	8/09/2010	8/09/2011	6.31%	\$ 28,179 \$ 28,179
Railways Credit Union	Term Deposit	500,000	500,000	3.57%	Cr Union	4/07/2011	1/11/2011	6.25%	\$ 2,312 \$ 2,312
Suncorp-Metway Ltd	Term Deposit	1,000,000	1,000,000	7.13%	A+	5/07/2011	3/01/2012	6.24%	\$ 4,445 \$ 4,445
Bank of Queensland	Term Deposit	500,000	500,000	3.57%	BBB+	5/07/2011	5/01/2012	6.21%	\$ 2,212 \$ 2,212
B&E Ltd	Term Deposit	500,000	500,000	3.57%	Bld Society	5/07/2011	5/10/2011	6.06%	\$ 2,158 \$ 2,158
Members Equity Bank Pty Ltd	Term Deposit	500,000	500,000	3.57%	BBB	5/07/2011	4/07/2012	6.36%	\$ 2,265 \$ 2,265
RaboDirect Australia Limited	Term Deposit	719,877	719,877	5.13%	AAA	11/07/2011	29/06/2012	6.40%	\$ 2,525 \$ 2,525
Macquarie Cash Management Account	@ Call	221	221	0.00%	AAA	At call	At call	4.75%	\$ 1 \$ 1
AMP Limited	@ Call	3,666,949	3,666,949	26.15%	A	At call	At call	5.75%	\$ 36,770 \$ 36,770
Commonwealth Bank	@ Call	1,567,418	1,567,418	11.18%	AA-	At call	At call	4.00%	\$ 16,161 \$ 16,161
Total		10,454,466	10,302,766	74.55%					
Total Directly Managed Funds		10,973,802	10,822,102						
Lehman Brothers Australia (Grange) Managed Funds (All in AUS\$)									
Approved Deposit Institutions (Bank)									
HSBC	Floating Rate Note	500,000	502,530	3.57%	AA	20/03/2007	22/09/2011	5.15%	\$ 2,188 \$ 2,188
	Total	500,000	502,530	3.57%					
Interest Bearing Securities (Non Bank)									
Magnolia (Flinders)	Floating Rate CDO	300,000	278,187	2.14%	BB	20/03/2007	20/03/2012	6.34%	\$ 1,615 \$ 1,615
MAS6-7 (Parkes IIA)	Floating Rate CDO	500,000	27,440	3.57%	CCC-	20/03/2007	20/06/2015	8.14%	\$ 3,457 \$ 3,457
Heli0308 (Scarborough)	Floating Rate CDO	250,000	21,145	1.78%	CCC-	21/06/2007	23/06/2014	6.68%	\$ 1,419 \$ 1,419
Corsair (Torquay)	Floating Rate CDO	500,000	21,925	3.57%	CC	20/03/2007	20/06/2013	6.49%	\$ 2,756 \$ 2,756
Zirccon (Coolangatta)	Floating Rate CDO	500,000	470,000	3.57%	B+	20/03/2007	20/09/2014	0.00%	\$ - \$ -
Beryl (Global Bank Note)	Floating Rate Note	500,000	535,000	3.57%	B-	3/04/2007	20/09/2014	0.00%	\$ - \$ -
Total		2,550,000	1,353,697	18.18%					
Total Grange Managed Funds		3,050,000	1,856,227	21.75%					
Retired Investments									-\$ 44,867 -\$ 44,867
TOTAL PORTFOLIO		14,023,802	12,678,329	100.00%				5.13%	\$ 67,750 \$ 67,750
BENCHMARK								4.96%	
Notes:									
1 Benchmark is 90 day Average BBSW									
2 CDO - Collateralised Debt Obligation									
3 Balances less than \$250,000 earn 3%, \$250,000 to \$499,999 earn 3.25%, \$500,000 to \$750,000 earn 3.5% & greater \$750,000 earn 3.75%									
4 CBA Trading & At Call account not included in the monthly portfolio return calculation									
5 Valuation as at 31 July 2011									
In 2008 Council's Portfolio was written down from Face Value to its Market Value by \$2.2million. Since then there has been partial recovery of some write downs with the overall written down value as at 30/06/2011 standing at \$1.4 million.									

