



Attachments

Ordinary Meeting

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

Monday 14 February 2011

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

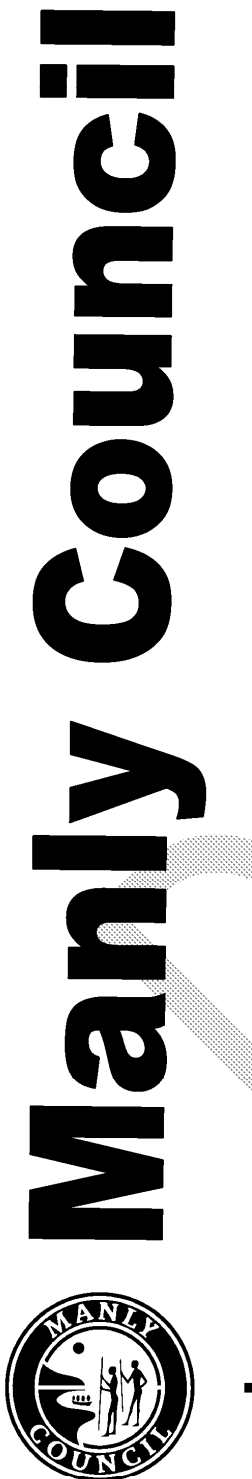
Persons in the gallery are advised that the proceedings of the meeting are being taped. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording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

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Compliance and Enforcement Policy

Draft January 2011

ATTACHMENT 1

General Managers Division Report No. 4 - Compliance and Enforcement Policy Compliance and Enforcement Policy Final Revised

Title: Compliance and Enforcement Policy

Policy No: MAN-POL-03

Keywords: Compliance, Enforcement, unlawful activities

Responsible Officer: Manager Compliance and Enforcement

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1. Policy Statement

In accordance with section 8 of the **Local Government Act 1993** Manly Council has an obligation *“to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.”* Council is committed to achieving this objective through the implementation of this Policy.

Council also acknowledges its obligations under the Occupational Health and Safety Act 2000 to provide a safe work environment for its officers.

2. Purpose

To assist Council staff and contractors to act promptly, consistently, effectively and without bias in response to allegations of unlawful activity within the Council area.

3. Objectives

The aim of this Policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity within the Council area. It provides workable guidelines on:

- how to assess whether complaints of unlawful activity require investigation;
- options for dealing with unlawful activity;
- how to decide whether enforcement action is warranted;
- the opportunity for public participation with respect to the impacts caused by such activities;
- providing any person responsible for carrying out any unlawful activity an opportunity to make representations to Council in accordance with administrative law principles of 'procedural fairness' and 'natural justice'; and
- providing the community with information and guidance with respect to the Council's role in the management of unlawful activities.

4. Scope

This Policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals, licences and orders. While primarily directed at the regulation of development activity, the Policy is also applicable to pollution control, regulation of parking and control over keeping animals.

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This document applies to all land within the Manly Council Local Government Area as shown on the *Manly Local Environmental Plan 1988 (the 'MLEP')* map.

5. Definitions

Building Certificate	A building certificate is issued as per the provisions of S 149 of the EPAA and operates to prevent the Council - a. from making an order (or taking proceedings for the making of an order or injunction) under the Environmental Planning & Assessment Act or the Local Government Act requiring the <u>building</u> to be repaired, demolished, altered, added to or rebuilt, and b. from taking proceedings in relation to any encroachment by the <u>building</u> onto <u>land</u> vested in or under the <u>control</u> of the <u>Council</u>
Development	'development' means: a. the use of land, and b. the subdivision of land c. the erection of a building; d. the carrying out of a work; e. the demolition of a building or work; f. any other act, matter or thing referred to in s 26 [of the EPAA] that is controlled by an EPI, but does not include any development of a class or description prescribed by the regulations [<i>Environment Planning and Assessment Regulation, 2000 (NSW)</i>] (the 'EPAR') for the purposes of this definition.
EPAA	The Environmental Planning & Assessment Act, 1979, sets out the framework for local planning in New South Wales
EPAR	The Environmental Planning & Assessment Regulation supports the general aims of the EP&A Act in the regulatory process.
EPI	Environmental Planning Instrument' ('EPI') is any State Environmental Planning Policy, Regional Environmental Plan or the Manly Local Environmental Plan, 1988 (the 'MLEP').
Exempt Development	Exempt development is development that is of minimal environmental impact and does not require development approval.
MLEP	Manly Local Environmental Plan, 1988 (as amended) is a specific planning control for the Manly area which is administered by Manly Council. This plan applies to all land within the Municipality of Manly as shown on the MLEP map.
POEO	The <i>Protection of the Environment Operations Act 1997</i> (POEO Act) is the key piece of environment protection legislation administered by Council.
PCA	Principal Certifying Authority is an accredited authority who issues certificates for development under the Environmental Planning and Assessment Act 1979
Unlawful activity	An unlawful activity is the doing of any act, matter or thing, or the carrying out of any activity of any kind, that is:

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	<ul style="list-style-type: none"> • contrary to a legislative provision regulating a particular activity or work; • contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land; • without a required development consent, approval, permit or licence; and/or • contrary to the terms or conditions of a development consent, approval, permit or licence, and includes but is not limited to the carrying out of unlawful development within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (the 'EPAA') and the carrying out of any activity under s 68 of the <i>Local Government Act 1993</i> (LGA) without the prior approval of Council having been obtained.
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6. What is an unlawful activity

An **unlawful activity** is the doing of any act, matter or thing, or the carrying out of any activity of any kind, that is:

- contrary to a legislative provision regulating a particular activity or work;
- contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- without a required development consent, approval, permit or licence; and/or
- contrary to the terms or conditions of a development consent, approval, permit or licence,

and includes but is not limited to the carrying out of unlawful development within the meaning of the *Environmental Planning and Assessment Act 1979* (EPAA) and the carrying out of any activity under s 68 of the *Local Government Act 1993* (LGA) without the prior approval of Council having been obtained.

The **unlawfulness** of any activity will be determined objectively by reference to the relevantly applicable legislation. In the case of unlawful development, regard is to be had to the EPAA, the EPAA Regulation or any Environmental Planning Instrument (EPI) as to whether such development can only be implemented with or without 'development consent'. Unlawfulness is also determined against the criteria of 'Exempt Development' and 'Complying Development' as prescribed by the MLEP .

7. Investigating Unlawful Activity

Not all complaints will warrant investigation. Council will consider a range of factors when deciding whether to investigate. These include:

- Is the matter within the jurisdiction of Council?

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- Is the complaint premature e.g. does it relate to some unfinished aspect of work that is still in progress?
- Is the activity or work permissible with or without consent?
- If the activity is permissible with consent, is there a consent in place?
- Is it possible to determine from the information available to Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
- Is the complaint trivial, frivolous or vexatious?
- Has too much time elapsed since the events the subject of the complaint took place?
- Is there another body that is a more appropriate agency to investigate and deal with the matter?
- Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public safety?
- Does the complaint indicate the existence of a systemic problem e.g. if the complaint is one of a series, could there be a pattern of conduct or a more widespread problem?
- Has the person or organisation complained of been the subject of previous complaints?
- Does the complaint have special significance in terms of the Council's existing priorities?
- Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
- Is it in the public interest to investigate the complaint?

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision.

8. Responding to complainants

All action requests or complaints about alleged unlawful activity should be acknowledged within 2 working days of receipt and advice given to the complainant within 21 days on what action Council has taken or plans to take.

9. Anonymous Complaints

Council will accept and investigate anonymous complaints. However, Council's ability to thoroughly investigate an anonymous complaint may be limited by the inability to obtain further information from the complainant.

10. Provision of Information

The subject of a complaint or the person or persons alleged to be carrying out an unlawful activity will be given all reasonable opportunity to provide any relevant information or other particulars and make appropriate representations regarding the unlawful activity. All such representations must be made in writing. In addition, authorised Council officers have certain powers under relevant legislation to inspect premises and require certain information to be furnished.

A failure by the person(s) to reply to a request for information within the allowed timeframe will be taken into account when determining what enforcement action to take.

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11. Authorised Officers, Delegated Authority and Lawful Powers of Entry

Only certain staff have been delegated authority by the General Manager to initiate various levels of enforcement action. Staff must ensure that any enforcement action is only initiated by a person with appropriate authority. All delegations of authority are contained in Council's Delegations Register which is available from Council's Administration Manager.

These delegations include powers for staff to enter private property. Council views the power to enter private property very seriously and will ensure that the exercise of these functions will be strictly in accordance with applicable legislation.

All Council staff or contractors who carry out inspections on private land for regulatory purposes will:

- Have delegation to enter premises and carry out investigations as specified in Council's delegations; and
- Be Authorised by Council where this is required under specific legislation to permit inspections on private property; and
- Carry photographic identification demonstrating authorisation to enter premises and private lands under each specific Act; and
- Carry documentation or certificates of authority where required by the legislation being implemented.

12. Principal Certifying Authority (PCA) and Private Certifiers

Council will only investigate matters where a Private Certifier is nominated as PCA in relation to development where:

- the PCA fails, or is not able, to appropriately action a matter;
- the PCA has taken all the action available under the legislation but the offence continues or reoccurs despite that action; or
- it is in the public interest to do so.

13. Community Input

Where appropriate, community feedback on the impacts of unlawful activity will be obtained.

Manly Council will approach any investigation of unlawful activity on a 'case by case' basis. Inviting community input will assist Council to assess the impacts of unlawful activity against the public interest and the cost involved to the Council to implement enforcement strategies relative to the benefits to be derived from taking such action.

In inviting community input, care must be taken to respect the privacy and rights of persons alleged to be responsible for the unlawful activity.

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14. Options for dealing with confirmed cases of unlawful activity

Council will try to use the quickest and most informal option wherever possible to deal with unlawful activity unless there is little likelihood of compliance with such options. Approaches to be considered will include:

- referring the complaint to an external agency for further investigation or prosecution
- taking no action on the basis of a lack of evidence or for some other appropriate reason
- counselling the subject of the investigation to educate them on the relevant Council requirements
- negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for unauthorised works
- issuing a letter requiring work to be done or activity to cease in lieu of more formal action
- issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice (Local Government Act (LGA) ss. 124-128, Environmental Planning & Assessment Act (EPAA) s.121B, and the Protection of the Environment Operations Act (POEO Act) Pts 4.2-4.4 and 8.6)
- issuing a notice requiring work to be done under various legislation
- starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (s.673 LGA; s.123 EPAA)
- seeking injunctions from the Land & Environment Court or the Supreme Court
- issuing a summons in the local court
- issuing a penalty infringement notice
- taking proceedings for an offence against the relevant Act or Regulation (s.691 LGA, s.125 EPAA; Chapter 5 POEO Act)
- carrying out the works specified in an order under the LGA at the cost of the person served with the order (s.678 LGA).

All enforcement action will be monitored and a decision made in relation to non-compliance within 2 weeks of any deadline imposed.

15. Taking enforcement action

When deciding whether to take enforcement action, Council will consider the circumstances of the case. These considerations include:

The nature and seriousness of the breach

Council will have regard to the impact the unlawful activity is causing on amenity or harm to the environment. If action is required, Council will consider what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the breach. This should also include consideration of whether action is time critical.

Balancing of public interest and cost to Council

Council will weigh up the public interest or benefits that will be served against the cost to the Council, and the community, of taking enforcement action.

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In considering the 'public interest' Council will have regard to whether the unlawful activity;

- will impact on a significant number of people;
- will impact on disadvantaged or marginalised groups;
- is indicative of a systemic flaw;
- is individual in nature but often occurs;
- has attracted sustained public attention and no alternative resolution is proposed or likely; and
- flouts Council's authority.

Council will also consider whether more effective means of rectifying an unlawful activity are available before formal legal proceedings are initiated. This may include one or a combination of the following:

- Reporting a breach to a professional association; and
- Use of statutory powers such as;
 - granting consent to a relevant application;
 - making an order under the EPAA, LGA or POEO; or
 - issuing a building certificate under the EPAA.

The available methods of enforcement

If formal proceedings are considered to be the best option, the decision on which court to bring proceedings in will be informed by considerations such as the following:

- Likely cost of proceedings;
- Prospects of recovery of those costs from the respondent or defendant;
- Remedies available;
- Available methods of enforcement; and
- Circumstances of each case.

The circumstances of each case

Council will in all prosecution and enforcement matters consider the following;

- Whether the unlawful activity has caused a breach which is technical in nature and does not cause harm to amenity or to the environment;
- Whether the unlawful activity is ongoing. If it has ceased, Council must consider the length of time that has expired;
- The impact of the unlawful activity on the natural or built environment and on health, safety and amenity;
- Whether development consent or other approval would have been granted by Council if the appropriate application had been submitted prior to the unlawful activity being undertaken;
- Whether the person(s) who committed the breach has shown contrition and, where possible, has remedied the unlawful activity;
- Whether the person(s) who committed the breach has made submissions to the Council that provide reasonable grounds for the Council to conclude that the person was under a genuine mistaken belief as to a relevant factual or legal matter;
- Whether the person(s) who committed the breach has shown deliberate or wilful conduct in their actions;

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- Whether the person(s) who committed the breach should have been aware of their obligations because they have:
 - particular knowledge, e.g., a builder or company that regularly carries out work and is generally aware of the relevant Council or other requirements;
 - received a previous warning; or
 - been subject to previous formal legal action.
- Whether the unlawful activity was unavoidable; and
- Such other matters that may appear to be relevant to the individual case.

16. Adjudication of Penalty Infringement Notice Appeals (All offences)

An Adjudication Panel consisting of the Manager Compliance and the Manager Rangers will examine Client Representation Schedules from the NSW State Debt Recovery Office. The Client Representation Schedules contain representations from persons who have received a penalty infringement notice for an offence.

The Panel will consider the representations made and the circumstances of the case and make a written recommendation to the Deputy General Manager, Land Use and Sustainability who will make a final decision in regards to the appeal.

17. Administrative Fees

Pursuant to Council's Fees and Charges and where illegal works have been completed within the past twenty four (24) months a fee for the assessment of unlawful building works will be charged. This fee will be equivalent to the maximum fee that would have been imposed if the application was for a combined development application / construction certificate application, or a complying development application (whichever is relevant) for the building or part of the building the result of the unauthorised work.

18. Planning Certificates

Notwithstanding any decision taken under this document, the Council may, pursuant to s 149(5) of the EPAA and to the extent it sees fit, include advice on a planning certificate with respect to any land where an action or actions have been taken under the Policy.

19. Record keeping

Council officers investigating or enforcing unlawful activity must ensure that full and accurate records of the matter are kept and stored in Council's official record keeping system. In addition to all incoming and outgoing correspondence (letters, e-mails, faxes) relating to the matter, Council officers must keep notes of all interviews and inspections in their interview book as well as notes of phone conversations that go beyond a basic exchange of already documented information. Records must also be kept of the reasons why the method for dealing with the unlawful activity was chosen e.g. why Council decided not to issue a notice.

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20. Occupational Health & Safety for Council staff

Council is required to provide for the health, safety and welfare of all staff including compliance and enforcement staff. In this regard, Council staff will observe safe work practices and comply with safe work method statements when carrying out their duties

21. Discretion

One of the main purposes of the Compliance and Enforcement Policy is to provide guidance to Council and the Community on how we will exercise our powers of discretion in matters of compliance and enforcement. In this regard, it is Council policy to support the administrative law principles which require public officials to:

- Use discretionary power in good faith and for a proper purpose. That is, to use the powers honestly and only within the scope of the purpose for which the power was given;
- Base decisions on logically probative material. This means decisions are based on logical reasons, information that proves the issues in question as well as reliable and relevant evidence;
- Consider only relevant considerations and not consider irrelevant considerations;
- Give weight to matters of greater importance and not give weight to matters of lesser importance;
- Exercise discretion independently and not under the dictation or at the behest of any third party;
- Give proper, genuine and realistic consideration to the merits of each particular case and not apply policy inflexibly; and
- Observe the rules of procedural fairness and natural justice.

It is considered that the principles, positions and special provisions of this policy are in themselves a demonstration of the proper use of discretionary powers.

22. Procedures

The General Manager shall, from time to time, implement procedures for the investigation of complaints and the taking of enforcement action. Such procedures must be consistent with the principles espoused in this Policy.

Such procedures may include, but are not limited to, matters involving:

- Unauthorised building works
- Non-compliance with development consents
- Fire Safety compliance
- Places of public entertainment
- Food safety
- Public health
- Skin penetration
- Brothels
- Residential swimming pool fencing

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- Pollution incidents
- Littering and dumped rubbish
- Hours of operation
- Noise

23. Monitoring and Breaches

Regular monitoring of compliance with this Policy, relevant legislation and Manly policies, procedures and guidelines will be undertaken and documented by the responsible officer for this Policy.

Breaches of this Policy by staff will be considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

24. Policy review

This Policy is subject to regular review at a maximum interval of two years.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this Policy to ensure it remains current and aligned to best practice policies.

25. Relevant References & Legislation

Environmental Planning and Assessment Act 1979 (NSW)
Environmental Planning and Assessment Regulation, 2000 (NSW)
Local Government Act 1993 (NSW)
Manly Local Environmental Plan, 1988 (as amended)
SEPP (Exempt and Complying Development) 2008
Protection of the Environment Operations Act, 1997
NSW Ombudsman's Enforcement Guidelines for Councils June 2002

26. Policy History

Minute No	Date of Issue	Action	Author	Checked by
n/a	20 October 2008	First Draft prepared	Consultant Solicitor	Manager Compliance and

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				Enforcement
	13 October 2009	Second Draft	Manager Corporate Governance	
146/09	19 October 2009	Adopted OM 191009.		
n/a	22 October 2009	Added to the Policy Register.	OM, Corporate Services.	Manager, Administration

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**Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013
for the period 1st October to 31st December 2010
Management Plan Matrix Second Quarter Update to 31 December 2010**

Outcomes, Measurement and Actions for Governance

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Support services provided to Councillors. (PA 1.1)	Staff reports submitted in time for inclusion in Agenda Council. Action items arising out of Council meetings carried out within agreed timeframe.	Production of Business Papers. Provision of Councillor Information packages. Monthly Briefing Report to Councillors. Management of Corporate Diary and Civic Events.	Reports received and agendas produced COB Thursday before meetings. Councillor's Information Packages produced and distributed COB Thursdays.
Access by the community to Council reports and information. (PA 1.1)	Production and public availability of Business Papers and Minutes to deadline. Percentage of <i>access to Council information</i> requests processed within 14 business days. Ensure Council's Access to Information processes meet legislative requirements.	Meeting agendas available to public via web by COB Thurs prior to meeting. Meeting minutes available to public via web by COB Thurs after meeting. Implement new legislative requirements of the <i>Government Information (Public Access) Act 2009</i> in a timely manner.	Agendas uploaded and available to the public via the web by COB Thursdays before the meetings. Minutes of meetings available to the public via web by COB Thursdays after the meeting. Legislation requirements of GIPA Act being followed. Access to Information process being updated as necessary.
Servicing of Council's Special Purpose Committees and Working Groups. (PA 1.1)	Percentage of service targets met.	Timely production of Agendas and Minutes; management of membership; maintenance of attendance register; and reporting to Councillors of Minutes and Items for Brief Mention. Publish Agendas and Minutes on Council's website.	Agendas and Minutes are distributed to Councils' timelines. Attendance monitored and any membership changes are dealt with promptly following normal protocol. IBM reports are prepared for each Committee and all Minutes are

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Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013 for the period 1st October to 31st December 2010 Management Plan Matrix Second Quarter Update to 31 December 2010

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			<p>sent to Council for adoption. All Minutes are sent to Councillors for their perusal via the Councillors' Information Pack.</p> <p>Agendas are uploaded to web same day they are distributed to members.</p> <p>Minutes are uploaded once they have been adopted by Council.</p>
Access to Council facilities. (PA 1.1)	Utilisation rates of facilities.	Ensure that Council Chambers and meeting areas are serviced.	<p>Chamber services have hosted the following functions and business meetings in The Cove & Councillors' Room and in the main Chambers:</p> <ul style="list-style-type: none"> • 35 x Committee Meetings • 56 x Meetings e.g. staff training • sessions, interviews, staff meetings • 28 x functions, including offsite • functions • 10 x Council Meetings • 10 x Citizenship Ceremonies • Special Functions/Events, including overseas guests. <p>The business of Council has been well administered and serviced through the staffing and planning undertaken in this area.</p>

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Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013 for the period 1st October to 31st December 2010 Management Plan Matrix Second Quarter Update to 31 December 2010

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Timely community engagement on key issues and two way information flow between Council and the community. (PA 1.1)	Annual Precinct satisfaction survey. Number of referrals from Council to community and feedback received on these referrals.	Servicing Precinct Community Forums, Special Purpose Committees and Working Groups. Implement the Community Engagement Policy. The conduct of four community focus groups to develop a Strategic Issues Paper to be referred to a reinvigorated community Panel for its feedback and comment prior to the development of the Ten Year Community Strategic Plan.	Council has continued to provide support throughout the quarter including GM, Mayor, Councillors and Senior Staff attendance at precinct and executive precinct meeting. Changes implemented according to 21 June guidelines have improved processes along with administrative procedures initiated by Precinct Coordinator. Networking with Council staff and precinct executive was carried out to establish mutual professional working relationships in order to respond timely and according to guidelines. Precinct Christmas function was a successful event and a gesture of gratitude for volunteer service. Promotional materials developed to be launched early in next quart to re-establish non operating precincts. All operating precincts are now insured as required. Members of the community engaged with Council during June and July 2010 to inform the 10 year Community Strategic Plan. A number of community and demographic representative focus groups (3), youth and stakeholder forums were undertaken, together with a community panel of around 500 members. The feedback on this engagement was reported to Council in November 2010, along

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Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013 for the period 1st October to 31st December 2010 Management Plan Matrix Second Quarter Update to 31 December 2010

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			with a background issues paper.
Active engagement in information and cultural exchanges with other Councils and government organisations nationally and internationally. (PA 1.1)	Number and content of Sister Cities Programs conducted. Overseas visits and exchanges.	Implement the Sister Cities program as endorsed by the Sister City Committee. Celebration of 20 th year anniversary with Odawarra, Japan, and 10 th year anniversary with Jing'an, China in 2010. Further development of new Friendship City program with Yeongdo, Korea.	A delegation from Yeongdo-gu, Manly's Friendship City in South Korea, came to Manly from 1 st – 7 th October with future exchanges and projects discussed during the visit. The first 'bush to beach' bi-annual student exchange project with Gunnedah, Manly's Australian Friendship City, occurred from 8 th – 11 th October, with 6 students participating in the programme. The 10 th Anniversary of the Sister City Relationship with Jing'an, China was celebrated on 14 th October with a very successful visit to Jing'an by the General Manager and 7 Sister Cities Committee members. Council's Sister Cities' webpage was updated.
General promotion of Council services and activities, including meeting Council's statutory requirements for reporting to the Division of Local Government. (PA 1.2)	Implementation of 12 month and 5 year Communications Strategy. Number of media inquiries serviced. Number of items appearing in media.	Production and distribution of Council's Annual Report, Management Plan and other relevant reports as necessary. Ongoing media liaison. Production of weekly Council News.	During the reporting period, communications staff continued to support and promote the many varied projects and initiatives of Council. The statutory Annual Report was prepared, approved and submitted to the Department of Local Government before the deadline of November 30 th and copies were made available to the

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Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013 for the period 1st October to 31st December 2010 Management Plan Matrix Second Quarter Update to 31 December 2010

