



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 9 September 2013

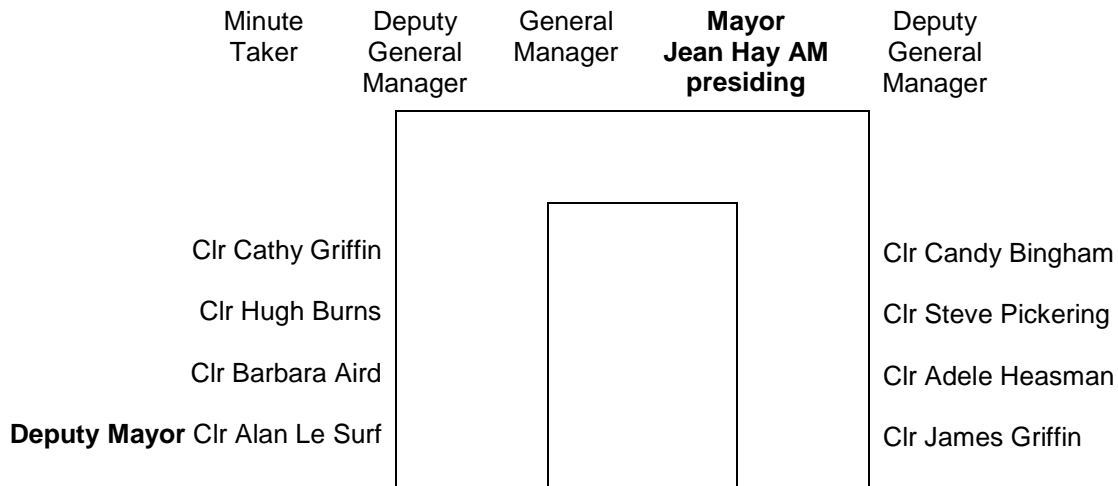
Commencing at 7.30pm for the purpose of considering items included on the Agenda.

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

Seating Arrangements for Meetings



Press

Public
Addresses

Public Gallery

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

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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

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

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE****General Managers Division Report No. 14**

Organisational Review It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

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

Human Services And Facilities Division Report No. 3

2013 2014 Community & Cultural Grants 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 - 9 September 2013
REPORT: Mayoral Minute Report No. 11
SUBJECT: LM Graham Reserve - Management of Dog Access
FILE NO: MC/13/107149

In a facilitated meeting held on 5 September, I met with a group of approximately 50 stakeholders who included residents, representatives of precincts, cricket and soccer clubs, and other interested parties, to listen to their concerns and hear ideas regarding a proposed dog designated exercise area for LM Graham Reserve.

The facilitated discussion resulted in a number of positive suggestions and expectations for reaching agreement for future uses of LM Graham Reserve by all stakeholders.

I Move that:

1. Council defer installation of the proposed fencing along the boundary of Kenneth Road at LM Graham Reserve to allow time for stakeholder consultation; and
2. A Working Party, meeting monthly, be established to prioritise the list of outcomes from the meeting of the 5th September 2013. The Minutes of its meetings shall be provided to Council; and
3. The Working Party shall consist of one representative from: Ivanhoe Park Precinct Community Forum; the Brookvale soccer club; the cricket club; dog owners, and Council; and
4. The Working Party shall provide a final report with recommendations, for reporting to the Council at its February 2014 meeting.

ATTACHMENTS

There are no attachments for this report.

OM09092013MM_1.DOC

***** End of Mayoral Minute Report No. 11 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 56
SUBJECT: Review of Scenic Viewing Areas around Manly
FILE NO: MC/13/105774

Councillor Candy Bingham will move that:

1. Council request the Scenic Walkway Committee to undertake an audit of the official viewing areas along the Manly Scenic Walkway and report on those which need attention due to major view loss.
2. Council invite the various Precinct groups to undertake an audit of the popular viewing areas in their precincts that may need attention.
3. The General Manager prepare a report back to Council consolidating the findings of the Scenic Walkway Committee and recommendations by Precincts with a suggested course of action to address this issue.

Background

Over time, many of Manly's scenic viewing areas have lost their views due to overgrown vegetation.

There are many examples along the Manly Scenic Walkway including Tania Park, North Harbour and Fairy Bower Point where overgrown vegetation (some of which has been planted by Council) has now grown to such an extent that views are either lost or greatly obscured.

While it is appreciated that some of these official viewing areas fall within the responsibility of the NSW National Parks & Wildlife Service, it is recommended that the above be moved.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09092013NM_2.DOC

***** End of Notice of Motion Report No. 56 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 57
SUBJECT: Off-Leash Dog Area at LM Graham Reserve
FILE NO: MC/13/105780

Councillor Candy Bingham will move that:

Council defer any work to fence-off a designated off-leash dog exercise area at LM Grahams Reserve until further options and consultation with users of the reserve can be undertaken.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09092013NM_3.DOC

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

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 55
SUBJECT: Changes to NSW Planning Law
FILE NO: MC/13/105769

Councillor Candy Bingham will move that:

1. Council write to the Premier for New South Wales, The Hon. Barry O'Farrell MP, requesting he commit to a rewriting of the Planning Bill 2013 Exposure Draft and a re-exhibition of any proposed legislation, citing the major points of Council's previous submissions on the Planning Legislation.
2. A copy of the letter be forwarded to all Members of the NSW Parliament for their attention.
3. Council write to Local Government NSW urging the Chief Executive to make further representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as ICAC and the Law Society of NSW should not be passed by Parliament until further extensive rewriting and consultation has occurred with ICAC, the Law Society of NSW and those who have to primarily implement the Act, ie local government.

The Minister for Planning and local Member of Warringah, Brad Hazzard, be invited to a meeting of SHOROC to discuss local concerns regarding the Bill.

Background

The proposed changes to NSW Planning law, as proposed in a new Bill to be presented to Parliament shortly, has raised many concerns by leading bodies, other councils and members of the community.

It is believed that of the 4,500 submissions which been received, including one from our own Council, most raise major concerns about aspects of the new Act.

In particular, ICAC and the Law Society of NSW claim that the new laws will not address areas for potential corruption; and the Better Planning Network raises major concerns regarding lack of community consultation proposed.

Of particular concern to residents and ratepayers of Manly is the proposed reduction in the existing rights of adjoining owners to make representations in relation to proposed developments.

With our area's dramatic headlands, ridges, slopes, foreshore settings, harbour and ocean vistas, reserves and bushland areas, the Manly Municipality provides a setting of immense appeal for residential use. In order to provide new developments with equitable access to these environmental benefits and at the same time protect the existing amenity of adjoining properties, it is necessary to manage development approvals with great care.

The notion that this can be achieved with just a set of standard state-wide complying development conditions, and that development such as new two storey buildings and second storey additions could be approved within 10 days without neighbour notification, is patently ridiculous and unworkable.

The proposal to allow the general public to meaningfully participate only at the plan-making stage is flawed and is a major backward step in community consultation.

Notice of Motion Report No. 55 (Cont'd)

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09092013NM_1.DOC

***** End of Notice of Motion Report No. 55 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 58
SUBJECT: Concern Regarding Proposed NSW Planning Legislation
FILE NO: MC/13/105785

Councillor Barbara Aird will move that:

1. Council write to the Premier Mr Barry O'Farrell requesting that, he commit to addressing the issues raised by ICAC and the Law Society of NSW and amend, then re-exhibit, the Planning Bill 2013 Exposure Draft accordingly.
2. A copy of the letter is forwarded to all Members of the NSW Parliament for their attention.
3. Council write to Local Government NSW urging the Chief Executive to make representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as ICAC and the Law Society of NSW should not be passed by Parliament until further extensive rewriting and consultation has occurred with those who have to primarily implement the Act ie local councils.
4. A copy of both letters to the Premier and Local Government NSW be placed onto Council's website.

Background

The Independent Commission against Corruption (ICAC) and the Law Society of NSW have voiced serious concerns about proposed changes to the NSW planning act, including the risks of corruption which are built into the proposed new laws. It is concerning that, if these laws are passed, our Council will have to administer laws, which can lead to perception of corruption.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09092013NM_4.DOC

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

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 59
SUBJECT: Placing Little Manly Park Concept Plans on Public Exhibition
FILE NO: MC/13/105799

Councillor Hugh Burns will move that:

For information only, the 4 architectural concept plans for improvement of Little Manly Park be placed on public exhibition at the Council Chambers and Library for one month and be advertised widely including *The Manly Daily* and circulated to all precincts.

