Agenda

Ordinary Meeting

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

Monday 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 for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council’s website:
www.manly.nsw.gov.au
Seating Arrangements for Meetings

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

The Ordinary Meeting of Monday, 13 December 2010

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(In accordance with Clause 66 in Council’s Code of Meeting Practice, Public Forum is for a maximum of fifteen (15) minutes for matters that are not listed on the Agenda. A total of five (5) people may address Council for a maximum of three (3) minutes each.)

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

CLOSED SESSION

CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 1
Staff Matter: It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual
It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

Mayoral Minute Report No. 2

Staff Matter

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

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

***** END OF AGENDA *****
Councillor Cathy Griffin will move:

That Council prepare a masterplan for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_1

***** End of Notice of Motion Report No. 1 *****
Councillor Craig Whitting will move:

That the General Manager provide a report to Council on the following Public Toilet Facilities detailing:

1. Their current operational hours,
2. To include a rated system relative to high, medium or low visitor attractiveness, use and signage.

PUBLIC TOILETS ACCESSIBLE FOR WHEELCHAIR USERS
1. Market Lane, Manly Entrance through Library Door Opening hours same as Library MLAK Key
2. Rialto Square Near entrance to Wentworth Street Car park
3. Manly Wharf Upper level accessible—Lower level signs indicate direction
4. Lagoon Park Corner North Steyne and Cameron Avenue Manly
5. Queenscliff Surf Pavilion End of North Steyne, near Lagoon Bridge
6. South Steyne Surf Pavilion Corner South Steyne and Ashburner Street
7. Marine Parade Half way between Bower Lane and Shelley Beach
8. Shelley Beach Near Le Kiosk Restaurant
9. East Esplanade Corner Ashburner Street
10. Gilbert Park Corner of Gilbert and Belgrave Streets
11. Ocean Beach Under the former Visitors Information Centre (now the Manly Ocean Beach Cafe)
12. Little Manly Beach Corner Stuart Street and Marshall Street

PUBLIC TOILETS NOT ACCESSIBLE FOR WHEELCHAIR USERS MANLY
15. Whistler Street Car Park At the Entrance of Whistler Street Car Park
16. West Esplanade At Rear of Manly Art Gallery and Museum
17. Little Manly Beach Corner Stuart Street and Craig Avenue
18. North Steyne Surf Pavilion Corner North Steyne and Pine Street
Background

Last year it was estimated over 9 million people visited Manly. Our CBD and adjoining areas are continually growing with new restaurants and licensed premises attracting more visitors. I believe many of the public toilets located in areas where high pedestrian traffic volumes exist, i.e., our CBD, our foreshore areas and parks are not adequately accommodating our evening visitors due to their current operational hours.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_2

***** End of Notice of Motion Report No. 2 *****
Councillor Barbara Aird will move:

In view of the great opportunity to tackle the problems of food waste from businesses and at the same time help those in need in our community, that Manly Council promotes the work of Oz Harvest to businesses in our LGA.

Background

Oz Harvest, winner of numerous awards in recognition of its environmental and community work, is a not-for-profit organisation which rescues excess food which would otherwise be discarded. Over the last 6 years over 6 million meals have been distributed to the needy, saving more than 1.5 million tonnes of food from landfill and saving businesses money.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_3

***** End of Notice of Motion Report No. 3 *****
Councillor Hugh Burns will move:

That Council install CCTV cameras sufficient to cover all the known Water Dragon colony locations in the vicinity of Marine Parade and the Bower/Reddall steps to enable these sites to be monitored remotely and recorded.

That Council also consider installing CCTV cameras to monitor the boats in Cabbage Tree Bay to assist enforcement of the aquatic reserve regulations, as regards entry of boats and particularly reported illegal entry of fishing boats at night.

Background

There continues to be ongoing problems of theft of water dragons from the colony sites near the Bower/Reddall Street steps and at various locations along Marine Parade.

Council has installed signage to try to assist the safety of the animals but the signs also serve to identify the locations where the animals can be found. The lizards sunbaking behaviour and lack of fear of humans make them easy targets for thefts. Monitoring of numbers by interested local residents with experience in conservation suggests the losses continue to be major, sufficient to threaten the continued future of the species being found in the vicinity of Marine Parade.

As the sites cannot be under continuous human monitoring and the thefts continuing, it is considered desirable to place the sites under electronic surveillance to both act as a deterrent and also assist in taking action against those who do not observe the requirements applying to protected species.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_4

***** End of Notice of Motion Report No. 4 *****
TO: Ordinary Meeting - 14 February 2011
REPORT: Notice of Motion Report No. 5
SUBJECT: Dredging project located at Manly Lagoon
FILE NO:

Councillor Craig Whitting will move:

That the General Manager provide a report to Council on the dredging project located at Manly Lagoon detailing:

1. The proposed completion date;
2. How much debris has been removed to date, commenting on how council checks and records the amount and where it is discarded;
3. How much sediment has been removed to date, commenting on how council checks and records the amount and where it is discarded;
4. If the exposed sediment island located near Riverview Parade will be removed/dredged by the project’s completion; and
5. When will Manly’s Lagoon Website be active for residents to follow the project’s progress on line;

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_6

***** End of Notice of Motion Report No. 5 *****
TO: Ordinary Meeting - 14 February 2011
REPORT: Notice of Motion Report No. 6
SUBJECT: Opposition to forced zoning changes which threaten our critical public infrastructure.
FILE NO:

Councillor Barbara Aird will move:

1. That Council urgently expresses its strong opposition to the directive of the NSW State Govt. to force Council to change the zoning of our schools, hospitals and public facilities from the protective zoning of "Special Use" or "Special Purpose" to new zonings that match the surrounding area.

2. That Council urgently writes to all major political parties in NSW calling on them to commit to removing this requirement when a new parliament is formed after the election on 26/3/11.

3. That until the State Government determines to allow Council to retain the protective "Special Use" and "Special Purpose" zoning on its critical public infrastructure, Council takes no further steps to process the standard instrument LEP.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_7

***** End of Notice of Motion Report No. 6 *****
Councillor Hugh Burns will move:

That Council proceed to detailed planning for the proposed construction of the Manly CBD Tramway Loop. This is to include:

1) Preparation of a Business Plan including identification of the costs of construction of the line including the use of volunteers and the costs of operation similarly including use of volunteers.

2) The plan is to include the sources of funding that would be available to Council for the project, the time frame for completion of the project given the available funding, and the benefits to Manly as regards transport and tourism of constructing the line.

3) Detailed design of the line is to be completed so the project becomes "shovel ready" so as to be available for any grant application that may come up. The early construction of a demonstration section of tram line to allow test tram operation is to be included as part of this design.

4) That the project be supervised by Council's Sustainable Transport Committee and that a local volunteer support group be set up for the tramway project to widely encourage interested and skilled people to come forward to assist the project.

Background

One of the centrepieces of the proposed Manly 2015 scheme involves the proposed construction of a new 800-1000 space carpark under Manly Oval, on the periphery of the Manly Town Centre.

The usability of the proposed car park in this location and the viability of the 2015 vision would be assisted by the installation of a tramway that runs around the periphery of the CBD with stops at the various attractions, destinations, and arrival and departure points (e.g. car parks, bus stops and Manly Wharf).

In addition the benefits of reconstructing a Tramway Loop around the Manly Town Centre would thus be:-

- providing a method for moving less physically active or able bodied around the flat of Manly, to and from the new carpark via Belgrave Street;
- away to show visitors around the centre of Manly ;
- providing another tourist attraction to Manly that as a tourist destination already draws 6 million visitors per year;
- providing a system nucleus from which additional electric tram lines could be constructed in affordable stages to provide high frequency transport of residents to and from Manly, reducing the dependence on car travel and carbon emitting vehicles ;
- ensuring the South and North Steyne Ocean Beach corridor is retained as a public transport route ;
- the tramway track provides a highly visible cue that acts as a "magnet" to draw people to this transport service,
Notice of Motion Report No. 8 (Cont’d)

The proposed route is to be a one way loop around the Manly CDB. Historically the line proceeded up the Corso, but due to the pedestrianisation of the Corso it is considered preferable to relocate the line to another parallel street, hence to Victoria Parade, which like the Corso, also has extended street width. Thus proposed route in the direction of tram operation is as follows:-

- Belgrave Street to East Esplanade;
- East Esplanade to Victoria Parade;
- Victoria Avenue to South Steyne;
- South Steyne past the Corso into North Steyne to Raglan Street (optionally to Carlton Street);
- Raglan Street (optionally Carlton Street) back to Belgrave Street.

The construction of the line is to utilise ground level power supply to avoid any unsightly overhead wiring given the tree lined route (switched third rail activated by trams when they are physically over each rail section).

Subject to input from the Traffic Committee and agencies such as the RTA that tram stops are placed to serve the important and popular destinations around the Manly CBD, but are carefully located to always allow cars to pass stopped trams (in the process of loading and unloading passengers). Sections of South and North Styene and East Esplanade are critical in this regard, due to the narrow road width.

Proposed stops locations are:-

- Stop 1 - Manly Wharf - East Esplanade. (Ferry Wharf and Bus Interchange)
- (The only stop on East Esplanade due to the street width limitations)
- Stop 2 - Victoria Parade at East Esplanade
- Stop 3 - Victoria Parade at Wentworth Street (Manly Village School stop)
- Stop 4 - Victoria Parade at South Steyne
- Stop 5 - The Corso and Ocean Beach
- Stop 6 - North Steyne at Raglan Street
- Stop 7 - Raglan Street at Whistler Street
- * Stop 8 - Belgrave Street near Raglan Street (Tennis Courts, Manly Oval, and future 2015 carpark stop)
- Stop 9 - Belgrave Street at Gilbert Street (Council Chambers and Corso stop)

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM140211NM_5

***** End of Notice of Motion Report No. 8 *****
SUMMARY

This report is submitted under Clause 12 of the Manly Council Code of Conduct.

The purpose of this report is to inform Council of findings and recommendations made by a conduct reviewer regarding code of conduct complaints made by Mrs Sue Humphreys against Councillor Richard Morrison and Councillor David Murphy on 12 November 2010.

REPORT

On 12 November 2010, Mrs Sue Humphreys made code of conduct complaints against Councillor Richard Morrison and Councillor David Murphy. The complaints alleged that Cr Morrison made misleading statements at the Ordinary Meeting of Council on 8 November 2010 and that Cr Murphy made misleading statements at the Ordinary Meetings of Council on 11 October and 8 November 2010. The alleged misleading statements were related to the Ombudsman’s report dated 3 September 2010 regarding the Humphreys matter.

The General Manager referred both complaints to an independent conduct reviewer for assessment.

In relation to the complaint against Cr Morrison, the conduct reviewer found on 6 February 2011 that there was no substance to the complaint and accordingly that there was no breach of the code of conduct. The conduct reviewer recommended that the matter be dismissed.

In relation to the complaint against Cr Murphy, the conduct reviewer found on 17 December 2010 that there was no substance to the complaint and accordingly that there was no breach of the code of conduct. The conduct reviewer recommended that the matter be dismissed.

RECOMMENDATION

It is recommended:

1. That Council receive and note the report regarding code of conduct complaints against Cr Morrison and Cr Murphy.

2. That Council dismiss the complaints.

ATTACHMENTS

<table>
<thead>
<tr>
<th>AT-</th>
<th>Conduct Reviewer Report 171210 - CONFIDENTIAL</th>
<th>Pages</th>
<th>Separately</th>
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<tbody>
<tr>
<td>1</td>
<td>ATTACHMENT - for the information of Councillors</td>
<td></td>
<td></td>
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<tr>
<td>AT-</td>
<td>Conduct Reviewer Report 060211 - CONFIDENTIAL</td>
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<tr>
<td>2</td>
<td>ATTACHMENT - for the information of Councillors</td>
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</table>

OM140211GMO_1

***** End of General Managers Division Report No. 1 *****
TO: Ordinary Meeting - 14 February 2011
REPORT: General Managers Division Report No. 4
SUBJECT: Compliance and Enforcement Policy
FILE NO: 

SUMMARY

This report recommends that Council give public notice of its intention to adopt the draft Compliance and Enforcement Policy.

REPORT

In its report dated 3 September 2010, the NSW Ombudsman recommended that the elected Council and the senior executive work together to develop and implement a compliance and enforcement plan for the full range of its regulatory functions, including the appropriate measurement of performance against the plan, reporting obligations and the requirement for periodic review of the plan. The Ombudsman also recommended that the elected Council engage a suitably qualified and experienced external policy consultant to revise Council’s Compliance and Enforcement Policy for adoption by the Council within six months of his report.

Council engaged external policy consultant InConsult to assist it to implement the recommendations. Working with the Councillors Implementation Working Group and the senior executive, InConsult has developed a draft Compliance and Enforcement Policy which is now before Council for endorsement (Attachment 1).

It is recommended that the draft Compliance and Enforcement Policy be placed on public exhibition for 28 days in accordance with the requirements of the Local Government Act 1993.

RECOMMENDATION

That:

1. The draft Compliance and Enforcement Policy be endorsed.

2. The draft policy be placed on public exhibition for a period of 28 days in accordance with the Local Government Act 1993.