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
	Statutory Reports prepared and submitted to Division by due timeframe.	New forms of communication considered and utilised as appropriate.	<p>public at the Customer Service desk and at the library as well as electronic versions being made available on Council's website.</p> <p>The weekly "Council News" section in the Manly Daily continued to keep members of the public informed with important Council notices as well lists of new DAs that have been lodged.</p> <p>Ongoing liaison with members of the media was maintained via the production and distribution of media releases and via the professional and efficient responses to media enquiries.</p>
<p>Manage Council's finances in accordance with all relevant statutory requirements.</p> <p>Develop a long term sustainable Financial Plan that supports investment in infrastructure. (PA 1.2)</p>	<p>Annual audit of Council's finances.</p> <p>Key/ major infrastructure projects/Climate change programs funded.</p> <p>User Charges & Fees to be set comparable with market pricing.</p> <p>Targets: Outstanding Rates / Total Rate Income ratio < 3.5%</p> <p>Movement In Rates & Annual Charges from Previous Year < 7%.</p>	<p>Administer rate system, collect other revenues, pay creditors and suppliers, and provide service support to all Divisions in administering their budgets.</p> <p>Review Investment Policy to ensure compliance with legislated requirements and maximize investment return.</p>	<p>Ordinary rates increase of 2.6% for 2010/11.</p> <p>2% infrastructure levy included as part of rate levy levied \$476,500 to fund infrastructure projects.</p> <p>Over 56.2% of rates collected in first half of 2010/2011.</p> <p>Council's investments are being invested in accordance with the Ministers revised Investment Order.</p>
Develop a sustainable Purchasing	Estimated savings and	Joint tendering for common bulk	Council is a member of the LGSA

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Policy for all Council purchasing. Savings on procurement through participation in the SHOROC Procurement Group. (PA 1.3.1)	efficiencies generated.	supplies and services through SHOROC Procurement Group. Ensure sustainability objectives are part of Council Tendering Policy including "Green Purchasing" where appropriate. Ensure that all staff are aware of their obligation under Council's Purchasing and Procurement Policies.	Sustainable Choice Program, and to implement sustainable purchasing policy principles to its tendering and procurement process.
Service & technology support. (PA 1.3.1)	Continual improvement in technology solutions. Risk mitigation of Council's technology investments.	Technology Infrastructure, Records Management and administration. Identification and mitigation of risk for Council's technology investments.	Upgrade Council's core business platform from v5 of Authority to v6.2 Extended server life with alternate maintenance options and increase capacity through virtualization. 1/3 of Council desktop computers have been replaced.
Staff development. (PA 1.3.1)	Implementation of Corporate Training Program. Percentage of permanent fulltime staff assessed on an annual basis. Bi-Annual Staff Climate Survey.	Salary Administration System. Staff Consultative Committee. Work/Life Balance Program. Corporate Training Program. Individual training and development plans that support the overall corporate training program.	Research is continuing on the classification framework, and competency-based career progression. 16 in-house training courses were facilitated, attended by 221 employees. In addition, 60 employees attended 31 professional development activities (eg. conferences). All employees/managers are in the

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			process of completing their annual performance appraisal reviews.
Manage risks. (PA 1.3.1)	Reduction in the number of claims received per annum.	Pro-active Risk Management, Insurance & OH&S.	There were 21 claims received in the quarter, a slight increase on the same quarter of 2009. 8 were motor vehicle claims, of the remaining 13, 10 were denied, 2 were settled by minor ex-gratia payments and 1 remains open. An Enterprise Risk Management program has commenced.
Real time monitoring of assets and infrastructure information. (PA 1.3.1)	Percentage implementation of new assets system.	Assets and Infrastructure Management and Reporting System. Revaluation of Assets to "Fair Value" in accordance with Department of Local Government schedule.	Draft Infrastructure Asset Management Plan completed. 100 % completed for Roads, Drainage for last year. Requirement for this year is plant and equipment. Now it is underway and 20 % completed to date. Fair valuation for plant & equipment will be completed by June 2011.
Facilitate Internal Audit function. (PA 1.3.1)	Matter submitted / considered by Internal Audit Committee.	Establish Internal Audit Charter. Develop an annual Internal Audit work plan.	The Internal Audit and Risk Committee met once during the quarter. Implementation of the Internal Audit Plan is progressing, with audits completed on Cash Handling, and Tendering Processes.
Clear and concise financial and management reporting.	Number of submissions received on Annual Financial	Review Financial and Management Reporting systems.	Improvements made to Council's Annual Financial Statements

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
(PA 1.3.1)	Report.		reporting and formatting.
All areas of operation to be delivered with a focus on customer service. (PA 1.3.2)	Council's Annual Customer Satisfaction Survey and analysis of data for key areas.	All operational / work plans to incorporate customer service standards. Provide centralised access to Council's products and services via Council switchboard, cashiering and service counter at Manly Town Hall.	The annual Customer Satisfaction Survey was undertaken during the month of November. Customer Service Counter service statistics were up in all areas in 2010 from 2009.
Quality customer dispute resolution process maintained. (PA 1.3.2)	Number and type of complaints received and processed. Analysis of complaints received to assist in the identification of areas for service improvement. "TellUs" complaints management figures reported via Monthly General Manager's Report to Councillors.	Review of Council's complaint management process against relevant standards. Complaint information recorded and areas for service improvement identified and reported as required.	The TellUs service continues to be an effective tool for the managing of customer complaints and feedback. During the period 1 October 2010 to 31 December 2010 some 201 complaints were received by TellUs and all were resolved and finalised. Council's Draft Complaints Management Policy was placed on public exhibition in October 2010 and adopted by Council on 13 December 2010.

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Outcomes, Measurement and Actions for People and Place

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Compliance with NSW planning reforms and amended planning legislation. (PA 2.1)	Percentage completion of new LEP by 2011, reported quarterly in Management Plan matrix.	Development of a Local Environment Plan (LEP) and Development Control Plan that is consistent with the amended planning legislation and directions.	LEP/DCP Working Group has considered strategic land-use issues arising from standard instrument LEP template. Draft plan to be reported to Council in February 2011.
Development and adoption of a Community Strategic Plan and 10 Year Resourcing Strategy by June 2011, including a Four Year Delivery Program and a One Year Operational Plan. (PA 2.1)	Adoption by Council for implementation from 1 July 2011 onwards.	Development and adoption of a 10 Year Community Strategic Plan and Resourcing Strategy, a Four Year Delivery Program, and a One Year Operational Plan.	Following the community engagement undertaken during 2010, Council is preparing a draft Community Strategic Plan, including Resourcing Strategy that includes Asset Management Plan, Long Term Financial Plan, and Workforce Plan. This is also being integrated with Council's 2010-2013 Management Plan to form a new 4 year Delivery Program and 1 year Operational Plan.
A strategic approach to dealing with heritage in Manly. (PA 2.2 and 5.2.3)	Percentage completion of Comprehensive Heritage Review / Adoption by Council.	Completion of the Comprehensive Heritage Review and inclusion of recommendations in Council's development control plans as appropriate.	Heritage databases being checked against draft LEP schedule and also upgraded to include any additional material on significance of natural and built heritage items. Work on heritage development control provisions (including special character areas) progressing. Gazettal of first round of new heritage items expected shortly. Research and consultation continuing on other potential items.

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Consideration of Social Capital issues within Council's strategic and forward planning Initiatives. (PA 2.2)	Social capital initiatives recorded within new Integrated Strategic Plan (ISP).	Social needs of the Manly community are considered and documented within new integrated strategic planning (ISP) framework.	The social needs of the Manly community are considered through Council's interim 2010-2011 Social Plan. They were also considered as part of the June and July 2010 community engagement activities reported to Council in November 2010 in preparation of the Manly 10 year Community Strategic Plan, and will be further considered in Council's forthcoming 2011 onwards Integrated Planning documents.
Metropolitan Planning Strategy and the North East Sub-regional Plan provide a strategic basis for Manly LEP 2011. (PA 2.2)	Approval by Department of Planning to exhibit Draft LEP consistent with their guidelines and legislation.	Address regional and sub-regional strategies in drafting LEP 2011.	Metropolitan Strategy 2036 released in December 2010. Targets for Peninsula LGAs have increased. Total dwellings increased from 17,300 to 29,000. Jobs increased from 19,500 to 23,000. No details of allocation to each LGA provided by DOP.
Revitalised Manly CBD. (PA 2.2)	Manly CBD Master Plan adopted by Council and implementation progressed.	Convene the Manly 2015 Councillor Working Group. Progress the production of a Master Plan and Financial Plan documents. Implementation commenced.	The <i>Manly2015</i> project is in preparation. A report to Council in November 2010 considered preliminary concepts, and consultation with advisory committees and stakeholders undertaken during the first quarter of the 2010/2011.
Provision of quality library service. Local residents have	Number of visitations. Manly LGA membership.	Manly Library open seven days per week. Key services provided:	<ul style="list-style-type: none"> Door Count – 107,392 Loans – 92,616

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
access to the information they require for educational and recreational purposes and to enable them to make informed decisions and to participate in the democratic process. (PA 2.3.1)	Number of loans. Annual reference satisfaction survey (State Library coordinated). Number and type of programs conducted.	Loan services; Same day reference service; Local history service; Access to technology service; Collection development and management service; Children's and target group programming and activities; Exhibitions and cross promotional activities; Exhibition of official Council material; Inter-Library loans; Home library service; Library Afloat mobile service; E-books (accessible 24/7).	<ul style="list-style-type: none"> Local Studies - 106 enquiries Author talks – 193 attendees Exhibitions - 6 Genealogy enquiries - 40 Back to Work tutoring Home Library = 1,264 loans Library Afloat = 551 loans Baby Bounce & Rhyme - 271 Story time – 923 Book discussion groups -22 Workshops – 8 held Job hunting workshops Computer tutorials Corporate Library loans – 24; enquiries - 22 HSC Inside Break lectures Whatever Club Flying Pancakes Green and Groovy Kids Mini Zine Fair 1 HSC lock in Christmas Wishing Tree Christmas pantomime Christmas crafts
Enable all residents to be able to have easy access to and an appreciation of high quality cultural experiences and programs. (PA 2.3.2)	Number of visitations. Number and type of programs conducted. Number of new acquisitions formalized and catalogued New programs initiated and offered to target groups of children and Youth for variety of media.	Manly Art Gallery is open 6 days per week; installs 20 exhibitions p.a.; coordinates Public Art Program and Manly Arts Festival; manages Collection and Batten Bequest, extensive program of events and education services.	<ul style="list-style-type: none"> Door count - 31,593 Instigated and managed exhibitions – 7 Public Programs – 31 Outreach programs - 19 In-service courses – 2 Storage of large paintings off site for store refurbishment Curator's internship at National Museum of Singapore

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			<ul style="list-style-type: none"> Accepted 1 donation and purchased 3 new acquisitions.
Strengthen the bonds within key neighbourhoods that make up the Manly LGA. (PA 2.3.3)	Number of neighbourhoods and actual participants involved in specific neighbourhood projects / events.	Coordination of Meet Your Street program. To respond to key issues in the community at a neighbourhood level as resolved by Council.	<ul style="list-style-type: none"> Meet Your Street events - 13
Delivery of Council's Annual Calendar of Festivals, Events, Ceremonial occasions and regular audience participation events. (PA 2.3.4)	Audience numbers. Sponsorships. Media coverage.	Major events: Manly Food and Wine Festival; Manly Jazz Festival; Manly Arts Festival; Ocean Care Day; Community Events (Christmas Choral Concert, Guringai Festival, International Women's Day, Australia Day); Dogs Day Out; Ceremonial Events (Anzac Day, Remembrance Day and Australian Citizenship ceremonies); Community engagement events: World Food Markets; Saturdays @ Sunset; Arts & Craft Market; Farmers Market @ Short Street Plaza; and Manly Beautiful Blooming Gardens Competition.	<ul style="list-style-type: none"> 1 Citizenship ceremony Arts & Craft Markets Farmers' Market Manly Jazz Festival Ocean Care Day Christmas Choral concert International Day of People with a Disability Remembrance Day Launch of Hop, Skip & Jump bus Fair Trade Christmas Market
Council actively manages visitation to Manly in the interest of providing the balance between residential amenity, business development opportunities and sustaining the local environment. (PA 2.3.4)	Visitor numbers at Manly VIC. Reporting on one-off projects relating to tourism.	Provide an accessible and customer focused Visitor Information Centre that delivers information to visitors on products, a range of services and facilities available in the local area and on environmental sensitivities.	<ul style="list-style-type: none"> Average of 438 visitors to counter per day Average of 722 visitors to VIC per day

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
		Books seats for the <i>Hop, Skip and Jump</i> bus tours on weekends.	<i>Hop Skip & Jump</i> tourist bus has been cancelled due to low patronage, making it unsustainable.
Well utilised community built and open space facilities available for a variety of uses consistent with the demands of the local community. (PA 2.3.5)	Number of bookings taken per type of facility. Filming and event approvals granted each year. Review of local residents' complaints log.	Filming approvals, event approvals, community centre bookings and reserve bookings. Sale of Columbarium niches at Manly Cemetery.	<ul style="list-style-type: none"> • 29 filming approvals • 150 facilities bookings • 37 events • 34 approvals for Corso events • 2 columbarium niche sales
Provide a high standard of pedestrian accessibility, safety and comfort for all public transport users. (PA 2.4.1)	Reduction in pedestrian accidents/claims/complaints in the Manly LGA.	<p>Construction of new footpaths. Implementation of the Manly CBD Pedestrian Access Mobility Plan (PAMPs). Identifying pedestrian links to promote accessibility.</p> <p>Undertaking condition audits of the entire footpath network to identify footpath conditions and prioritise maintenance works to remove risks and hazardous conditions in the footpath network.</p> <p>Identifying new links and construction of new footpaths.</p>	<p>Work commenced on a review of capital work programme from PAMP and any re-prioritisation required.</p> <p>Audits Traffic team to review risk / priority ratings for footways and pedestrian facilities.</p> <p>New Footway constructed in Scales Parade. New pedestrian crossings on Condamine Street and Balgowlah Road.</p>
Develop and promote Active Transport by encouraging alternate transport modes, walking, cycling, bus and ferry. (PA 2.4.2)	Increased public transport usage; long term decrease of car usage/ownership for local trips; Local pedestrian and cycle and motor vehicle surveys/audits of usage. Reportable indicator <i>Hop, Skip and Jump</i> bus monthly patronage.	<p>Completion of the Manly Cycleway Network and Bike Plan.</p> <p>Regional Cycleway connections Shared paths construction and conversion.</p> <p>Maintenance of bike and pedestrian paths.</p> <p>Operation of free bus service "<i>Hop, Skip and Jump</i>".</p>	<p>Locations for new / improved bike parking facilities identified.</p> <p>Total number of <i>Hop Skip and Jump</i> passengers for this period was 91,252 (YTD usage is 142,557).</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
		Attaining increased sponsorship and patronage.	
Improve the amenity and safety of the local road network. (PA 2.4.3)	Reduction in vehicle speeds in local streets. Reduction in road accidents reported annually. Increased public transport usage and long term decrease of car usage/ownership. Reduction in complaints and Traffic Committee Items.	<p>Completion of various LATM schemes in the Manly LGA, consistent with needs of the local community and in response to new major developments and projects being undertaken within the Manly LGA.</p> <p>Implementing Traffic Committee recommendations relating to traffic devices and improvements to road safety.</p> <p>Monitoring and implementation of effective on street parking management within the Manly CBD.</p> <p>Development and management of permit parking schemes and on street parking supply in Manly LGA, and providing adequate parking spaces to residents.</p> <p>Regular analysis of traffic accidents and identifying trends/patterns and developing preventative measures and reduction to the severity of accidents.</p> <p>Ongoing maintenance of Traffic Facilities and monitoring the efficiency of earlier treatments</p>	<p>Manly Local Traffic Committee (MLTC) items have been actioned.</p> <p>New resident permit parking scheme introduced in Balgowlah.</p> <p>Analysis of traffic data and development of accident reduction capital work programme (approximately 5% complete).</p> <p>New traffic facilities to be road safety audited:</p> <ul style="list-style-type: none"> Balgowlah Road/ Kenneth Road pedestrian crossing Lodge Street / Condamine Street buildout <p>Regional and local road traffic analysis – to be undertaken in quarter 31 Dec to 31 March.</p> <p>Ongoing development of road safety campaigns targeting behavioural issues. Senior Road Safety Calendar for 2012 prepared.</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
		<p>measures.</p> <p>Undertaking regional and local road traffic counts and performing analysis to ensure mid blocks and intersections capacities and performances are satisfactory.</p> <p>Developing and delivering Road Safety projects targeting particularly behavioural aspects to educate local community, learner drivers, P-Plate drivers, senior drivers, motorcycle and pedestrian safety campaigns.</p>	

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Outcomes, Measurement and Actions for People Services

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
The provision of children's services to better support families. (PA 3.1.1)	National Accreditation and State Licensing. Utilisation rates to remain at 95% or higher (averaged across all services). Client satisfaction surveys.	Children's service delivery: Roundhouse and Harbour View Long Day Care; Harbour View Occasional Care; Ivanhoe Park and Kangaroo Street Pre-schools; Family Day Care; Vacation Care; Before and After School Care; Immunisation Clinic.	Harbour View and Family Day Care both received a high quality Accreditation ranking in October and November. Roundhouse has maintained 100% occupancy and Harbour View has maintained 100% occupancy in long day care and 62.5% occupancy in Occasional Care. Roundhouse building extensions completed and recruitment and selection of additional staff in readiness for service increasing to 80 child care places in early 2011. Preschools have maintained 100% occupancy rates. Client satisfaction survey for Preschools rated a 99% overall Satisfaction rate. Family Day Care is at 100% occupancy with child care provided by 13 family day carers Immunisation Clinic treated an average of 36 children per month. Before School Care is at 50% occupancy. After School Care is at 51% occupancy. Vacation Care achieved an 80% occupancy rate in this quarter. Adoption of Manly Council Child

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			Protection Policy 2010, and promotion of Child Protection Week
Enhance opportunities for local youth with activities that support development and social cohesion. Provide Council with advice on youth needs, as part of Youth Council Committee meeting objectives. (PA 3.1.2)	Participant numbers per program.	Youth Services activities and programs: Adolescent and Family Counselling Service; Manly Youth Council & events with Bands, Dance and recreational activities; GLAM program.	Manly Youth Council Committees continued to meet monthly with an average of 12 young people in attendance. <ul style="list-style-type: none"> • GL@M Program – fortnightly meetings held, average of 8- 10 young people per session. • 3 x band nights – Approx 165-180 attended • 2 x <i>Kangacoustic</i> nights – up to 30 attendees • 2x Dance Parties. 300 in attendance for December event. • Youth Decide Project coordinated to provide education to youth on risky drinking. • Focus groups organised to assist data collection for Youth Strategy Plan. • Young Mum's 8 week Fitness program commenced • Mental Health Activity organised in October as a collaborative activity with young people from Northern Beaches schools.
Provide information and support services to aged members of the Manly community to allow them to remain independent for as long as possible. Provide a facility to support activities suitable for older adults.	Number of meals delivered by Meals on Wheels service. Number of social support services provided. Manly Club for Seniors membership, and activities Information guides and	Operations of : Meals on Wheels; Community restaurant, shopping & recreational excursions. Operation of Seniors Centre to provide a range of social &	<ul style="list-style-type: none"> • Meals on Wheels continue to support aged members in the community with meal service delivery, community restaurants, shopping and social outing trips. 15,435 meals delivered between July and December. 7,555 meals

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
(PA 3.1.3)	brochures. Service information and referrals.	recreational activities.	delivered this quarter. <ul style="list-style-type: none"> Manly Club for Seniors continues to provide a range of recreational and sporting activities for its members.
<p>Ensure Council is targeting services and initiatives across the key target groups identified in the Manly Council Social Plan, being:</p> <p>ATSI Children 0 -12 years and Families Gay and Lesbian Communities Older People Youth CALD Communities Women People with Disabilities (PA 3.1.4 <i>And, as part of Integrated Planning and Reporting, also relevant to 2.1 under People and Place)</i></p>	<p>Reporting on each initiative to Social Plan.</p> <p>Committee Meetings for : Youth Council Disability Access Meals on Wheels</p> <p>Children's Services occupancy rates statistics.</p> <p>Parent surveys.</p>	<p>Community support and development: Funding assistance for Manly Community Centre; Administration of Community and Cultural Grants; Administration of Community Development Support and Education Grants (CDSE). Information & service referral. Provision of Meals on Wheels service and social support programs for older people. Early childhood and out of school hours service delivery. Youth program and activities for a broad target group, as well as, the GL@M program for young Gay and Lesbian people. Provision of the Club Friday program for people with an intellectual disability. Promotion and support of International Day for people with a disability.</p>	<p>Community and Cultural grants presented to successful applicants by the Mayor in November.</p> <ul style="list-style-type: none"> <i>Club Friday</i> continues to provide a weekly recreational program to people with intellectual disabilities to enhance socialisation, and also provided a Day trip in October to Featherdale Wildlife Park. International Day for People with Disabilities celebrated on 5 December 2010 in partnership with Sunnyfield Independence. Meals on Wheels contract for meals provision renewed for 3 years with a 2 year option. Community Development Coordinator continues to support MCC Management Committee and Multicultural Network Committee. Access Committee meetings continue to support disability access and information to improve disability outcomes within the Manly community. Manly Youth Council Committee

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			<p>continues to meet to plan projects to support youth recreation, education and cultural activities.</p> <ul style="list-style-type: none"> Gay and Lesbian at Manly Group (GL@M) continue to meet fortnightly and are involved in recreational activities and raising community awareness on gay issues. Adolescent and Family Counselling service continues to provide individual and group support for young people aged 12-21 years and their families, with an average of 40 clients per month. Children 0-6 are provided with a range of services including long day care, occasional care, preschool and family day care. Children aged 5-12 years attending school are supported with the Before and After School program operating at Manly Village Public School and Vacation Care program provided in Seaforth and Manly
<p>Provide professional lifeguard patrol at Manly Ocean Beach to ensure safety. Manage beach licences. (PA 3.2.1)</p>	<p>Number of rescues and preventable actions. Compliance with risk management. Percentage of actions on the beach resulting in litigation.</p>	<p>Operations of: The Ocean Beach Professional Lifeguard Service. Beach users license administration and monitoring.</p>	<p>Swimming season commenced in October and increase in rescues, preventative actions and first aid treatments occurred in correlation with higher beach attendance.</p> <ul style="list-style-type: none"> Nil drowning record maintained this quarter. Lifeguard facilities

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			<p>refurbished at Manly and North Steyne Surf Clubs.</p> <ul style="list-style-type: none"> • New premises provided for Lifeguards at Queenscliff with the completion of building extension to boat shed. • PA system renewed/updated at all three surf clubs. <p>New jet ski and quad bike in operation for commencement of swimming season.</p>
Provide a diverse range of aquatic activities, both passive and structured in Manly. (PA 3.2.1)	Visitations to Manly Swim Centre each quarter. Diversity of user groups and programs provided.	The operation of the Manly Swim Centre in accordance with Public Health regulations, operating plan and budget requirements.	<p>Attendance figure for Quarter 88,005. This incorporated the following user groups:</p> <ul style="list-style-type: none"> • Public Lap swimming • Recreational swimmers • School lifesaving programs • School water polo programs • School learn to swim • School fun days • Club water polo training & competition • Swimming clubs • Aqua aerobic classes • Yoga classes. <p>An average of 955 visitors to the venue every day.</p>