Investment Value by Month - 2011/2012 (\$Million)



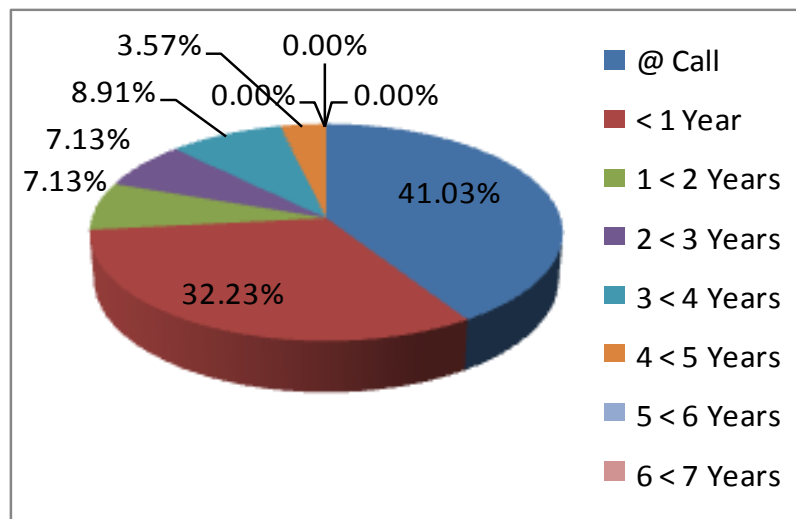
Corporate Services Division Report No. 35 - Report on Council Investments as at 31 July 2011
Report