ATTACHMENTS

AT-1 Compliance and Enforcement Policy Final Revised 13 Pages Circulated Separately

OM140211GMO_2

***** End of General Managers Division Report No. 2 *****
1. Reports:

Council at its Ordinary Meeting on 13 December 2010, resolved:

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

In response to the above the following items of correspondence have now been received and are attached

- Department of Sustainability, Environment, Water, Population and Communities
- Premier & Cabinet
- Hon Frank Sartor MP, Minister for Climate Change and the Environment

2. Complaints made to the General Manager

<table>
<thead>
<tr>
<th>Received</th>
<th>Nature of complaint</th>
<th>Outcom</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>October</td>
<td>Alleged misuse of resources and conflict of interests</td>
<td>Review in progress</td>
<td>Pending</td>
</tr>
<tr>
<td>October</td>
<td>Misconduct in relation to a council meeting</td>
<td>Review in progress</td>
<td>Pending</td>
</tr>
<tr>
<td>November</td>
<td>Misrepresentations / misinformation at a council meeting</td>
<td>Referred to conduct reviewer. Report submitted to Council on 14 February 2011.</td>
<td>Finalised</td>
</tr>
<tr>
<td>December</td>
<td>Complaint re compliance matter</td>
<td>Review in progress</td>
<td>Pending</td>
</tr>
<tr>
<td>December</td>
<td>Complaint re compliance matter</td>
<td>No breach of Code of Conduct. No further action.</td>
<td>Finalised</td>
</tr>
<tr>
<td>December</td>
<td>Complaint re compliance matter</td>
<td>Raising same issues as a previous complaint. No further action.</td>
<td>Finalised</td>
</tr>
<tr>
<td>December</td>
<td>Complaint re compliance matter</td>
<td>Review in progress</td>
<td>Pending</td>
</tr>
</tbody>
</table>

3. Notices of Motion status report.

The following Notices of Motion are currently in progress.
### Item For Brief Mention Report No. 2 (Cont’d)

<table>
<thead>
<tr>
<th>Res No.</th>
<th>Meeting Date</th>
<th>Subject</th>
<th>Resolution</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>251/10</td>
<td>13 Dec</td>
<td>Options to improve planning controls applicable to late night trading premises in Manly</td>
<td>That staff bring back a report to Council on the feasibility of strengthening Manly’s existing Late Night DCP to incorporate the trial licensing features and other improvements contained in the current City of Sydney Late Night plan.</td>
<td>Report going to March OM.</td>
</tr>
<tr>
<td>250/10</td>
<td>13 Dec</td>
<td>Investigation of Feasibility of Tri-generation for Manly Council</td>
<td>That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.</td>
<td>Report from Kinesis is pending.</td>
</tr>
<tr>
<td>246/10</td>
<td>13 Dec</td>
<td>Promotion of Sustainable Tourism</td>
<td>In view of the high visitation to Manly (estimated between 6 and 8 million persons p.a.) and the resulting opportunity this presents to Council for promotion of sustainable tourism and environmental education, that Council markets its &quot;Enjoy Manly&quot; re-usable carry-bag and refillable water bottles. Also, in line with our &quot;Towards Zero Waste&quot; Policy Council works towards marketing a re-usable take-away coffee cup with similar environmental messages, as soon as possible.</td>
<td>Program on agenda for Waste Committee.</td>
</tr>
<tr>
<td>231/10</td>
<td>13 Dec</td>
<td>Tree Policy</td>
<td>1. That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.</td>
<td>A draft document is being prepared.</td>
</tr>
<tr>
<td>230/10</td>
<td>13 Dec</td>
<td>Little Penguins</td>
<td>4. Fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.</td>
<td>Fence will be installed in March after the repairs on the Boardwalk.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>6. Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.</td>
<td>Being programmed.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>8. Dogs be prohibited from entering upon the public reserve including the Federation steps.</td>
<td>Proclamation being prepared.</td>
</tr>
<tr>
<td>202/10</td>
<td>8 Nov</td>
<td>Manly Council’s Website</td>
<td>That the General Manager provide a report to Council which includes but is not limited to a timeline and budget proposal for consideration in the next financial year to upgrade and improve the Manly Council website.</td>
<td>Completion should be by March 2011.</td>
</tr>
</tbody>
</table>
### Item For Brief Mention Report No. 2 (Cont’d)

<table>
<thead>
<tr>
<th>Item</th>
<th>Date</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>196/10</td>
<td>8 Nov</td>
<td>Bike racks in Balgowlah Heights Precinct</td>
<td>To encourage sustainable transport and provide a bike storage option, Council: 1. Install bike racks in an appropriate location in the Balgowlah Heights shopping precinct through consultation with the Balgowlah Heights Precinct Committee and store owners for a minimum of 10 bikes. 2. Bring back a report on potential bike racks within the Manly LGA. Awaiting Precincts response.</td>
</tr>
<tr>
<td>173/10</td>
<td>11 Oct</td>
<td>Road Reserve Lease for 4 Peronne Avenue, Clontarf</td>
<td>1. Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence and the proposed layback alteration to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence. To Traffic Committee on 14/02/11.</td>
</tr>
<tr>
<td>44/10</td>
<td>19 April</td>
<td>Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality</td>
<td>That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs or savings from taking over these assets over say a 20 year term. - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale. Awaiting response from Energy Australia.</td>
</tr>
</tbody>
</table>

### RECOMMENDATION

1. That the correspondence be received and noted.
2. That the information be received and noted.
3. That the report be received and noted.
Item For Brief Mention Report No. 2 (Cont'd)

ATTACHMENTS
AT-  Letter from Department of Sustainability, Environment, Water, Population & Communities  1
AT-  Letter from Premier & Cabinet  1
AT-  Letter Hon Frank Sartor MP  1

OM140211IBM_1

***** End of Item For Brief Mention Report No. 2 *****
Dear Mr Wong

Thank you for your letter of 20 December 2010 to the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, advising the Council’s views concerning a ban on non-biodegradable plastic bags. The minister has passed your letter to me for reply.

On 17 April 2008 the Environment Protection and Heritage Council (EPHC) which comprises all Australian environment ministers, endorsed the use of alternatives to plastic bags, such as reusable bags. Bags that are used numerous times offer a lower environmental impact than any single use bag.

At the same time, however, the EPHC decided against uniform, national regulatory action to ban or place a charge on plastic bags. This followed a comprehensive Regulatory Impact Statement (RIS) which found there are potentially significant costs associated with banning or placing a charge on plastic bags, which substantially outweigh the benefits. The RIS and other background documents relating to this issue are available from the EPHC website: www.ephc.gov.au/taxonomy/term/54.

As you have noted, individual states and territories have implemented or are considering a ban on non-biodegradable single-use plastic bags. The EPHC has worked with Standards Australia to develop two standards for biodegradable plastic. The standards give consumers and businesses confidence that biodegradable plastics will perform as claimed. South Australia uses the commercial compost standard to support its legislation and the Australian Capital Territory will use a similar approach when its ban comes into force in November 2011.

Thank you for writing on this matter.

Yours sincerely

Anne-Marie Delahunt
Assistant Secretary
Environment Standards Branch
January 2011
2011/2661 - CMU

24 January 2011

Mr Henry Wong
General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Dear Mr Wong,

I write in response to your recent letter to the Premier concerning non-biodegradable plastic bags.

As the matter you have raised concerns the administration of Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer), the Hon F E Sartor, MP, your letter has been forwarded to the Minister for attention.

You may be sure that your letter will receive close consideration.

Yours sincerely

David Swain
for Director General
Hon Frank Sartor MP
Minister for Climate Change and the Environment
Minister Assisting the Minister for Health (Cancer)

Mr Henry Wong
General Manager
Manly City Council
PO Box 82
MANLY NSW 1655

25 January 2011
Our Ref: EA1036157

Dear Mr Wong

Thank you for writing to the Hon Frank Sartor, MP, Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer).

Minister Sartor has asked that I acknowledge receipt of your correspondence requesting the implementation of legislation to ban the use of non bio-degradable plastic bags in NSW.

The Minister appreciates the time you have taken to put your concern in writing and advises that the issues raised will be given due consideration. A formal response will be sent in due course.

Yours sincerely

K [Signature]

Kathie Charalambous
Office Manager
The minutes of the following Special Purpose Committee Meetings are tabled at this meeting.

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

i) Manly Traffic Committee – 13 December 2010

**RECOMMENDATION**

That the minutes of the following Special Purpose committee Meetings be adopted:

i) Manly Traffic Committee – 13 December 2010

**ATTACHMENTS**

There are no attachments for this report.

OM140211RC_1

***** End of Report Of Committees Report No. 5 *****
These reports were dealt with at the Community Safety Committee meeting of 9 December 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

1. **ITEM 6** Report – Manly Precinct Liquor Accord

On 2 December 2010, Council staff attended a meeting hosted by City of Sydney Council to discuss late night trading and Precinct Liquor Accord (PLA) strategies. A comparison of total costs indicated that the different PLA’s received:

<table>
<thead>
<tr>
<th>Location</th>
<th>Total Cost</th>
<th>Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wollongong</td>
<td>$9,950 TOTAL</td>
<td>Summer bus promotion, LNT wallet card, No excuse postcards, 'Take the hint' radio campaign</td>
</tr>
<tr>
<td>Parramatta</td>
<td>$18,880 TOTAL</td>
<td>Develop website and promote</td>
</tr>
<tr>
<td>Newcastle/Hamilton</td>
<td>$30,000 TOTAL</td>
<td>Marketing (6 steps to a Hassle Free Night), existing Drink Safety Institute</td>
</tr>
<tr>
<td>Sydney: Kings Cross</td>
<td>$798,000 TOTAL</td>
<td>Rapid Response security, Shared radio network, LNT promotion</td>
</tr>
<tr>
<td>Sydney: George St</td>
<td>$31,800 TOTAL</td>
<td>Precinct ambassadors, LNT wallet cards</td>
</tr>
<tr>
<td>Manly</td>
<td>$3,000 TOTAL (approximately divided by 15 licensees)</td>
<td>LNT wallet cards, Manly Night Shuttle magnetic strips for vehicles, 'Ask me how to get home' T-shirts for venues</td>
</tr>
</tbody>
</table>

The Committee expressed dismay at the relatively small financial contribution to be committed to Manly, and that the voluntary 3.00am closure, as contained within the ‘Manly Liquor Accord Extended Trading Premises – Local Agreement’ had been excluded from the Manly PLA strategy document, with Communities NSW suggesting this be resolved outside of the PLA.

2. **ITEM 11** Report – Working Party to discuss Development Application and Liquor Licence consent conditions

The Committee discussed the information regarding licensed premises which were emailed through to Committee members by the Secretariat on 3 December 2010. The Working Party explained that this information would be used for enforcement purposes by Council’s Compliance & Enforcement Team and also by Council Night Rangers. The Committee supported the inclusion of this information into the monthly report provided to the Committee by the Manager Ranger Services.

**RECOMMENDATION**

That the minutes of the Community Safety Committee meeting on 9 December 2010 be adopted including the following items:

1. **ITEM 6** Report – Manly Precinct Liquor Accord

The Committee recommends that Council write to the Director General of Communities NSW, the NSW Minister for Gaming & Racing and the NSW Opposition Minister to make the following representations:
1. That Council strenuously objects to the exclusion of the Manly Liquor Accord Extended Trading Premises – Local Agreement’ from the Manly PLA measures as this fails to address Council’s persistent call for earlier trading hours for late night licensed premises, and

2. That Council express disappointment at the small financial contribution committed by both late night licensed premises and Communities NSW through the Manly PLA to implement strategies to reduce alcohol-related violence and anti-social behaviour.

2. ITEM 11 Report – Working Party to discuss Development Application and Liquor Licence consent conditions

The Committee resolved to adopt the information sheet provided by the Working Party which details development consent conditions, and recommends to Council that:

1. This information sheet is to be provided to Council Night Rangers and compliance staff to ensure licensees are compliant with the listed conditions of development consent.

2. The Manly Licensing Police are provided with the listed conditions of development consent to raise awareness and to inform late night enforcement of development condition of consent.

3. A report be provided by the Manager Ranger Services on enforcement activities conducted on licensed premises as a result of the list of conditions of development consent:
   - As a monthly report by way of Ranger Statistics to the Community Safety Committee, and this report be brought to the attention of Council through provision:
   - To Council through an Item for Brief Mention at the next available Ordinary Meeting or Planning & Strategy Meeting.

ATTACHMENTS
There are no attachments for this report.

OM140211RC_2

***** End of Report Of Committees Report No. 6 *****
TO: Ordinary Meeting - 14 February 2011
REPORT: Corporate Services Division Report No. 2
SUBJECT: Report on Council Investments as at 30 November 2010 and 31 December 2010

SUMMARY

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

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

REPORT

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

Attached is the report of the bank balances and investment performance for November 2010 and December 2010.