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Outcomes, Measurement and Actions for Infrastructure Services

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Delivery of Major Infrastructure Projects that are sustainable, safe and meet customer needs. (PA 4.1.1)	Number of projects completed on time and within budget.	Develop and implement Capital Works Program.	<p>Following projects have been completed in this 2nd quarter of 2010/11.</p> <p>Footpath Projects</p> <ul style="list-style-type: none"> • Grandview Grove, Seaforth • Munoorra Street, Seaforth <p>Traffic Infrastructure Project</p> <ul style="list-style-type: none"> • Lodge St, Balgowlah (Partial Road Closure) <p>Drainage Projects</p> <ul style="list-style-type: none"> • Malvern Avenue, Manly • Magarra Place, Seaforth • Dudley Street, Balgowlah • Bundoon Lane, Manly • Marine Pde, Manly <p>Re – Sheeting Projects</p> <ul style="list-style-type: none"> • North Steyne, Manly • Ernest St, Clontarf • White St, Balgowlah • Jackson St, Balgowlah <p>Crack Sealing</p> <ul style="list-style-type: none"> • White St, Balgowlah • Osborne St, Manly • Griffiths St, Balgowlah <p>Heavy Patching</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			<ul style="list-style-type: none"> Woods Pde, Manly North Steyne, Manly
Transport infrastructure is constructed and maintained in a financially sustainable and safe manner, and meets customer needs. (PA 4.1.1)	<p>Completion of Annual Maintenance and Capital Works Program on time and within budget.</p> <p>Number of insurance claims.</p> <p>Number of accidents reported.</p>	<p>Annual Capital/Maintenance Works Program implemented.</p> <p>Forward works program.</p> <p>Asset Management Plan.</p>	Partial road closure structure at Corner of Lodge & Condamine Streets, Balgowlah is nearing completion.
Roads resurfaced and rehabilitated to standard. (PA 4.1.1)	<p>Completion of Annual Roads Program on time and within budgets.</p> <p>Road Network condition remains same level or improves.</p> <p>Condition Assessment of Road Network, 25% annually.</p>	<p>Annual Road resealing program implemented.</p> <p>Asset Management Plan and Pavement Management System implemented.</p>	<p>Following re- sheeting works have been completed:</p> <ul style="list-style-type: none"> North Steyne, Manly Ernest St, Clontarf White St, Balgowlah Jackson St, Balgowlah <p>Following crack sealing works have been completed:</p> <ul style="list-style-type: none"> Lauderdale Avenue Griffith Street Osborne Street
Footpaths are maintained in a safe and financially sustainable manner. (PA 4.1.1)	<p>Completion of Annual Footpaths Program on time and within budgets.</p> <p>Reduction in Extreme (>25mm) Footpath Conditions.</p> <p>Condition Assessment of Footpath Network, 25% annually.</p> <p>Reduction in number of</p>	<p>Annual Footpath program implemented based on condition audits.</p> <p>Asset Management Plan.</p> <p>Condition audits.</p>	<p>Following concrete footpath and paver repair works have been completed</p> <ul style="list-style-type: none"> Darley Road Osborne Road Koobilya Tennis Court <p>Recurrent works program for 6 precincts prepared.</p> <p>1.2m width new footpath</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
	<p>reported trips/falls.</p> <p>Areas of footpath repaired/constructed.</p> <p>Number of insurance claims.</p>		<p>construction have been completed at:</p> <p>Grandview Grove, Seaforth</p> <p>Munoorra Street, Seaforth.</p>
<p>Provide drainage infrastructure that is functional, effective and environmentally sensitive, and meets community expectations. (PA 4.1.1)</p>	<p>Reduction in number of customer complaints and claims.</p> <p>Completion of Annual Maintenance and Capital Drainage Works Program on time and within budgets.</p> <p>Number of flooding claims/complaints.</p> <p>Number of flood related accidents.</p> <p>Length of pipelines constructed/reconstructed.</p>	<p>Annual Capital/Maintenance Works Program implemented.</p> <p>Forward works program.</p> <p>Asset Management Plan.</p> <p>Stormwater Management Plan.</p> <p>Modelling and Analysis of Stormwater Network.</p> <p>Review On Site Stormwater Management Policy.</p> <p>Floodplain study and modelling.</p>	<p>Draft – 5 Year Design program has been completed.</p> <p>Raglan Street Sub catchment drainage modelling has been completed.</p> <p>Floodplain study and hydraulic modelling has been organised with Warringah Council to arrange a consultant.</p>
<p>Assets are managed in a financially sustainable manner, and meet community expectations. (PA 4.1.2)</p>	<p>Asset Management Plan is developed and implemented.</p> <p>Maintenance and Capital Works done in accordance with Asset Management Plan.</p> <p>Full Integration of Asset Management System across Council.</p>	<p>Asset Management Plan is developed and implemented.</p> <p>Condition audits.</p> <p>Levels of Service.</p> <p>Inventory.</p> <p>GIS connection.</p> <p>Financial reporting.</p> <p>Corporate integration.</p> <p>Implementation of OpenTAMS.</p>	<p>Draft 10 Year Infrastructure Plan has been completed.</p> <p>Financial Gap Analysis for the next 10 years has been completed based on the life cycle cost and the proposed new assets.</p>
<p>Provide a safe, efficient, cost</p>	<p>Reduction of Plant, Fleet and</p>	<p>Fleet rationalisation/usage.</p>	<p>Lease back policy is being</p>

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effective and environmentally sustainable fleet that meets operational needs. (PA 4.1.2)	Equipment Life Cycle Costs. Annual review of Leaseback vehicles. Number of accidents related to Plant condition. Vehicle downtime. Vehicle running costs.	Review leaseback policy whole of life costs and lease back/plant hire rates. Biodiesel review. Reduce number of accidents. Driver training.	reviewed. Maintenance checklist system implemented to ensure plant items are well maintained which will reduce life cycle costs.
Prepare and review of Emergency DISPLAN for Local Area. (PA 4.1.3)	Effective response to an emergency and feedback from training exercises conducted. Review of DISPLAN.	Emergency DISPLAN. Manly Council provides a designated Local Emergency Management Officer (LEMO). Council to respond in concert with nominated combat agencies in official emergency situations and conduct training exercises in accordance with the above. Review mitigation strategies.	Installation of <i>Neighbourhood Safe Places</i> signage.
Ensure that Council's community facilities are clean, fit and habitable for use for designated purposes. (PA 4.2.1)	Maintenance and Capital Building Works done in accordance with Asset Management Plan. Reduction in customer complaints.	Maintain Buildings and Facilities to a sustainable and functional standard.	Scheduled Maintenance and Inspection and Testing works completed on Buildings and Facilities, in accordance with Plans. Maintenance requests and complaints actioned within timeframes.
Maximise return to Council by appropriate utilization of Community facilities and properties. (PA 4.2.2)	Increase in bookings and income. Annual review of fees and charges.	Provide an accessible booking system of all council's facilities available for hire and or use by members of the general public.	<ul style="list-style-type: none"> • 29 filming approvals • 150 facilities bookings

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Provide paid parking facilities within the Manly LGA. (PA 4.2.3)	Usage figures of Council's four car parking facilities. Meter usage.	Manage, operate and maintain Council's four parking facilities: Whistler St; Pacific Waves building; Peninsula building; Manly National building. Improve usage across all four facilities, through improved marketing. Management of Council's parking meters.	A total of 326,670 users utilized council's parking stations this qtr, Of this number 235,534 were non paying (72%). Parking Meter revenue is continues to grow as we are now in our busiest time of the year.
Ensure that the Geographic Information System is available to staff to assist Council business and customer service functions. (PA 4.2.3)	Internal staff survey of satisfaction with GIS system (bi-annual). Full Corporate Integration.	Maintain Corporate GIS and Land Information Systems. Increase level of GIS integration and use across Council.	Rollover to Authority 6.2 finalised. Acquisition of software (Discover) to support grant project establishing potential coastal hazard lines in response to predicted sea level rise across Manly LGA. Trial of Mycosm – Simurbans new software upgrade.
Provide integrated open space and bushland which is accessible, interesting, sustainable and meets the needs of the public users. (PA 4.3)	Service provided in line with Business Plan. Project start and finish dates are met. Reduction in water usage in open space areas. KPI: Bench mark with industry standards; KPI: Comply with specification	Calculate unit rates for services provided. Training for up- skilling of staff. Bench marking work schedules. Continuous improvement.	Landscaping of roundhouse playground. Finalising of the Grove bike track to opening. Rain has hampered grass mowing processes this quarter, requiring catch up by contractors.

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
<p>Provide sporting fields that are able to support increased future usage.</p> <p>Provide sound and safe playing surfaces for users.</p> <p>Continue to maintain a high standard of sports field surfaces.</p> <p>Continuously improve facilities for sporting users.</p> <p>(PA 4.3)</p>	<p>Percentage of weekends sports grounds open for use. Amount of usable open space area within a park or sportsfield.</p> <p>Decrease in % area seriously and moderately weed infested.</p> <p>Continual grass cover over surfaces.</p> <p>Satisfactory changeover of sports in the season change.</p> <p>KPI: Meet industry standard</p> <p>KPI: No or reduced number of injuries from surface.</p> <p>KPI: Retain green surface in a safe level.</p>	<p>Annual Topdressing of sportsfields.</p> <p>Re turfing of worn areas of grass.</p> <p>Maintenance of sportsfields and parks grassed areas by contract and where possible internal mowing services.</p> <p>Reduce water consumption by 50 %.</p> <p>Improve sporting grass and synthetic surfaces.</p> <p>Improve irrigation systems to achieve more efficient systems and water savings. (Seaforth Oval)</p> <p>Capital improvements to sports fields infrastructure.</p> <p>Improvement to training grass areas on sporting ovals.</p>	<p>Sportsfields aeration and topdressing carried out December.</p> <p>Major top dress to level Manly West Oval to bring back into play.</p> <p>All weed control carried out on sportsfields.</p> <p>Major renovation works carried out at Manly Oval & LM Graham Reserve after long term rain.</p>
<p>Provide Manly with safe, age appropriate playgrounds that meet or exceed the Australian Standards.</p> <p>Provide children with recreational facilities that improve physical fitness and provides high play value.</p> <p>(PA 4.3)</p>	<p>Annual audit of playground equipment, parks and Precincts.</p> <p>Reduction in the number of accidents/complaints.</p> <p>KPI: Meet Australian Standard.</p>	<p>Plan, design and develop both new and existing playgrounds to meet the needs of the community presently and in the future.</p> <p>Implementation of the 5 year Playground Strategy.</p> <p>Provide parents and careers with amenities to improve their leisure time whilst at the playground.</p> <p>Maintain updated asset information on playgrounds.</p> <p>Auditing process that produces timely repairs, and maintains low risk to users.</p>	<p>Preliminary design of Lagoon Park Playground finalised. Consultation with local users and local residents carried out in December.</p> <p>Installation of play equipment in Wanganella & Rickard Street Park.</p> <p>Review of audit process carried out December.</p> <p>Upgraded certification completed by Open space Coordinator.</p> <p>6 major audits were carried out this quarter.</p>

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		<p>Maintain play equipment in sound and safe working order.</p> <p>Maintain and upgrade play grounds & equipment in parks with best practice methods, and proactive implementation of maintenance.</p> <p>Maintain and improve the standard of equipment.</p>	
<p>Present Manly to the public and the world and maintaining the cultural heritage of Manly.</p> <p>Creating appealing open space for public use. (PA 4.3)</p>	<p>Civic Amenity is sustained. Cultural heritage of civic gardens, plazas, streetscapes, street plantings, and shopping centres are maintained. Manage horticulture and arboriculture processes in Manly. Improve overall presentation of Manly.</p> <p>KPI: Number of complaints received. KPI: Agreed service levels are met. KPI: Low complaint ratio. KPI: Benchmarking.</p>	<p>Carry out regular maintenance of civic gardens and other park and open space gardens. Improve Civic Amenity. Sustain and maintain cultural heritage of civic gardens, plazas, streetscapes, street plantings, and shopping centres. Manage horticulture and arboriculture processes in Manly. Introduce more water saving plants to Manly. Scented Garden Ivanhoe Park. Ivanhoe Botanic Gardens signage and interpretive signage. The Corso gardens and presentation maintenance. Reduce water usage to a lower % wherever possible.</p>	<p>Installation of new planters Belgrave Street between Sydney & Raglan Street east side.</p> <p>Completion of Fairlight shops landscaping.</p> <p>Re installation of signage wall Ivanhoe Park after vandalism.</p> <p>Review of all CBD gardens carried out this quarter.</p> <p>Clontarf/Monash garden refurbishment.</p> <p>Spit Bridge gateway garden stage 1 complete.</p> <p>Lauderdale/Rosedale mass planting.</p> <p>Shelly Beach carpark.</p> <p>New colour display planters – Town</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			Hall. Seaforth Oval Carpark landscaping. New planting cnr Sydney/Manly Roads.
<p>Maintain and plant trees in Manly to increase the green space.</p> <p>Provide suitable streetscape plantings to increase the general aesthetics of streets in Manly.</p> <p>Reduce the incidence of illegal tree removals in Manly.</p> <p>Significant trees preserved. (PA 4.3)</p>	<p>Annual Audit and maintenance of trees, number of cycles per year.</p> <p>Number of Tree Preservation Orders per quarter.</p> <p>Reduction in escalation rate weekly.</p> <p>KPI: Low rate of escalation.</p> <p>KPI: Low incident rate.</p>	<p>Prune trees in Manly twice per year on cycle to alleviate issues with street trees and park trees.</p> <p>Maintain and manage trees in all public areas including protection and care of Norfolk Island Pines.</p> <p>Manage compliance with Tree Preservation Order.</p> <p>Significant Tree Register to be updated for the Eastern Hill Area.</p> <p>Inspections and administer process, improve customer service response times, and improve communications back to customers.</p> <p>Action customer requests, and improve customer service.</p>	<p>Major tree cyclic works completed November.</p> <p>Continued call outs for storm damage this quarter.</p> <p>Reviewed response time with contractor major improvement to contract response.</p> <p>Service checks and consultation for Pine Street planting carried out.</p> <p>Low incidence rate for tree damage this quarter.</p> <p>72 Tree preservation inspections carried out this quarter.</p>
<p>Improve and restore declining bushland.</p> <p>Revegetate or increase bushland corridors.</p> <p>Increase habitat for animals.</p> <p>Prevent decline of natural animal populations.</p>	<p>Audit annually.</p> <p>Bushfire management annual audit.</p> <p>Percentage of weed reduction to previous year.</p> <p>Increase in areas of endemic</p>	<p>Review Action Plans for bushland reserves.</p> <p>Manage contract works.</p> <p>Carry out fire hazard reduction works annually.</p> <p>Provide strategic direction for Bushland.</p>	<p>Action plans reviewed for the next 12 month period. Action plans for past 12 months signed off.</p> <p>Fuel reduction site preparation completed. Awaiting favourable weather conditions for control</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
<p>Reduce noxious weed infestations public and private land.</p> <p>Keep waterways and estuarine communities free from weeds.</p> <p>Upkeep the Manly Scenic Walkway track and path areas.</p> <p>Ensure implementation of levy projects.</p> <p>(PA 4.3)</p>	<p>native vegetation.</p> <p>Replenishment of vegetation corridors.</p> <p>KPI: Benchmark industry standard.</p> <p>KPI: works completed within agreed timeframes.</p> <p>KPI: Action Plan deadlines met.</p>	<p>Implementation of Bushland Environment levy projects and maintenance.</p> <p>Manage threatened species habitat and populations.</p> <p>Audit for reduction of habitat.</p> <p>Audit of possible additional vegetation corridors.</p> <p>Noxious weed management.</p> <p>Develop a strategy for future bushland management and bio diversity management in Manly.</p>	<p>burns.</p> <p>Environment Levy Projects currently being managed (Seaforth Oval and Noxious Weed Control contracts, seed collection and revegetation works, coral tree removals.)</p> <p>Contract management has been ongoing throughout quarter.</p> <p>Burnt Bridge Ck Integrated Restoration Project continued to be implemented.</p> <p>Strategic direction provided to bushland staff (Action plans produced, site meetings held, site specific issues worked through)</p> <p>Continued implementation of 4 year bushland management strategy.</p>
<p>Manly Cemetery is presentable and secure from damage.</p> <p>The fabric and history of the cemetery is maintained in line with the Cemetery Conservation Plan.</p> <p>Actions from the Conservation Plan are implemented.</p> <p>Provide security measures to prevent vandalism.</p> <p>(PA 4.3)</p>	<p>Contract cycle is carried out at prescribed intervention levels.</p> <p>Number of Actions implemented from the Conservation Plan in accordance with budget.</p> <p>KPI: Number of customer complaints compared to customer compliments.</p>	<p>Manage conservation program/ internments, and Consult with heritage committee and community on the future options for the cemetery.</p> <p>Inspections and administer process.</p> <p>Ensure that the appropriate maintenance is carried out in the cemetery grounds to meet the needs of users and patrons.</p> <p>Progress, within available resource, the restoration of grave sites on the Iconic Graves List in consultation with the Heritage Committee.</p>	<p>Contractor notified of non compliance with cemetery grass maintenance.</p> <p>Discussions held with contractor to improve maintenance to meet intervention levels prescribed in contract.</p>

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010

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Outcomes, Measurement and Actions for the Environment

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
Protect threatened species habitat and populations. (PA 5.1.1)	<p>Number of DAs assessed in relation to threatened species issues.</p> <p>Annual data on little penguin and long nosed bandicoot numbers.</p>	Implement projects for the rehabilitation and protection of terrestrial, aquatic and marine ecosystems, and natural heritage.	<p><u>DAs Threatened species:</u> During this quarter staff assessed 10 threatened species development applications largely in relation to the endangered populations of Little Penguins and Long-nosed Bandicoots including one occurring within declared critical habitat.</p> <p>Staff also provided two internal threatened species assessments for works proposed by Council within Little Penguin habitat (one within declared critical habitat) and have been informally advised by DECCW that a waiver for the Species Impact Statement will be granted for works.</p> <p><u>Little Penguins:</u> Responsibilities under the Little Penguins Recovery Team were implemented including: (1) Erecting a barrier around the Manly Wharf Penguin breeding area for NYE; (2) Requesting inclusion of Federation Point and Manly Wharf as Critical Habitat; (3) Reviewing the protocols for handling and notification of dead and injured Penguins; (4) Responding to resident</p>

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			<p>emails.</p> <p>Staff progressed the following:</p> <p>(5) Reviewing dog-on leash areas;</p> <p>(6) Expanding WPA dog prohibited area at Federation Point.</p> <p><u>Long-nosed Bandicoots:</u></p> <p>The Draft Population Viability Analysis (PVA) Modelling Report (2010) produced similar results to previous and indicates that with current population size and mortality there is a high (90%) probability of population persistence. Modelling results indicate that a small increase in adult mortality (such as an increase in road kill) will have a significant effect on the population persistence while stochastic mortality events (such as fox predation) will have minimal influence. The results also indicate that juvenile mortality is much lower (~50%) than previously thought (90%).</p> <p>The Bandicoot residential education and monitoring project has been progressed through liaison with the UNSW in order to apply for an ARC Linkage grant in February 2011</p>
Sustainable and planned, as opposed to 'ad hoc' development of Council controlled open space.	% of Actions implemented within adopted Management Plans for open space areas.	Develop and implement management plans for natural environment and open space areas.	Manly Cove Coastal Zone Management Plan has been finalised and endorsed by HFCM for public exhibition.

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Improved management of open space areas including the coast, estuaries and community land. (PA 5.1.2)			Preparation of a Biodiversity Conservation Strategy for Manly LGA has commenced. The Draft LM Graham Reserve Masterplan has been placed on public submission and analysis of the 21 submissions received has commenced.
Administer the Environmental Levy including regular reporting to the community. (PA 5.1.2)	Number of projects implemented on time and to budget.	Environmental projects proposed to be implemented from the Environmental Levy (these are listed in Appendix along with background on the Environmental Levy).	Environment Levy budget bidding process for 2011/12 has commenced. Key projects have been progressed related to the following key program areas: Biodiversity & Bushland Program, Water Cycle Management Program, Manly Lagoon Conservation & Remediation Program, Coastline Management Program, Education for Sustainability Program & Climate Change Program.
Reduce potable water consumption in Council facilities. Improve water quality in Manly Lagoon to primary contact and ecosystem health guidelines. Reduce greenhouse gas emissions and energy use by Council.	KL consumption in Council facilities from Sydney water meter readings. Analysis of pollutant loads in water column, stormwater inflow and sediments. Greenhouse Gas Emissions Inventory and energy bills.	Finalise Water Savings Action Plan and commence implementation. Commissioning of major Lagoon rehabilitation projects. Implement Point Source / Dry Weather sampling program. In conjunction with Sydney Water,	Potable water consumption data is only available annually from Sydney Water. Council's water use in the year 2009/10 was 82.2 million litres. This represents a 2.3% increase on 2008/09 consumption. The Manly Lagoon rehabilitation works (removal of accumulated sediment at Sites 1&2) are underway.