Background

At the 16th July 2012 Ordinary Meeting, Council unanimously resolved to engage four firms of architectural consultants by means of adopting the (then) LMUD Committee's brief to prepare concept plans for the improvement of Little Manly Park in Stuart Street, Manly.

These plans were presented at the last Council Public Domain Committee Meeting and on the 2nd September were presented to the councillors for their information.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09092013NM_5.DOC

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

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 60
SUBJECT: Broadcast of Manly Council Meetings over the internet
FILE NO: MC/13/105816

Councillor Hugh Burns will move:

That Manly Council bring back a report on the feasibility of adopting the Meeting Broadcast System currently used by Warringah Council, including consideration and review of technical, legal and cost of implementation and annual operation cost issues. That Warringah Council Mayor and General Manager (and staff) be approached to assist in preparation of the report. That the report include consideration being given to making Manly Council's existing audio only minutes confirmation recordings available on the internet as an interim archive.

Background

Warringah Council streams its Council meetings live over the internet for interested residents to view while the meetings are in progress, and has an archive of past meetings available for viewing.

The live stream recordings include both video and audio.

The broadcasting has been done for some years and meetings held over the past two years are available via Warringah Council's website:

See: <http://councils.apstream.net/council/public/warringahnew/player.asp?Tab=3&OrgEntity=78>

The paper minutes issued by Manly Council record meeting and voting outcomes, but do not record the debate, public speeches or other factors that go into the Council meeting decisions. Additionally there have been a few times when the press has been unable to attend Manly Council meetings and they would also benefit if meeting recordings were archived for public access after the meetings.

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. 60 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Notice of Motion Report No. 61
SUBJECT: Preservation of Shelly Beach
FILE NO: MC/13/106113

Councillor Cathy Griffin will move that:

Manly Council cease mechanical beach cleaning and manual raking on Shelly Beach from now to the end of June 2014 to enable the environmental study on sand migration and ecological health of the beach in the Cabbage Tree bay area.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09092013NM_7.DOC

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

TO: Ordinary Meeting - 9 September 2013
REPORT: Item For Brief Mention Report No. 12
SUBJECT: Items For Brief Mention
FILE NO: MC/13/103566

1. Complaints made to the General Manager

Nil.

3. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
203/12	10 Dec	Mayoral Minute 12	Stuart Street Manly Properties	LEP Amendment being considered.
208/12	10 Dec	NoM No. 46	Master Plan for the Ivanhoe Botanic Gardens area.	In progress.
79/13	3 June	NoM No. 28	Plan to Protect our Street Trees	Report on valuation method for trees is being prepared. All other parts of this resolution are complete.
125/13	15 July	NoM No. 35	Progress Report on Seaforth TAFE site	Briefing provided to Councillors.
132/13	12 Aug	NoM No. 50	New 3G/ 4G Telecommunication Towers (including infrastructure upgrades) within the Balgowlah Heights Precinct, and wider Manly area	Letters sent. Technical information being investigated.
133/13	12 Aug	NoM No. 53	Planting of Norfolk Island Pine	Will be completed by end of September.
134/13	12 Aug	NoM No. 54	Iconic Norfolk Island Pines Management Plan 2013	New Plan in progress.
138/13	12 August	NoM No. 47	Dinghy Storage	Report to Council Completed. Report to Harbour Foreshore Committee in draft.
139/13	12 August	NoM No. 49	Clarification of Proposed Traffic & Street Closure plans for Manly2015	Being progressed.
140/13	12 August	NoM No. 51	Repairs to Little Manly Gasworks Park	Works scheduled.
141/13	12 Aug	NoM No. 52	Amalgamations - collaboration and Council's response	In progress.

3. Tabled Documents

Date	Author	Subject
July 2013	Local Government Review Panel	Community-Level Governance: What provision should be made and/or mandated in local government legislation? (69 Page Report)
3 Sep 13	Grahame Gibbs Deputy Chairperson NSW Local Government Grants Commission, NSW Government	Approved Grants Commission's recommendations for 2013-14 financial assistance grants.

Item For Brief Mention Report No. 12 (Cont'd)

RECOMMENDATION

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

ATTACHMENTS

There are no attachments for this report.

OM09092013IBM_1.DOC

***** End of Item For Brief Mention Report No. 12 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Report Of Committees Report No. 26
SUBJECT: Minutes for adoption by Council - Special Purpose Advisory Committees without recommendations of a significant nature.
FILE NO: MC/13/105289

The following Special purpose Advisory Committee meeting minutes are tabled at this meeting.

- i) Human Services & Social Planning Advisory Committee – 25 June 2013
- ii) Manly Sister Cities Advisory Committee – 24 July 2013
- iii) Meals on Wheels Advisory Committee – 14 August 2013
- iv) Surf Club Liaison Working Group – 20 August 2013
- v) Access & Mobility Advisory Committee – 20 August 2013

RECOMMENDATION

That the minutes of the following special Purpose Advisory Committee meetings be adopted.

- i) Human Services & Social Planning Advisory Committee – 25 June 2013
- ii) Manly Sister Cities Advisory Committee – 24 July 2013
- iii) Meals on Wheels Advisory Committee – 14 August 2013
- iv) Surf Club Liaison Working Group – 20 August 2013
- v) Access & Mobility Advisory Committee – 20 August 2013

ATTACHMENTS

There are no attachments for this report.

OM09092013RC_1.DOC

***** End of Report Of Committees Report No. 26 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Report Of Committees Report No. 27
SUBJECT: Minutes for adoption by Council - Community Safety & Place Management Advisory Committee - 8 August 2013.
FILE NO: MC/13/105817

This report was dealt with at the Community Safety & Place Management Advisory Committee meeting of 8 August 2013 and was listed as a Recommendation in those minutes. The item is items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 6 LATE NIGHT MANLY WORKING GROUP

Re: Market Place Saturday

Last month's meeting agreed that the food stalls should be able to serve limited alcohol from the food stalls with meals. This is in line with the philosophy that the event should be sophisticated and more Mediterranean in approach. It was considered that by banning it entirely would be more difficult to manage than controlling some supply, that is the bottle shops would be the only beneficiary as people will just BYO (as evidenced at Food and Wine and World Food events) and make it difficult and confrontational to police.

Steyne Hotel tentatively agreed to supply a couple of security guards to assist with the events until 11pm. Will also ask for Night Rangers and Police to oversight and be aware of the events.

A local events specialist, The Whole Creative is co-ordinating the businesses that have expressed interest in being involved and presented her concept of the Market Place Saturdays to the Working Group, which was accepted by the group and recommend that it proceed with her co-ordination involvement accordingly. A Memorandum of Understanding is now being prepared.

New updates presented to committee included:

- Artwork and draft program shown to committee. Suggestions for change to be directed to The Whole Creative.
- Meeting held with licensing police and discussions with OLGR regarding the appropriate licensing for event.
- Traffic Manager to supply written approval for use of space
- Approval has been received from the Attorney General Crime Prevention Division to use grant funding for the activation
- Draft Terms and Conditions for use of space by food stallholders and entertainers have been prepared.
- A memorandum of understanding has been drafted between Council and The Whole Creative
- A risk assessment for the event has been submitted.
- More consultation needed – most businesses in immediate area have now been advised but need to ensure all know.
- Chamber of Commerce will promote in their internal newsletter once artwork in ready.

It was agreed that Council need to arrange for the limited suspension of Alcohol Free Zone in that space for the purpose of the event.

RECOMMENDATION

That the minutes of the Community Safety & Place Management Advisory Committee meeting on 8 August 2013 be adopted including the following items:

Report Of Committees Report No. 27 (Cont'd)**ITEM 6 LATE NIGHT MANLY WORKING GROUP**

The committee recommends to the General Manager that the Alcohol Free Zone within Market Place be suspended for the purpose of holding the 'Market Place Saturday' events from 6.30pm to 11pm on Saturdays only from 28 September to 14 December 2013.

ATTACHMENTS

There are no attachments for this report.