Legislative & Policy Implications

Manly Council Investment Policy
Section 625 Local Government Act 1993
Clause 212 Local Government (General) Regulation 2005
DLG Circular 08-48 – Ministerial Investment Order
DLG Circular 10-11 – Investment Policy Guidelines

Certification – Responsible Accounting Officer

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

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

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

Investment Performance

The Investment Report shows that Council has total Investments of $16,022,739, comprising a combined Bank Balance of $758,610; and Investment Holdings of $12,214,129 directly managed and $3,050,000 externally managed.
Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 5.26\% (Council Benchmark =5.02\% - benchmark is 90 day average BBSW).

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

The average rate of return for investments paying interest is 6.20\%.

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

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 3.93\%, less than the benchmark UBSWA Index of 5.56\% (for the month of December 2010 the monthly return was 0.54\% above the benchmark UBSWA Index). Whilst the current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark, it is important to note that the Investments are recorded by Council at their original principal face value, and there would be no erosion of Council's initial capital investment if the investment continues to be held at the present time to maturity.

**Movements in Investments for the Month of November 2010**

**Investments Made**

<table>
<thead>
<tr>
<th>Issuer</th>
<th>Particulars</th>
<th>Face Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit Union Australia</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

**Investments Matured**

<table>
<thead>
<tr>
<th>Issuer</th>
<th>Particulars</th>
<th>Face Value</th>
<th>Redeemed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ilawarra Mutual Building Society Ltd</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

**Movements in Investments for the Month of December 2010**

**Investments Made**

<table>
<thead>
<tr>
<th>Issuer</th>
<th>Particulars</th>
<th>Face Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community CPS Credit Union</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Defence Force Credit union</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

**Investments Matured**

<table>
<thead>
<tr>
<th>Issuer</th>
<th>Particulars</th>
<th>Face Value</th>
<th>Redeemed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community CPS Credit Union</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Community CPS Credit Union</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Savings &amp; Loans Credit Union</td>
<td>Term Deposit</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

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

The Reserve Bank at its meeting held 7 December 2010 decided to leave the cash rate unchanged at 4.75%.

RECOMMENDATION

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

ATTACHMENTS

AT-1 Investment Report 5 Pages

OM140211CSD_2

***** End of Corporate Services Division Report No. 2 *****
**MANLY COUNCIL INVESTMENT PORTFOLIO as at 30 November 2010**

### Directly Managed Funds

<table>
<thead>
<tr>
<th>Investment</th>
<th>Market Val</th>
<th>Form of Investment</th>
<th>S &amp; P Rating</th>
<th>Date Invested</th>
<th>Call/Maturity Date</th>
<th>Investment Returns</th>
<th>Interest Rate</th>
<th>YTD Nov 2010</th>
<th>Accrual Nov 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CBA Trading Account</strong></td>
<td>Cash</td>
<td>1,989,564</td>
<td>1,989,564</td>
<td>11.34% AA-</td>
<td>.</td>
<td>3% (2)</td>
<td>$18,415</td>
<td>$2,964</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investment</th>
<th>Form of Investment</th>
<th>S &amp; P Rating</th>
<th>Date Invested</th>
<th>Call/Maturity Date</th>
<th>Investment Returns</th>
<th>Interest Rate</th>
<th>YTD Nov 2010</th>
<th>Accrual Nov 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emu Note - Dresdner Bank</strong></td>
<td>Structured Note</td>
<td>2.85% AAA</td>
<td>25/10/2005</td>
<td>13/12/2012</td>
<td>0.00%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>ANZ Climate Change Trust</strong></td>
<td>Structured Note</td>
<td>2.85% AA</td>
<td>21/12/2007</td>
<td>21/12/2013</td>
<td>0.00%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Community CPS Australia Ltd</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>28/09/2010</td>
<td>24/12/2010</td>
<td>5.88%</td>
<td>13,015</td>
<td>2,552</td>
<td></td>
</tr>
<tr>
<td><strong>Bank of Queensland</strong></td>
<td>Term Deposit</td>
<td>2.85% BBB+</td>
<td>29/06/2010</td>
<td>22/12/2010</td>
<td>6.21%</td>
<td>12,773</td>
<td>2,589</td>
<td></td>
</tr>
<tr>
<td><strong>Credit Union Australia</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>23/08/2010</td>
<td>21/02/2011</td>
<td>6.18%</td>
<td>8,381</td>
<td>2,540</td>
<td></td>
</tr>
<tr>
<td><strong>Bank of Queensland</strong></td>
<td>Term Deposit</td>
<td>2.85% BBB+</td>
<td>5/07/2010</td>
<td>30/06/2011</td>
<td>6.30%</td>
<td>18,098</td>
<td>3,669</td>
<td></td>
</tr>
<tr>
<td><strong>Adelaide and Bendigo Bank</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>29/11/2010</td>
<td>30/05/2011</td>
<td>6.36%</td>
<td>12,773</td>
<td>2,589</td>
<td></td>
</tr>
<tr>
<td><strong>Suncorp Metway</strong></td>
<td>Term Deposit</td>
<td>2.85% AA</td>
<td>6/07/2010</td>
<td>30/06/2011</td>
<td>6.30%</td>
<td>12,773</td>
<td>2,589</td>
<td></td>
</tr>
<tr>
<td><strong>ING Direct Limited</strong></td>
<td>Term Deposit</td>
<td>2.85% AA</td>
<td>23/08/2010</td>
<td>23/02/2011</td>
<td>6.36%</td>
<td>7,815</td>
<td>2,369</td>
<td></td>
</tr>
<tr>
<td><strong>Savings &amp; Loans Credit Union</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/09/2010</td>
<td>6/12/2010</td>
<td>5.84%</td>
<td>8,600</td>
<td>2,581</td>
<td></td>
</tr>
<tr>
<td><strong>AMP Limited</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>7,174</td>
<td>2,774</td>
<td></td>
</tr>
<tr>
<td><strong>Police &amp; Nurses Credit Union</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>87</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Savings &amp; Loans Credit Union</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>87</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Community CPS Australia Ltd</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>87</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Heritage Building Society</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>87</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Loans &amp; Credits Credit Union</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>87</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Community CPS Australia Ltd</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>6/10/2010</td>
<td>6/10/2011</td>
<td>5.73%</td>
<td>87</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Lehman Brothers Australia (Grange) Managed Funds (All in AUS$)</strong></td>
<td>Approved Deposit Institutions (Bank)</td>
<td>2.85% AA</td>
<td>20/03/2007</td>
<td>20/03/2012</td>
<td>6.24%</td>
<td>7,920</td>
<td>1,522</td>
<td></td>
</tr>
<tr>
<td><strong>Credit Union Australia</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>29/11/2010</td>
<td>30/05/2011</td>
<td>6.36%</td>
<td>39,975</td>
<td>28,297</td>
<td></td>
</tr>
<tr>
<td><strong>Community CPS Australia Ltd</strong></td>
<td>Term Deposit</td>
<td>2.85% Cr Union</td>
<td>30/10/2010</td>
<td>30/10/2011</td>
<td>6.36%</td>
<td>39,975</td>
<td>28,297</td>
<td></td>
</tr>
<tr>
<td><strong>Commonwealth Bank</strong></td>
<td>@ Call</td>
<td>2,528,027</td>
<td>2,528,027</td>
<td>14.41%</td>
<td>A</td>
<td>4,770</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total Grange Managed Funds</strong></td>
<td>12,506,666</td>
<td>12,307,471</td>
<td>71.28%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investment</th>
<th>Form of Investment</th>
<th>S &amp; P Rating</th>
<th>Date Invested</th>
<th>Call/Maturity Date</th>
<th>Investment Returns</th>
<th>Interest Rate</th>
<th>YTD Nov 2010</th>
<th>Accrual Nov 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Directly Managed Funds</strong></td>
<td>14,456,230</td>
<td>14,297,035</td>
<td>71.28%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<table>
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<th>Interest Rate</th>
<th>YTD Nov 2010</th>
<th>Accrual Nov 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lehman Brothers Australia (Grange) Managed Funds (All in AUS$)</strong></td>
<td>Approved Deposit Institutions (Bank)</td>
<td>2.85% AA</td>
<td>20/03/2007</td>
<td>20/03/2012</td>
<td>6.24%</td>
<td>7,920</td>
<td>1,522</td>
<td></td>
</tr>
<tr>
<td><strong>Total Grange Managed Funds</strong></td>
<td>1,270,233</td>
<td>1,270,233</td>
<td>14.41%</td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
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<th>Interest Rate</th>
<th>YTD Nov 2010</th>
<th>Accrual Nov 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>17,546,230</td>
<td>16,078,217</td>
<td>100.00%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BENCHMARK**

- **5.01%**

**Notes:**

1. Benchmark is 90 day Average BBSW
2. CDO - Collateralised Debt Obligation
3. Balances less than $250,000 earn 3%, $250,000 to $499,999 earn 3.25%, $500,000 to $750,000 earn 3.5% & greater $750,000 earn 3.75%
4. CBA Trading & At Call account not included in the monthly portfolio return calculation

In 2008 Council's Portfolio was written down from Face Value to its Market Value by $2.2million. Since then there has been partial recovery of some write downs and overall there has been no further deterioration in Council's Portfolio Market Value.
### MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 December 2010

#### Directly Managed Funds

<table>
<thead>
<tr>
<th>Trading Account</th>
<th>Investment in AUS$</th>
<th>Market Val</th>
<th>S &amp; P Rating</th>
<th>Date Invested</th>
<th>Call/Maturity Date</th>
<th>Investment Returns Interest Rate</th>
<th>YTD Dec 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash</strong></td>
<td>758,610</td>
<td>758,610</td>
<td>AA-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emu Note - Dreemend Bank</td>
<td>Structured Note</td>
<td>500,000</td>
<td>3.12%</td>
<td>AAA</td>
<td>25/10/2005</td>
<td>13/12/2012</td>
<td>0.00%</td>
</tr>
<tr>
<td>ANZ Climate Change Trust</td>
<td>Structured Note</td>
<td>500,000</td>
<td>423,310</td>
<td>3.12%</td>
<td>AA</td>
<td>21/12/2007</td>
<td>21/12/2013</td>
</tr>
<tr>
<td>Credit Union Australia</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>Cr Union</td>
<td>23/08/2010</td>
<td>21/02/2011</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>719,877</td>
<td>4.49%</td>
<td>BBB+</td>
<td>5/07/2010</td>
<td>30/06/2011</td>
</tr>
<tr>
<td>Adelaide and Bendigo Bank</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>719,877</td>
<td>4.49%</td>
<td>BBB+</td>
<td>5/07/2010</td>
<td>30/06/2011</td>
</tr>
<tr>
<td>Suncorp Metway</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>AA</td>
<td>6/07/2010</td>
<td>30/06/2011</td>
</tr>
<tr>
<td>ING Direct Limited</td>
<td>Term Deposit</td>
<td>453,004</td>
<td>453,004</td>
<td>2.83%</td>
<td>A</td>
<td>23/08/2010</td>
<td>23/02/2011</td>
</tr>
<tr>
<td>ANZ Climate Change Trust</td>
<td>Structured Note</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>AA</td>
<td>6/07/2010</td>
<td>30/06/2011</td>
</tr>
<tr>
<td>Credit Union Australia</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>Cr Union</td>
<td>6/10/2010</td>
<td>5/01/2011</td>
</tr>
<tr>
<td>Savings &amp; Loans Credit Union</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>Cr Union</td>
<td>6/10/2010</td>
<td>5/04/2011</td>
</tr>
<tr>
<td>Heritage Building Society</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>BB</td>
<td>19/10/2010</td>
<td>18/04/2011</td>
</tr>
<tr>
<td>Credit Union Australia</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>Cr Union</td>
<td>29/11/2010</td>
<td>30/05/2011</td>
</tr>
<tr>
<td>Community CPS Credit Union</td>
<td>Term Deposit</td>
<td>500,000</td>
<td>500,000</td>
<td>3.12%</td>
<td>Cr Union</td>
<td>8/12/2010</td>
<td>7/03/2011</td>
</tr>
<tr>
<td>LGFS Fixed Out-Performance Cash Fund</td>
<td>@ Call</td>
<td>57,998</td>
<td>57,998</td>
<td>0.36%</td>
<td>AA</td>
<td>At call</td>
<td>At call</td>
</tr>
<tr>
<td>LGFS Ethical Fund</td>
<td>@ Call</td>
<td>32,194</td>
<td>32,194</td>
<td>0.00%</td>
<td>AA</td>
<td>At call</td>
<td>At call</td>
</tr>
<tr>
<td>Macquarie Cash Management Account</td>
<td>@ Call</td>
<td>267,750</td>
<td>267,750</td>
<td>0.00%</td>
<td>AA</td>
<td>At call</td>
<td>At call</td>
</tr>
<tr>
<td>AMP Limited</td>
<td>@ Call</td>
<td>2,528,027</td>
<td>2,528,027</td>
<td>15.78%</td>
<td>A</td>
<td>At call</td>
<td>At call</td>
</tr>
<tr>
<td>Commonwealth Bank</td>
<td>@ Call</td>
<td>1,977,263</td>
<td>1,977,263</td>
<td>12.34%</td>
<td>AA</td>
<td>At call</td>
<td>At call</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>12,214,129</td>
<td>12,015,489</td>
<td>76.23%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Total Directly Managed Funds