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Obtain funding towards climate change initiatives. (PA 5.1.3)	Funding and voluntary contributions obtained.	<p>continue wet weather and dry weather stormwater sampling in Manly Lagoon and surrounding catchment.</p> <p>Prepare and implement a Carbon Emissions Reduction Plan for Manly Council, that is consistent with the widely accepted energy hierarchy of:</p> <ul style="list-style-type: none"> ▪ reduce the demand for energy; ▪ increase/improve energy efficiency; ▪ purchase or generate renewable energy; and then finally ▪ purchase offsets, to achieve carbon reduction goals set by Council. 	<p>Council has completed a dry weather sewer leak monitoring program surrounding the Lagoon and found minimal dry weather sewer leak problems. Council will continue to develop further catchment-based water quality improvement to improve the Lagoon conditions. In the third quarter, Council will commence a dry weather sewer leak monitoring program at Burnt Bridge Creek.</p> <p>Greenhouse gas emissions: The Carbon Emissions Reduction Project has progressed for both Council corporate and community components. This will assist Council to meet its resolved emissions target of 25% by 2020 based on 2008/09 levels (i.e. 7,663 tonnes).</p> <p>Calculation of Council's total greenhouse gas emissions (Carbon Footprint) for 2009/10 is near complete and calculation of the community footprint has progressed.</p> <p>A Carbon Reduction Strategy and Action Plan for Council has been prepared & presented to Council.</p> <p>Voluntary contributions for climate change fund: \$8,187 was contributed in 2009/10 with \$0</p>

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			contributed this quarter.
<p>Advocate and provide information on environmental issues.</p> <p>Provide people with an opportunity to raise issues of concern about the local and global environment as well as an opportunity to learn more, volunteer time, effort and skills towards addressing the same issues. (PA 5.1.3)</p>	<p>Number of volunteer hours per quarter.</p> <p>Number of programs / events per quarter.</p>	<p>Management of the Manly Environment Centre's "shopfront" for the purpose of: information exchange, advocacy and research; the execution of events; activities and projects; and management of volunteers.</p>	<p>350.org. Worldwide event - the MEC participated in this event (held on 10.10.10) which was promoted and organised by the Manly Food Co-Operative.</p> <p>Major Environmental Festival - Ocean Care Day 2010 – opened by Ian Kiernan AO with a theme this year of Keep the Sea Plastic Free.</p> <p>Pledge Banner was signed by hundreds of people as a commitment to saying NO to plastic</p> <p>Manly Library Penguin Panto – attended by Penguin Wardens and Uni Interns from the MEC – 14/12/10 and 16/12/10.</p>
<p>Ensure a sustainable future across diverse community sectors within Manly. (PA 5.1.3)</p>	<p>Number of projects implemented on time and to budget.</p>	<p>Environmental education programs conducted, targeted at encouraging sustainable tourism operations, improving practices of local builders, encouraging sustainable boating practices, conduct of events and programs showcasing Manly's natural environment, investigation of the establishment of a community garden, providing advice on Green</p>	<p>Green Up Your Life! events held during the quarter included: Sustainable Building & Renovating workshop Solar Panels & Solar Hot Water workshop Garbage Dreams documentary screening Composting & Worm Farming Made Easy! workshop</p>

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		Purchasing initiatives, continuing Manly's Fair Trade initiatives with local businesses.	<p>Chullora Waste Recovery Centre Tour Big Swap Sustainable Shopping workshop</p> <p>Green & Groovy Kids Workshops included: Recycled Jewellery Funky T-shirt Bags Origami Christmas Cards.</p> <p>Out of Hours School Care Three Out of Hours School Care workshops were held during the quarter – Two recycled art workshops and one Ocean Care workshop.</p> <p>Power Mate Lite Four PowerMate Lites have been made available for loan at Manly Library. All were loaned out within the first two days, and there is now a waiting list.</p> <p>Community Leadership Training This course was a huge success, with all participants appreciating the benefit of the facilitation skills learnt. As a result of the course, four key community sustainability initiatives were initiated by the group:</p> <ol style="list-style-type: none"> 1. Kangaroo St Community Garden Group 2. Don't Bag Manly! Action Group 3. Northern Beaches

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			<p>Sustainability Network 4. Water Saving/Reycling Community Display in Manly.</p> <p>Ride to Work Day and Walk to Work Day: Council staff participated in Walk to Work Day (Friday 1 October) and Ride to Work Day (Wednesday 13 October).</p> <p>Volunteer Coordination Volunteers have been recruited and coordinated for:</p> <ul style="list-style-type: none"> • Manly Environment Centre • Bushcare • Library Computer Tutor • Childcare • Dogs Day Out • Visitor Information Centre • Hop, Skip & Jump • Streamwatch • Library • Fair Trade Markets • Christmas Choral Concert • Art Gallery • Meals on Wheels <p>Fair Trade Manly The Manly Fair Trade Market was held on Sunday 28 November. There were 34 stalls. \$700 was raised for World Vision.</p> <p>Manly Jazz Festival 118 volunteers were sourced for all</p>

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			shifts of the 2010 Jazz Festival which was held from 2-4 October.
<p>High quality built environment complementing and improving local amenity and requiring minimal maintenance.</p> <p>Increase tree cover and soft landscape.</p> <p>Protect existing natural landscapes and existing trees (PA 5.2.1)</p>	Works staged, funded and developed in accordance with adopted plans.	<p>Develop Masterplans for major reserves. Ongoing funding and implementation of Masterplans – seek additional matching dollar for dollar funding through grants e.g., Greenspace program, Sharing Sydney Harbour Access Program.</p> <p>Key projects include: Sandy Bay Landscape Masterplan implementation; LM Graham Reserve Landscape Masterplan; BMX track upgrade Seaforth; Fairlight Shops Urban Improvements Masterplan implementation, Stage 2; Stage 5 Ocean Beach Upgrade; Stage 3 (final stage) Pittwater Road Street Tree Masterplan (including Tramway Plaza); Swim Centre Upgrade; Roundhouse additions; Ellerys Punt Reserve seawall & landscape improvements; North Harbour Reserve Landscape Masterplan; Federation Point revegetation (adjacent to Manly Pavilion); Ivanhoe Park Botanical Gardens; Marine Parade public domain upgrade; Pickering Point bush regeneration and Landscape Masterplan;</p>	<p>Council adopted the Sandy Bay Landscape Masterplan at its Meeting on 13 December 2010.</p> <p>North Harbour Reserve Landscape Masterplan was on public exhibition from 27 September to 5 November 2010. A total of seven submissions were received.</p> <p>Final draft of the Ellerys Punt Reserve Landscape Masterplan was presented to HFCM and Access Committees.</p> <p>The Draft LM Graham Reserve Masterplan has been placed on public submission and analysis of the 21 submissions received has commenced.</p> <p>Sandy Bay Landscape Masterplan endorsed by the Council.</p> <p>North Harbour reserve Landscape Masterplan endorsed by Council.</p> <p>Revised draft Ellery's Punt Reserve landscape Masterplan presented to HFCM and Access Committee.</p> <p>Drawings prepared for the Roundhouse playground and shade structures.</p>

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		Tania Park access ramp; Manly 2015 Masterplan.	Balgowlah High Street landscape masterplan upgrade – draft landscape plan and staging to be discussed with Balgowlah Chamber of Commerce in late January 2011.
Pollution prevention through active regulation. (PA 5.2.2)	Number of notices and orders issued.	Pollution prevention programs and regulation through Ranger Services and Environmental Health Inspections.	Pollution prevention programs, regulation and education through Ranger Services and Environmental Health inspections. Total number of Notices issued for this period were 14. Verbal and written warnings also issued.
Proper regulation of development in accordance with sound and consistent planning controls. (PA 5.2.2)	<p>Number of Development Applications lodged. Number of DAs 2007/08: 640 2008/09: 618 2009/10: 590</p> <p>Number of Development Applications determined. Number of DAs 2007/08: 699 2008/09: 787 2009/10: 540</p> <p>Average time taken to determine Development Applications. Maximum is 80 days. 2007/08: 89 days 2008/09: 88 days</p>	<p>Assess development applications in accordance with Council's planning policies and plans.</p> <p>Review of DA Approval process as implemented in 2007.</p> <p>Negotiate for best environmental, social and heritage outcomes in proposed development within regulatory frameworks.</p>	<p>Development Applications Received 149</p> <p>Determinations</p> <ul style="list-style-type: none"> • Complying Dev – 15 • ADAU – 79 • RDAU - 12 • Def Commencement – 2 • ADEL – 44 • AMIAP – 11 • RMIAP – 1 • AJRPP – 1 • Withdrawn – 4 • Cancelled – 2

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Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
	2009/10: 80 days Value of Development Approvals: Total value of DAs		
<p>Reduce material entering the waste stream, including increases in diversion rates.</p> <p>Educate residents, schools, businesses, industry and visitors to avoid, reduce, reuse and recycle to assist Council in its commitment to waste minimisation.</p> <p>Manage recyclable products on the basis of the reduce/reuse/recycle principle to maximise the diversion of material from the waste stream.</p> <p>Extend the range of recyclable materials suitable for collection within Council services to continually improve both the volume of materials collected and the level of contamination of materials collected. (PA 5.3.1)</p>	<p>Garbage rates designated as kg/capita/annum (KCA); Recycling rates designated as kg/capita/annum (KCA).</p> <p>Monitoring to reduce putrescible waste.</p> <p>Diversion rates from landfill. State government requirement of 60% diversion rate by 2020.</p>	<p>Putrescible waste kerbside collection service.</p> <p>Vegetation, paper and container recycling kerbside collection service.</p> <p>Trade Waste services.</p> <p>Events Waste Management service.</p> <p>Waste Education Service, including waste avoidance education.</p> <p>E-waste kerbside pickup and E-waste initiatives.</p> <p>Pursue SHOROC-wide common collection system to facilitate introduction of AWT at Kimbriki Environmental Enterprises.</p>	<p>3 new garbage trucks ordered – delivery expected March 2011.</p> <p>New waste depot options investigated.</p> <p>Report from K.E.E. informing Council that K.E.E. is developing an AWT and MRF via open tender.</p> <p>Planning for e-waste collection in March 2011.</p> <p>The main projects for this time period were:</p> <ul style="list-style-type: none"> • Community Education through <i>Green Up Your Life</i> workshops and events such as Ocean Care Day. • E-waste kerbside collection took place on November 15 with 34.5 tonnes recycled. • Preparation of 2011 Waste Calendar. • Litter prevention, through Litterguard program and Litter Blitz Banner / increased patrols by rangers. • Manly Council applied to partner with the Department of Climate Change and Water in their

ATTACHMENT 1

**Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013
for the period 1st October to 31st December 2010
Management Plan Matrix Second Quarter Update to 31 December 2010**

Key Outcomes	Measurement	Actions	Progress 1 st October 2010 to 31 st December 2010
			Love Food Hate Waste campaign.
A clean local amenity. (PA 5.3.2)	Street sweeping litres collected.	Cleansing of Council's publicly controlled places and spaces.	New Sweeper in operation. Gum removal machine trialled and budgeted. Street sweepings/buildings/toilets and reserves – ongoing cleaning as per agreed service levels.

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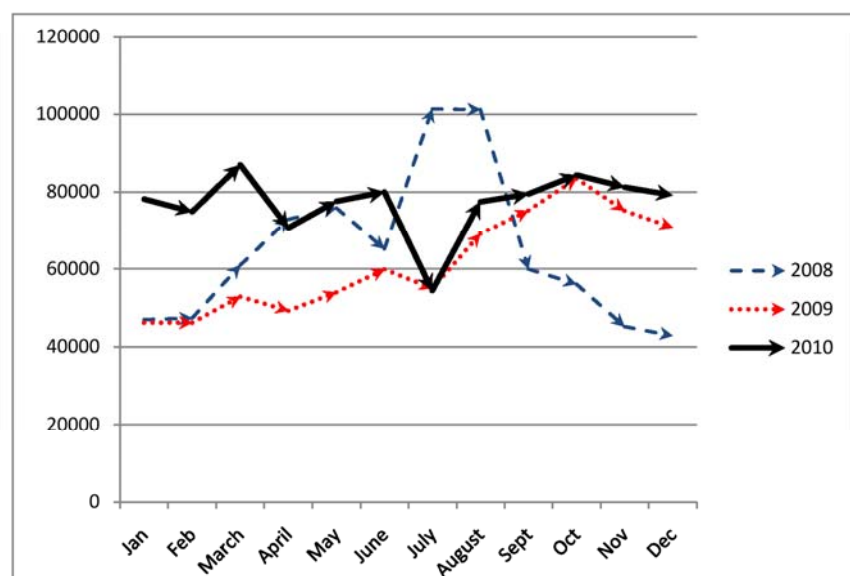
Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013

for the period 1st October to 31st December 2010

Program KPIs for Quarter ending 31 December 2010

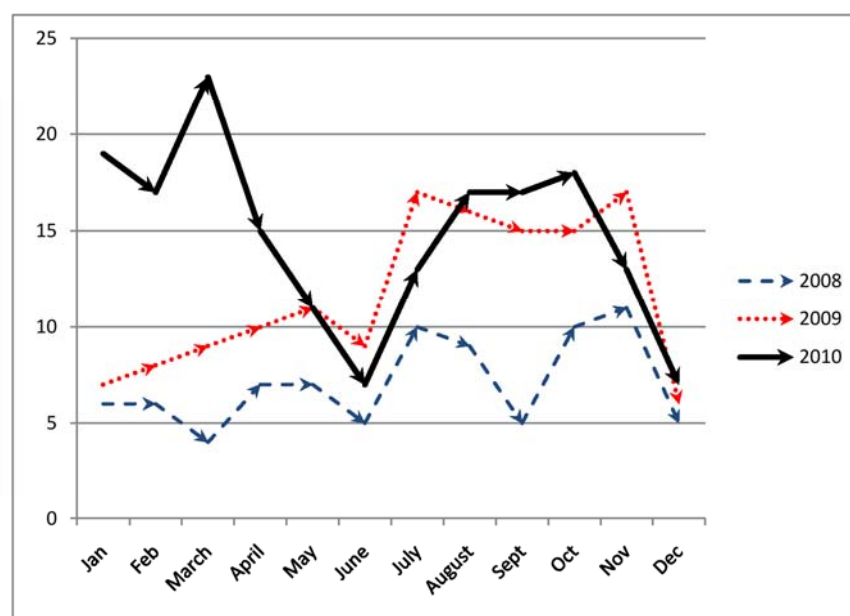
PROGRAM: Governance

G1. Number of unique user sessions on Website



COMMENT: The average number of times people visited the web site followed the previous year's trend.

G2. Number of media releases issued



COMMENT: The number of media releases decreased over the past quarter, consistent with previous years due to the onset of the Christmas / New Year Period. On average, during the 2010 calendar year, approximately 14 media releases were issued per month, a significant increase on the average in previous years - 11 in 2009 and 7 in 2008.

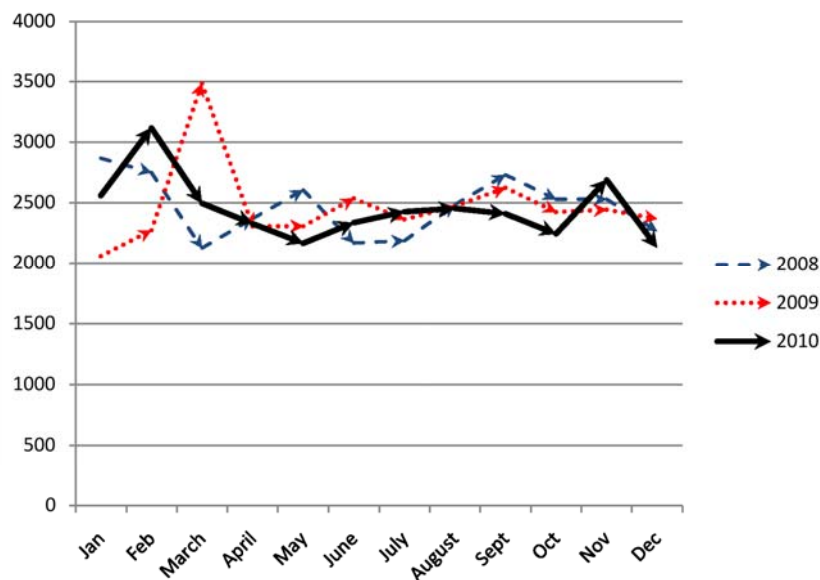
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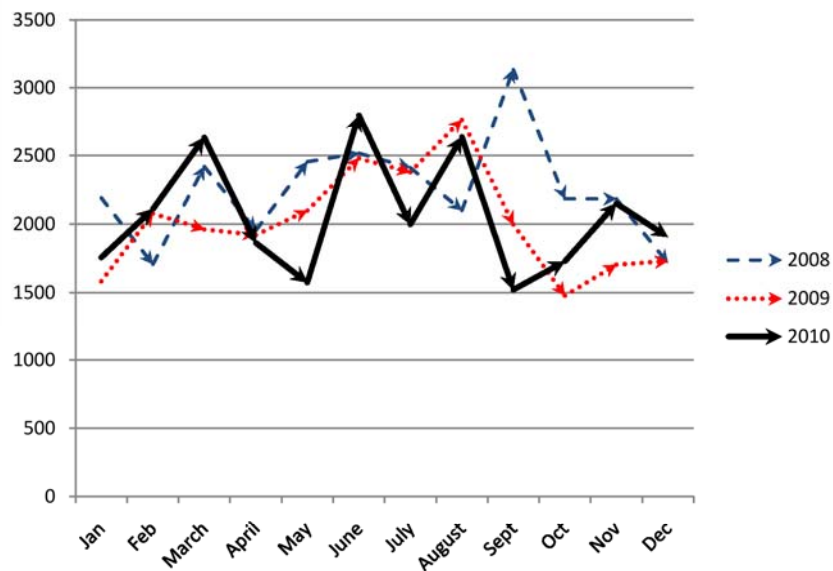
Program KPIs for Quarter ending 31 December 2010

G3. Customer service – calls to switch



COMMENT: Calls to the customer service switchboard remain have remained in a similar range for the past 3 years.

G4. Customer service – counter visits



COMMENT: The number of visits to the customer service counter varies markedly over different months each year, with no predictable peak period for any service or time of year. The number of visits for 2010 was above 2009 in all service categories.

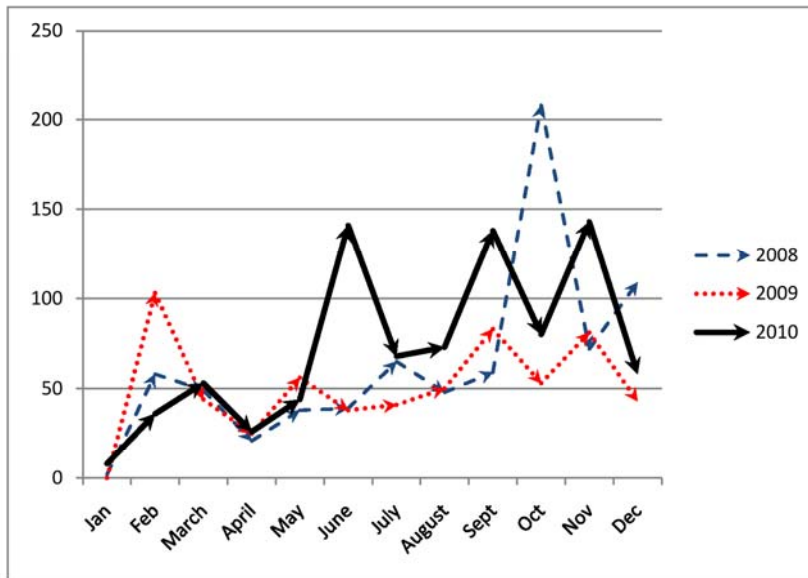
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for the period 1st October to 31st December 2010

Program KPIs for Quarter ending 31 December 2010

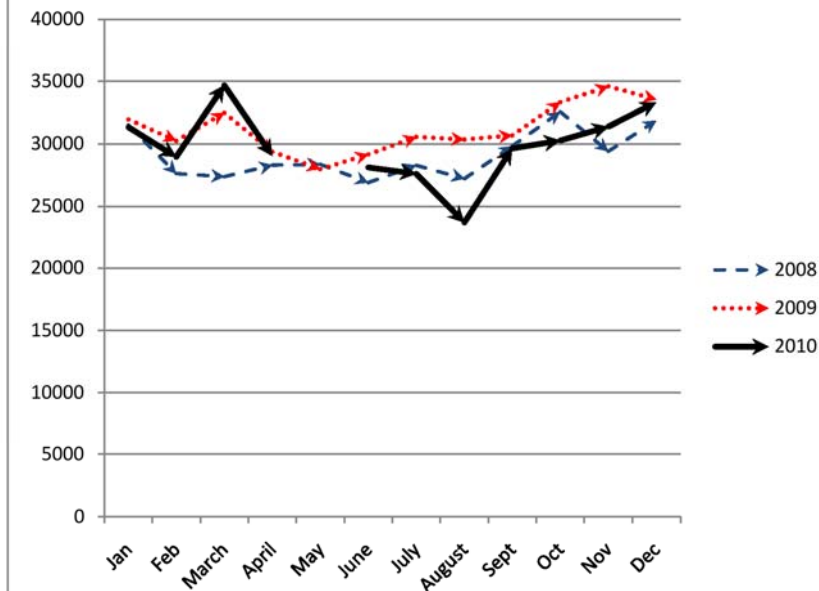
G5. Number of staff and managers attending training sessions



COMMENT: Over the quarter there were 40 different training programs offered to staff as part of the Corporate Training and Development program.

PROGRAM: People and Place

G6. Hop, Skip & Jump Bus patronage



COMMENT: Usage on the Hop, Skip & Jump was slightly below previous years early in the quarter due mainly to inclement weather. However over the quarter usage steadily picked up and is on par with previous years.

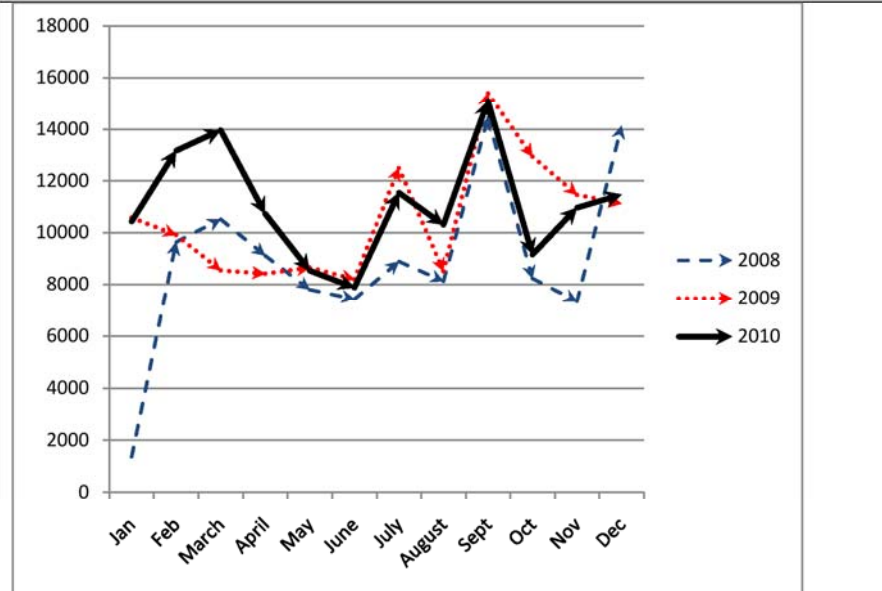
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for the period 1st October to 31st December 2010

Program KPIs for Quarter ending 31 December 2010

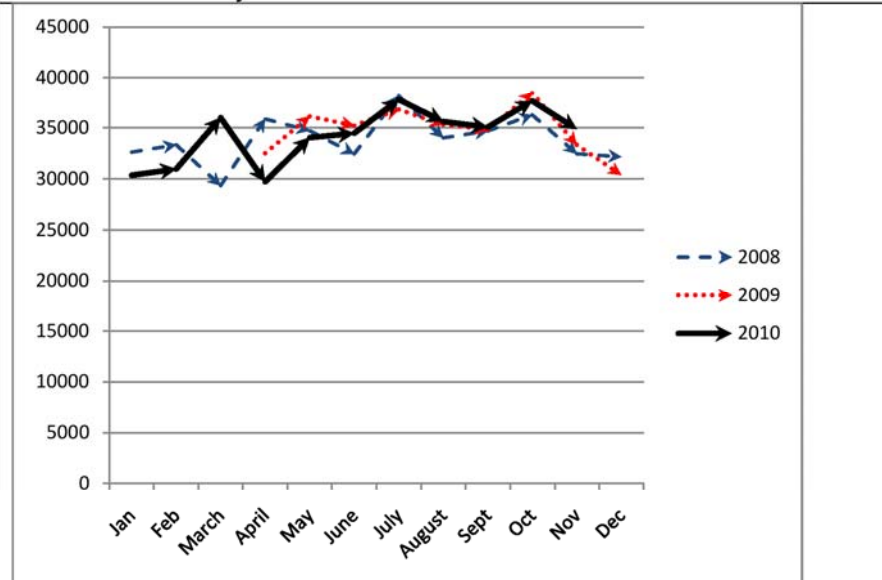
G7. MAGM visitation



COMMENT: Visitation at the Gallery peaks during March (Express Yourself and school visits), July (Guringai Festival exhibition and school holidays, September (Manly Arts Festival exhibitions and events) and over the Summer period (high tourism period in Manly and school holidays).

PROGRAM: People Services

G8. Number of library visits



COMMENT: Library visitation figures have followed historical trends.