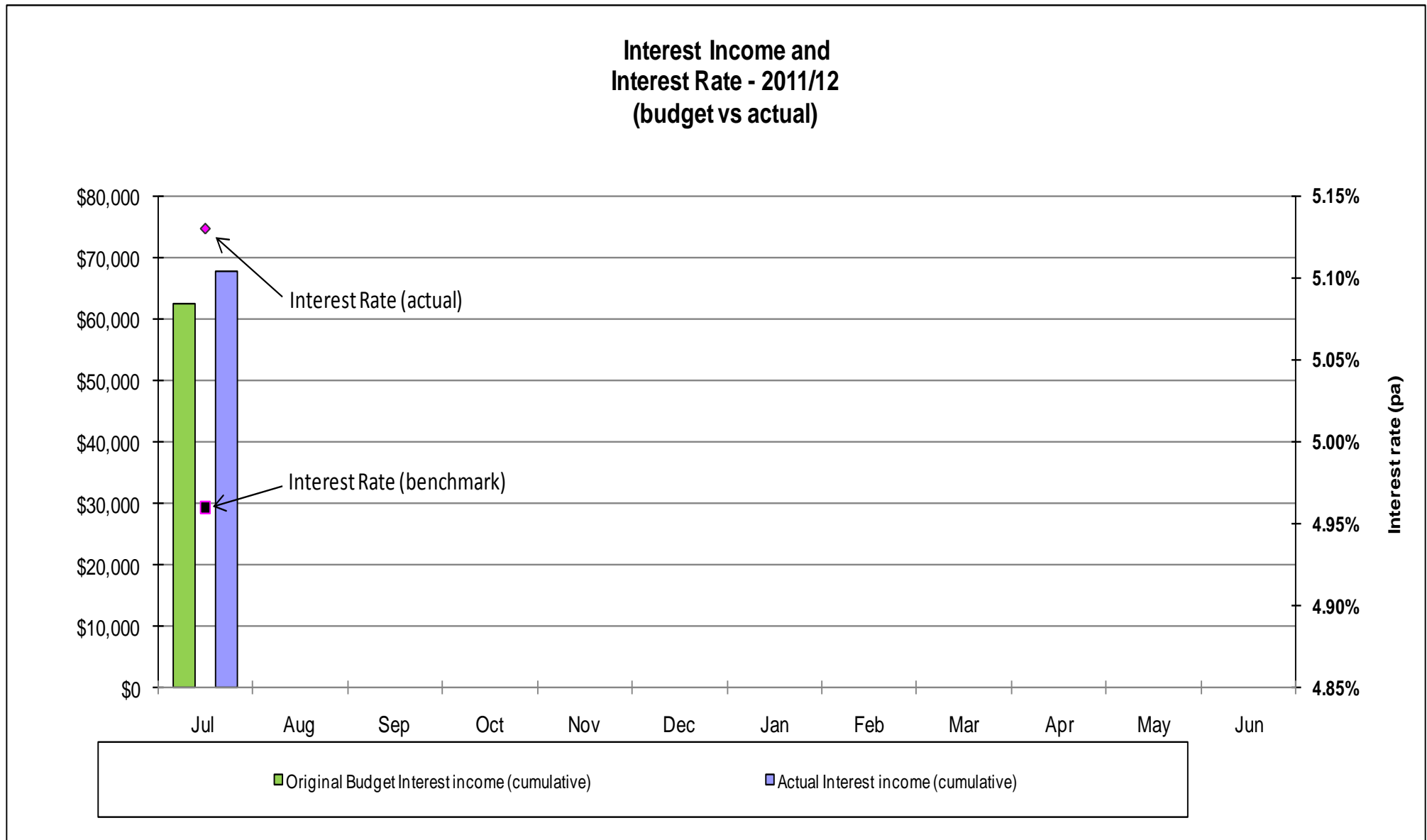
ATTACHMENT 1

Corporate Services Division Report No. 35 - Report on Council Investments as at 31 July 2011 Report

Summary by Credit Rating		No.
A+	7.13%	1
AAA	8.70%	3
AA	7.13%	2
A	29.71%	2
AA-	14.88%	2
BBB+	3.57%	1
B+	3.57%	1
BBB	3.57%	1
BB	2.14%	1
B-	3.57%	1
CC	3.57%	1
CCC-	5.35%	2
Building Society	3.57%	1
Credit Union	3.57%	1
	100.00%	20



Corporate Services Division Report No. 35 - Report on Council Investments as at 31 July 2011
Report



TO: Ordinary Meeting - 12 September 2011
REPORT: Corporate Services Division Report No. 36
SUBJECT: Variation to Loan Borrowing for 2011/12
FILE NO:

SUMMARY

This report recommends a variation to Council's 2011/12 loans program.

REPORT

Council's Community Strategic Plan Beyond 2021 – One Year Operational Plan and Budget 2011/2012 provides for the replacement of Council's current records management system. It was originally intended to acquire it with a finance lease but due to favourable financial conditions, there is significant cost and ownership advantage to Council to acquire the system outright with a five (5) year short term loan of \$650K and funded by the already budgeted lease repayment allocation in the Adopted Financial Plan.

The proposed borrowing complies with Council's Loan Borrowing Policy and s.377 and 621 of the *Local Government Act 1993*, as well as the Local Government (General) Regulations 2005. The proposed borrowing will also be notified to the Division of Local Government.

Following approval by Council to the borrowing, expressions of interest will be sought from the major banks.

Council should note that due to the staged and deferred settlement negotiated by Council in the TAFE acquisition, the overall loan take up by Council in 2011/12, inclusive of this new loan, will likely be \$1mil less than that provided in the Adopted Plan.

RECOMMENDATION

That:

1. The proposed loan of \$650,000 be approved;
2. The Common Seal of Council be affixed to the appropriate deeds as required; and
3. The General Manager be delegated authority to accept the interest rate and terms most advantageous to Council.

ATTACHMENTS

There are no attachments for this report.

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***** End of Corporate Services Division Report No. 36 ***** .