OM09092013RC_2.DOC

***** End of Report Of Committees Report No. 27 *****

TO: Ordinary Meeting - 9 September 2013
REPORT: Report Of Committees Report No. 30
SUBJECT: Minutes for adoption by Council - Human Services & Social Planning Advisory Committee - 27 August 2013.
FILE NO: MC/13/105825

This report was dealt with at the Human Services & Social Planning Advisory Committee meeting of 27 August 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 3 MATTERS ARISING

Committee Membership

The need for wider Committee representation and amendment of the Committee's Terms of Reference (TOR) to represent the broadest range of issues and to accommodate extra members with local knowledge was discussed. In terms of improving youth coverage, it was suggested that a representative from the Manly Youth Council be approached and that the DECS representative be from a local school. Ms Christine Del Gallo, the School Principal, from Northern Beaches Secondary College Mackellar Girls Campus was suggested. It was also suggested that Medicare Local be asked to join the Committee. To reflect this, the following changes to the Terms of Reference to add members to the committee were suggested:

Membership of Committee shall consist of:

- The Manly Club for Seniors
- Home and Community Care (HACC) Representative
- Department of Education and Communities (DECS) School Representative
- Manly Youth Council
- Medicare Local and up to 3 Community members.

The quorum would also need to be changed to be the majority of appointed members.

Applications previously received from Judy Rice from the Manly Club for Seniors and Hania Norman from the Precincts was to go to General Manager and Council to be confirmed.

RECOMMENDATION

That the minutes of the Human Services & Social Planning Advisory Committee meeting on 27 August 2013 be adopted including the following items:

ITEM 3 MATTERS ARISING

The Committee recommends to the General Manager and Council that:

1. The Terms of reference be changed and that the following be added to the Membership of Committee:

- The Manly Club for Seniors
- Home and Community Care (HACC) Representative
- Department of Education and Communities (DECS) School Representative
- Manly Youth Council
- Medicare Local,
and up to 3 Community members.

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

2. The quorum is changed to be the majority of appointed members.
3. The Committee recommends to the General Manager and Council that the following people be confirmed as appointed:

Hania Norman
Judy Rice

Precinct Representative
The Manly Club for Seniors

The Committee recommends to the General Manager and Council that Ms Christine Del Gallo, the School Principal, from Northern Beaches Secondary College Mackellar Girls Campus is asked to submit an application to be appointed.

ATTACHMENTS

There are no attachments for this report.

OM09092013RC_3.DOC

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

TO: Ordinary Meeting - 9 September 2013
REPORT: Environmental Services Division Report No. 17
SUBJECT: Re-zoning of Stuart Street, Manly
FILE NO: MC/13/71528

SUMMARY

This report advises the Council on the proposed rezoning of 34, 36, and 38 Stuart Street, Little Manly following the public exhibition of draft Manly Local Environmental Plan 2013 Amendment 1.

REPORT

Background

At its Ordinary Meeting of 10th of December 2012, the Council, *inter alia*, resolved to rezone 34, 36 and 38 Stuart Street Manly from Zone RE1 Public Recreation to Zone E4 Environmental Living.

Accordingly, a Planning Proposal was submitted to the Department of Planning and Infrastructure on the 19th of March 2013 to rezone 34, 36, and 38 Stuart Street Manly from Zone RE1 – Public Recreation to Zone E4 - Environmental Living.

The rezoning proposal will require consequential amendments to associated maps, namely:

- Zoning Map;
- Land Reservation Acquisition Map;
- Floor Space Ratio Map;
- Height of Buildings Map, and
- Minimum Lot Size Map.

Public Exhibition

The Draft LEP Amendment 1 was exhibited from the 18th of May 2013 to the 14th of June 2013 in accordance with statutory requirements at the Council Chambers and in the main Manly Library. It was also exhibited on Council website.

Notification for the exhibition of the proposed rezoning was published in Public Notices in the Manly Daily on 16 and 18 May 2013 as well as by individually addressed notification letters sent to landowners at 39 to 47 Stuart Street, Little Manly, inclusive.

Notification was also sent to the Office of Environment and Heritage (OEH) under sections 56(2)(d) and 34A of the EP&A Act and consequently, comments from the Aboriginal Heritage Office were also sought. Comments received from both of these organisations relate to conditions that Council should consider.

Public Submissions

106 submissions (including one late submission) were received in response to the public exhibition of the Planning Proposal. The substantive points raised in the submissions can be categorized as follows:

1	Acid Sulphate Soil Assessments
2	Assessment of Bandicoot and Penguin Habitat
3	Boat Ramp and Dingy Storage
4	Budgetary grounds for Planning Proposal unwarranted
5	Coastal Risks – Sea Level Rise
6	Contrary to Community Needs

Environmental Services Division Report No. 17 (Cont'd)

7	Contrary to Manly Section 94 Contributions Plan
8	Lack of Community Consultation
9	Land Classification under the Local Government Act
10	Nature of Future Residential Development
11	Planning Proposal inconsistent with various Strategic Plans, Agreements, Studies or Reports
12	Other Issues

A summary of submissions received is provided in the Submissions Matrix accompanying this report.

The main concerns and issues raised in the submissions are as follows:

1 Acid Sulphate Soil Assessments

While submissions call for Acid Sulphate Assessment prior to rezoning, it is considered in this report that any future disturbance to acid sulphate soils arising from the planning amendments may be appropriately controlled in future development assessment as the land is mapped in the LEP and is already subject to detailed assessment requirements at clause 6.1 of the MLEP 2013.

2 Assessment of Bandicoot and Penguin Habitat

Submissions seek environmental assessment of impacts on the habitat of the Little Penguin population and the endangered North Head population of the Long-nosed Bandicoot prior to rezoning. The Office of Environment and Heritage advice (submissions attached) that the proposed rezoning is unlikely to have any direct impact on Little Penguin Critical Habitat and acknowledges that environmental assessment of Bandicoot Habitat would be assessed in relation to any future development proposal. However, key management actions of the Recovery Plans for the Little Penguin (2000) and Long-nosed Bandicoot (draft) require protection not only at the development assessment stage but also in preparing environmental planning instruments such as this amending LEP to avoid and minimise significant impacts on the endangered population.

While Council has resolved an LEP Zone E4 Environmental Living for the site, relevant considerations for Council in preparing these LEP amendments include the nature and scale of future permissible land uses and appropriate development standards which control the scale of development and subdivision. Particular consideration should be given to retaining existing landscaped areas where bandicoots forage and to minimise redevelopment of land where Penguins are known to nest, consistent with the objectives and actions in the relevant Recovery Plans.

3 Boat Ramp and Dingy Storage

The public dingy storage area and boat ramp are identified in fifty-four (54) submissions as important facilities to maintain and enhance. Any future loss or limitations of the boat ramp is strongly opposed given the limited access points for boat owners on the northern beaches. Submissions object that the Planning Proposal fails to recognise potential impacts on these facilities. Reference is made to the minutes of the Council's Harbour Foreshores and Coastline Management Committee (3 April 2012) and discussion at a Local Precinct Group referring to considerations to close this boat ramp. Council confirms in this regard that there are no plans to remove the boat ramp. The Planning Proposal is for the rezoning of the two (2) sites from Zone RE1 – Public Recreation to Zone E4 - Environmental Living and does not involve the removal of the Boat Ramp and Dinghy storage.

Submissions are concerned that the public dingy and storage area that is to be maintained, once privately owned, may result in removal of the facility by a future private landowner on legal challenge. Users of the facility object to not being consulted on the proposal. Submission also highlight that the land subject of rezoning in the vicinity of the beach and ramp provide an

Environmental Services Division Report No. 17 (Cont'd)

important watercraft staging area for boating, including set up and packing activities for wind surfers and kayakers and the like. Submissions raise the issue that the existing RE1 zone should remain given the range of public foreshore activities catered for in this area.

Once again it is reiterated that Council has no intention of removing the Dinghy Storage area and the subject proposal is for the rezoning of the land only. This planning proposal does not involve the removal of the Boat Ramp.

4 Budgetary grounds for Planning Proposal unwarranted

Submissions object to supporting the purchase of 40 Stuart Street which is about one quarter the size of land being rezoned. It is asserted that small financial benefits of the proposal (moving some 2.5% from non-current to current assets) do not weigh against alienation of residents and loss of community asset as a result of the Planning Proposal.