| Value | 12,377,735 | 72,774,095 |

#### Lehman Brothers Australia (Grange) Managed Funds (All in AUS$)

<table>
<thead>
<tr>
<th>Approved Deposit Institutions (Bank)</th>
<th>Investment in AUS$</th>
<th>Market Val</th>
<th>S &amp; P Rating</th>
<th>Date Invested</th>
<th>Call/Maturity Date</th>
<th>Investment Returns Interest Rate</th>
<th>YTD Dec 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>HSBC Floating Rate Note</td>
<td>500,000</td>
<td>496,670</td>
<td>3.12%</td>
<td>AA</td>
<td>20/03/2007</td>
<td>22/09/2011</td>
<td>5.28%</td>
</tr>
<tr>
<td>Total</td>
<td>500,000</td>
<td>496,670</td>
<td>3.12%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Interest Bearing Securities (Non Bank)

| Magnolia (Finders) | Floating Rate CDO | 300,000 | 264,603 | 1.87% | BB | 20/03/2007 | 20/03/2012 | 6.45% | $9,563 | $1,643 |
| MAS-7 (Parkes HA) | Floating Rate CDO | 500,000 | 35,670 | 3.12% | CCC | 20/03/2007 | 20/06/2015 | 8.25% | $10,988 | $1,602 |
| Helios08 (Scarsdale) | Floating Rate CDO | 500,000 | 27,749 | 3.56% | CCC | 21/06/2007 | 23/06/2014 | 6.83% | $6,832 | $73 |
| Corsair (Torquay) | Floating Rate CDO | 500,000 | 5,530 | 3.12% | CC | 20/03/2007 | 20/06/2013 | 6.60% | $8,546 | $983 |
| Zircon (Colangatta) | Floating Rate CDO | 500,000 | 440,000 | 3.12% | B | 20/03/2007 | 20/09/2014 | 8.546% | $10,518 | $258 |
| Beryl (Global Bank Note) | Floating Rate Note | 500,000 | 505,000 | 3.12% | B- | 3/04/2007 | 20/09/2014 | 0.00% | $- | $- |
| Total | 2,550,000 | 1,773,551 | 15.91% | | | | |

#### Total Grange Managed Funds

| Value | 3,050,000 | 1,775,221 | 19.04% | | | | |

#### Total Portfolios

| TOTAL PORTFOLIO | 16,022,739 | 14,549,319 | 100.00% | | | | |

#### Benchmark

| Value | 5.26% | $398,431 | $50,540 |

---

**Notes:**

1. Benchmark is 90 day Average BBSW
2. CDO - Collaterised Debt Obligation
3. Interest rates for balances less than $250,000 earn 3%, $250,000 to $499,999 earn 3.25%, $500,000 to $750,000 earn 3.5% & greater $750,000 earn 3.75%
4. CBA Trading & At Call account not included in the monthly portfolio return calculation

In 2008 Council's Portfolio was written down from Face Value to its Market Value by $2.2 million. Since then there has been partial recovery of some write downs and overall there has been no further deterioration in Council’s Portfolio Market Value.
Investment Value by Month - 2010/2011 ($Million)
Corporate Services Division Report No. 2 - Report on Council Investments as at 30 November 2010 and 31 December 2010

Investment Report

**Total Portfolio Performance V's BBSW Rate**

<table>
<thead>
<tr>
<th>Date</th>
<th>Total Portfolio Return</th>
<th>BBSW Bank Bill Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul-10</td>
<td>3.12%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Aug-10</td>
<td>9.36%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Sep-10</td>
<td>24.71%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Oct-10</td>
<td>17.44%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Nov-10</td>
<td>10.73%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Dec-10</td>
<td>1.87%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Jan-11</td>
<td>3.12%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Feb-11</td>
<td>3.12%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Mar-11</td>
<td>3.12%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Apr-11</td>
<td>18.72%</td>
<td>0.00%</td>
</tr>
<tr>
<td>May-11</td>
<td>3.12%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Jun-11</td>
<td>100.00%</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

**Summary by Credit Rating**

<table>
<thead>
<tr>
<th>Credit Rating</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>2</td>
</tr>
<tr>
<td>AA</td>
<td>3</td>
</tr>
<tr>
<td>A</td>
<td>5</td>
</tr>
<tr>
<td>AA-</td>
<td>3</td>
</tr>
<tr>
<td>BBB+</td>
<td>3</td>
</tr>
<tr>
<td>BB</td>
<td>1</td>
</tr>
<tr>
<td>B+</td>
<td>1</td>
</tr>
<tr>
<td>B-</td>
<td>1</td>
</tr>
<tr>
<td>CC</td>
<td>1</td>
</tr>
<tr>
<td>CCC-</td>
<td>2</td>
</tr>
<tr>
<td>Credit Union</td>
<td>6</td>
</tr>
</tbody>
</table>

**Annualised Total Portfolio Return**

- @ Call: 3.12%
- < 1 Year: 7.80%
- 1 < 2 Years: 4.99%
- 2 < 3 Years: 6.24%
- 3 < 4 Years: 33.42%
- 4 < 5 Years: 44.43%
- 5 < 6 Years: 0.00%
- 6 < 7 Years: 0.00%
TO: Ordinary Meeting - 14 February 2011
REPORT: Corporate Services Division Report No. 3
SUBJECT: December Quarterly Budget Report
FILE NO:

SUMMARY

Council’s income and expenditure for the quarter 1 July 2010 to 31 December 2010 has been reviewed, together with a projection of Council’s Budget as at 30 June 2011, and a Statement of Variations which have occurred is submitted.

REPORT

Council is required to prepare a budget review statement each quarter, in accordance with Clause 7 of the Local Government (General) Regulation 2005. This report is prepared in accordance with the clause for the period ended 31 December 2010.

The purpose of these reviews is to ensure that the impact of financial variation, which should only be of a minor nature, is reflected in the forecast of Council’s global budgetary position, and the adopted Budget adjusted accordingly.

The following is a summary of Council’s adopted Budget for 2010/2011 and revised estimates of Income and Expenditure to 30 June 2011, following the adjustments included in this report.

<table>
<thead>
<tr>
<th></th>
<th>Original Budget</th>
<th>Revised Budget at 30/09/2010</th>
<th>Revised Budget at 31/12/2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income</td>
<td>-$62,891,766</td>
<td>-$63,051,746</td>
<td>-$63,189,456</td>
</tr>
<tr>
<td>Capital Income</td>
<td>-$17,377,215</td>
<td>-$18,234,193</td>
<td>-$18,719,193</td>
</tr>
<tr>
<td>Total Income</td>
<td>-$80,268,981</td>
<td>-$81,285,939</td>
<td>-$81,908,649</td>
</tr>
<tr>
<td>Operating Expenditure</td>
<td>$62,839,575</td>
<td>$62,892,925</td>
<td>$63,019,135</td>
</tr>
<tr>
<td>Capital Expenditure</td>
<td>$17,706,479</td>
<td>$18,789,245</td>
<td>$19,469,345</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>$80,546,054</td>
<td>$81,682,170</td>
<td>$82,488,480</td>
</tr>
<tr>
<td>Net Surplus / (Deficit)</td>
<td>($277,073)</td>
<td>($396,231)</td>
<td>($579,831)</td>
</tr>
</tbody>
</table>

Adjustments for the quarter are summarized in the following table which outlines the major changes to program areas in the Budget for the Quarter ended 31 December 2010.

<table>
<thead>
<tr>
<th>Program</th>
<th>Item</th>
<th>Revenue</th>
<th>Expenditure</th>
<th>Net Change +/-</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3</td>
<td>Manly Council Website Upgrade (Total cost $100,000 partly funded from savings)</td>
<td>$50,000</td>
<td>$50,000</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Industrial Zone Masterplan (Balgowlah/Roseberry Sts)</td>
<td></td>
<td>$63,850</td>
<td>$63,850</td>
</tr>
<tr>
<td>5.5</td>
<td>Choral Concert Sponsorship</td>
<td>-$14,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Choral concert - Additional Event Costs</td>
<td>$8,000</td>
<td>-$6,000</td>
<td></td>
</tr>
<tr>
<td>7.2</td>
<td>NSW Fire Brigades Levy</td>
<td>$49,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>NSW SES Contribution</td>
<td>$1,750</td>
<td>$50,750</td>
<td></td>
</tr>
<tr>
<td>8.3</td>
<td>Infrastructure Levy</td>
<td>-$435,000</td>
<td>$435,000</td>
<td>$0</td>
</tr>
</tbody>
</table>

Financial Review - Period Ending: 31/12/2010
Corporate Services Division Report No. 3 (Cont’d)

<table>
<thead>
<tr>
<th>8.3</th>
<th>Increased Street Lighting Charges *</th>
<th>$225,000</th>
<th>$200,000</th>
<th>$25,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Contingency Provision</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.2</td>
<td>WASIP Grant</td>
<td>-$150,000</td>
<td></td>
<td>$150,000</td>
</tr>
<tr>
<td></td>
<td>Waste Education Programs &amp; Infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL VARIATION FOR PERIOD</td>
<td>-$599,000</td>
<td>$782,600</td>
<td>$183,600</td>
</tr>
</tbody>
</table>

*Note 1  Council received advice in December that Council's NSW Fire Brigades Levy for 2010/2011 will be $973,000, an increase of 10.6% over the contribution for 2009/2010.

*Note 2  Manly Ocean Beach Promenade and Sea Wall. Total costs of works was approximately $3.014 million. Funding from Dept Infrastructure and DECCW was $2.42 million, Environment Levy $150,000 and Council Infrastructure Levy $435,000.

*Note 3  The Australian Energy Regulator (AER) approved an increase in public lighting costs to Councils of approximately 50%. The AER final determination was handed down in July 2010. The AER decision also results in different schedules of charges applying to public lighting assets, one for assets constructed before 1 July 2009, and different charges for assets constructed and installed after 30 June 2009. As a result of the AER determination, it is estimated that the cost for street lighting (including usage charges, network capital and maintenance charges and optional greenpower costs, will increase from approximately $527,000 in 2009/2010 to $745,000 in 2010/2011, an increase of over $200,000.

After adoption of the recommended adjustments the result for the quarter is a deficit of $183,600 and a forecast deficit at 30 June 2011 of $579,831.

Appended to this Report is a statement on the projected position of Council Reserves (Restricted Funds) balances at 30 June 2011.

Statutory Report

In accordance with Part 9 Division 3 of the Local Government (General) Regulation 2005, Council’s Responsible Accounting Officer hereby certifies that the Council’s financial position is satisfactory having regard to the original estimates of income and expenditure and projected financial year result.

RECOMMENDATION

THAT the 2010/2011 Adopted Budget be varied in terms of this Report.

ATTACHMENTS

AT-1  Budget Quarterly Review 1 Page
AT-2  Budget Variations 2010-2011 Summary 1 Page