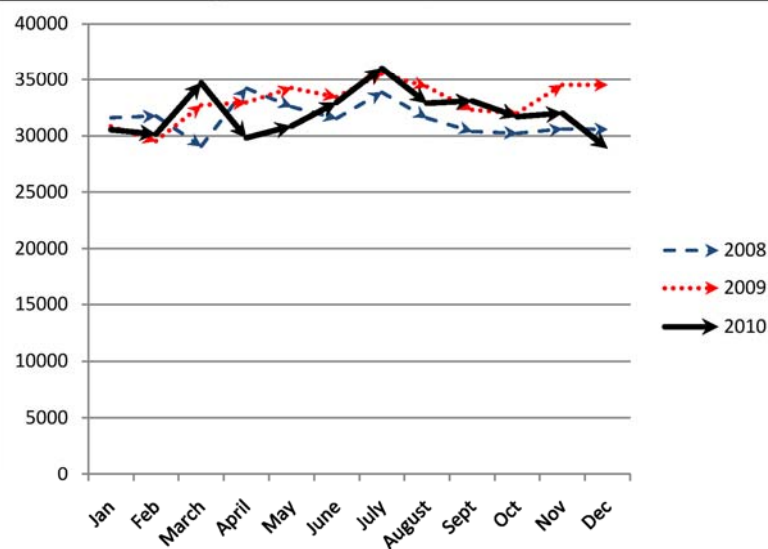
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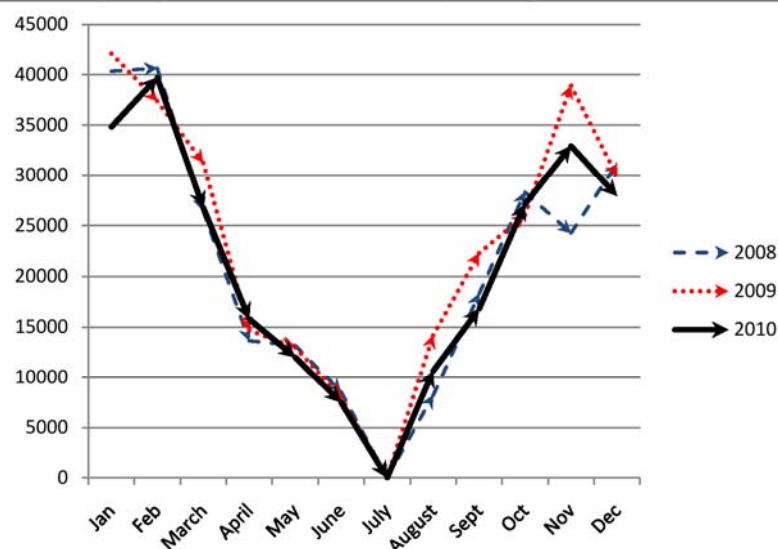
Program KPIs for Quarter ending 31 December 2010

G9. Number of library loans



COMMENT: Loans dipped slightly over the December period.

G10. Manly "Boy Charlton" Swim Centre patronage



COMMENT: Over the quarter many school lifesaving programs and school picnic days were held. Overall it was a consistent month for patron numbers at the Swim Centre.

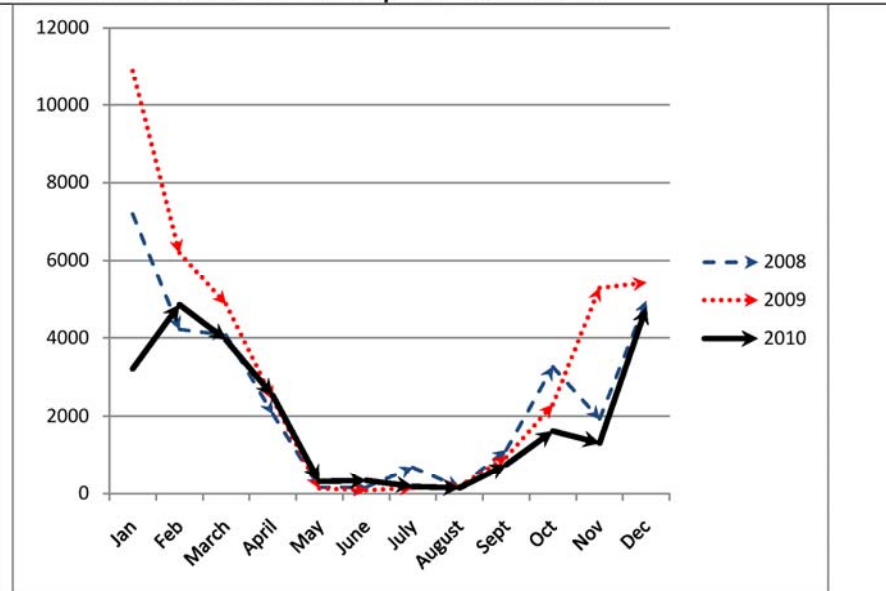
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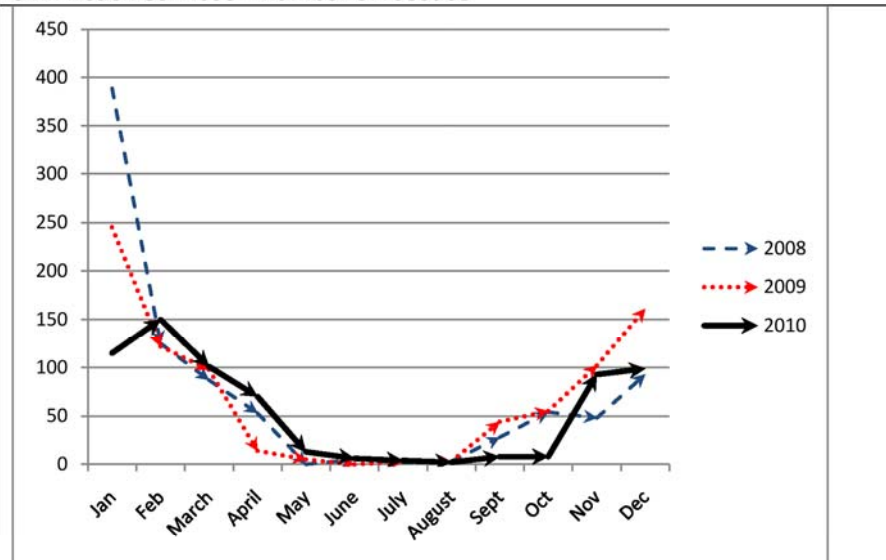
Program KPIs for Quarter ending 31 December 2010

G11. Beach services – number of preventative actions



COMMENT: Preventative actions reflect a sharp rise for the beginning of the school holidays and the start of the summer season. This pattern is consistent with last year.

G12. Beach services – number of rescues



COMMENT: Rescues - slightly down due to more rain than normal affecting beach crowds.

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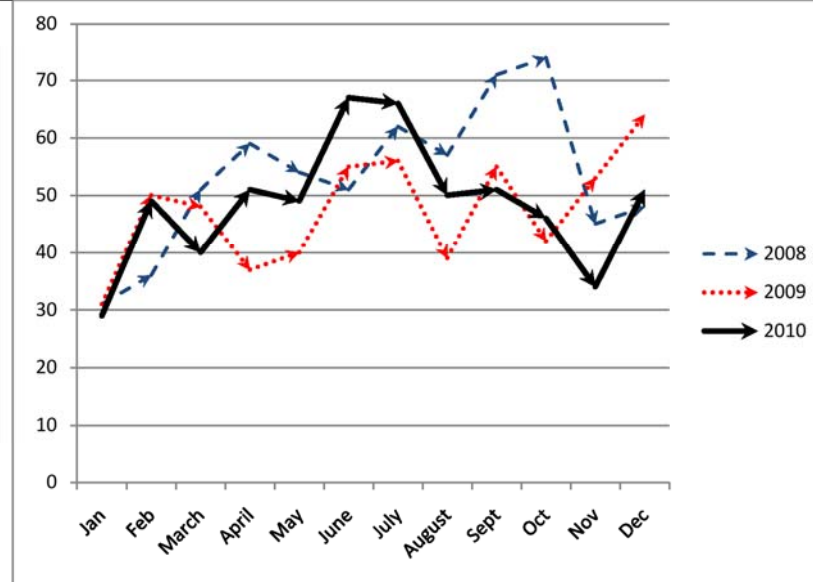
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Program KPIs for Quarter ending 31 December 2010

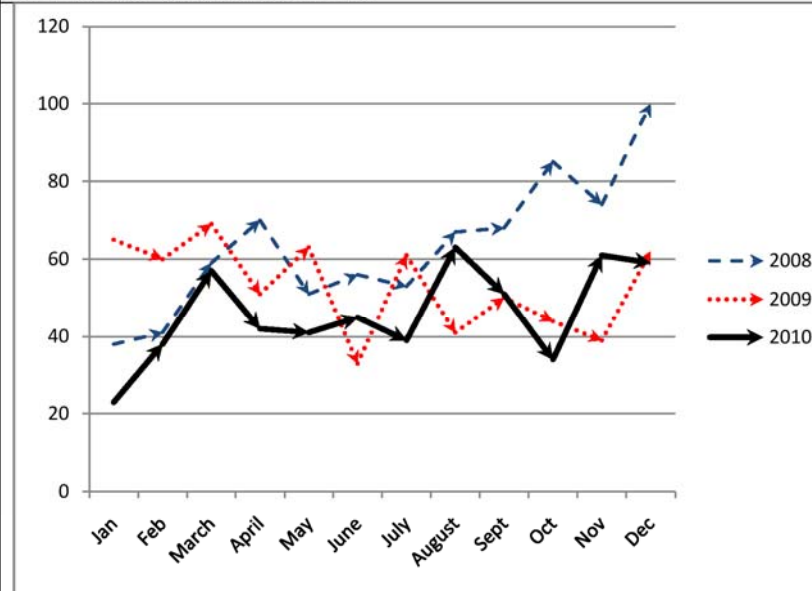
PROGRAM: The Environment

G13. Number of DAs submitted



COMMENT: Over the quarter DA numbers down slightly over the previous year.

G14. Number of DAs determined



COMMENT: 154 DAs were determined over the quarter.

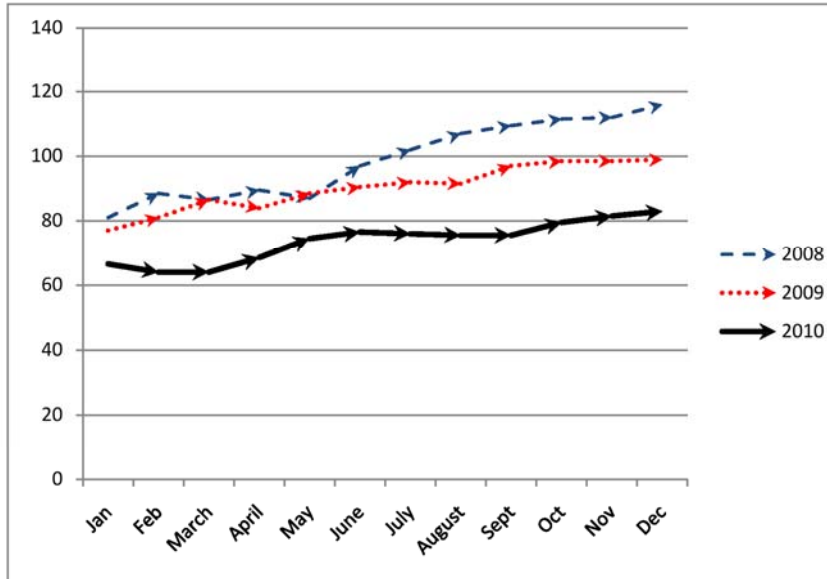
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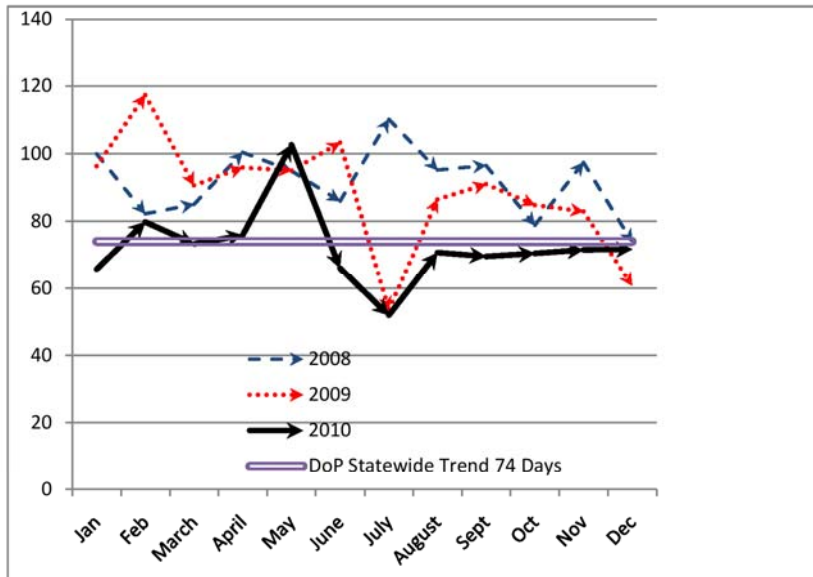
Program KPIs for Quarter ending 31 December 2010

G15. Year To Date Median days turnaround time of a DA



COMMENT: Slight increase in median turnaround over the quarter.

G16. Mean (Average) days turnaround time of a DA



COMMENT: Average turnaround times for the quarter remained below the DoP Statewide trend.

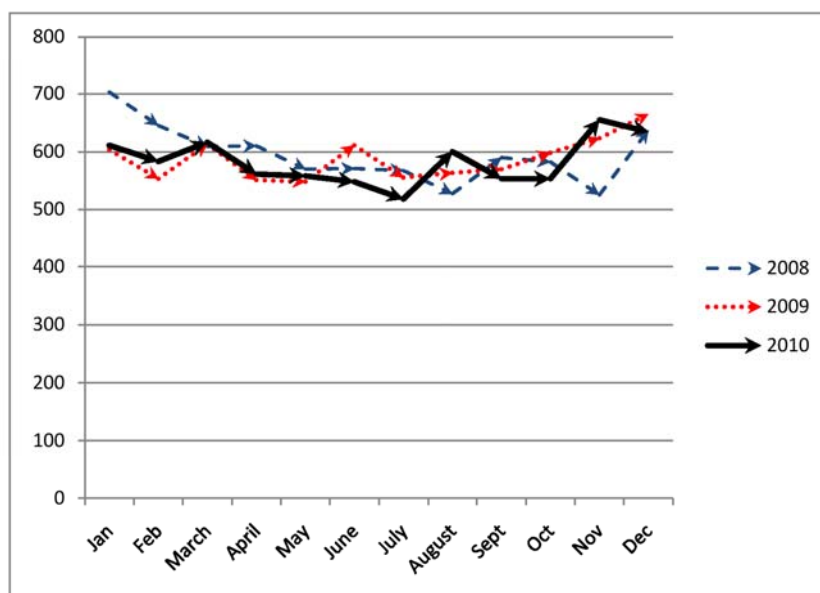
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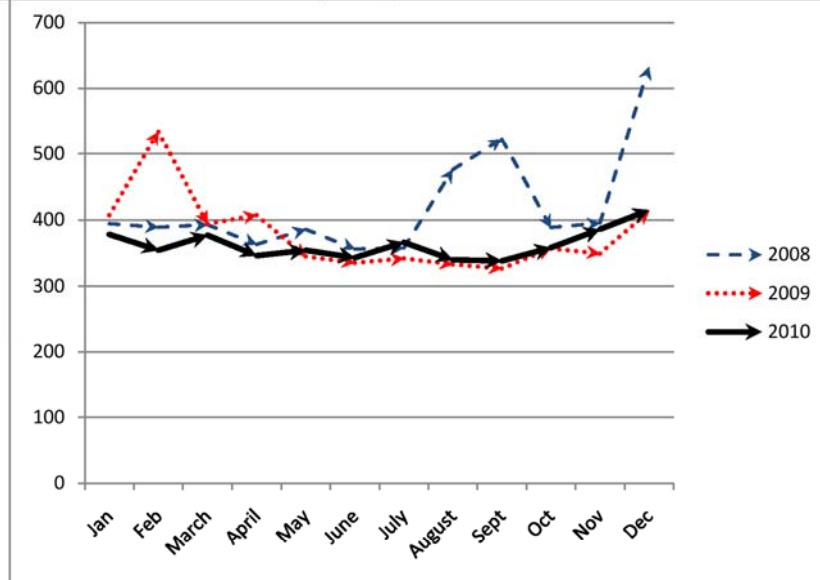
Program KPIs for Quarter ending 31 December 2010

G17. Tonnes of domestic garbage collected



COMMENT: Figures followed historical trends.

G18. Tonnes of commercial garbage collected



COMMENT: Commercial garbage collections tending upwards over the busier summer months.

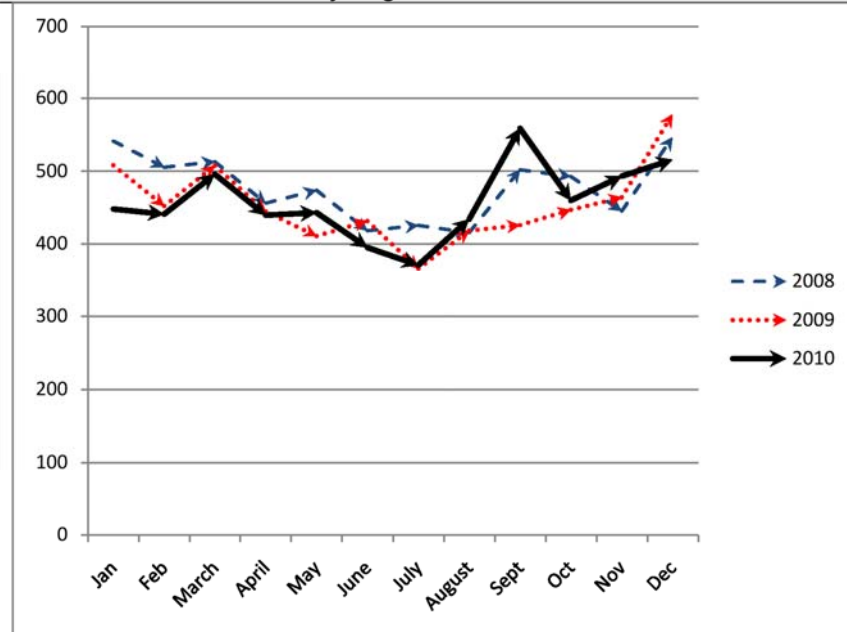
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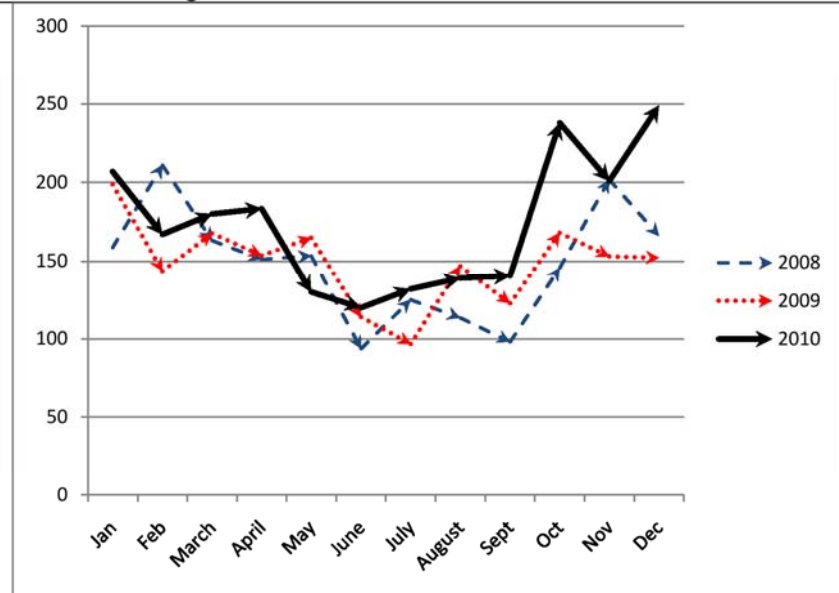
Program KPIs for Quarter ending 31 December 2010

G19. Tonnes of domestic recycling collected



COMMENT: Recycling tonnages trending up over the summer months.

G20. Tonnes of green waste collected



COMMENT: Increase in green waste collected during summer growing season.

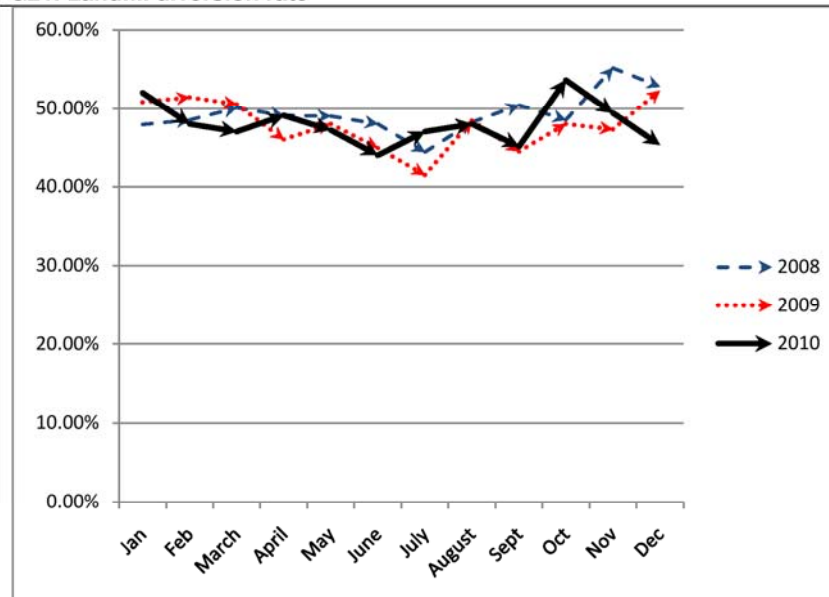
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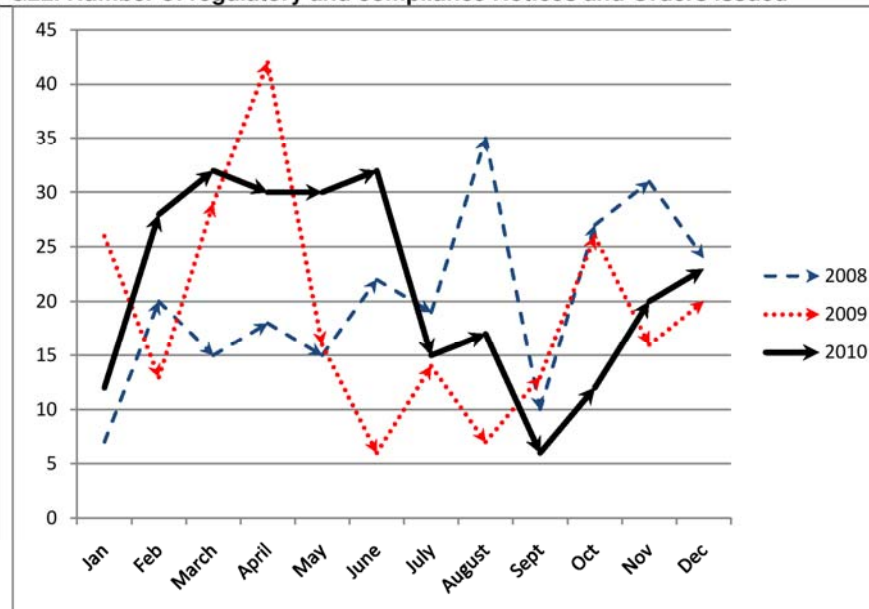
Program KPIs for Quarter ending 31 December 2010

G21. Landfill diversion rate



COMMENT: Decrease in diversion rate due to increase in domestic garbage tonnes since October.