Submissions dispute evidence of financial hardship and impact on rate revenue as reasons for the Planning Proposal and suggest that other means of achieving the intended outcomes have not been adequately considered. Submissions note Council's apparent capacity for debt in relation to its decisions on major projects worth over \$80 million and a low debt service ratio. It is suggested that the subject land may be used to leverage Manly as a destination to live and visit by expanding the public area to realise good commercial and property value.

Submissions in relation to 38 Stuart Street assert that there is no justification given in the Planning Proposal to rezoning this land and removing this land from the LEP Land Acquisition Map given the lack of any financial benefit to Council; but granting considerably increased property value to the owners (particularly without any ROW being secured over the land).

The issues raised above are not a relevant planning consideration for the re-zoning of the land.

5 Coastal Risks – Sea Level Rise

Submissions including advice from the Office of Environment and Heritage refer to Manly Council's adopted (ESD 12/12 - 7/5/2012) report 'Identification of Coastal Hazard Risk Areas to Projected Sea Level Rise for the Manly LGA' November 2011. Further to consideration in Council's exhibited Planning Proposal of the coastal hazards potentially affecting the subject land at Little Manly, reference is also made to Council's report 'Manly LGA Seawall Risk Assessment and Plan for Priority upgrade/replacement' (WRL, May 2012) examining the condition of Manly Seawalls. This report found that the present condition of the Little Manly Beach seawall was in 'Fair condition overall but localised deep vertical cracking and movement of rotation outwards, no drainage'. Additionally the report concludes Little Manly Seawall is 'founded on sand and is characterised by high toe levels and would therefore be subject to undermining during storm events'. Hazard elements at risk and failure initiation for Little Manly Seawall are noted to include: 'undermining of wall in extreme sea storm'.

The presence of the seawall (properly maintained) at Little Manly Beach means that land subject of the Planning Proposal is not identified in Council's studies to be subject to coastal erosion by 2050 and 2090, due to the effects of sea level rise. However if the seawall at Little Manly Beach was not present there would be a high risk to coastal erosion (landward movement of the shoreline) by 2050 and 2090, due to the effects of sea level rise.

Both Strategic Planning (including the proposed LEP) and Development Assessment must be consistent with a risk-based approach in areas of high risk to coastal erosion. In relation to any future redevelopment on these properties, Councils' adopted reports highlighting potential coastal erosion impacts will be considered particularly dealing with risks associated with scenarios that deal with any potential seawall failure. In relation to considerations of risk-based approach in dealing with the current Planning Proposal, the Office of Environment and Heritage confirmed in consultation in relation to coastal hazards that present day and future conditions of coastal hazards

Environmental Services Division Report No. 17 (Cont'd)

have been adequately assessed and presented in Manly Council's adopted report 'Identification of Coastal Hazard Risk Areas to Projected Sea Level Rise for the Manly LGA'.

6 Contrary to Community Needs

The Planning Proposal is considered in a number of submissions to openly deface and corrode Manly's reputation as a tourist destination for the beauty and accessibility of its beaches and coastline. Harbour foreshore access and recreational uses are considered increasingly important as Sydney's population increases. Harbour foreshore access and public recreation is said to be something for all to enjoy. Submissions note that Councils' funding reports in 2003 stated all Manly foreshore land identified for acquisition is of regional significance, as well as enormous local and environmental significance.

Submissions refer to the land as a unique and unrecoverable community asset and consider that the disposal of this essential public land, forever lost to private residential development would be a failure of Council and NSW. Other public spaces are considered to exist that are more suitable for disposal and residential redevelopment than the land on Little Manly beach.

Council is of the opinion that there is adequate land for recreational purposes in the vicinity and that there is no longer a need for the subject land to be acquired by Council for public recreation. Council notes that currently all the properties on Nos. 34, 36 & 38 are fenced and not used for public open space. This application is only for the rezoning of the land and does not prevent Council from using it for various residential uses.

7 Contrary to Manly Section 94 Contributions Plan

Some submissions refer to Manly Section 94 Contributions Plan 2004 under which some \$1.5 has been collected to acquire the land for open space purposes and suggest the Planning Proposal is inconsistent with the Contributions Plan and may require refunds. In this regard Council's Financial Officer advises that a portion of the funds collected are being spent on acquiring 40 Stuart Street. It is anticipated that any remaining funds not spent on acquisition in Little Manly may be diverted to local open space embellishments. As a consequence of this Planning Proposal, Section 94 Contributions for the acquisition of future open space will be reviewed in the next amendment to the Contributions Plan.

These submissions do not agree with the Planning Proposals' rationale that the provision of open space at former gasworks site negates the need for open space at Little Manly beach (Mayoral Minute Report No 12). Submissions raise differences in the nature and quality of these lands noting that the former gasworks site is on an elevated and exposed cliff edge compared to the land at Little Manly beach being a sheltered foreshore destination for swimming, boating and the like. Submissions conclude the rehabilitation of the gasworks (starting 1988) and plans to acquire open space adjoining Little Manly beach are chronologically independent policy. The stated need for the Stuart Street land to be acquired for open space is found in the submissions to be evident even after the gas works were restored for open space and an increasing and pressing need of the beach Reserves.

These submissions consider the land to be community based land that is part of an increasingly popular beach, and should remain part of a vision of open space for successive Councils. Short term gain in interest of developers and to raise revenue arising from the Planning Proposal is seen in the submissions to benefit a few at the long term expense of every rate payer in Manly.

This is considered to be not relevant as the proposal is for the rezoning of the subject land only and there is no proposal to restrict the use of the beach. The planning proposal is for the continuance of the existing use of the site and in no way restricts the current residential use.

8 Lack of Community Consultation

Environmental Services Division Report No. 17 (Cont'd)

Some submissions suggest community consultation as being inadequate or inappropriate in relation to such a Planning Proposal that overturns long term strategic commitments and vision to expand public foreshore parkland at Little Manly.

Reference is made in submissions to substantial public opposition to the proposal requesting these harbour foreshore properties be retained. Changing positions of Council are cited in submissions which have resulted in this Planning Proposal including resolutions made for Little Manly since the 2012 elections which were not indicated in electoral promises. Concern was raised in submissions regarding what appears to be political party voting for the Planning Proposal against overwhelming community opposition to proposal, following strict procedural rules that limit debate and citing hostility in the well attended meeting in which the Planning Proposal was initiated. Other numerous submissions and petitions to Council are also referred to.

The consultation process was carried out in accordance with the Act and Council's DCP. It is evident from the number of submissions (106) received to the Planning Proposal.

9 Land Classification under the Local Government Act

A number of submissions raise concerns that the stated classification of land as 'Operational' appears to be contrary to Councils' intentions for Community Land classification. It is also of concern that the reasons for not proceeding with Community Land classification was a procedural error which was not notified and that no steps appear to have been taken to rectify the situation, not acting on that intention to implement the reclassification for Community Land classification.

In response to these issues it is acknowledged that the classification of 34 and 36 Stuart Street is currently the subject of a Class 1 appeal in the NSW Land and Environment Court. The Planning Proposal is not for the reclassification of land. The rezoning of the land will not affect the classification of the land as 'Operational' or 'Community'. If the land is declared as 'Community' by the Land and Environment Court, Council cannot sell the land without following the mandatory procedural steps to reclassify the land. The proposal to rezone the land to E4 Zone will not restrict the current use of that land whether it is 'Community' land or 'Operational' land and the rezoning of the land is not inconsistent with the Plan of Management for that area.

As Council has made the decision not to acquire 38 Stuart Street, it is imperative that the property is removed from the Land Reservation Acquisition Map so that Council is not obliged to acquire the land under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*. It is also to be noted that No. 40 Stuart Street has already been acquired by Council and therefore that property would also be required to be removed from the Land Reservation Acquisition Map of the Manly LEP 2013.

10 Nature of Future Residential Development

The proposed LEP E4 Zone is not supported in some submissions as this zone would permit flats and townhouses and that Zone E3 should be used permitting single dwellings only. In response to this submission it is noted that the Planning Proposal also recommends new LEP development standards in relation to the land including floor space ratio, height and minimum lot size. Such controls would apply to future development proposals, regardless of whether the development is for single dwellings, multiple dwelling or residential flat buildings.