OM140211CSD_4

***** End of Corporate Services Division Report No. 3 *****
## SCHEDULE OF CASH RESERVES (PROJECTIONS)

<table>
<thead>
<tr>
<th>RESERVE</th>
<th>Estimated Balances 1/07/2010</th>
<th>Transfers to Reserve</th>
<th>Transfers from Reserve</th>
<th>Projected Balance 30/06/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXTERNALLY RESTRICTED:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S.94 CONTRIBUTIONS PLAN</td>
<td>4,514,508</td>
<td>400,000</td>
<td>-376,000</td>
<td>44,538,508</td>
</tr>
<tr>
<td>DOMESTIC WASTE MANAGEMENT RESERVE</td>
<td>180,949</td>
<td>913,100</td>
<td>-960,000</td>
<td>134,049</td>
</tr>
<tr>
<td>SPECIFIC PURPOSE UNEXPENDED GRANTS</td>
<td>2,139,138</td>
<td>0</td>
<td>-1,603,113</td>
<td>536,025</td>
</tr>
<tr>
<td>MANLY ART GALLERY - THEORDORE BATTEN</td>
<td>719,877</td>
<td>0</td>
<td></td>
<td>719,877</td>
</tr>
<tr>
<td><strong>TOTAL EXTERNALLY RESTRICTED</strong></td>
<td>7,554,472</td>
<td>1,313,100</td>
<td>-2,939,113</td>
<td>45,928,459</td>
</tr>
<tr>
<td><strong>INTERNALLY RESTRICTED:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ART GALLERY/MUSEUM EXTENSIONS RESERVE</td>
<td>17,702</td>
<td>0</td>
<td>0</td>
<td>17,702</td>
</tr>
<tr>
<td>DEPOT REDEVELOPMENT RESERVE</td>
<td>544,983</td>
<td>0</td>
<td>-200,000</td>
<td>344,983</td>
</tr>
<tr>
<td>EMPLOYEE LEAVE ENTITLEMENTS</td>
<td>1,210,065</td>
<td>200,000</td>
<td>0</td>
<td>1,410,065</td>
</tr>
<tr>
<td>ENVIRONMENT LEVY RESERVE</td>
<td>797,338</td>
<td>1,000,000</td>
<td>-1,000,000</td>
<td>797,338</td>
</tr>
<tr>
<td>LOAN BORROWING</td>
<td>0</td>
<td>1,000,000</td>
<td>-1,000,000</td>
<td>0</td>
</tr>
<tr>
<td>OFFICE EQUIPMENT REPLACEMENT RESERVE</td>
<td>84,486</td>
<td>0</td>
<td>-50,000</td>
<td>34,486</td>
</tr>
<tr>
<td>ROADS MAINTENANCE RESERVE</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
</tr>
<tr>
<td>PREMASURE LIABILITY RESERVE</td>
<td>275,000</td>
<td>0</td>
<td>0</td>
<td>275,000</td>
</tr>
<tr>
<td>SHELLY BEACH IMPROVEMENTS RESERVE</td>
<td>9,413</td>
<td>0</td>
<td>0</td>
<td>9,413</td>
</tr>
<tr>
<td>UNEXPENDED SPECIFIC PURPOSE CONT’NS</td>
<td>20,243</td>
<td>0</td>
<td>0</td>
<td>20,243</td>
</tr>
<tr>
<td>VEHICLE REPLACEMENT RESERVE</td>
<td>0</td>
<td>50,000</td>
<td>-50,000</td>
<td>0</td>
</tr>
<tr>
<td>MANLY TOWN CENTRE IMPROVEMENTS</td>
<td>60,000</td>
<td>0</td>
<td>0</td>
<td>60,000</td>
</tr>
<tr>
<td>MANLY WHarf FORECOURT RESERVE (NEW)</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
</tr>
<tr>
<td>BALGOWLAH AREA IMPROVEMENTS RESERVE</td>
<td>205,499</td>
<td>83,507</td>
<td>0</td>
<td>289,006</td>
</tr>
<tr>
<td>INCOMPLETE CAPITAL OR CONTRACTED WORKS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>PLANT REPLACEMENT RESERVE</td>
<td>803,380</td>
<td>700,000</td>
<td>-1,213,300</td>
<td>290,080</td>
</tr>
<tr>
<td>MANLY YOUTH COUNCIL RESERVE</td>
<td>6,000</td>
<td>0</td>
<td>0</td>
<td>6,000</td>
</tr>
<tr>
<td>STORMWATER MANAGEMENT RESERVE</td>
<td>460,994</td>
<td>350,000</td>
<td>-350,000</td>
<td>460,994</td>
</tr>
<tr>
<td>INFRASTRUCTURE LEVY RESERVE</td>
<td>285,591</td>
<td>475,900</td>
<td>-760,600</td>
<td>891</td>
</tr>
<tr>
<td>PROPERTY ACQUISITION &amp; IMPROV. RESERVE</td>
<td>1,530,760</td>
<td>0</td>
<td>0</td>
<td>1,530,760</td>
</tr>
<tr>
<td>CBD &amp; OCEAN BEACH IMPROVEMENTS RESERVE</td>
<td>-4,425,392</td>
<td>1,084,127</td>
<td>-175,240</td>
<td>-3,516,505</td>
</tr>
<tr>
<td>INFRASTRUCTURE MAINTENANCE RESERVE</td>
<td>5,600,000</td>
<td>0</td>
<td>0</td>
<td>5,600,000</td>
</tr>
<tr>
<td>INTEREST RESERVE</td>
<td>0</td>
<td>250,000</td>
<td>-250,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL INTERNALLY RESTRICTED</strong></td>
<td>7,736,061</td>
<td>5,193,534</td>
<td>-5,049,140</td>
<td>7,880,455</td>
</tr>
<tr>
<td><strong>TOTAL PROJECTED RESTRICTED FUNDS</strong></td>
<td>15,290,533</td>
<td>6,506,634</td>
<td>-7,988,253</td>
<td>13,808,914</td>
</tr>
</tbody>
</table>

(Note: Excludes funds held in Trust such as bonds and security deposits)
## Summary

### 2010-2011 Budget Variations

<table>
<thead>
<tr>
<th>Description</th>
<th>Original</th>
<th>Full Year</th>
<th>% Variance</th>
<th>Full Year</th>
<th>% Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
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<td></td>
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<tr>
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<td>Urban &amp; Infrastructure Services</td>
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<tr>
<td>Environmental &amp; Community Amenities</td>
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<td>(100,000)</td>
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<tr>
<td>General Purpose Revenue</td>
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<td>-</td>
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<tr>
<td>Appropriations For Future Expenditure</td>
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<td>0.0%</td>
<td>0</td>
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<tr>
<td><strong>Total Income</strong></td>
<td>(102,430,782)</td>
<td>(154,980)</td>
<td>(137,715)</td>
<td>(154,980)</td>
<td>(137,715)</td>
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</table>

| Capital Income       |          |           |            |           |            |
| Corporate Governance  | (105,000) | - | 0.0% | (105,000) | 0.0% |
| Corporate Planning & Strategy | (3,072,500) | - | - | (3,072,500) | 0.0% |
| Human Services & Facilities | (362,000)  | (99,500) | - | (461,500) | -26.7% |
| Recreation & Culture | (413,000)  | (113,920) | - | (526,920) | -27.6% |
| Environmental Services | 0        | 0 | 0.0% | 0 | 0.0% |
| Public Order & Safety | 0        | 0 | 0.0% | 0 | 0.0% |
| Urban & Infrastructure Services | (8,886,800) | (10,600) | - | (9,986,800) | -10.7% |
| Environmental & Community Amenities | (283,000)  | - | - | (283,000) | 0.0% |
| General Purpose Revenue | (7,273,500) | - | - | (7,273,500) | 0.0% |
| Appropriations For Future Expenditure | 0 | - | - | 0 | - |
| **Total Capital Income** | (17,207,250) | (850,310) | (440,300) | (18,707,450) | 0.1% |

| Expenditure           |          |           |            |           |            |
| Corporate Governance  | 17,029,498 | - | - | 18,825,498 | 1.1% |
| Corporate Planning & Strategy | 3,692,250  | (50,100) | (153,650) | (4,845,800) | 0.0% |
| Human Services & Facilities | 5,698,329  | 4,600 | - | (5,663,729) | 0.0% |
| Recreation & Culture | 9,716,462  | (25,050) | - | (9,946,385) | 0.0% |
| Environmental Services | 5,117,844  | - | - | (5,117,844) | 0.0% |
| Public Order & Safety | 1,117,795  | - | - | (1,117,795) | 0.0% |
| Urban & Infrastructure Services | 7,646,803  | - | - | (7,646,803) | 0.0% |
| Environmental & Community Amenities | 15,513,469 | - | - | (15,513,469) | 0.0% |
| General Purpose Revenue | 1,273,500  | - | - | (1,273,500) | 0.0% |
| Appropriations For Future Expenditure | - | 0 | 0.0% | 0 | 0.0% |
| **Total Expenditure** | (62,409,520) | 53,250 | 128,210 | (63,138,570) | 0.9% |

| Capital Expenditure   |          |           |            |           |            |
| Corporate Governance  | 1,513,000 | 53,000 | - | (1,566,000) | 9.8% |
| Corporate Planning & Strategy | 2,161,250  | - | - | (2,161,250) | 0.0% |
| Human Services & Facilities | 500,000  | (612,000) | - | (1,112,000) | -22.4% |
| Recreation & Culture | 1,449,420  | 299,775 | - | (1,749,195) | -26.9% |
| Environmental Services | 25,000    | - | - | (25,000) | 0.0% |
| Public Order & Safety | 0        | 0 | 0.0% | 0 | 0.0% |
| Urban & Infrastructure Services | 6,589,896  | 150,600 | - | (6,740,496) | 0.0% |
| Environmental & Community Amenities | 1,649,103    | - | - | (1,649,103) | 0.0% |
| General Purpose Revenue | 0        | - | - | 0 | 0.0% |
| Appropriations For Future Expenditure | 4,295,934 | - | - | 4,295,934 | 0.0% |
| **Total Capital Expenditure** | 17,356,947 | 1,082,766 | 248,190 | (17,528,016) | -0.8% |

| Surplus/(Deficit)      | (278,073) | (119,150) | (199,923) | (579,873) | 502,778 |
| Net Surplus/(Deficit)  | (278,073) | (346,231) | (579,304) | (579,873) | 502,778 |
SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2010 – 2013 for the period 1 October 2010 to 31 December 2010, in accordance with the requirements of the Local Government Act, 1993.

REPORT

Section 407 of the Local Government Act, 1993, requires the General Manager to report periodically "as to the extent to which the performance targets set by the Council's current management plan have been achieved during each quarter."

In June 2010, Council adopted the 2010-2013 Management Plan. Contained within this Management Plan are the five (5) Principal Activities undertaken by Council, being:

1. Governance
2. People and Place
3. People Services
4. Infrastructure Services
5. The Environment

The actions matrix derived from Council’s Management Plan has been updated for the October to December 2010 quarter, and is circulated under separate cover, along with trend data on the key performance indicators listed in Council’s Management Plan 2010–2013. The graphs, displaying data for the 2008 and 2009 calendar years as well as data for 2010 for comparative analysis, are also circulated under separate cover.

This Report provides for the requirement of statutory quarterly reporting on the Council’s five Principal Activities in the Management Plan for the period ending 31 December 2010.

Some of the key highlights for the second quarter, being October to December 2010 are as follows.

- Community and stakeholder consultation to inform the development of the new Manly Community Strategic Plan and directions for the next 10 years.
- Consultation with key stakeholders and advisory committees regarding preliminary vision and conceptual elements for the Manly 2015 project in order to commence public exhibition in the first quarter of 2011.
- Finalisation of the draft Carbon Emissions Reduction Strategy based on the research paper and findings from the Kinesis group.
- Completion of the construction and extensions to the Manly Roundhouse Childcare facility to increase services from 40 to 80 children for a February 2011 opening.
- Achievement of the rating of High Quality Assurance Accreditation for our Family Day Care service was received to complete the accreditation of the Children’s services for 2010.
Establishing late night transport hubs at North Steyne/Raglan Street taxi rank and Belgrave Street taxi rank together with additional measures to support the use of this area for late night transport and signage showing change in parking restrictions (bus zone only all day) for North Steyne/Raglan Street.

Continued preparation of a new Manly Local Environmental Plan via Council’s LEP Working Group.

Preparation of the Balgowlah Industrial Zone draft Masterplan including refining urban design and streetscape in conjunction with local businesses, precinct and community representatives.

Sandy Bay Landscape Masterplan Plan was endorsed by Council. The Masterplan for LM Graham Reserve also went on public exhibition, as did the Manly Cove Coastal zone Management Plan.

The Manly Environment Centre’s Major Environmental Festival - Ocean Care Day 2010 was opened by Ian Kiernan AO in December with a theme this year of Keep the Sea Plastic Free and A Pledge Banner was signed by hundreds of people as a commitment to saying NO to plastic.

PA systems at Queenscliff and North Steyne have been completed providing a dual functioning system on the beach available regularly for the professional lifeguards, and to be available for use by the Surf Clubs on their carnival days.

Burnt Creek Integrated Restoration project is continuing with school excursions undertaken and promoted to local primary and secondary schools and collaborative work with bush regeneration and water cycle management teams, including signage improvements and surveying the local community and resident attitudes and perceptions.

Manly Lagoon sites 1 & 2 rehabilitation works have progressed with preliminary dredging works underway.

Improvements to Council infrastructure and assets continues with upgrade planned for the Depot’s vehicle wash facility by lodgement of a DA for works, condition audits continuing for all surf clubs, toilet improvements for Fairlight Beach and refurbishment works undertaken for the Lifeguard room at North Steyne Surf Club. There have also been improvements to synthetic grass at Harbour View Childcare Centre at Seaforth and improved planting in parks at Fairlight Shops, Seaforth Roundabout and Seaforth Oval.

Completion of the pedestrian crossing at Kenneth and Balgowlah Road, as well as a feasibility study and combined traffic counts for this change.

Managing the undertaking of successful well attended family and community events such as Manly’s Christmas Concert and New Years’ Eve fireworks display.

These highlights should be read in conjunction with the Management Plan Actions Matrix and Key Performance Indicator Charts as mentioned above.

**RECOMMENDATION**

It is recommended that the report on the second quarterly review of the Management Plan 2010-2013 for the period ending 31 December 2010 be received and noted.
Planning And Strategy Division Report No. 3 (Cont’d)

ATTACHMENTS

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<th>AT-</th>
<th>Description</th>
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<td>1</td>
<td>Management Plan Matrix Second Quarter Update to 31 December 2010</td>
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OM140211PSD_5

***** End of Planning And Strategy Division Report No. 3 *****
SUMMARY

This report provides Council with final draft exhibition material for Manly2015 a strategic, forward thinking vision to guide the future rejuvenation of the Manly CBD and Village. The proposed exhibition material now incorporates two options for the general public to comment on in relation to the Whistler Street Triangle Site and Public Library building. It also highlights the findings of the independent traffic study on the Manly2015 vision. The community consultation strategy is outlined. The exhibition period is proposed to run from March through to September 2011. A Community Reference Panel will be established to provide input to Council on the Manly2015 Vision going forward.