G22. Number of regulatory and compliance Notices and Orders issued



COMMENT: Increase in Notices and Orders served due to additional inspections carried out by the compliance team.

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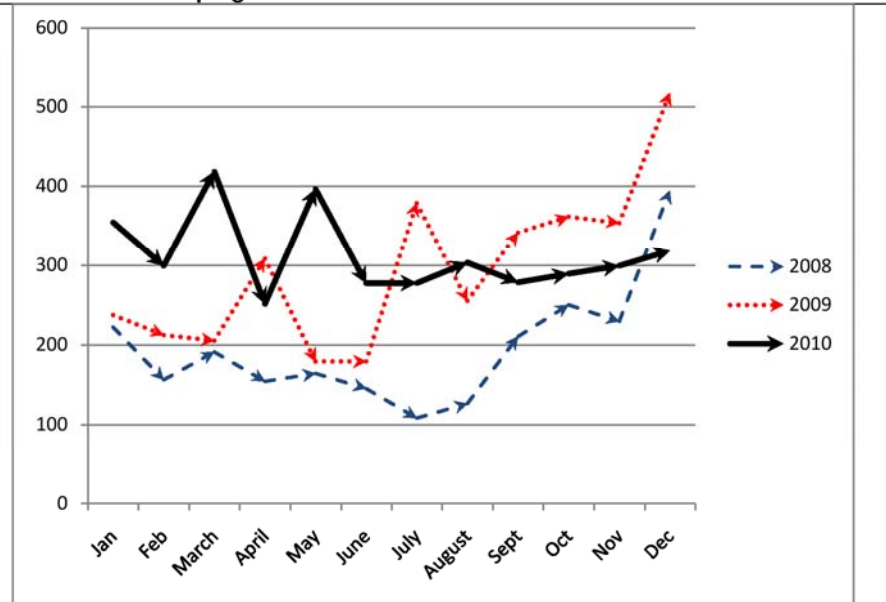
Planning And Strategy Division Report No. 3 - Quarterly Update Report on the Management Plan 2010-2013

for the period 1st October to 31st December 2010

Program KPIs for Quarter ending 31 December 2010

PROGRAM: Infrastructure Services

G23. Street sweeping – litres collected



COMMENT: Street sweeping volumes tending slightly upwards over the busier summer months.

ATTACHMENT 1

Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision Manly CBD Tramway Loop Proposal

Manly CBD Tramway Loop under consideration for Manly Town Centre Strategic Plan ("Manly 2015")

Breif Background History of Tramways in Manly

In 1888 the North Shore, Manly and Pittwater Tramway and Railway Act was passed. On 9th March 1899 the Manly to Pittwater Tramway League was established.

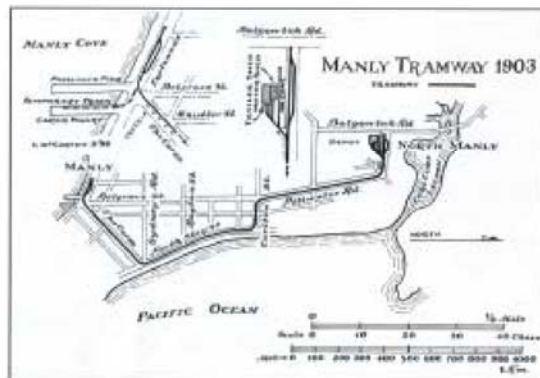
The Tramway League delivered petitions calling for construction of a tramway in the Manly-Warringah area. At the time, public works projects over 20,000 pounds in cost had to be reviewed by the parliamentary Public Works Committee and if rejected could not be proposed again for another 5 years. It was reported the Manly Tramway system was therefore constructed in stages costing under 20,000 pounds.

The initial Manly line was built in a period of rapid tramway expansion in Sydney with the tramway system then part of the NSW Department of Railways.

The first line in Manly ran from West Esplanade (near ferry Wharf) to the intersection of Pittwater and Balgowlah Road at "North Manly". The route (see drawing below) was via the Corso, North Steyne, Carlton Street, and Pittwater Road. It opened on 14th February 1903.



Steam Tram at North Manly Terminus circa 1908



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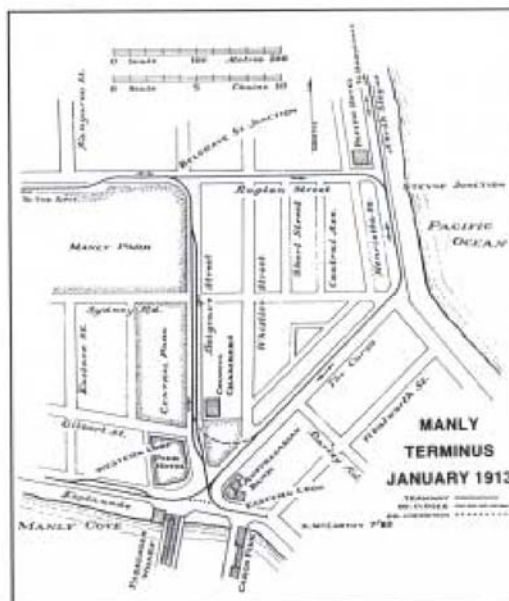
Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision Manly CBD Tramway Loop Proposal

The trams operated to connect with the ferry service. Unfortunately the patronage was found to be very seasonal and also more passengers were carried from the ferries than to them. The line was not a financial success and steam traction was replaced by a horse between July 1903 and October 1907 and the line operation given to a contractor (in lieu of Railways staff) to lower the operating costs.

Between 1901 and 1907 there was considerable lobbying from the Tramway League and Manly Council for an extension to The Spit to connect with the existing tram line back to North Sydney (*note there was no Spit or Harbour Bridge at this point*). After investigation by a parliamentary committee, resolving 4-3 to approve the line, the Spit to Manly Electric Tramway Act was passed in 1908.

In 1905 a study was made of possible routes and gradients for a tramway extension from North Manly to Newport and Bayview at Pittwater, a distance of 12 and 13 miles from Manly Wharf.

Following a promise made to Warringah Council by the Minister for Works in 1907, approval was also given to extend the Manly line to Brookvale in 1909. Although initially operated by steam trams, the track was welded, indicating the line was constructed for electric operation. The line terminated with a loop at Pittwater and Winbourne Roads.



The line to the Spit followed and the line went from the existing tracks at North Steyne via Raglan Street, then via a off road reservation around the perimeter of what we now call Ivanhoe Park to join Sydney Road at James Street, proceed along Sydney Road for a short distance and then deviating via a reservation between George Street

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Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision Manly CBD Tramway Loop Proposal

and Parkview Road before again rejoining Sydney Road. When returning from the Spit the line turned off Raglan Street into Belgrave Street to run more directly to the Wharf terminus. Thus Spit line trams initially ran on a loop around Manly town centre.



Raglan Street with Tramway circa 1913

Above Manly the Spit line travelled along Sydney Road via Fairlight, Balgowlah then turned left onto Whittle Avenue on the edge of Seaforth. It then crossed Ethel Street and ran via a steeply graded off-road reservation all the way down to a flat area near the water adjacent to the existing (later built) Spit Bridge. The section of tramway reservation just after Ethel Street was later formed into Kanangra Crescent, the remainder of the reservation generally still exists in present day reserves with possibly a short section under (later built) Manly Road.



The Corso with Electric Tram bound for Manly Wharf circa 1913

The key feature if the Manly to the Spit line were the extreme gradients requiring off road deviations (easier routes) to minimise them. E.g. through Ivanhoe Park and down

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Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision Manly CBD Tramway Loop Proposal

to the Spit. The ruling (highest) gradient of the Spit line was 1 in 15 which is very steep for a tramway or railway.

The first public electric tram to the Spit departed Manly at 7:11 am on 9th January 1911 with the official ceremony at 3:00 pm that afternoon.

In 1911 the decision was taken to extend the Brookvale Line to Narrabeen, but to keep the project under the 20,000 pound limit, the project was split into two parts with the first section ending at Collaroy Beach. The route from Brookvale was via Pittwater Road. Interestingly it was reported that to get the line built it was specified Warringah council had to do some of the grading earth works on the side of the road and improve the tourist amenities at Narrabeen Lakes. Public tramway operation to Collaroy Beach commenced with the 6:22am tram from Manly depot on the 3rd of August 1912.

Initially the service to Collaroy was hourly, with the service to Brookvale every 30 minutes. From the opening of the line to Collaroy, Spit Line trams only used Belgrave Street on the weekends to leave the single line North Steyne and the Corso section for the popular excursion services to Collaroy Beach.

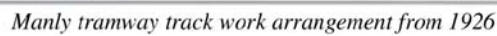
The second section extension of the line along Pittwater Road to Ramsay Street Narrabeen (Narrabeen Bridge) was opened on Monday 8th December 1913.

Due to high tramway patronage, the extension to Narrabeen, the planned extension to Newport and an expectation of the 15 minute frequency to the Spit being increased to every 10 minutes, the terminal arrangements at Manly were reviewed in 1913 and the decision was made to build a double track line along Belgrave Street to Carlton Street to replace the original loop via the Corso and North Steyne and Raglan/Carlton Streets with a loop near the Wharf on a reservation parallel to Eustace Street. The works, including the new *Belgrave, Gilbert, reservation and West Esplanade loop* were completed on 20th August 1914 and the Corso and North Steyne loop route was then abandoned.

Despite the earlier plans, other than duplications and track work rearrangements in Manly, the final extension of the Manly System was to Harbord Beach. The lobbying for this started in 1911 with the support of the Harbord Tramway League and Warringah Council. The project was delayed for many years due to high costs of the route to accommodate the gradients over the hilly terrain and questions whether sufficient patronage existed to cover operation and construction costs, given the (then) sparsely settled nature of the area. Eventually the line became a short but costly extension which opened on 19th December 1925.

The first Spit Bridge was opened in December 1924 and the Harbour Bridge opened in March 1932.

**Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision
Manly CBD Tramway Loop Proposal**



In 1932 the first government motor-bus service commenced with the route 144 from Manly, which duplicated the Spit-Manly tram line. On the 4th October 1938 the government route 150 was commenced between Palm Beach and Wynyard, which duplicated the Manly Narrabeen line between Brookvale and Narrabeen. From 3rd November 1938, Tram services on the Manly System were only operated in peak hours for commuters and on weekends for the excursion traffic. Motor-buses operated the services at other times. Finally all public Manly tram services were ended on the night of the 30th September 1939.

(The detail of the above history was compiled from the book *The Manly Lines of the Sydney Tramway System* by Ken McCarthy published by Transit Press 1995.)

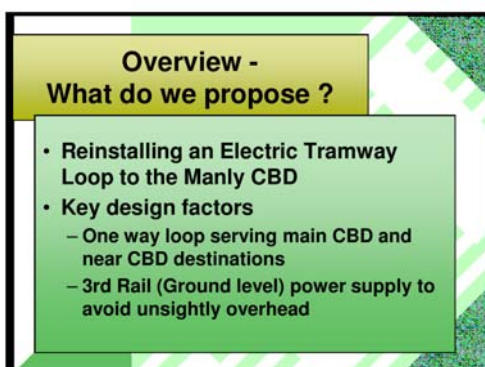
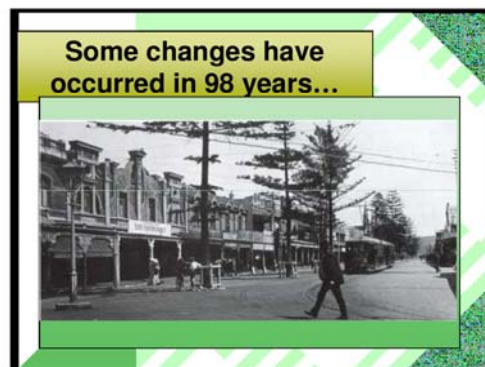
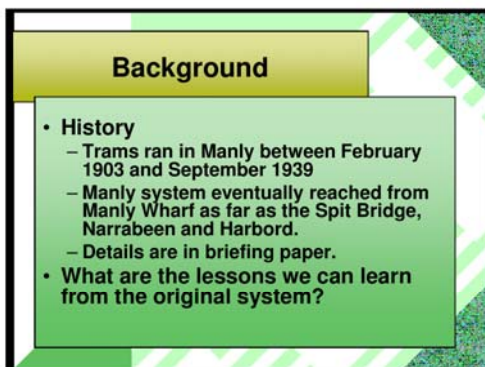
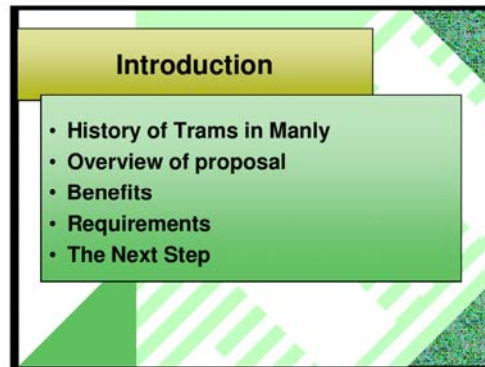
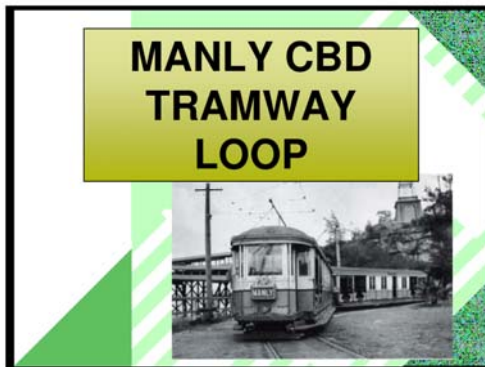
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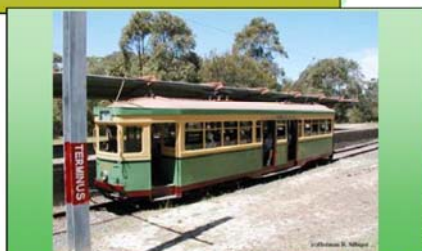


Manly Trams at Spit in October 1939 awaiting transfer back to North Sydney

HB



Vintage Corridor Tram R



Vintage Corridor Tram R1



Vintage Corridor Tram W6



Overview - What do we propose ?

- Key Design Factors (ctd.)
 - Frequent service - approx 3 km loop
 - every 5min (4 cars) or
 - every 10min (2 cars)
 - Environmentally friendly – do not use liquid fuel and could be Zero carbon emission (depending on source of electricity)

Benefits

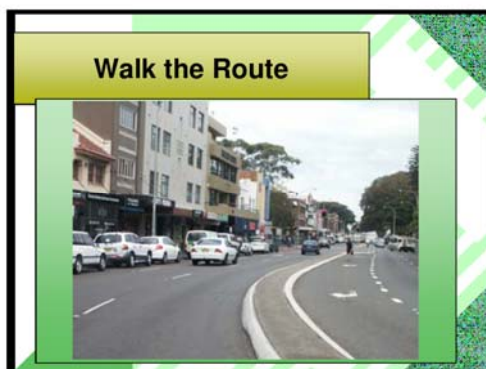
- An integrating link for
 - Manly CBD and near CBD attractions and
 - Resident and visitor arrival and departure points
 - particularly for visitors and the mobility impaired
- Flexible to meet varying seasonal passenger demand

Benefits (ctd.)

- Economical to operate
- Dual strategy of supporting proposed new Oval car park and also future feeder tram to CBD as car alternative
- Create something unique to Sydney – both practical and a new tourist attraction for Manly
- International attraction like Wellington and Stockholm heritage tram loops

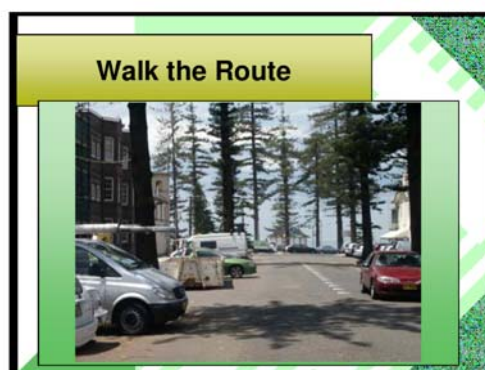
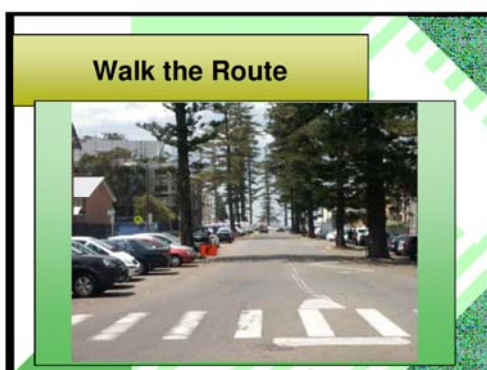
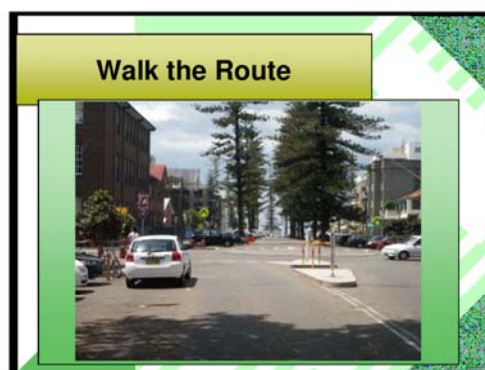
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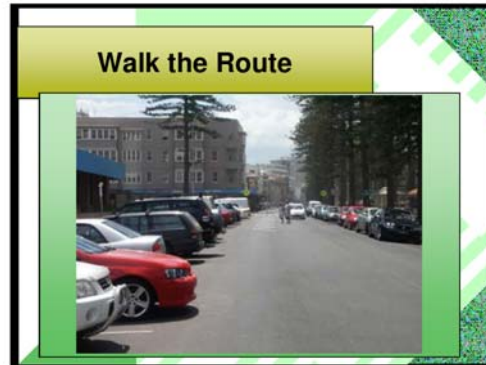
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Walk the Route



Walk the Route



Walk the Route



Walk the Route - option



Walk the Route - option



Requirements

- Cost estimates for construction based on recent Melbourne dockyard line relocation
- Identification of construction funding and timeframe
- Determine power supply technology
- Determine tram garaging location
- Determine source of trams & time

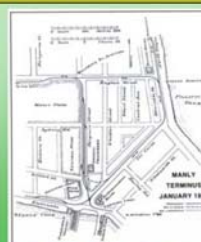
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Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision Manly CBD Tramway Loop Proposal

Next Steps

- Where to from here ?
- Community briefing and consultation
- Traffic Committee input
- Engage consultants / suitable staff
- Business Plan
- Prepare preliminary detailed costing analysis for track construction and timeframe, including volunteer input
- Prepare track layout plans for construction

Questions?



ATTACHMENT 2

Planning And Strategy Division Report No. 4 - Public Exhibition of Manly2015 Vision Manly2015 Proposed Consultation Strategy

Proposed Consultation Strategy *Manly2015*

A range of public exhibition material is currently being prepared and finalized in Council on the *Manly2015* project for exhibition planned to commence in March 2011 and conclude in November 2011. These include a Council Brochure on the Manly 2015 project, as well as posters and web-based material.

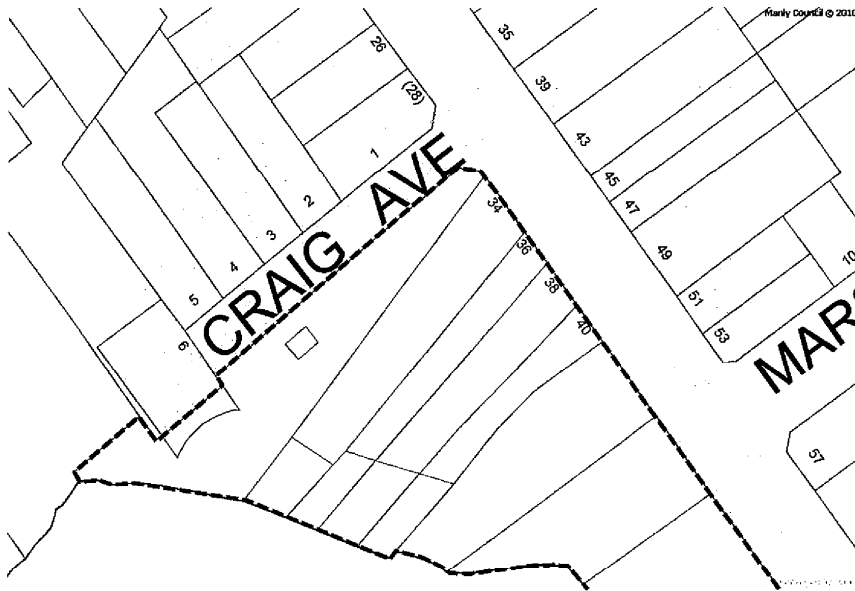
The following consultation and community engagement activities are proposed, and will be further developed by Council staff prior to public exhibition.

Citizens Panel	Representation from Community Stakeholder groups and Precincts.	Bi Monthly	<ul style="list-style-type: none"> As per Councils Special Purpose committees.
Manly CBD Corso; Balgowlah shopping centre Seaforth, Fairlight and Balgowlah Heights shops	Mixture of Council staff and consultants	One at each centre during the period from February – June 2011 Reassess need for further exhibition after this time	<ul style="list-style-type: none"> Posters and visual material; Copies of <i>Manly2015</i> Vision; Documentation of plan and concepts in key presentations; Submissions and comments invited by forms or flip charts.
Manly Council – Customer service premises, Library premises	Council staff	March – November 2011	<ul style="list-style-type: none"> Posters and models of <i>Manly2015</i> Vision; Documentation of plan and concepts in key presentations; Submissions and comments invited.
Manly Council website	Council staff	March – November 2011	<ul style="list-style-type: none"> Copies of <i>Manly2015</i> Vision; Documentation of plan and concepts in key presentations; Submissions and comments invited.
Manly Daily advertisements	Council staff	Monthly during exhibition period	<ul style="list-style-type: none"> Notice of exhibition of <i>Manly 2015</i> Vision; Exhibition proposed; Submissions and comments invited.

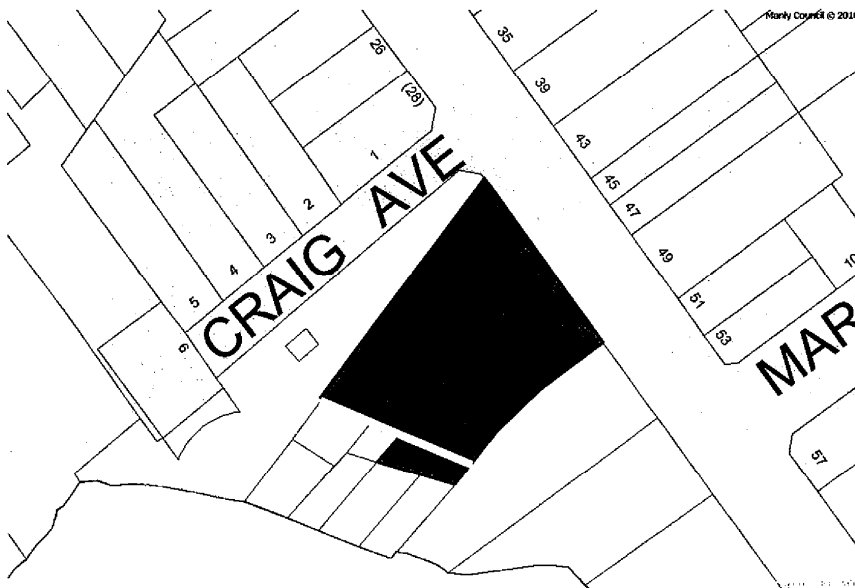
ATTACHMENT 1

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Options for Rezoning of Stuart Street - mapped

1. Council maintains the reservation for acquisition and rezones the land as RE1 Public Recreation.



2. Council proposes a change in zoning in the Draft LEP; zones land at 34-40 Stuart Street E4 Environmental Living and adopts a foreshore building line to the rear of the properties.