11 Planning Proposal inconsistent with various Strategic Plans, Agreements, Studies or Reports

A number of submissions suggest no evidence that the Planning Proposal is the result of any referenced strategic study or report and considers that the Planning Proposal is contrary to Council's own strategic goals and plans. In particular, the Planning proposal is considered to overturn historic efforts and continuous shared work of previous Council since the 1940's to create this foreshore parkland. Council Resolutions since 2008 to demolish 36 Stuart Street and incorporate the land into Park are noted and supported in submissions. Submissions consider that once the land is rezoned and redeveloped, all opportunity and strategic advantage is lost forever.

Environmental Services Division Report No. 17 (Cont'd)

Community expectations are also raised in relation to Council's Land Acquisition Program built up over many years that the land would be for Park and evidenced in its purchase of 34, 36 & 40 Stuart Street in 1977, 1998 and 2012 respectively. Various resolutions of Council are also said to soundly confirm the open space zoning (except in relation to this Planning Proposal). Expectations of future open space purposes are also said in Submission to be given to persons who made zoning enquiries when purchasing in area over the years.

Sydney Harbour State Environmental Planning Policy is referred to in submissions which consider the Planning Proposal contrary to this Policy's principles and zone objectives. Provision of an uncertain ROW over public foreshores land being zone for residential development is not considered to demonstrate an improvement to existing public access and amenity.

Council's vision statement is referred to in submissions referring to 'Manly - where natural environmental and heritage sustain and complement a vibrant cosmopolitan and community lifestyle'. It is suggested that the Planning Proposal is contrary to this vision. Little Manly Coastal Management Plan is also referred to in submissions to 'increase public access to and community use of the foreshore of Little Manly'.

In relation to concerns regarding the abovementioned Strategic Plans, Agreements, Studies or Reports, the future management of the subject land is largely an operational matter for Council (regardless of classification of the land). Council has resolved that provisions of a ROW and a commitment to retaining the dinghy storage to adequately provide for access and facilities while allowing for low impact residential development. It is not considered that the decision to rezone the land is inconsistent with any of the abovementioned Strategic Plans, Agreements, Studies or Reports.

12 Other Issues

Other issues raised in the submissions which request a public hearing and remaining issues in all other submissions are reported in the attached Matrix of Submissions including:

- Consideration of public liability incurred by Council with increasing freak storms as referred to in Council's Sea Level Rise study (Cardno 2008);
- Concern that previous adopted minutes to improve the subject land for Park are abandoned including Architectural Plans prepared for such redevelopment;
- Suggestion of Council's conflict of interest as the determining body of this LEP;
- Objection by land owners to a 3m ROW over 38 Stuart Street;
- An agreement by Sydney Harbour Foreshores Councils - 'Our Harbour';
- 'Sharing Sydney Harbour Access Plan 2003';
- Ministerial Direction 6.2 Reserving Land for Public Purposes.

CONCLUSION

An assessment of all submissions has been made and Council, as the responsible planning authority, may determine whether the Planning Proposal should proceed, either as exhibited, or with variations responding to submissions received; or abandoned by Council. Should Council determine to proceed with the proposal either as exhibited or with variations, consideration is required to be made as to whether submissions requesting a public hearing are of such significance as to warrant this additional community consultation.

Eighteen (18) submissions of the total of one hundred & six (106) submissions received have requested public hearing also referred to in submissions as a 'public independent enquiry' and 'public meeting'. Other submissions also raise concerns about a lack of community consultation. Most of the submissions requesting a public hearing are of the understanding that the subject planning proposal involves re-classification of land. This is not the case as the proposal is only for the rezoning of two (2) parcels of Council land and therefore it is considered that a public hearing in this instance is both unnecessary and not required. It is to be noted that the proposal involves only three (3) sites in the whole municipality and are surrounded by residential developments and

Environmental Services Division Report No. 17 (Cont'd)

does not affect the municipality as a whole. In recent times, Council rezoned a number of sites to allow a supermarket in the Industrial zone and that rezoning was also not considered fit for public hearing.

Council may resolve to finalise the planning proposal and forward the finalised proposal to Parliamentary Counsel for the drafting of the Local Environmental Plan i.e. the legal instrument. The Department will further consult with Manly Council to ensure the process of making the plan has been followed. Once the Parliamentary Counsel has produced both the written instrument and its opinion that the instrument may be legally made, the Department may then proceed to publish the LEP as exhibited.

RECOMMENDATION

It is recommended that:

- 1 Council receive and note submissions received during the exhibition of the Planning Proposal.
- 2 Council proceed to prepare the Draft Manly Local Environmental Plan 2013 Amendment No. 1 as exhibited.

ATTACHMENTS

AT- 1	Summary of Submissions Matrix	4 Pages	
AT- 2	Submissions Matrix	20 Pages	Circulated in Attachments document
AT- 3	Office of Environment & Heritage Comments on Biodiversity & Aboriginal Cultural Heritage	2 Pages	Circulated in Attachments document
AT- 4	Office of Environment & Heritage Comments on Coastal Erosion	1 Page	Circulated in Attachments document

OM09092013ESD_3.DOC

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

ATTACHMENT 1

Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Summary of Submissions Matrix

Attachment 1 to Environmental Services Division Report No. 17
Summary Matrix of Submissions— Exhibition MLEP2013 Amendment 1

Submission Ref #	Record #	Location	Issues Reference											
			1	2	3	4	5	6	7	8	9	10	11	12
1	MC/13/68862	Not Provided										X	X	
2	MC/13/69500	Manly			X							X	X	X
3	MC/13/69515	Manly		X								X	X	
4	MC/13/69561	Manly			X							X	X	
5	MC/13/69576	Manly						X	X			X	X	
6	MC/13/69701	Not Provided					X					X	X	
7	MC/13/69702	Not Provided										X	X	
8	MC/13/70111	Not Provided			X					X	X		X	X
9	MC/13/70114	Balgowlah	X		X			X				X	X	X
10	MC/13/70226	Not Provided									X	X	X	
11	MC/13/70227	Not Provided		X								X	X	
12	MC/13/70247	Manly			X					X		X	X	
13	MC/13/70247	Manly											X	
14	MC/13/70248	Manly		X	X			X				X	X	X
15	MC/13/70249	Manly		X				X						X
16	MC/13/70251	Manly			X			X					X	
17	MC/13/70254	Not Provided			X			X		X			X	X
18	MC/13/70259	Not Provided		X	X			X					X	
19	MC/13/70264	Not Provided						X					X	
20	MC/13/70336	Manly		X				X		X		X	X	
21	MC/13/70386	Manly			X			X				X	X	
22	MC/13/70392	Manly		X		X		X	X			X	X	X
23	MC/13/70410	Balgowlah	X	X				X		X	X	X		X
24	MC/13/70480	Dee Why			X									
25	MC/13/70631	Not Provided			X									
26	MC/13/70656	Manly			X									
27	MC/13/70679	Manly											X	
28	MC/13/70727	Balgowlah		X	X			X		X	X	X	X	X
29	MC/13/70805	Manly												X
30	MC/13/70806	Manly							X			X		
31	MC/13/70807	Biggla Beach		X	X					X	X	X	X	
32	MC/13/70808	Not Provided											X	
33	MC/13/70809	Manly		X						X		X	X	
34	MC/13/70810	Manly		X						X		X	X	

ATTACHMENT 1

Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Summary of Submissions Matrix

Attachment 1 to Environmental Services Division Report No. 17
Summary Matrix of Submissions— Exhibition MLEP2013 Amendment 1

Submission Ref #	Record #	Location	Issues Reference											
			1	2	3	4	5	6	7	8	9	10	11	12
35	MC/13/70830	Balgowlah Heights						X					X	
36	MC/13/70833	Manly						X	X			X	X	
37	MC/13/70838	Surry Hills		X	X			X		X		X	X	
38	MC/13/71022	Not Provided		X	X			X		X		X	X	X
39	MC/13/71117	Dee Why			X									
40	MC/13/71122	Manly	X	X	X	X		X	X	X	X	X	X	X
41	MC/13/71252	Manly			X	X		X				X		
42	MC/13/71254	Manly			X	X		X				X		
43	MC/13/71256	Manly			X	X		X				X		
44	MC/13/71270	St Ives			X			X						
45	MC/13/71282	Not Provided			X									
46	MC/13/71297	Parliament House		X	X			X				X	X	X
47	MC/13/71319	Not Provided			X									
48	MC/13/71338	Not Provided			X									
49	MC/13/71428	Balmain			X									
50	MC/13/71436	Manly			X			X	X		X	X	X	X
51	MC/13/71454	Mona Vale			X			X						
52	MC/13/71461	Manly		X		X		X	X	X	X	X	X	X
53	MC/13/71467	Not Provided			X			X						
54	MC/13/71496	Manly Vale			X			X						
55	MC/13/71535	Not Provided			X			X						
56	MC/13/71549	Not Provided			X			X						
57	MC/13/71568	Not Provided			X			X						
58	MC/13/71793	Manly				X		X	X	X	X	X	X	X
59	MC/13/71796	Dee Why			X			X					X	X
60	MC/13/71918	Manly				X		X						
61	MC/13/71924	Manly				X		X		X		X		X
62	MC/13/71934	Manly				X		X						
63	MC/13/72172	Mona Vale			X			X						
64	MC/13/72176	Manly			X			X					X	X
65	MC/13/72180	Greenwich				X		X		X		X		X
66	MC/13/72183	Balgowlah						X		X	X	X		
67	MC/13/72220	Balgowlah						X	X	X		X	X	X
68	MC/13/72238	Manly				X		X		X			X	X