REPORT

Background

On 8 November 2010 Council resolved to formally endorse Manly2015 as a strategic, forward thinking vision to guide the future rejuvenation of the Manly Village which aims to improve and capitalise on Manly as a village and international destination for our current and future community and visitors. The Manly2015 Vision contains public domain, traffic and streetscape improvements that are necessary to renew the Manly Village for the future, with long-term infrastructure benefits for the local environment, economy and community. In early February a specially convened Strategic Planning Workshop of Councillors and Senior Staff also received and endorsed additional information to go forward to Council for exhibition on the Vision.

Key Elements of Manly2015

Manly2015 both enhances and builds on Manly's assets such as natural seclusion, its setting and pedestrian village and parks, while minimising some of the negative aspects that currently impede the village via disconnected roads, and imbalance between services that compete between tourist and resident needs.

The aim of Manly2015 is to ensure that Manly moves into the 21st century as a compact urban village immersed in beautiful natural surroundings and as a prosperous, sustainable, vibrant place with improved 'liveability'. Further background detail is provided at Attachment 1.

The key concepts in Manly2015 are as follows:

- Creates a welcoming and conductive space for Manly Residents;
- Non local and through traffic is removed from the Manly Village;
- Pedestrianise and energise the whole of the Manly Village by activating the currently inactive private/public domain interface;
- Create and imbed piazzas and rooms in the rich network laneways and public domain areas of the Manly village;
- Leverage on heritage;
- Provides a variety of access options for residents and visitors;
- Enrich community experience and village atmosphere;
- Enhance social and cultural capital, and excite economic possibilities, and
- Differentiate the international Manly by reinforcing the Manly Village character.
Public Domain Improvements in Whistler Street Triangle

Further to the plans endorsed by Council in November 2010 two alternative options have been developed by Architects Choi Ropiha Fighera for the triangle site. The analysis and designs of these two options are summarised below.

Option 1: Retain the existing library and remove the car park

This would provide an opportunity to improve the appearance and presence of the library by creating additional building height (to 5 storeys, to 13 metres high) to provide a bigger library, storage, more community meeting rooms and civic offices, while activating the Library’s relationship to the outside surrounding public spaces.

It would also involve the demolition of the existing Whistler Street car park and the re-configuration of this site to enable greater community and commercial uses.

Option 2: New Library and Community building and remove the car park

This would involve the removal of the Whistler Street car park and existing public Manly Library, and build a new Library and community building.

This would provide an outstanding opportunity to raise the presence of the Library and build a new 5 storey (to 13 metres high) state of the art, high-spec, attractive and innovative community building for future generations.

Traffic Considerations

One of the central aims of the Manly2015 is to reduce traffic intrusion into the heart of the Manly CBD and to improve pedestrian, worker and resident amenity. In October 2010, Manly Council engaged independent traffic consultants, Philip Brogan and Bitzios Consulting, to provide an assessment of the proposed road network changes being planned in the Manly CBD. The concepts modelled and considered as having minimal impact by the consultants for the Manly2015 were:

- Partial closure of North to South Steyne (between Raglan and Wentworth Streets) to a one way southbound Shared Zone (including existing bus routes) could provide sufficient capacity in the traffic network and still achieve Council’s goals of making the CBD a more inviting and pedestrian friendly environment.
- A new shared zone in Henrietta Lane.
- Cul-de-sac in Central Avenue becoming a 2 way with traffic calming measures implemented.
- Closing Sydney Road (between Belgrave Street to Central Avenue) to create a pedestrian zone.
- Whistler Street becomes one way northbound (The Corso to Raglan Street) with a low speed crossing of the new Sydney Road pedestrian zone.
- Darley Road becomes one way northbound (The Corso to Wentworth Street) with a shared zone treatment (including the Whistler ‘dog leg’).
- Belgrave Street (Gilbert Street to East Esplanade) and East Esplanade (Belgrave Street to Wentworth Street) to be traffic calmed.
- A new 800 space car park to be constructed underneath Manly Oval, with vehicular access from both Sydney Road and Raglan Street, and underground pedestrian links to the Sydney Road (east) pedestrian precinct.

Tramway Proposal

Part of the proposal has been to incorporate a tramway as a sustainable transport option for local people and visitors to Manly. More detailed feasibility is required on this aspect of the plan.
However, a presentation and background (at Attachment 3) recently presented to Councillors by the Chairperson of Council’s Sustainable Transport Committee Cr Hugh Burns is intended to be made available for members of the public to peruse and provide comment on as well as part of the Exhibition proposed.

Community Consultation Strategy for Manly2015 Project

In order to support the community understanding of Manly2015, it is proposed that Manly Council employ a range of consultation activities in and around the Manly CBD and broader Manly local government area. The proposed consultation strategy is outlined at Attachment 4. A key part of this Strategy is the establishment of the Manly2015 Citizens Panel made up of key Stakeholder groups including Precinct representatives.

RECOMMENDATION

It is recommended that Council:

1. Receive and note this report on the Manly2015 vision;

2. Commence public exhibition of the Manly2015 Vision as outlined in this report utilising the material as presented in the Attachments.

3. That the exhibition period of the Manly2015 Vision be formally launched in March 2011 and continue through until Mid September allowing a report back to Council at its October Ordinary Meeting.

ATTACHMENTS

AT-1 Manly CBD Tramway Loop Proposal 13 Pages Circulated Separately
AT-2 Manly2015 Proposed Consultation Strategy 1 Page Circulated Separately
TO: Ordinary Meeting - 14 February 2011  
REPORT: Planning And Strategy Division Report No. 5  
SUBJECT: Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly

FILE NO:

SUMMARY

The purpose of this report is to respond to Council Resolution 236/10 of the Ordinary Meeting of Council on 13 December 2010:

‘That a full report be brought back to Council on the first Ordinary Meeting in 2011 on rezoning options for 34, 36, 38 and 40 Stuart Street so that Council can make a decision on these properties for the comprehensive LEP.’

In Manly LEP 1988, the subject site at numbers 34 and 36 Stuart Street is currently zoned 6. Open space in figure 1 and 38 and 40 Stuart Street is zoned 6.b (i) Open space to be acquired by Council.

Options are discussed to assist Council to reach a decision for inclusion of preferred zoning of the subject site in the draft Manly (Comprehensive) LEP, which is expected to be on public exhibition in 2011.

REPORT

Background to site
The background to the site in relation to planning policy, previous acquisitions and environmental factors, significantly influence zoning options for the land in the draft Manly (Comprehensive) LEP 2011. Council business papers record the issue has been considered by council on many occasions since 1995.

Planning policy context of land use zoning at 34-40 Stuart Street, Manly

1940’s
The land was identified as open space- parks and recreation areas in the County of Cumberland Planning Scheme Ordinance map, 1948 (ratified 27 June 1951). However, the precise boundary and extent of open space area is not clear in the plan. (See attachment)
1960’s
Under Manly Planning Scheme, dated 20 December 1968, the land was identified as Open Space Public Recreation Area Foreshore Reservation.

1980’s
In accordance with Manly LEP, 1988, the land at 34-36 Stuart Street is currently zoned Open Space and 38-40 Stuart Street is zoned Open Space 6(a) (to be acquired by Council). The land is within the Foreshore Scenic Protection Area and is identified as an environmentally sensitive area. Number 34 Stuart Street is listed as an item of environmental heritage. Numbers 38-40 Stuart Street separate the eastern and western ends of Little Manly Reserve.

2000’s
The land is within the Foreshores and Waterways Area identified in Sydney Harbour Regional Environmental Policy 2005 (now deemed State Environmental Planning Policy). Part 2 of this policy outlines planning principles to be considered and where possible, achieved in the preparation of LEP’s and DCPs. Clause 14 states that the Planning Principles for the Foreshores and Waterways Area, including public access should be increased, maintained and improved along the foreshore, to and from the waterways for public recreation and also provision of public boating facilities should be encouraged.

Further, the adjoining beach and cove at Little Manly is zoned W2 Environment Protection, principally to:

- protect the natural and cultural values of waters in this zone,
- prevent damage in the zone and adjoining foreshores,
- give preference to rehabilitating the natural and cultural values of the zone and adjoining foreshores, and
- provide for long term management of natural and cultural values of the waters and adjoining foreshores.

Little Manly Beach and Cove is within the Wetlands Protection Area and Critical Habitat for Little Manly Penguins. Little Manly Pool is identified as a heritage item in this state policy.

Recent Planning Policy Preparation
The Draft Manly (Comprehensive) LEP 2011 is nearing the stage of a formal pre lodgment meeting with the NSW Department of Planning (DoP). The draft LEP will replace the current Manly LEP 1988 but cannot proceed to the next stage in the formal plan making process unless all major policy issues have been resolved. The resolution of Council in response to this report to conclude the proposed zoning for the land at Stuart Street and the associated acquisition status is a major drafting decision, which affects progression of the draft LEP. After a formal pre lodgment meeting with the DoP, a report to Council will be prepared under Section 64 of the Act for resolution to seek permission from the Director General to publically exhibit the draft LEP.

The outcome of this report affects the content of two separate compulsory Draft LEP maps; Land Use Zoning and Land Reserved for Acquisition.
Emerging Planning Policy issues including Draft Sea Level Rise Investigation Areas

The subject site is in a foreshore location on Sydney Harbour. The NSW Government issued the Coastal Planning Guideline: Adapting to Sea Level Rise in August, 2010. This applies to all Coastal areas of NSW, being the NSW Coastal Zone as well as Sydney Harbour, Botany Bay, the Hawkesbury River and their tidal tributaries. This guideline presents a range of principles affecting land use planning, which requires a balance between social, economic and environmental considerations. The guideline requires all Councils in Coastal areas to identify Sea Level Rise Investigation Areas, for the purpose of completing detailed coastal erosion and flood studies. The studies will then be used to inform hazard lines on maps separately identifying risk from coastal erosion and coastal flooding. These maps will then become part of the LEP and be used to determine development applications. The entire process of investigation, studies and mapping will take place throughout 2011. It is not yet clear whether the subject properties will be affected either in part or full by the sea level rise investigation areas. The LGSA are in discussions with NSW Planning to challenge the lack of clarity in determining the land use zoning for land in Sea Level Rise Investigation Areas.

Ministerial Directions under Section 117 of the EP&A act 1979 6.2 Reserving Land for Public Purposes

The objectives of this direction are:

(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This direction applies to all councils when a council prepares a draft LEP. A draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). Manly Council is the relevant public authority for local open space, zoned Public Recreation in the LEP.

Land use and Environment
Ordinary Meeting Agenda

Planning And Strategy Division Report No. 5 (Cont’d)

Ariel photography from the 1930’s illustrates the land on which the properties are located is sandy beach. The natural value of the sandy beach has since been altered and retained by a sea wall and further landscaped with vegetation on the public reserve and private gardens.

Little Manly Coastline Hazard Definition Study, May 2003 (Paterson Britton & Partners Consulting Engineers), identified the most significant hazards in the location as beach erosion, shoreline recession and climate change. Sand drift was also considered a less significant hazard as it was restricted by the existence of the sea wall. Predicted loss in beach over 20-30 years is estimated conservatively at 3-8 metres based on a width of approximately 25-30 metres. The seawall was considered to be in a fair condition; however the study did raise concerns for the stability of the sea wall during storms.

The boundary of the sea wall is currently within 21-22 metres distance from the mean high water mark. The properties are 2 metres above sea level at the lowest lying point, rising to 2.5 metres above sea level at the principal facade of the remaining residential dwellings between 36-40 Stuart Street and approx 3.5 metres above sea level at the front of number 34 Stuart Street. Crib retaining walls separate the frontage of the properties from the street and the properties at 38-40 Stuart Street sit around 5 metres below the road.

Property and acquisitions

Originally, the land at 34-40 Stuart Street formed part of a land grant to Richard Cheers on 1st January 1810. These properties extended to mean high water mark and underwent various subdivisions in 1922 and 1923 with construction of dwelling houses after 1923 under the approval of Manly Council (after Local Government Act 1919).

Number 34 Stuart Street, formed part of East Brighton Estate subdivision in 1885. The property was acquired by Council in 1977. The NSW heritage database states that the style and finish are unusual within the local environment; a fine example of Federation Queen Anne style weatherboard house.

The current reserve adjoining 40 Stuart Street was created after the resumption of this land in 1946; twenty years after the properties were approved as dwellings. Thereafter, the subject land was zoned open space in the 1960’s and at that time owners had the right to ask Council to acquire properties at full market value. Council resumed ownership of lots on the beach currently known as Lots 4, 5 and 6 of DP 252420 from the mean high water mark to current position of the sea wall in 1977. The current owners of 38 and 40 Stuart Street acquired the properties after this zoning. No.38 Stuart Street in was acquired by the current private owners at auction in 2007. The owners of No.38 then gained approval on the basis of existing use rights for a residential dwelling in October 2009 at the NSW Land and Environment Court (NSWLEC/1329) and further amendments to this development (DA261/08) were approved by Manly Independent Assessment Panel under Section 96 of the Act on 17 June 2010.