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Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly
Discussion Paper 2006 - Rezoning of Stuart Street Properties**



**REQUEST TO ZONE LAND CURRENTLY ZONED FOR OPEN SPACE
(ACQUISITION) TO RESIDENTIAL AT
NUMBERS 38 to 40 STUART STREET, MANLY**

DISCUSSION PAPER

INTRODUCTION

This paper has been prepared in response to Council's resolution on 13 March 2006 when dealing with a request to rezone properties Nos. 38 and 40 Stuart Street, Little Manly from Zone No 6 Open Space to Zone No 2 Residential. At the meeting it was resolved:-

"That Council defer consideration of the request to rezone properties Nos. 38 and 40 Stuart Street, Little Manly from Zone No 6 Open Space to Zone No 2 Residential for the purpose of preparing a discussion paper for community consultation covering matters such as:-

- *The history of rezoning to open space in the 1960's;*
- *Local expectations regarding rezoning;*
- *Financial arguments;*
- *Benefits/requirements for additional open space;*
- *Possible future uses if returned to open space, including benefits verses risks; and*
- *Preliminary negotiations with Mr Chapman and the Executors of No 38 Stuart Street as to the feasible width of an access corridor to the rear of their properties."*

BACKGROUND

The subject land includes properties Nos 38 and 40 Stuart Street, Manly. They are on the low side of Stuart Street where crib retaining walls separate the frontage from the roadway. They are quite level, but are more than 5m below the street and more than 2 metres above Little Manly Beach.

A concrete seawall at the rear of the properties runs for approximately 120m, stands up to 1.2 m high and separates the rear of properties from the sandy beach. It appears that this is a gravity retaining wall with an almost rectangular cross section. The wall has no drainage provisions and there is the presence of cracks and some movement is evident.

The two lots occupy a central position immediately behind the beach. They separate the boat ramp area to the west from the picnic area to the east of the Little Manly Reserve. The site is bounded on the eastern side by Little Manly Point Reserve and to the north and west by roadway and residential land. They represent a residential intrusion into the open space network of the area and separate the eastern and western ends of Little Manly Reserve.

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

MANLY COUNCIL - DISCUSSION PAPER

**Request to Zone Land Currently Zoned for Open Space (Acquisition) to Residential at
Numbers 38 to 40 Stuart Street, Manly**

WHAT WAS COUNCIL'S ROLE/VISION IN LAND ACQUISITION?

Council acquired a large section of land from the mean high water mark to the current sea wall in the mid 1970's (apparently without compensation). On 2 May 1977, Council acquired property No 34 Stuart Street Manly, which contains a listed environmental heritage item in the Manly LEP 1988. On 22 September 1998 Council acquired property No. 36 Stuart Street, Manly which is currently leased.

The two properties, 38 and 40 Stuart Street Manly, remain in private ownership. Council has previously approached the Department of Planning to seek funding assistance for the acquisition of these properties under the Sydney Region Development Fund.

HISTORY OF TITLE SEARCHES

1. The land at 38 and 40 Stuart Street has been in private ownership for 196 years, it being part of the original 100 acre grant to Richard Cheers on 1st January 1810. A copy of the Title Deed referring to the original Crown Grant is shown in **Attachment 1** marked as "Title 1". It is interesting to see the plan of the land which included 36, 38 and 40 Stuart Street and a further portion to the east of 40 Stuart Street to an alignment with Marshall Street.
2. The land in title 1 was subdivided in 1922 as shown in "Title 2". It kept the land now known as 36, 38 and 40 Stuart Street and sold off the rest of the land.
3. Title 2 was further subdivided into 3 lots (now 36, 38 and 40 Stuart Street) in January 1923 as shown in "Title 3 (for 36 and 38 Stuart Street) and "Title 4" (for 40 Stuart Street). All these titles went to the high water mark.
4. The current houses at 38 and 40 Stuart Street were built shortly after 1923. This date is important because it is after the implementation of the Local Government Act of 1919. This means that the subdivision and the approval of the construction of the current houses on 38 and 40 Stuart Street as residential properties was done with the approval of Manly Council.
5. "Title 5" shows the history of the land on the eastern end of the reserve which, as a separate lot was in private hands from October 1922 until August 1946 when it was resumed by the Council. This shows that the current reserve was created after the resumption of this land in 1946 which is 20 years after the existing houses at 38 and 40 Stuart Street were approved as residential dwellings.
6. The acquisition of the land in Title 5 by the Council in 1946 shows that the Council did not have any intention of acquiring 38 or 40 Stuart Street at that time and by not acquiring those properties further acknowledged their existence and status as residential dwellings down to the high water mark.
7. Title 3 shows that Mrs Cuthbert acquired the property (38 Stuart Street) in August 1959 well before it was rezoned.

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8. There was no consideration paid to the then proprietors of the land for the rezoning from residential to open space, presumably on the basis that the owners have the right to ask the Council to acquire the properties at full market value.
9. Title 6 shows the resumption by the Council in 1975 of the area of the three properties, 36, 38 and 40 Stuart Street, from the high water mark to the current position of the sea wall. This resumption took 30% of the land of 40 Stuart Street and 25% of the land of 38 Stuart Street. This acquisition of the land in 1975 shows that Council had no further intention to acquiring the balance of the land and recognises the continued use of the balance of the lands as residential.

WHY IS THIS AREA IMPORTANT?

1. Biodiversity

The majority of the existing open space area, whether landscaped, grassed, beach or rocky foreshore, constitutes biodiversity habitat. Furthermore, some remnant bushland along the eastern foreshore, covered by State Environmental Policy No 19 "Bushland In Urban Areas" connects Little Manly Reserve with Little Manly Point Park an important link to public land on North Head.

Two endangered populations occur near or at Little Manly Cove. These are:-

- the long-nosed bandicoot (*Perameles nasuta*) population; and
- the little penguin population (*Eudyptula minor*).

The population of little penguins at Manly is listed as endangered in Part 2 of Schedule 1 of the New South Wales *Threatened Species Conservation Act 1995* (TSC Act). Habitat for this species occurs on the foreshores of the adjoining headlands.

2. North Head Sanctuary

The subject land could be included in the public land on North Head and form part of future North Head Sanctuary. The public land includes:-

- Public Roadways
- Sydney Harbour National Park
- Quarantine Station
- Sewage Treatment Works
- Manly Hospital
- Former School of Artillery site
- North Fort Museum
- Australian Institute of Police Management
- Shelly Beach Headland
- Bower Street Reserve
- Little Manly Point Reserve
- Unnamed reserve at the eastern end of Stuart Street Manly

Manly Council is a founding member of the North Head Sanctuary Foundation and is actively pursuing integrated management and conservation of all public land on North Head for the future.

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3. Natural Heritage

The foreshores of Sydney Harbour are a listed item of environmental heritage under Manly LEP 1988. The foreshore east and west of Little Manly Cove is characterised by sandstone cliff faces and seawalls. The cliff height varies from 10 metres on the western side of Spring Cove to 6 metres on the eastern side of Little Manly Cove at the outlook. Much of the cliff line drops directly into the harbour. Wave cut platforms are developed at the base of many of the cliffs. Cliffs, platforms and coastlines add to the scenery and natural attractiveness of the area and combined with the foreshore heritage listing, support the preservation of the land for open space and recreation for current and future generations.

The marine environment of Little Manly is rated by the NSW EPA as 'extremely sensitive' (NSW EPA, 1994). It is the only area in the 'outer harbour' afforded that rating. It is also part of the expanded North Harbour Aquatic Reserve being pursued by Council with the State Government.

Environmental heritage items which are located within the study area and listed under Council's LEP 1988 and/or Sydney Regional Environmental Plan (SREP) (Sydney Harbour Catchment) 2005, include all of the following:-

- The harbour foreshore.
- A swimming enclosure located on the eastern side of Little Manly Beach.
- Little Manly Cove Pool, Stuart Street.
- Site and remains of harbour side pool and steps, Stuart Street (located on the eastern side of Little Manly Point).
- "Site of Gasworks" at Little Manly Point (bounded by Carey and Stuart Streets).
- The old stone seawall at Little Manly Point.
- The old cottage adjacent to the Little Manly Cove boat ramp and boat shed at 34 Stuart Street Manly.

4. Values

The following are the main values as identified in the Little Manly Coastal Management Plan:-

- Aesthetic values associated with landscape and physical characters including the beach, cliff lookouts, grassed reserve and bush areas in addition to the coastal/estuary foreshore and harbour views.
- Ecological values associated with the presence of critical habitat for the endangered population of little penguins in addition to different fish species identified in the Little Manly area.
- Biophysical values associated with the natural bushland, seagrass and threatened species.
- Cultural values associated with the area's indigenous and non-indigenous heritage.
- Accessibility values associated with convenient access to all public areas.

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- Recreational and lifestyle values associated with a safe, healthy and enjoyable environment for all users, visitors and local residents. Boating, wind surfing, canoeing, kayaking, out rigging and surfboat activities are also popular activities in the area beside SCUBA Diving & Snorkelling.

Acquisition of the two lots provided an opportunity to strengthen the natural values.

Rezoning to residential would prevent consolidation of the open space and habitat values associated with the coastline areas.

**HOW DO WE UNDERSTAND THE HISTORY OF REZONING TO OPEN SPACE IN
THE 1960'S?**

- Under the County of Cumberland Planning Scheme Ordinance, (27 June 1951), the land was identified as part of the Parks and Recreation Areas, Foreshore Reservation, and Places of Natural Beauty or Advantage.
- Under Manly Planning Scheme dated 20 December 1968 the land was identified as Open Space Public Recreation Area Foreshore Reservation.
- In accordance with Manly LEP 1988, the land is currently zoned Open Space 6(a) (to be acquired by Council) and falls within the Foreshore Scenic Protection Area (Council will not grant consent to the carrying out of any development unless is satisfied that the development will have no detrimental effect on the area). Further the whole area is identified as an environmentally sensitive area. The area has been identified as existing open space, except for Nos 38 and 40 Stuart Street which are identified as open space to be acquired.

WHAT ARE LOCAL EXPECTATIONS REGARDING REZONING?

The two properties are significant in terms of providing connectivity between the Little Manly boat ramp and surrounding land and Little Manly Reserve. Retaining the current zone provides Council, or State Government with the opportunity to acquire the land to provide a more holistic and connected reserve system in the area, with greater public access to the foreshore.

Residents on the high side of Stuart Street have on various occasions objected to the rezoning of the subject land to Residential. The owners of the subject properties (Nos 38 and 40) consider that the current zone is a cause for uncertainty, stress and anxiety and the acquisition of their properties is neither necessary nor practical to meet the goal of the Little Manly Coastal Management Plan or any other plan. They argue that the continued use of properties Nos 34, 36, 38, and 40 for residential justifies the rezoning to residential or that part of the land occupied by houses. They at least question whether acquisition will achieve any improvement to the area.

From the zoning history it can be understood that the owners of these properties have been aware that the land was zoned and earmarked for acquisition as open space for a considerable period of time. However, 38 Stuart Street was acquired long before the re-zoning took place and since then both properties have dedicated land to Council apparently without payment of any compensation.

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ARE THERE ANY BENEFITS/REQUIREMENTS FOR ADDITIONAL OPEN SPACE?

Manly LEP 1988 objectives for the Open Space zone include:

- (a) *to ensure there is provision of adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environmental quality of the Manly Council area;*
- (b) *to encourage a diversity of recreation activities suitable for youths and adults;*
- (c) *to identify, protect and conserve land which is environmentally sensitive, visually exposed to the waters of Middle Harbour, North Harbour and the Pacific Ocean and of natural or aesthetic significance at the water's edge;*
- (d) *to facilitate access to open areas, particularly along the foreshore, to achieve desired environmental, social and recreation benefits;*
- (e) *to conserve the landscape, particularly at the foreshore and visually exposed locations, while allowing recreational use of those areas;....*

Sydney Regional Environmental Plan, (SREP) (Sydney Harbour Catchment) 2005 states the land is within the Foreshore and Waterways Area. The requirements of the SREP for land within this area include the following:

- (a) *development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*
- (b) *public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*
- (c) *access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*
- (d) *development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,*
- (e) *adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses,*

Furthermore, the subject land is part of foreshores adjacent to Zone No W2 – Environmental Protection of the SREP. The objectives of this zone seek to prevent damage or detrimental impacts to the natural and cultural values of waters and adjoining foreshores and to give preference to enhancing and rehabilitating these values.

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The Ministerial Direction No 26 issued under section 117(2) of the Environmental Planning and Assessment Act, 1979 with regards to Special Area Zones and Reservation Zones states inter alia:

"(1) A draft Local Environmental Plan shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director-General."

The Little Manly Coastline Management Plan provides further support for the acquisition of land at Nos. 38 and 40 Stuart Street, Little Manly and its preservation under the current Open Space Zone. A masterplan (The Little Manly Reserve Masterplan) has been developed in response to the community needs as identified in the Little Manly Coastline Management Plan.

From the above it could be concluded that all planning instruments require the retention of the current zone as a safeguard to protect the environmental sustainability of the area. The subject land is significant in terms of providing connectivity between the Little Manly boat ramp and surrounding land and Little Manly Reserve. Acquisition of all of these lands would provide only a more holistic and connected reserve system in the area, including North Head, with greater public access to the foreshore.

Acquisition of the rear part as suggested by the owner of No 40 Stuart Street would provide a partial solution which may need to be supplemented by further acquisition and preservation at a later date.

POSSIBLE FUTURE USES IF RETAINED AS OPEN SPACE, INCLUDING BENEFITS VERSUS RISKS

The Little Manly Coastline Management Plan proposes that once these two properties are acquired, Council could convert each property, along with those already acquired by Council, to form part of the Little Manly Cove open space system classified as community land. In which case, their use and management would be governed by the Management Plan. Should this management option be adopted, it would be appropriate for numbers 34 and 36 (already owned by Manly Council – classified operational), to be reclassified as community land also.

Furthermore, there is a clear basis to add the Little Manly Cove area open space system to the North Head Sanctuary, for its natural significance and connectivity although it has different land tenure. A Council report on the North Head Sanctuary proposal indicates that there is no legal barrier to the creation of a sanctuary on North Head, potentially including all of the Crown land and the land held by Manly Council.

OTHER ISSUES

Climate change

It is now widely accepted that climate change is occurring and will have long-term impacts. Although the rate of impact is still the subject of much of research, the local community is expressing concerns over the related risks caused by expected future sea level rises in Manly Cove. In acquiring these properties Council will assume responsibility for any and all subsequent environmental impacts.

ATTACHMENT 2

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PRELIMINARY NEGOTIATIONS WITH MR CHAPMAN AND THE EXECUTORS OF NO 38 STUART STREET AS TO THE FEASIBLE WIDTH OF AN ACCESS CORRIDOR TO THE REAR OF THEIR PROPERTIES.

Previous discussions regarding the acquisition of the land have suggested that one of the options available to Council is to acquire the rear (harbour front) of these properties for conversion into public lands. This would enable the existing houses to continue to enjoy their position while improving public access to the foreshore and connectivity between the two sections of reserve. It was suggested that re-zoning the developed land from Open Space to Residential could be used as a negotiating point. The request for the re-zoning by the property owners, which gives rise to the preparation of this Discussion Paper, is predicated on the basis of a dedication of land for Open Space Reserve purposes in return for a rezoning of the residual land occupied by the existing dwellings.

THE FINANCIAL IMPLICATIONS?

Acquisition of the land will be a costly exercise.

It is incumbent on Manly Council to buy at "market value". This could well be in the range of \$6 Million to \$8 Million. Refer to **Attachment 2** (Objects of Land Acquisition (Just Terms Compensation Act)).

While the value of the land is debatable, the acquisition would prove to be a significant financial burden to Council. Council has approached the Department of Planning to seek funding assistance for the acquisition of these properties. On 20 October 1999, the Department was in favour of acquisition, providing Council fulfilled its previous commitment to review the open space reservation affecting private land holdings fronting Middle Harbour, off Gurney Crescent, Seaforth. This review was carried out. Council then wrote to the Department in 2003 emphasising that the land in Stuart Street was of regional open space significance and the State should acquire the land for regional open space. The Department replied to the effect that it did not agree with Council's assessment of the land being of regional significance. However, it is given the highest landscape character rating (1) in Sydney Harbour Catchment Regional Environmental Plan 2005 and the Departments view is questioned.

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PUBLIC POLICY FRAMEWORK

Local Perspective Eastern Hill (tends to be narrowly focussed)	Broader Perspective (seen in the context of Council overall responsibility) LGA Wide	Cost/Benefits
Goals Objectives ↓ <ul style="list-style-type: none">• Amenity• Recreational• Environmental	Environment Social Financial (Economic) ↓ <ul style="list-style-type: none">• Equity• Fairness• Sustainability * * Independent Inquiry into Financial Sustainability of NSW Local Government	 ↓ <ul style="list-style-type: none">• Corporate Perspective• Competing Interest and Priorities• Who Benefits• Who pays• Cost Shifting Local/State/Federal responsibilities

LOCALISED PERSPECTIVE

In looking at the goals and objectives as enunciated in the various documents pertaining to the subject properties, it is clear that acquisition of the subject land is desirable. There is perhaps a question as to how much of the subject land is needed, particularly in the context of the Manly Local Environmental Plan (LEP) and/or the Sydney Regional Environmental Plan, when one considers that there is no partial dedication option on offer as an alternative to the total acquisition option.

The Manly LEP talks about the provision of **adequate** Open Space and the Sydney Regional Environmental Plan talks about protection maintenance and enhancement of natural assets off Sydney Harbour and public access **to and along the foreshore** being increased, maintained or improved. **Attachment 3** to this report shows the subject land in relation to all of the public land nearby and linking to North Head. Obviously in percentage terms it is a very small area and the question of adequacy goes to whether or not the present beach space, reserves space and open space is meeting community needs now and in the future. Other than for the boating activities associated with the boat ramp, generally speaking the beach and reserve at Little Manly are more than adequate for current demand.

In relation to the point raised in the Sydney Regional Environmental Plan regarding access along the foreshore, the proposal from the owners of 38 and 40 Stuart Street, Manly is in fact a proposal that would increase and improve access along the foreshore in that it is proposed that an area above the seawall would be dedicated (at no cost) to link the boat ramp end and the kiosk end of the reserve.

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In terms of adequacy, the most pressing demand is likely to be in relation to future boating activities associated with the boat ramp. Council will be aware that in the past there have been difficulties, particularly with disturbance to residents in Craig Avenue associated with the boat launching and retrieval activities.

Council is about to further upgrade the boat ramp and it can be reasonably expected that this demand will continue. It is interesting to note that the boating activity in general does not add to the demand or need for additional reserve space as most of the people who launch their craft then depart to other areas for their recreational activity. The demand is and will be for additional parking for their vehicles and trailers.

The question arises as to whether Council should promote a modest incremental change to the present circumstance by improving foreshore access along the back of the beach above the retaining wall or whether acquiring and removing the subject properties will create additional demand pressures with consequential amenity issues.

COST BENEFIT ANALYSIS

A judgement needs to be made in relation to the merits of acquiring these additional properties at Little Manly, particularly in relation to who pays and who benefits. Is the issue about access along the foreshore or is it a need for more open space area. The owners of the subject property are apparently prepared to dedicate a further area for the purpose of foreshore access behind the sea wall. This would provide the east west link for a generous foreshore pathway. In terms of the present utilisation of the reserve around the Kiosk, there is no current evidence that the reserve does not meet demand, particularly as the majority of people visiting the area prefer to use the beach for their activities. The existing reserve space has a very low utilisation with most people preferring the beach space. Refer to **Attachment 4** Survey of Beach and Reserve Usage, submitted by Mr. Chapman, owner of 40 Stuart Street.

In terms of east west connectivity, a pathway above the seawall would provide the opportunity for people to move around the area commencing at the boat ramp at the end of Craig Avenue along the foreshore and up over Little Manly Point and then connect into the Sydney Harbour Foreshore Park.

WHO BENEFITS?

Perhaps the greatest beneficiaries will be the people who live directly opposite the properties in Stuart Street and it should be noted that ground level of the subject properties (38, 40 Stuart Street) is some five metres below Stuart Street and hence, impact relatively modestly on those properties above Stuart Street to the north.

Others to benefit would include those people who would want to walk along the reserve above the retaining wall, as distinct from those who are happy to walk along the beach. The people who are doing the walk from Manly to North Head (or vice versa) frequently use Stuart Street as the most direct route. However, for a foreshore experience a path above the retaining wall would be adequate for their needs. Other people who are desirous of a park experience will probably find Little Manly Point with its walkways, playground, BBQ facilities and parking facilities perhaps more attractive than open space across the road from residential property.

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Others to benefit would potentially be recreational boat users who in many instances are from outside of the Manly area. The boat ramp at Little Manly is one of the few boat ramps in the outer harbour area and in this regard is a regional facilities. There may be pressure to extend and expand out from the ramp if and when the area becomes vacant. There is also the question of the future use of the Heritage Listed cottage at 34 Stuart Street and its role within the reserve. What community purpose will it serve within a "reserve" context as distinct from the present residential environment.

WHO PAYS?

In terms of who pays, even though the boat ramp is a regional facility, approaches previously made to the State Government to acquire the subject properties have not been successful and they have indicated that they do not regard the subject land as regionally significant.

In the context of who pays, it is evident that the ratepayers of Manly will need to pay for the acquisition and in terms of quantum, it should be noted that the cost of purchasing these properties on Little Manly Beach will far exceed the cost of any capital project ever undertaken by Council. It will exceed the cost of the promenade works which have been done between the North Steyne Surf Pavilion and the South Steyne Surf Pavilion. It will exceed the amount that Council has committed to the upgrade of The Corso and it will greatly exceed the cost of an East West Cycleway Link, a new level on the Manly Library Building. It is likely to cost more than it would to acquire the Seaforth TAFE site and use it for community purposes or to create a park or car parking.

TIMING

At the present time, because one of the subject properties is in an Estate and because the other property owner has made an approach to Council, there seems to be an opportunity for Council to negotiate on these two sites with a view to acquiring a strip of land on the rear of these properties to provide an east west foreshore link. Once the property passes from the Estate and unless Council is prepared to buy that property now, it may be that the new owner of that property chooses not to trigger the acquisition process, in which case Council will continue in the present status of the land whereby there is no foreshore access across the rear of the subject properties and that this could continue indefinitely perhaps another 20/30/40 years.

The alternative is to negotiate with the owners of the two remaining properties and attempt to have them dedicate an appropriate corridor of public land across the rear of their properties at no cost.