ATTACHMENT 1

Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Summary of Submissions Matrix

Attachment 1 to Environmental Services Division Report No. 17
Summary Matrix of Submissions— Exhibition MLEP2013 Amendment 1

Submission Ref #	Record #	Location	Issues Reference											
			1	2	3	4	5	6	7	8	9	10	11	12
69	MC/13/72262	Not Provided			X			X						
70	MC/13/72264	Manly						X				X	X	
71	MC/13/72267	Frenchs Forest			X			X				X		X
72	MC/13/72269	Sydney			X			X						
73	MC/13/72270	Not Provided			X			X		X				
74	MC/13/72271	Manly			X			X				X		X
75	MC/13/72272	Manly								X				
76	MC/13/72286	Manly						X		X			X	X
77	MC/13/72291	Not Provided			X	X		X						
78	MC/13/72511	Manly				X		X					X	
79	MC/13/72543	Not Provided						X		X		X	X	X
80	MC/13/72575	Not Provided				X		X						
81	MC/13/72579	Manly		X	X			X						
82	MC/13/72588	Not Provided				X		X		X			X	
83	MC/13/72623	Not Provided						X		X				
84	MC/13/72638	Manly						X		X			X	X
85	MC/13/72640	Manly						X					X	X
86	MC/13/72654	Manly		X	X	X	X	X	X	X	X	X	X	X
87	MC/13/72655	Not Provided		X	X	X				X	X		X	X
88	MC/13/72658	Not Provided	X	X	X						X			
89	MC/13/72660	Manly		X		X		X				X		X
90	MC/13/72663	Not Provided						X					X	X
91	MC/13/72664	Not Provided			X			X		X				
92	MC/13/72877	Curl Curl				X	X	X					X	X
93	MC/13/72888	Not Provided				X		X					X	X
94	MC/13/72889	Manly			X			X					X	X
95	MC/13/72894	North Balgowlah						X					X	X
96	MC/13/72921	Manly		X		X		X		X		X		X
97	MC/13/72923	Fairlight				X		X					X	X
98	MC/13/72963	Manly						X		X				X
99	MC/13/72028	Not Provided			X			X	X				X	X
100	MC/13/73037	Allambie Heights			X			X		X	X	X	X	X
101	MC/13/73819	Not Provided			X									
102	MC/13/74182	Not Provided			X			X				X	X	X

ATTACHMENT 1

Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Summary of Submissions Matrix

Attachment 1 to Environmental Services Division Report No. 17
Summary Matrix of Submissions— Exhibition MLEP2013 Amendment 1

Submission Ref #	Record #	Location	Issues Reference											
			1	2	3	4	5	6	7	8	9	10	11	12
103	MC/13/74183	Not Provided						X						
104	MC/13/77283	Not Provided												X
105	MC/13/75306	Manly				X		X				X		
106	MC/13/96479	Sydney			X									

Issue #	Description
1	Acid Sulphate Soil Assessments
2	Assessment of Bandicoot and Penguin Habitat
3	Boat Ramp and Dingy Storage
4	Budgetary grounds for Planning Proposal unwarranted
5	Coastal Risks – Sea Level Rise
6	Contrary to Community Needs
7	Contrary to Manly Section 94 Contributions Plan
8	Lack of Community Consultation
9	Land Classification under the Local Government Act
10	Nature of Future Residential Development
11	Planning Proposal inconsistent with various Strategic Plans, Agreements, Studies or Reports
12	Other Issues

TO: Ordinary Meeting - 9 September 2013
REPORT: Corporate Services Division Report No. 20
SUBJECT: Report on Council Investments as at 31 August 2013
FILE NO: MC/13/103567

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 **August 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.

Investment Performance

The Investment Report shows that Council has total Investments of \$31,763,784 comprising a Commonwealth Bank Balance of \$1,452,919 and Investment Holdings of \$30,310,865 directly managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 3.73% (*Council Benchmark =2.60% - 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) and ANZ Climate Change Trust.

The average rate of return for investments paying interest is 3.96%.

Movements in Investments for the Month of August 2013

Corporate Services Division Report No. 20 (Cont'd)**Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
RaboDirect	Term Deposit	\$268,238
AMP	Term Deposit	\$1,000,000
Bank of Queensland	Term Deposit	\$1,000,000
Bank of Queensland	Term Deposit	\$1,000,000
Bank of Queensland	Term Deposit	\$1,000,000
Bank of Queensland	Term Deposit	\$1,000,000
Bendigo and Adelaide Bank	Term Deposit	\$1,000,000
ING Direct	Term Deposit	\$1,000,000
ING Direct	Term Deposit	\$1,000,000
Macquarie Bank	Term Deposit	\$1,000,000
ME Bank	Term Deposit	\$1,000,000
National Bank	Term Deposit	\$1,000,000
National Bank	Term Deposit	\$1,000,000
National Bank	Term Deposit	\$1,000,000
National Bank	Term Deposit	\$1,000,000
Suncorp Bank	Term Deposit	\$1,000,000
Wide Bay Australia Ltd	Term Deposit	\$1,000,000
Wide Bay Australia Ltd	Term Deposit	\$1,000,000
Suncorp Bank	Term Deposit	\$1,000,000

Investments Matured

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Wide Bay Australia	Term Deposit	\$347,853	\$347,853
Bank of Queensland	Term Deposit	\$500,000	\$500,000