Summary and review of Manly Council Discussion Papers prepared by former Executive Director of Major Projects, Jim Hunter 2006

A discussion paper (attachment), presented to Council on 13 November 2006 regarding a request to zone land currently zoned open space (acquisition) to residential at numbers 38 and 40 Stuart Street was prepared in response to Council’s resolution on 13 March 2006:

‘That council defer consideration of the request to rezone properties at Nos. 38 and 40 Stuart Street, Little Manly from Zone No. 6 Open Space to Zone No.2 Residential including the resolution by Council in response to the above 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;
Planning And Strategy Division Report No. 5 (Cont’d)

- Benefits/requirements for additional open space;
- Possible future uses if returned to open space, including benefits versus 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.

The paper recommended that:

1. Council make urgent representation to the State Government, via the Local State Member, for funding to acquire the subject properties; and
2. 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.

The discussion paper was considered at a Council meeting and a decision was made to issue the paper for public discussion.

A letter to the Executive Director dated 24th January 2007, from the owners at Number 40 requested that if there was need for an access strip then 1.5 metres was considered adequate and that Council meet costs of subdivision, fencing and relocation of vegetation to the new boundary. The owners also requested that any floor space ratios (FSR) applicable to their land would be determined on the current size of land before access was granted. It should be noted that there are no FSR controls applicable to the land as it is not in a residential zone.

A further discussion paper was considered by Council on 12 May 2007. This paper was presented in response to the request from the owners to rezone the land on the basis that a small portion of the rear of the properties might be dedicated to Council to create foreshore access along the reserve above the sea wall.

Various options to council following public discussions included results from a Council Survey, Action Group Survey, Little Manly Precinct Resolutions and submissions by the owners. Options were:

1. Do nothing.
2. Acquiring part only of 38 and 40 Stuart Street and rezoning residual land to residential.

Other options to improve open space network included a preliminary consideration of a boardwalk link. The paper also provided commentary on issues of ongoing relevance, such as sea level rise, affordability and provision of boat storage etc.

The paper also outlined changes to the Land Acquisition Act, which changed owners’ rights to request acquisition to be made by Council only in cases of hardship.

In response to this paper, Council resolved in a closed session:

“That Council submit an application to the Minister for Local Government to compulsorily acquire 38 Stuart Street, Little Manly, for the purpose of open space under section 186 of the Local Government Act, 1993, and in accordance with the Land Acquisition (Just terms compensation) Act 1991.”

The State government has advised Council in statutory consultations affecting the draft LEP that they no longer wish to acquire land for open space.
Planning And Strategy Division Report No. 5 (Cont’d)

Summary
34 Stuart Street (Lot 8, DP 1108368) shown at figure 3 is a large lot of approximately 947 square metres, owned by Council since 1977 and classified operational land. The land on the foreshore side of the building is partly used as a Council operated Boat Storage facility. The land contains a heritage listed dwelling house.

Figure 3 & Figure 4

Number 36 Stuart Street (Lot 1, DP 252420) shown at figure 4 is 468 square metres, owned by Council since 1998 and classified community land.

Figure 5 & Figure 6

Number 38 Stuart Street (Lot 2, DP 252420) is privately owned. Figure 5 shows the property after demolition in 2010. The lot is 569 square metres and has approval (NSWLEC) for a building containing two residential dwellings with a garage and swimming pool. Section 96 modifications approved by Manly Independent Assessment Panel on 17 June 2010 permit a tanked and sealed storage and plant room in a basement area of 100 m² with a finished floor level being no more than R.80 in addition to the approved dwelling.

Number 40 Stuart Street (Lot 3, DP 252420) is 365 square metres shown in Figure 6. The land consists a residential dwelling in private ownership. Properties at 38 and 40 Stuart Street extend to the sea wall.
Land Use Zoning Options
The land use planning options for the subject require Council to consider zoning the properties, known as 34-40 as E4 Environmental Living and adopt a foreshore building line to the rear of the properties or Council maintains the reservation for acquisition by Council for local open space and zone the land RE1 Public Recreation in the Draft LEP.

RECOMMENDATION
That the matter be referred to Council for its consideration.

ATTACHMENTS
AT-1 Options for Rezoning of Stuart Street - mapped 1 Page Circulated Separately
AT-2 Discussion Paper 2006 - Rezoning of Stuart Street Properties 26 Pages Circulated Separately

OM140211PSD_7

***** End of Planning And Strategy Division Report No. 5 *****
SUMMARY

This report examined options for the future operation and location of the Manly Market.

REPORT

Background

Council resolved at the Ordinary Meeting of 13th September 2010, to determine the future uses of Sydney Road, Short Street, Market Lane and Library Place as hubs for markets and community engagement and to review the Market licence. This report advises the Council in Part A – determination of future uses of locations and in Part B – a review of the Licence agreement.

Under the Current Agreement Rowans Market Line Pty Ltd was granted consent to operate the Sydney Road Arts and Crafts Markets from 14 July 1997 (DA 129/97). These markets are now operated by Blue Sky Events Pty Ltd who commenced their agreement with Council in July 2005 and expire on 31st August 2011.

Original Approval conditions include:
- Operational hours from 10.00am – 6.00pm Saturdays, Sundays and public holidays
- Total of 41 bays
- Permitted 35 bay areas are located in Sydney Road
- Permitted 6 Bay areas are located in Market Lane
- Size of each bay is 3m x 3m and can accommodate two traders
- A 1 metre aisle being provided between the rows of stalls
- A 3.5 metre accessway be maintained for emergency vehicles
- The number and locations of individual stalls “is subject to variation by Council should changes be necessary to relocate Council's street furniture, public and emergency access or any other reasonable requirement”.

The term of the Agreement, was amended to cover the period to 31 August 2010, providing for a further one year option. The one year option is in operation until 31 August 2011.

Part A

The following table compares and contrasts location options for a Manly Market:

<table>
<thead>
<tr>
<th>Location</th>
<th>Area</th>
<th>DA</th>
<th>Major Conditions</th>
<th>Access</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Road</td>
<td>6m wide x 85m length (7.5m at The Corso end)</td>
<td>Yes DA 129/97 Under Manly LEP 1988</td>
<td>• Operate between 9.00am – 5.00pm each Saturday, Sunday and public holiday&lt;br&gt;• No market operation in this location during Manly Jazz Festival&lt;br&gt;• Priority to Manly residents businesses for stalls&lt;br&gt;• One stall each market day for Manly businesses to advertise/exhibit their products – free of charge</td>
<td>Enter: Market Lane or Henrietta Lane Exit: Henrietta Lane or Central</td>
<td>• Existing development since 1998&lt;br&gt;• Well known location&lt;br&gt;• Emergency access maintained&lt;br&gt;• Monitored by Council Rangers</td>
</tr>
</tbody>
</table>
### Human Services And Facilities Division Report No. 2 (Cont’d)

<table>
<thead>
<tr>
<th>Venue</th>
<th>Location</th>
<th>DA/LEP</th>
<th>Stall Options</th>
<th>Ave Location</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **Short Street Plaza**       | 6m x 50m | Yes DA 243/08 Under LEP 1998 | - 10 Farmers’ Markets stalls due to the maximum available Plaza public space  
- Single row of stalls in middle of street  
- Operation from 9.00am – 5.00pm for one day per weekend  
- No plastic bags, amplified music, refrigerated or hot food, tea or coffee without Council approval | Enter: Raglan St  
Exit: Sydney Rd | Less visible location  
Need to remove three double seats  
Restricted access for stalls because of 5 shops and residences  
Awning height limits stalls on western sides  
5 minute parking area sign in Sydney Rd to be blocked |
| **Market Lane**              | 7m x 35m | Yes DA 129/97 Under LEP 1998 | - 6 Bays = 12 stalls permitted in Market Lane to No. 49  
The Corso rear entrance  
- As listed under Sydney Road conditions | Enter: Market Lane  
Exit: Market (Library) Place | Two rows of stalls possible with access corridor  
Slightly sloping ground  
Area covered by existing Markets agreement  
No interface with shop entries or exits |
| **Market (Library) Place**   | 7.5m x 23m | No Use requires new DA or Section 96 amendment to the original 1997 DA | Enter: Market Lane  
Exit: Market (Library) Pl | Stalls from Saltwater Motion Café to end of Market Lane and around fire escape  
Access problems because of bollards, early entry only (closed at 11.00am)  
- Need to relocate signage / rubbish bins  
- Access needed for 2 arcades and Library  
- Maintain roadway at front of library for emergency access |

In the recommendation of this report, it takes into account the assessment made in the above Table on location options.

### Alternate venues

Gilbert Park, East Esplanade, West Esplanade, Manly beachfront have been considered in this review; but for reasons of public space; stall holder access (ingress and egress); pedestrian access, prevailing weather exposure, visibility, parking and impacts on residents, these locations are considered unsuitable.

### Part B
Human Services And Facilities Division Report No. 2 (Cont’d)

Review of current Licence agreement conditions
A review of the Licence agreement conditions has been carried out in response to complaints regarding goods sold not in compliance with the terms of the Agreement.

Terms in the License specified: “Items for sale must be predominantly designed by the stall holder in Australia. Preference must be given to hand made goods produced in Australia of good quality focusing on creativity, cultural and environmental excellence”.

At the August 2010 meeting of Council, Council resolved to that any new licence will require “Items for sale must be handmade quality goods produced in Australia”.

RECOMMENDATION

- That the Arts &Crafts Markets continue to operate in the location of Sydney Road from Central Avenue intersection and to include Market Lane and Market Place in accordance with Market Hub Precinct plan (attachment 1) from 31st August 2011; and

- That Expressions of Interest be called for the operation of an Arts & Crafts Market and Farmers’ Market prior to the expiration date.

ATTACHMENTS

AT-1 Mapped aerial view of Sydney Road, Market Lane and Market Place, showing extension in red broken line, to proposed market hub/precinct

OM140211HFSU_2

***** End of Human Services And Facilities Division Report No. 2 *****
Human Services And Facilities Division Report No. 2 - Review of Manly Market Operations
Mapped aerial view of Sydney Road, Market Lane and Market Place, showing extension in red broken line, to proposed market hub/precinct
SUMMARY

This report provides an update to Council on the cost to upgrade and make safe the timber boardwalk at Federation Point attached to the Manly Bathers Pavilion of which Council has responsibility for under a lease with NSW Maritime.

REPORT

Council at its' meeting of 19 April 2010, in adopting the Minutes of the Community Environment Committee - 10 March 2010 ITEM 5.1 Penguin Report (c) Penguin nest under Bathers’ Pavilion walkway – resolved:

“That Council prepare a plan and estimate of the cost to construct a new boardwalk over the existing boardwalk for consideration in the upcoming budget, in conjunction with the Penguin Recovery Team and Manly Scenic Walkway Committee.”

Also at that meeting Council received a report from the General Manager in Confidential Session (General Managers Report No 4 – Property Matter) regarding the lease from NSW Maritime of the timber boardwalk. Included with the report was a structural engineers report “Structural Inspection – Report Manly Pavilion Timber Boardwalk”. A copy of this report is attached for information.

The boardwalk is in need of a major upgrade to reduce any risks to persons who may use it.

Council has obtained an estimate of costs of $97,000, to remediate the structure.

RECOMMENDATION

That:

1. The report be received and noted;

2. Council seek a 50% contribution from Bathers Pavilion towards the cost of the works.

3. Seek State funding for the balance.

ATTACHMENTS

AT- 1 Pavilion Boardwalk Engineers Report 5 Pages

OM140211CSU_1

***** End of Civic and Urban Services Division Report No. 2 *****
Structural Inspection – Report
Manly Pavilion Timber Boardwalk

Date Inspection / report 14th April 2010

Person requesting Report Jo Bramma
Manager Customer Service & Special Projects
General Managers Unit, phone 9976 1757
Manly Council

Report Title Structural Condition of the Wooden Boardwalk off the southern wall, Manly Pavilion.

Photo of the Boardwalk

Inspection – Report by Gordon Malesevic
Description of the timber Boardwalk – as at 14th April 2010

- The boardwalk is approx 2.1 meters wide and approx 35 meters long.
- The boardwalk is generally made of hardwood
- The boardwalk is approx 40 years old
- The boardwalk sits on timber brackets that have been attached to the Manly Pavilion
- The boardwalk has had some dated / damaged timber treads replaced with treated pine
- The boardwalk timber treads are dated and need replacement
- The boardwalk handrail is in need of replacement
- The hardwood timber joints would need further inspection – by way of removing a timber tread and checking the amount of weathering and deterioration. As its the water that gets into the spaces between timber that remains and causes the most harm
- The steel connections / straps that are transferring the load of the boardwalk to the concrete foundations of the Manly Pavilion have oxidised and show signs of rusting. Loss of steel section normally occurs and hence reduces the load carrying capacity of the boardwalk.

Further inspection would need to be carried out to determine their exact condition.