**CHANGED CIRCUMSTANCES SINCE THE ORIGINAL ZONING FOR OPEN SPACE
ACQUISITION**

At the time these properties were originally zoned for acquisition, Little Manly Point was privately owned. Since that time Little Manly Point has been acquired by the State Government. The site was remediated and extensively landscaped and dedicated to Manly Council as a reserve. This has given the area a significant increase in recreational space.

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LETTER FROM SOLICITORS ACTING FOR THE OWNERS OF 38 STUART STREET

Council has recently received advice that this property is now in the Estate of the former owner and that the property is to be disposed of to settle the estate. The solicitors ask Council to indicate whether they wish to acquire the property at market value at this time.

The alternative would be that if Council does not proceed to acquire the property now, it could/would be sold on the open market and a new owner could "sit tight" indefinitely.

The compensation for acquisition is as per **attachment 2**.

Note: That unless Council comes to some arrangement with the owner of Number 40, that owner could sit tight indefinitely as well, thus precluding access along the reserve above the retaining wall.

SUMMARY OF ISSUES

1. Is there a need for acquisition of the subject property in terms of additional Open Space area and for foreshore access.
2. Can Council afford the acquisition. Is it a cost the Council should bear?
3. Are there other higher priorities or will other priorities suffer.
4. Under the full acquisition strategy, there is no community benefit until all the properties are acquired (no access along the foreshore above the seawall can be established until all properties are acquired).
5. If the owners of the above properties were prepared to dedicate land above the seawall in return for rezoning, the foreshore access could be established in a relatively short time (months not years).
6. Does the additional benefit that would come from full acquisition of the subject properties justify the multi-million dollar cost over and above the no-cost option.
7. As the reason for acquisition is of environmental, regional and state significance, should Council make further representation for funding from the State Government?

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

MANLY COUNCIL - DISCUSSION PAPER

**Request to Zone Land Currently Zoned for Open Space (Acquisition) to Residential at
Numbers 38 to 40 Stuart Street, Manly**

CONCLUSION

Based on the fact that this acquisition is:-

1. partly motivated by coastline management and climate change impacts;
2. integral to regional facilities and open space improvement, both in terms of boating, recreational facilities and as a buffer zone to the Sydney Harbour National Park;

RECOMMENDATION:

1. That Council make urgent representation to the State Government, via the Local State Member, for funding to acquire the subject properties.
2. That Council approach all the major political parties seeking a commitment to fund the acquisition of the remaining properties on the basis that Council has already acquired 50 percent of the designated land for acquisition.

* * *

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

Attachment 1
Title 1


(C.)

New South Wales.

(Order N° A. 3844)
(Received after transfer N° A. 3843)

REGISTER BOOK.
Vol. 2348. Folio 22

[App. No. 13323] _____
[Reference to last business] _____
[Vol. 1986] _____ Folio 139 _____



in private ownership
part of the original CHEERS Estate

36/38/40 Stuart St.

Nathan Harry Mandelson of Manly Licensed Practitioner, Esq.


whereof of business of Title Volume 1986 Folio 139 now transferred as to Records after transfer N° A. 3843 is now the proprietor of one Estate in fee simple

subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified herein, in that piece of land situated in the Municipality of Manly, Parish of Manly Cove, and County of Cumberland containing Three acres or thereabouts as shown on the Plan hereon and the same being and being also shown on the Plan lodged with Application N° 13323 being part of a Reserve Portion of the Parish of Manly and also part of one hundred acres determined by the Public Map of the said Parish deposited in the Department of Lands originally granted to Richard Cheers by Crown Grant dated the first day of January One thousand eight hundred and ten

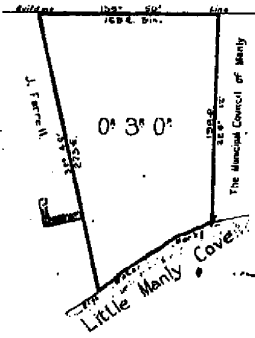
In witness whereof, I have hereunto signed my name and affixed my Seal, this Sixth day of March one thousand nine hundred and thirteen

Signed the 6th day of March 1913,
In the presence of W. Deane

W. Deane
Deputy Registrar General



Stuart St



SCALE 2500 ft to an inch

NOTIFICATION REFERRED TO.

121028 MORTGAGE dated 11 April 1913
of the said Nathan Harry Mandelson
to the Commonwealth Bank of Australia
of New South Wales
and entered 17 April 1913
at 5:30 o'clock in the PM noon

W. Deane
REGISTRAR GENERAL

11516 DISCHARGE of within Mortgage
No. 121028 dated 11 April 1913
Produced 22 September 1913 and entered
22 September 1913
at 6:30 o'clock in the PM noon

W. Deane
REGISTRAR GENERAL

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

Title 2 A.

Appn. No. 13323
Reference to last Certificate
Vol. 2349 Fol. 22

New South Wales.

[CERTIFICATE OF TITLE]
Order N 535 125
Given after Transfer N 535 125
Register Book
Vol. 3373 Fol. 151

CANCELLED

Nathan Henry Handelson's Manly Land Report by virtue of Certificate of Title Volume 2349 Folio 22, now recommended as to be transferred to the said N 535 125 as now the proprietor of said estate in fee simple subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens and interests, as are notified hereon, in Three pieces of land situated in the Municipality of Manly Parish of Manly Cove and County of Greenfield containing as shown in the Plan hereon and therein edged red, being part of a Reserved Portion of the Rural Pasture Estate and also part of one hundred acres situated in the Public Trust of the said Parish, in the Department of Lands originally granted to Robert Henry Bay by Colonial Grant dated the first day of January one thousand eight hundred and ten

NOTE
10th day of October 1923
* Seal down 1923
Registrar General
This lot equals 36/38/40 Stuart St and lot excised Refr Vol 3373 Folio 119 attach (B)

In witness whereof, I have hereunto signed my name and affixed my Seal, this
Signed in the presence of L. Henry

Stuart St
Marshall St
Little Manly Cove

997-10K

No. A 275370 TRANSFER dated 17th July 1923
from the said Nathan Henry Handelson to
Thomas Alexander Ballantine and wife
Anderson, Ballantine and wife (joint tenants)
of the land within described
10 acres in the said Manly Parish
GIVEN after Transfer N 535 125
Vol 3373 Fol. 151
REGISTRAR GENERAL

No. A 2666 TRANSFER dated 19th October 1923
from the said Nathan Henry Handelson to
Miss Ramsay Campbell
of the land within described
Produced and delivered 6th December 1923
at 10 o'clock in the fore noon
GIVEN after Transfer N 535 125
Vol 3373 Fol. 151
REGISTRAR GENERAL

No. A 2338 TRANSFER dated 14th January 1924
from the said Nathan Henry Handelson to
Thomas Alexander Ballantine and wife
of the land within described
Produced and delivered 14th March 1924
at 11 o'clock in the fore noon
GIVEN after Transfer N 535 125
Vol 3373 Fol. 151
REGISTRAR GENERAL


ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

Attachment 1
Title 2 (B)

Appn. No 13323
References to last Certificate
Vol. 2346 Fol. 22

New South Wales.



REGISTER BOOK,
Vol. 3373 Fol. 119

ON 1/304765

S
GRN

SARAH EMILY CONSTANCE CODEN of Kudgee, Spinster, Transfers under Instrument of Transfer from Nathan Harry Mendelson No. A.855124 is now the proprietor of an Estate in Fee Simple, subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, claims and interests, as are notified hereon, in that piece of land situated in the Municipality of Manly Parish of Manly Cove, and County of Cumberland containing as shown in the Plan heron and therein edged red, being also shown in plan annexed to the said Instrument of Transfer No. A.855124 being part of a Reserved Portion of the Bassett Darley Estate and also part of 100 acres delineated in the Public Map of the said Parish in the Department of Lands originally granted to Richard Sheers by Crown Grant dated the first day of January One thousand eight hundred and ten.

In witness whereof, I have hereunto signed my name and affixed my Seal, this 10th day of October 1932

Signed in the presence of

* *Arthur* 1932
Registrar General. *incised from 36/3/40*

Stuart Street

Marshall St

Little Manly Cove

Lot 1
D.P. 304765

abolition referred to

No. A. 700236 MORTGAGE dated 12th February 1932 from the said Sarah Emily Constance Coden To the Manly Building and Investment Society No. 35

Produced and entered 14th February 1932 at 10 o'clock in the afternoon.

Arthur
REGISTRAR GENERAL

No. 0. 200212 DISCHARGE of within Mortgage No. A. 700236 dated 12th February 1932 Produced 14th February 1932 and entered at 10 o'clock in the afternoon.

Arthur
REGISTRAR GENERAL

No. 0. 200212 DISCHARGE of within Mortgage No. 0. 200212 dated 21st August 1931 Produced 19th October 1931 and entered at 11 o'clock in the afternoon.

Arthur
REGISTRAR GENERAL

No. 0. 700229 MORTGAGE dated 11th August 1931 from the said Sarah Emily Constance Coden To the Manly Building and Investment Society No. 35

Produced 14th February 1932 and entered 14th February 1932 at 11 o'clock in the afternoon.

Arthur
REGISTRAR GENERAL

Street
St
Refer
Vol
3373
Folio
151

TITLE 3

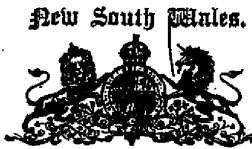
[illegible]

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly
Discussion Paper 2006 - Rezoning of Stuart Street Properties

This deed is cancelling and Certificate of Title issued.
 Vol 12-772 Fol. 172 dated 10/1/76
 66-51A D 520897
 [Signature] [Seal]

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly
Discussion Paper 2006 - Rezoning of Stuart Street Properties

Appn. No. 13323 _____
Reference to *last certificate*
Vol. 3373 Fol. 151 _____



[CERTIFICATE OF TITLE.]

REGISTER BOOK,
Vol. 3525 Fol. 70

NAME: Ed W

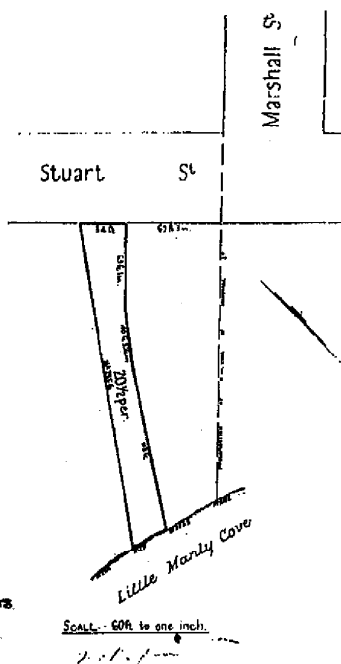
Alfred Ramsay Copeland of Brow's West. Sparader Transfer under Instrument of Transfer from Nathan Harry Mandelhorn N.B. 1184 is now the proprietor of an Estate in fee simple subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests, as are notified hereon, in — That piece of land situated in the Municipality of Manly — Period of Manly Cove — and County of Southland containing Twenty and one half acres — or thereabouts, as shown in the Plan heron and thereon edged red, being part of a Twelve and one half Acres of the Ramsay Estate and also part of One hundred acres delineated in the Public Map of the said Parish in the Department of Lands originally granted to Richard Bruce by Crown Grant dated the First day of January one thousand eight hundred and ten —


In witness whereof I have hereunto signed my name and affixed my Seal, this

Signed in the presence of *J. J. J. J.*


6th day of November 1941

Registrar General,



No. D. 335743 APPLICATION BY TRANSMISSION
Joseph William Goodwin of Green Lake
County, Wisconsin, and Henry Goodwin of
Green Lake, Wisconsin ¹⁸⁵³ are the ¹⁸⁵³ Proprietors
 of the land within described in pursuance of the above
 Application Produced 7/4 Acres ¹⁸⁵³ and
 entered 14th December ¹⁸⁵³ at
St. Louis in Mo. ¹⁸⁵³
Wm. W. Allen
 REGISTRAR GENERAL


No. 115 RECEIVED CAVEAT dated 17th December 1944
by the Registrar General.
Produced 17th December 1944 and
entered in the records 1944
at 1.30 clock in the noon.
17th Dec 1944
REGISTRAR GENERAL



The within Causal No. P 3357A H is
Dated 15th February 1917.

[Signature]
REGISTRAR GENERAL

[Circular Stamp]

No. 4246 TRANSFER dated 12 December 1942
from the said Joseph Clifford Dawson and Julia
Stegenth to the said Joseph Clifford Dawson
..... of the kind within describe
Produced 12 January 1943 and ordered 16 February 1943
at 2 o'clock in the in all.

4246

REGISTRAR GENERAL.

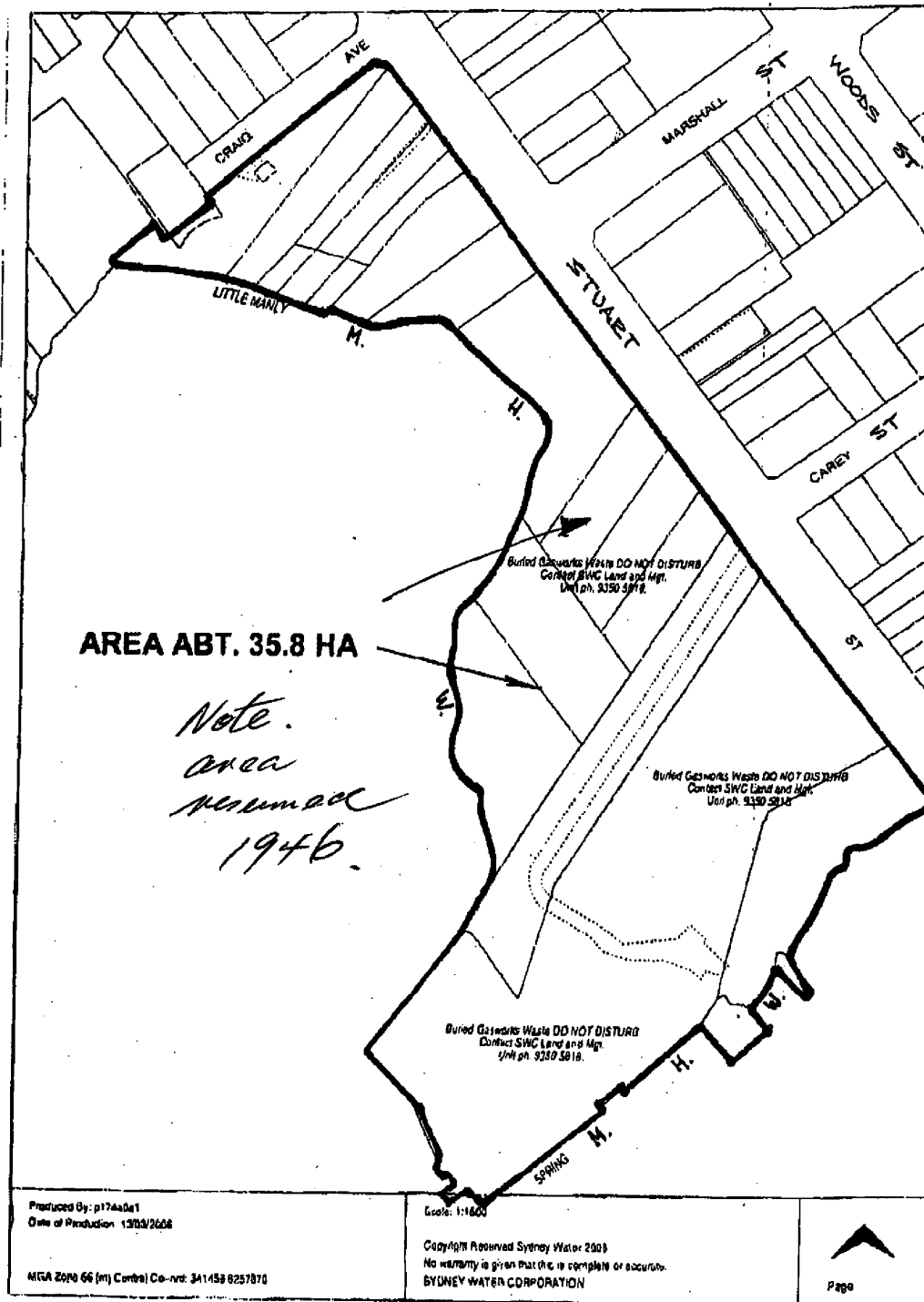
REGISTERED
1943
12 Dec 1942

D33-123 TA 7
if pmt 1

612065 TAP

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties



Attachment 2



New South Wales Acts (Point-in-Time)

You are here: AustLII >> Databases >> New South Wales Acts (Point-in-Time) >> Land Acquisition (Just Terms Compensation) Act 1991

[Table of Provisions] [Previous] [Next] [Versions] [Current] [Commencement]

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Select Date:

Year Month Day

2005 07 01

3 Objects of Act

Working Date: 1 July 2005

[View](#)

3 Objects of Act

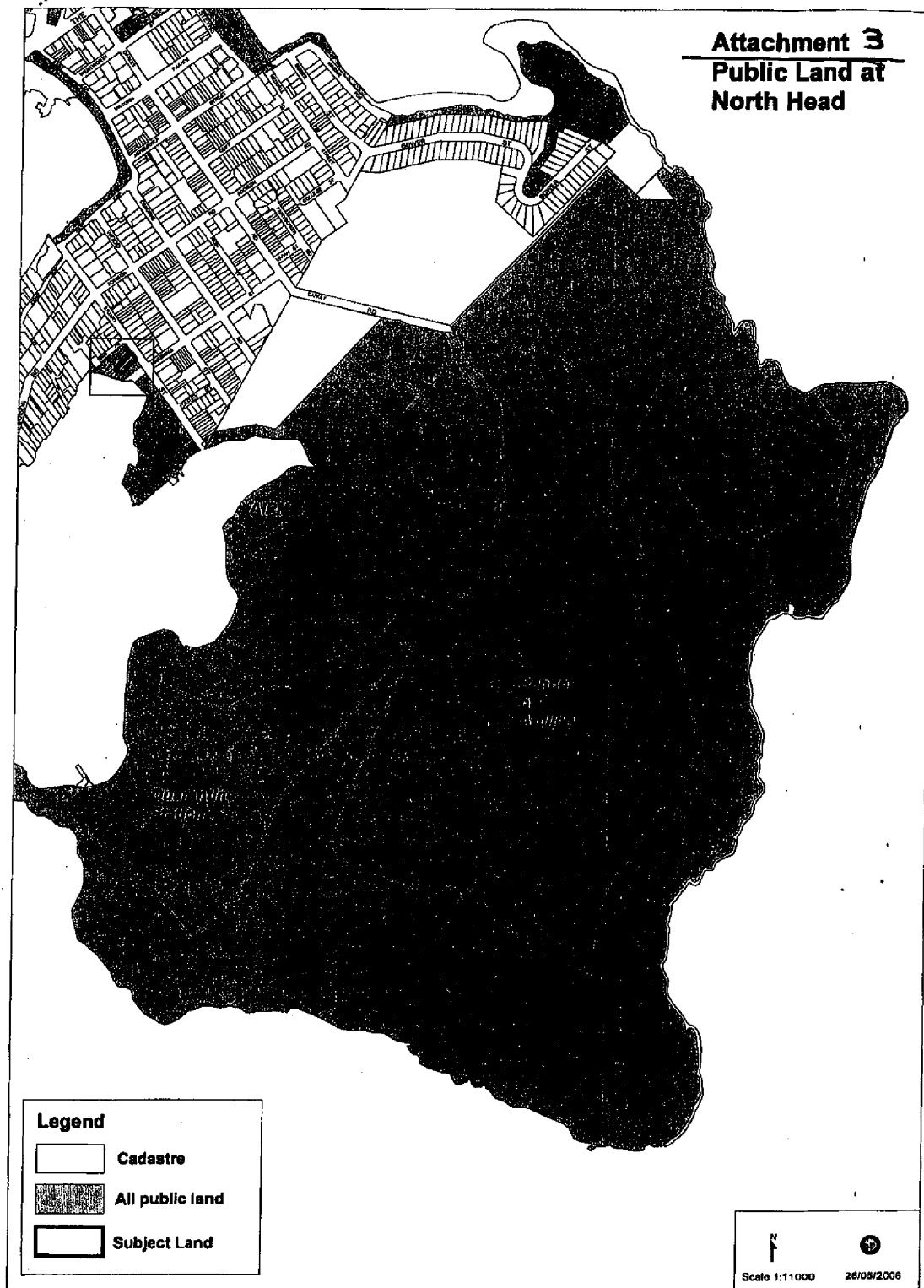
(1) The objects of this Act are:

- (a) to guarantee that, when land affected by a proposal for acquisition by an authority of the State is eventually acquired, the amount of compensation will be not less than the market value of the land (unaffected by the proposal) at the date of acquisition, and
- (b) to ensure compensation on just terms for the owners of land that is acquired by an authority of the State when the land is not available for public sale, and
- (c) to establish new procedures for the compulsory acquisition of land by authorities of the State to simplify and expedite the acquisition process, and
- (d) to require an authority of the State to acquire land designated for acquisition for a public purpose where hardship is demonstrated, and
- (e) to encourage the acquisition of land by agreement instead of compulsory process.

(2) Nothing in this section gives rise to, or can be taken into account in, any civil cause of action.

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 -
Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly
Discussion Paper 2006 - Rezoning of Stuart Street Properties



ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

Survey of Beach and Reserve Usage Submitted by Mr. J. Chapman 40 Stuart Street, Manly

ATTACHMENT 4

The following is a table of a random sample I have taken of people on the beach and people in the park during January 2002, the peak time for use of this beach.

Date	Time	No of people on the beach	No of people in the park
9.1.02	1pm	65	4
10.1.02	11am	43	2
10.1.02	2.30pm	53	5
13.1.02	10.30am	62	3
13.1.02	12.30pm	132	29 (family function)
13.1.02	2pm	161	30 (family function)
14.1.02	2pm	17	4
14.1.02	4.30pm	40	6
14.1.02	5.30pm	36	4
17.1.02	5.15pm	44	3
18.1.02	11.30pm	101	8
18.1.02	7.30pm	80	16
19.1.02	10am	56	2
20.1.02	12am	180	12
21.1.02	10.45pm	78	4
23.1.02	1pm	86	6
25.1.02	11am	84	6
25.1.02	3pm	130	9
25.1.02	6.30pm	70	2
26.1.02	11.30am	170	12
28.1.02	11am	200	16
30.1.02	4pm	66	4

From the above random counts on 22 separate occasions the balance of usage is :

- Beach 90%
- Reserve 10%

ATTACHMENT 2

Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly Discussion Paper 2006 - Rezoning of Stuart Street Properties

On Saturday 13th December 2003, a fine and clear sunny day in Manly, I made two further counts of people using the beach and parks and the parking available to confirm the results of my previous survey.

The following was the position:

Time	1.20pm	4.30pm
People on the beach	125	130
People in the park	6	4
People in the Craig Ave reserve at the back of 34 Stuart Street	None	None
People at Little Manly Point	40	40 (the majority of these people were the same in two separate groups on both occasions)
Parking spaces available in Craig Avenue	1	1
Parking spaces available in Stuart Street	1	2
Parking spaces available in Marshall Street	1	3
Parking spaces available at Little Manly Point	14	10

These figures show the continued trend to use the beach and not the park and the almost saturation level of the car parking in the adjacent streets.

ATTACHMENT 2

**Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 -
Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly
Discussion Paper 2006 - Rezoning of Stuart Street Properties**

ATTACHMENT 2

**Planning And Strategy Division Report No. 5 - Draft Manly Comprehensive LEP 2011 -
Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly
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