RECOMMENDATION

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

ATTACHMENTS

AT- 1 Investment Report Aug 2013 Council Meeting 4 Pages

OM09092013CSD_2.DOC

***** End of Corporate Services Division Report No. 20 *****

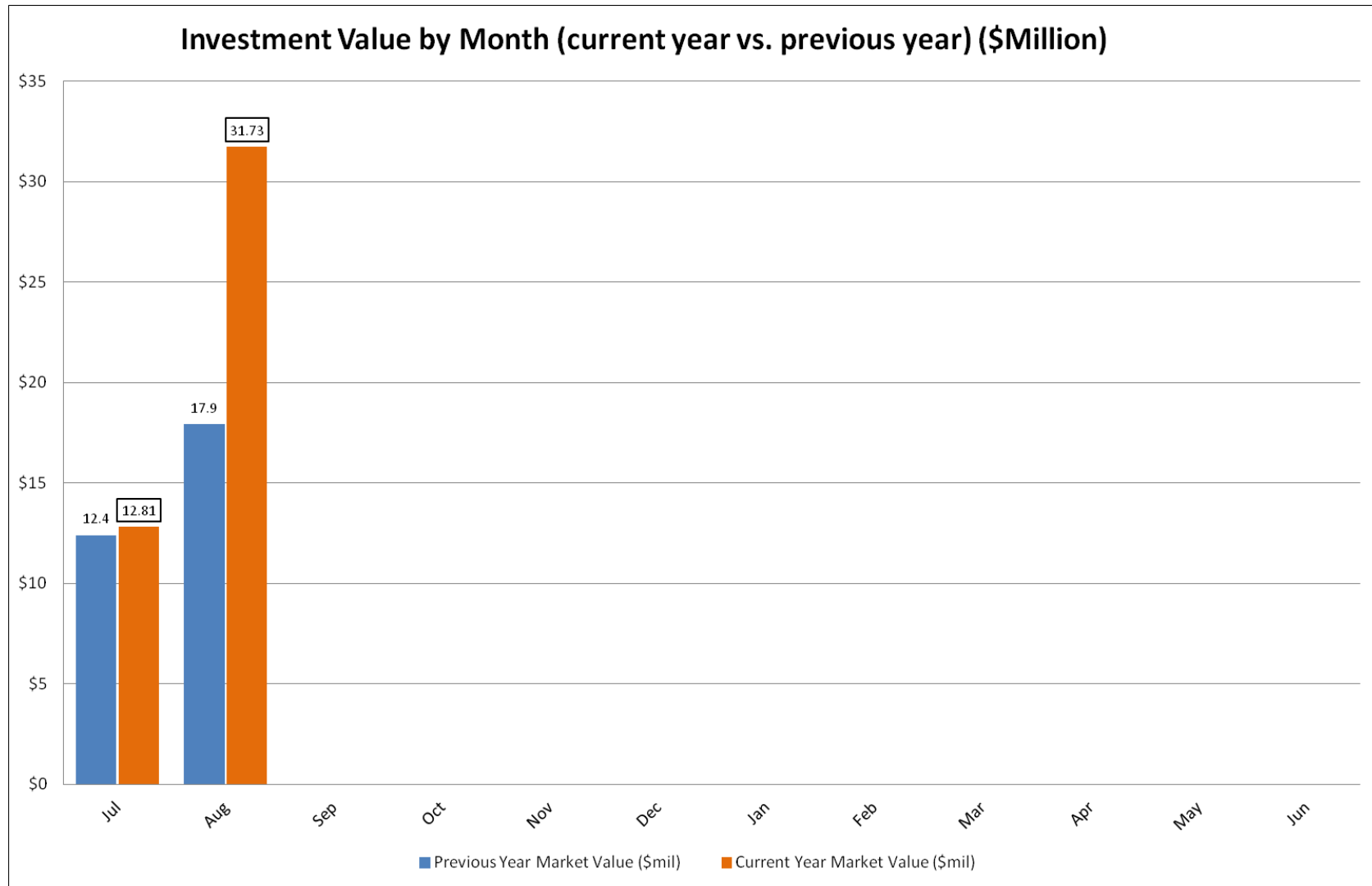
ATTACHMENT 1

Corporate Services Division Report No. 20.DOC - Report on Council Investments as at 31 August 2013 Investment Report Aug 2013 Council Meeting

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 August 2013										
	Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	Interest YTD	Interest Aug 2013
Directly Managed Funds										
Trading Account										
CBA	Cash Trading Account	1,452,919	1,452,919	4.57%	AA-			0.55% ⁽²⁾⁽³⁾	5,347	3,200
Others										
CBA	At Call	2,043,685	2,043,685	6.43%	AA-	At Call	At Call	2.50%	11,627	8,969
AMP	At Call	2,278,826	2,278,826	7.17%	A+	At Call	At Call	3.35%	8,859	2,798
Macquarie Bank	At Call	239	239 ⁽⁴⁾	0.00%	A	At Call	At Call	2.50%	1	1
RaboDirect	TD	719,877	719,877	2.27%	AA-	04/07/2013	07/01/2014	4.25%	4,862	2,598
RaboDirect	TD	268,238	268,238	0.84%	AA-	07/08/2013	03/02/2014	3.95%	697	697
AMP	TD	1,000,000	1,000,000	3.15%	A+	23/08/2013	25/08/2014	3.80%	833	833
Bank of Queensland	TD	1,000,000	1,000,000	3.15%	A2	23/08/2013	19/02/2014	3.90%	855	855
Bank of Queensland	TD	1,000,000	1,000,000	3.15%	A2	23/08/2013	19/02/2014	3.90%	855	855
Bank of Queensland	TD	1,000,000	1,000,000	3.15%	A2	23/08/2013	20/05/2014	3.90%	855	855
Bank of Queensland	TD	1,000,000	1,000,000	3.15%	A2	30/08/2013	26/02/2014	3.95%	108	108
Bendigo and Adelaide Bank	TD	1,000,000	1,000,000	3.15%	A2	30/08/2013	07/01/2014	3.70%	101	101
ING Direct	TD	1,000,000	1,000,000	3.15%	A	04/03/2013	02/09/2013	4.35%	7,389	3,695
ING Direct	TD	1,000,000	1,000,000	3.15%	A	19/03/2013	16/09/2013	4.42%	7,508	3,754
ING Direct	TD	1,000,000	1,000,000	3.15%	A	23/08/2013	20/05/2014	3.95%	866	866
ING Direct	TD	1,000,000	1,000,000	3.15%	A	23/08/2013	19/02/2014	3.96%	868	868
Macquarie Bank	TD	1,000,000	1,000,000	3.15%	A	23/08/2013	23/08/2014	3.90%	855	855
ME Bank	TD	1,000,000	1,000,000	3.15%	A2	27/02/2013	27/02/2014	4.33%	7,355	3,678
ME Bank	TD	1,000,000	1,000,000	3.15%	A2	03/06/2013	02/09/2013	4.28%	7,270	3,635
ME Bank	TD	1,000,000	1,000,000	3.15%	A2	26/06/2013	24/09/2013	4.23%	7,185	3,593
ME Bank	TD	1,000,000	1,000,000	3.15%	A2	23/08/2013	19/02/2014	3.95%	866	866
National Bank	TD	1,000,000	1,000,000	3.15%	AA-	26/08/2013	26/08/2014	3.92%	537	537
National Bank	TD	1,000,000	1,000,000	3.15%	AA-	26/08/2013	26/08/2014	3.92%	537	537
National Bank	TD	1,000,000	1,000,000	3.15%	AA-	26/08/2013	26/05/2014	3.87%	530	530
National Bank	TD	1,000,000	1,000,000	3.15%	AA-	30/08/2013	30/05/2014	3.85%	105	105
Rural Bank	TD	1,000,000	1,000,000	3.15%	A2	03/06/2013	03/12/2013	4.25%	7,219	3,610
Rural Bank	TD	1,000,000	1,000,000	3.15%	A2	12/06/2013	10/09/2013	4.15%	7,049	3,525
Suncorp Bank	TD	1,000,000	1,000,000	3.15%	A+	30/08/2013	26/02/2014	3.75%	103	103
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	3.15%	A2	30/08/2013	28/03/2014	3.75%	103	103
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	3.15%	A2	30/08/2013	27/05/2014	3.75%	103	103
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	469,050 ⁽⁴⁾	1.57%	A	25/10/2005	30/10/2015	0.00%	-	-
ANZ Climate Change Trust	Struct'd Note	500,000	494,500 ⁽⁴⁾	1.57%	AA-	18/01/2008	18/01/2014	0.00%	-	-
	Total	30,310,865	30,274,415	95.43%						
Total Directly Managed Funds		31,763,784	31,727,334	100.00%						
Retired Investments									4,932	168
TOTAL PORTFOLIO								3.73%	96,378	52,998
BENCHMARK⁽¹⁾								2.60%		
Notes:										
¹ Benchmark is 90 day BBSW as at 31 August 2013										
² Balances less than \$250,000 earn 0.15%, \$250,000 to \$499,999 earn 0.50%, greater \$500,000 earn 1%										
³ CBA Trading account not included in the monthly portfolio return calculation										
⁴ Market Value as at 31 July 2013										