Quantifying the Risk and exposure of Council

- The handrail is in poor condition and needs to be replaced as soon as possible. It is reasonable to have someone rest upon the handrail to view the scenery and or to help support themselves.
- The boardwalk treads are dated and there was one found to be entirely cracked. It is reasonable to expect that persons will run, walk, bicycle and or jump on the treads and there is a risk of personal injury at this point in time.
- Some of the timber treads have been replaced with treated pine sections, they are of differing heights and hence cause trip hazards for the users especially the elderly whom tend to shuffle their feet as opposed to lifting their feet when walking.
- The steel brackets supporting and transferring the load of the boardwalk should be inspected and de-scaled, cleaned and covered in a protective anti rusting paint. There is a risk that the brackets will fail. It is unlikely that the whole boardwalk will collapse at once, there would need to be a unforeseen evenly distributed load across the entire boardwalk to encourage this type of failure to occur.
- As the boardwalk is made of timber of similar species, there are differences between the trees from which the timber is sourced and hence there are differences in the type of behaviour each piece of timber has in resisting weathering. It is recommended that the boardwalk be inspected on a regular basis by a suitably qualified person to provide a maintenance plan in an effort to ensure safety.

What will it cost?

- What needs to be noted is that the boardwalk is located over water, and access to a suitably safe working platform is always going to be costly.
  - Replace all the timber treads – supply and install approx $10,000
  - Replace the handrails approx $5,000
  - Paint the handrails approx $1,500
  - Inspect the steel brackets, clean, scale and paint with epoxy approx $18,000

  Total $34,500

- Ongoing maintenance – allow for inspections, paint misc approx $2,000 per year
Photo 1 – Timber supporting structure (Brackets)

Photo 2 – Timber joints under boardwalk

Photo 3 – Steel connections at eastern end of boardwalk

Photo 4 – Timber joints under boardwalk

Photo 5 – Timber supporting structure of the boardwalk

Photo 6 – Steel brackets rusted under the timber boardwalk
SUMMARY

For Council to consider improvements to the existing cycle parking and additional cycle parking.

REPORT

During Council’s Ordinary Meeting 8 November 2010, it was requested that a report be prepared identifying locations for improved cycle parking. This report:

- Reviews the existing cycle parking provision; and
- Recommends additional cycle parking and upgrades to existing cycle parking.

Commuter cycling in Manly experienced approximately a 20% growth between 2001 and 2006. This growth will increase demand for suitable cycle parking. To establish where additional cycle parking spaces may be required, and to assess the existing cycle parking provision, an audit of the existing cycle parking was undertaken. This found that:

- There is an undersupply of cycle parking at several locations within the CBD; and
- Several of the shopping precincts and some of the playgrounds would benefit from additional cycle parking.

Cycle parking should:

- be provided at common commuting and recreational destinations including schools, shopping centres, bus and ferry terminals and interchanges, work places and shops;
- be installed close to existing or planned cycle lanes so that users can access them easily; and
- be installed at locations that would further encourage cycle usage, for example within recreational areas such as parks and sporting facilities.

Further information regarding design requirements for cycle parking can be found in Appendix A.

CYCLE PARKING IN THE CBD

Existing Conditions

The cycle parking audits within the CBD found that:

- Demand for cycle parking exceeds the supply at the Wharf, some sections of the beach front, on Victoria Parade by the council library and at the bus interchange on Belgrave Street. Appendix B shows photos of inappropriate cycle parking because of the short fall in supply; and
- The cycle cage located in the Whistler Street car park is currently under used. This may be because additional signs are needed to direct cyclists to this facility.

Proposed Improvements – The CBD

Proposed upgraded cycle parking facilities and additional cycle parking are shown in Figure 1, Appendix C and scheduled in Appendix D. These would include cycle parking or additional cycle parking at:

- Wentworth Street outside Royal Far West School;
Civic and Urban Services Division Report No. 3 (Cont’d)

- North Steyne (south of Raglan Street) and South Steyne (at Victoria Parade);
- Market Lane, outside the Council library;
- Ivanhoe Park (at the corner of Belgrave Street and Sydney Road);
- waterfront at West Esplanade, east of Manly Ocean world; and
- Manly Wharf (it is proposed to provide high density cycle parking at this location - refer to Figure 1, Appendix A).

In addition:
- Some cycle racks at Manly wharf could be reused in other identified areas; and
- Installation of signs at Manly Wharf and Belgrave Street bus interchange could encourage use of the cycle cage at the Whistler Street car park.

CYCLE PARKING OUTSIDE THE CBD

Existing Conditions
Cycle parking audits outside the CBD showed:
- Most cycle parking spaces are located at playgrounds, parks and beaches;
- Some shopping hubs and the bus interchange at Balgowlah could use more cycle parking; and
- Information on the location of cycle parking may reduce inappropriate cycle parking in some locations.

Proposed Improvements – Outside CBD
Proposed upgraded cycle parking facilities and additional cycle parking are shown in Figure 2, Appendix C and scheduled in Appendix D. These would include cycle parking or additional cycle parking at:
- Seaforth shops along Sydney Road between Kempbridge Avenue and Hope Street;
- the Totem Shopping Centre by the Hop Skip and Jump bus interchange;
- the east of William Street at the Fairlight shops;
- outside Manly Hospital at Darley Road;
- at the western end of Manly Lagoon Park (at outdoor gym facilities);
- Keirle Park west of Pittwater Road to cater for bus commuters and sports facilities users at this location;
- Clontarf Reserve; and
- the LM Graham Reserve (this is included within the Master plan).

All the proposed improvements will require detailed engineering design.

RECOMMENDATION

It is recommended that Council:

1. Install additional signage to inform the public of the location of cycle parking in Manly, and
2. Over the next 3 years, increasing by 100 per year the number of cycle parking, spaces at bus interchanges, along the waterfront and within parks in the CBD.

ATTACHMENTS

<table>
<thead>
<tr>
<th>AT-1</th>
<th>Appendix A Cycle</th>
<th>2 Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT-2</td>
<td>Appendix B</td>
<td>1 Page</td>
</tr>
<tr>
<td>AT-3</td>
<td>Appendix C</td>
<td>2 Pages</td>
</tr>
<tr>
<td>AT-4</td>
<td>Appendix D</td>
<td>1 Page</td>
</tr>
</tbody>
</table>
Appendix A  Design requirements for cycle parking

INTRODUCTION
Cycle parking needs to cater for a variety of cycle users. Commuter cyclists often require long term cycle parking with a higher level of security and shelter to protect cycles from wet weather and damage from exposure to rain and sun. These cyclists are often prepared to accept cycle parking that is in less convenient locations. Leisure and short stay cyclists will often accept a lower standard of security and shelter for the convenience of cycle parking closer to their destination.

DESIGN REQUIREMENTS
Different design requirements apply to different types of cycle parking facilities. In summary, cycle parking should be designed so that it is:

- Safe, secure, convenient and meets the needs of a wide range of cyclists;
- Accessible from a road, driveway or footpath via a cycle friendly access route;
- Located outside of pedestrian movements paths;
- Arranged so that a bike can be parked without damaging adjacent objects such as landscaping, access doors and corridors and other parked bicycles;
- Protected from manoeuvring motor vehicles and opening doors;
- Well lit for secure access;
- Well utilised by cyclists and well accepted by surrounding land owners;
- Designed to aesthetically harmonise with their surroundings and as close as possible to the cyclist’s ultimate destination; and
- Easy to find, including signage if necessary.

Short term cycle parking
U-rails or cycle racks are the most basic and common type of cycle parking in commercial areas. It is conveniently used in urban areas because it can be placed along sidewalks without taking too much space away from pedestrians.

Long term cycle parking
Higher quality parking facilities at interchanges, such as lockers, need to be located as close as possible to other modes of transport for a convenient interchange, weather protected and well marked. It is desirable that parking facilities at interchanges is located a maximum of 100m from buses or ferries. The NSW Bicycle Guidelines\(^1\) recommend the use of medium or high density cycle parking in situations where available floor space is minimal and the number of users is high. An example of high density cycle parking is shown in Figure 1.

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\(^{1}\) NSW Bicycle Guidelines, Roads and Traffic Authority, 2003
Fig. 1: Example of high volume cycle parking facilities (Source NSW Bicycle Guidelines, Roads and Traffic Authority, 2003)
Appendix B  Identified parking issues in Manly CBD

Figure 1 to 4 illustrate examples of lack of cycle parking within the Manly CBD.

Fig. 1: Over utilised racks at Manly Wharf  Fig. 2: Bikes parked along fence at Manly Wharf

Fig. 3: Over utilised racks at South Steyne  Fig. 4: Over utilised racks at Belgrave St bus stop
Appendix D  Proposed cycle parking works schedule

Table 1 shows a costed and prioritised schedule of cycle rack upgrades for Manly. Each site has been prioritised based on observed parking conditions (Priority 1 being the highest and 3 the lowest). The costing is approximate and based on the observed demand for additional parking spaces. It is recommended that this schedule of cycle rack improvements could be implemented over a period of five years.

Table 1: Proposed number of cycle parking spaces, indicative costing and priority

<table>
<thead>
<tr>
<th>Proposed location of cycle parking</th>
<th>Approximate quantity</th>
<th>Priority</th>
<th>Estimated cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Within the CBD</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Esplanade, east of Manly Ocean World</td>
<td>10</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Manly Wharf</td>
<td>40</td>
<td>1</td>
<td>Not estimated²</td>
</tr>
<tr>
<td>East Esplanade - two locations</td>
<td>10</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>South Steyne - two locations</td>
<td>10</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Royal Far West School, Wentworth Street</td>
<td>10</td>
<td>2</td>
<td>$1,500</td>
</tr>
<tr>
<td>Council library, at Market Lane</td>
<td>5</td>
<td>2</td>
<td>$1,000</td>
</tr>
<tr>
<td>Belgrave Street bus interchange</td>
<td>20</td>
<td>1</td>
<td>$3,000</td>
</tr>
<tr>
<td>Ivanhoe Park</td>
<td>10</td>
<td>3</td>
<td>$1,500</td>
</tr>
<tr>
<td>At Belgrave Street / Sydney Road</td>
<td>15</td>
<td>2</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>Outside the CBD</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bliha Park, Seaforth</td>
<td>5</td>
<td>3</td>
<td>$1,000</td>
</tr>
<tr>
<td>Seaforth shops and library, Seaforth</td>
<td>10</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Clontarf reserve, Clontarf</td>
<td>20</td>
<td>1</td>
<td>$3,000</td>
</tr>
<tr>
<td>Balgowlah Heights shops, Balgowlah Heights</td>
<td>10</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Bareena Park, Balgowlah Heights</td>
<td>10</td>
<td>3</td>
<td>$1,500</td>
</tr>
<tr>
<td>Welings Reserve, Balgowlah</td>
<td>20</td>
<td>2</td>
<td>$3,000</td>
</tr>
<tr>
<td>Hop Skip and Jump bus interchange, Balgowlah</td>
<td>10</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Balgowlah shops, Balgowlah</td>
<td>10</td>
<td>1</td>
<td>$1,600</td>
</tr>
<tr>
<td>Balgowlah Tennis Club, Cross Street, Balgowlah</td>
<td>5</td>
<td>3</td>
<td>$1,000</td>
</tr>
<tr>
<td>Balgowlah Boys College, Manterno Street, Balgowlah</td>
<td>10</td>
<td>2</td>
<td>$1,500</td>
</tr>
<tr>
<td>Fairlight shops, Fairlight</td>
<td>5</td>
<td>2</td>
<td>$1,000</td>
</tr>
<tr>
<td>Esplanade Park, Fairlight</td>
<td>10</td>
<td>2</td>
<td>$1,500</td>
</tr>
<tr>
<td>Welona Reserve, Fairlight</td>
<td>10</td>
<td>3</td>
<td>$1,500</td>
</tr>
<tr>
<td>Keirle Park, Manly</td>
<td>10</td>
<td>2</td>
<td>$1,500</td>
</tr>
<tr>
<td>Manly Lagoon Park, Manly</td>
<td>5</td>
<td>3</td>
<td>$1,000</td>
</tr>
<tr>
<td>Stella's Marks College, Iluka Avenue, Manly</td>
<td>10</td>
<td>2</td>
<td>$1,500</td>
</tr>
<tr>
<td>North Steyne, Manly</td>
<td>20</td>
<td>1</td>
<td>$3,000</td>
</tr>
<tr>
<td>Shelley Beach, Manly</td>
<td>10</td>
<td>2</td>
<td>$1,500</td>
</tr>
<tr>
<td>Manly Hospital, Manly</td>
<td>20</td>
<td>1</td>
<td>$3,000</td>
</tr>
<tr>
<td><strong>Proposed location of directional signs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belgrave Street bus interchange</td>
<td>2</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td>Manly Wharf</td>
<td>2</td>
<td>1</td>
<td>$1,500</td>
</tr>
<tr>
<td><strong>Total number of parking spaces</strong></td>
<td>340</td>
<td>N/A</td>
<td>$49,500</td>
</tr>
</tbody>
</table>

¹ The costs are indicative only. Detailed design and costs will need to be prepared for each site during the delivery of this program of work.
² Costing for high density cycle parking has not been included in this works programme. Detailed design and costs will need to be prepared for high density parking during the delivery of this program of work.