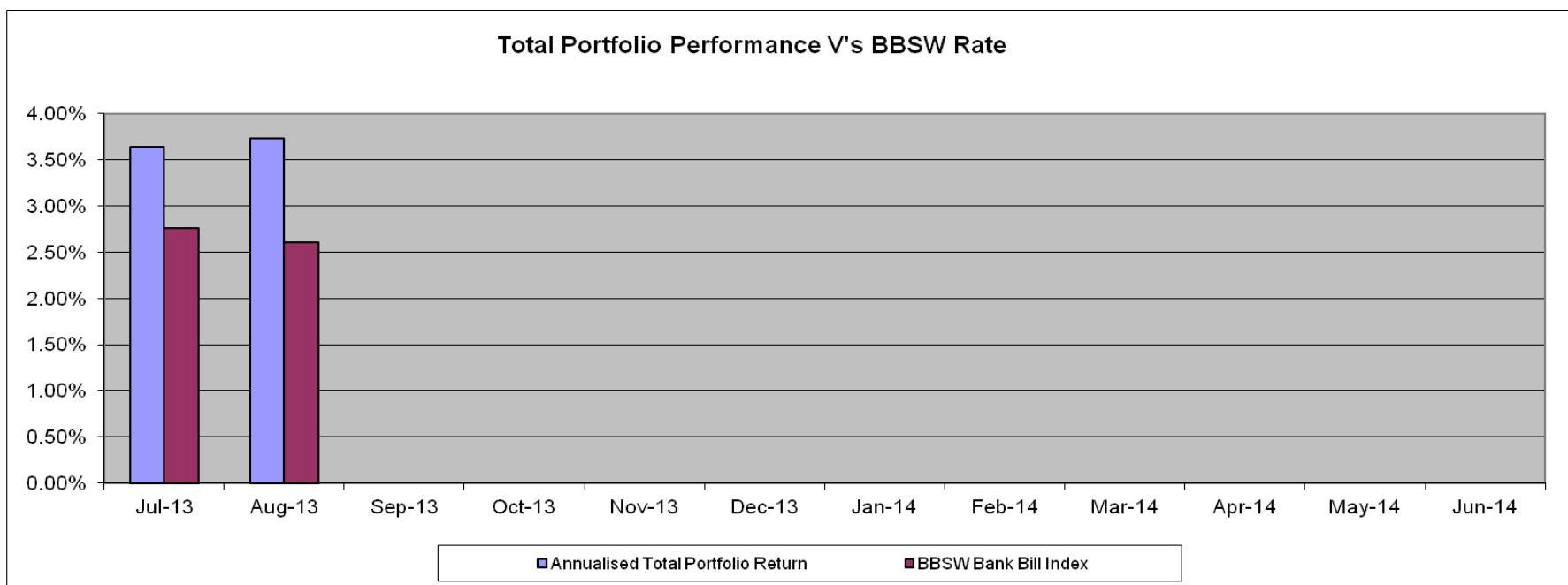
ATTACHMENT 1

Corporate Services Division Report No. 20.DOC - Report on Council Investments as at 31 August 2013 Investment Report Aug 2013 Council Meeting

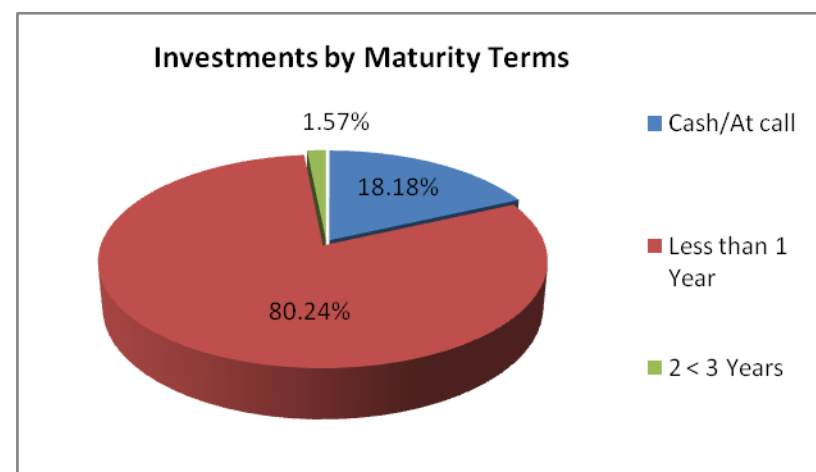


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Corporate Services Division Report No. 20.DOC - Report on Council Investments as at 31 August 2013 Investment Report Aug 2013 Council Meeting

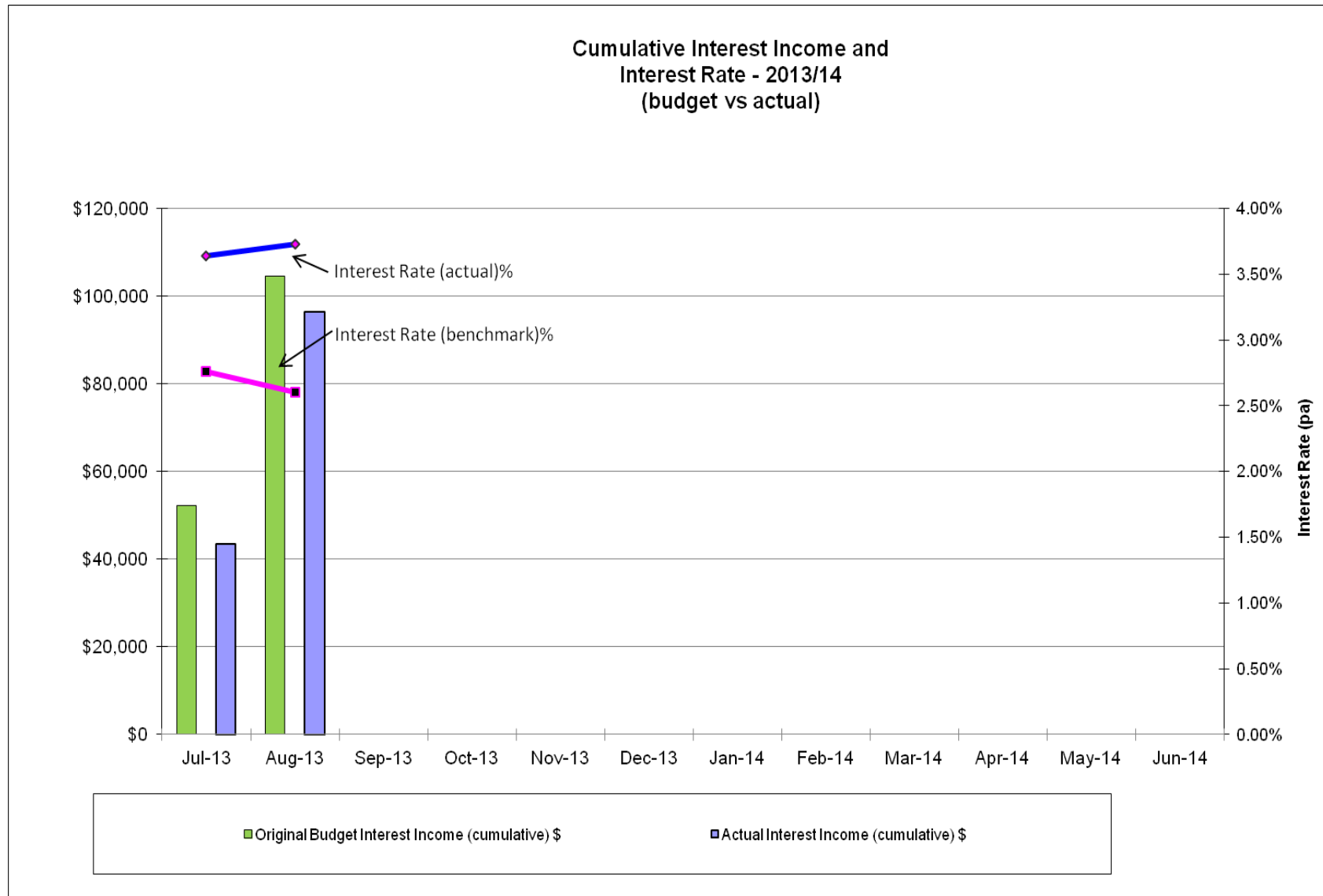


Summary by Credit Rating		No.
AA-	28.29%	9
A+	13.47%	3
A	17.32%	7
A2	40.93%	13
	100.00%	32



ATTACHMENT 1

Corporate Services Division Report No. 20.DOC - Report on Council Investments as at 31 August 2013 Investment Report Aug 2013 Council Meeting



TO: Ordinary Meeting - 9 September 2013
REPORT: Corporate Services Division Report No. 22
SUBJECT: Financial Statements for the Year Ended 30 June 2013 – Audit Statement
FILE NO: MC/13/106240

SUMMARY

Council's Annual Financial Statements for the year ended 30 June 2013 are ready 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 2013 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.

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 2013

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

The General Purpose Financial Statements for the year ended 30 June 2013, 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;

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

Corporate Services Division Report No. 22 (Cont'd)

- 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 2013, 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 2013

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

The Special Purpose Annual Financial Statements for the year ended 30 June 2013, 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 2013, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2013 be referred for audit by Council's Auditors.

ATTACHMENTS

There are no attachments for this report.

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***** End of Corporate Services Division Report No. 22 ***** .