



Agenda

Ordinary Meeting

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

Monday 9 December 2013

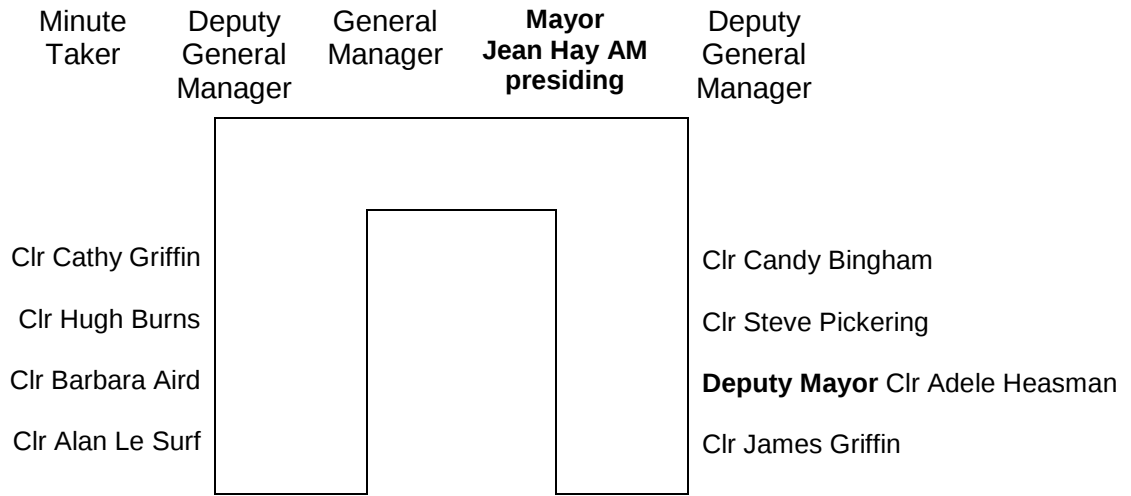
Commencing at 7.30pm for the purpose of considering items included on the Agenda.

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

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

www.manly.nsw.gov.au

Seating Arrangements for Meetings



Public
Addresses

Public Gallery

Chairperson: The Mayor, Clr Jean Hay AM
Deputy Chairperson: Clr Adele Heasman

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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

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

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE****Notice of Motion Report No. 80**

Property 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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

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

TO: Ordinary Meeting - 9 December 2013
REPORT: Mayoral Minute Report No. 17
SUBJECT: A National approach to the fight against bike thefts
FILE NO: MC/13/142298

As has been reported in the media and in police statistics, the theft of bikes from bicycle racks is alarming the whole community, not just their owners, which makes us all a victim of this crime.

Apart from the distress and inconvenience caused to the victims by these thefts, the lack of unique markings on bikes make them particularly vulnerable. Even when bikes are found, identifying ownership is often problematic.

To combat the problem of bike thefts, Data Dot Technology Ltd and Crime Stoppers have launched a *National Bicycle Identification System* and are currently offering, as a start, 100 identification kits to Manly residents for free. The system works in conjunction with the National Bike Register by keeping ownership details associated with unique identifiers applied on bikes using the Data Dot system in a national database.

The *National Bicycle Identification System* used in the National Bicycle Register is a welcome initiative and a powerful deterrent in the fight against bike thefts.

I THEREFORE MOVE THAT:

Council fully support and promote to our residents the *National Bicycle Identification System* using Data Dot Technology, particularly via our service touch points such as the Library and Service Centres.

ATTACHMENTS

There are no attachments for this report.

OM09122013MM_1.DOC

***** End of Mayoral Minute Report No. 17 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Rescission Report No. 4
SUBJECT: Re-zoning of Stuart Street Manly
FILE NO: MC/13/120662

This report was deferred from the Ordinary Meeting of Council on 14 October 2013.

Councillors Cathy Griffin, Barbara Aird, and Hugh Burns will move:

"That the Council's decision of 9 September 2013 being Environment Services Division Report No. 17 in respect of Re-zoning of Stuart Street Manly be and is hereby rescinded."

If in event the above Rescission Motion is carried, the following is the alternate motion:

That Council abandon the Planning Proposal Amendment No. 1 to the Manly LEP 2013 and notify the NSW Department of Planning accordingly.

RECOMMENDATION

That the Notice of Rescission be considered.

ATTACHMENTS

There are no attachments for this report.

OM09122013NR_1.DOC

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

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Rescission Report No. 6
SUBJECT: Manly Traffic Committee - Item 57/13
FILE NO: MC/13/141814

Councillors Aird, C Griffin & Burns will move:

"That the Council's decision of 14 October 2013 being Report of Committees No. 28 in respect of Minutes for Adoption, Manly Traffic Committee (MTC) be and is hereby rescinded."

If in event the above Rescission Motion is carried, the following is the alternate motion:

1. Minutes of the MTC of 9th September 2013 be received and noted
2. The MTC consider at its next meeting the Independent Traffic Report as requested by the JRPP which addresses the following:
 - a. the adequacy of the proposed parking having regard to the existing visitation of the pool and park as well as the increased facilities to be provided;
 - b. the adequacy and safety of Kenneth Rd for 30 degree parking on both sides;
 - c. any additional spaces required in the proposed conditions;
3. In addition the committee consider:
 - a. suitability of the current location of the STA bus stop in relation to the entry/exit of the proposed car park, shared bicycle path, the new community building and entry point to the ramp
 - b. lack of footpath on the northern side of Kenneth Rd (along the perimeter of the golf course)
4. Report on outcome of discussion with NSW Police regarding the impact of the proposal on the operation of their RBT activities on Kenneth Rd.

Staff Notation: The Manly Traffic Committee is an External Statutory Committee constituted by the RMS and not by the terms of reference of the Council.

RECOMMENDATION

That the Notice of Rescission be considered.

ATTACHMENTS

There are no attachments for this report.

OM09122013NR_2.DOC

***** End of Notice of Rescission Report No. 6 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Motion Report No. 77
SUBJECT: Additional Seating and Bike and Clothes Racks
FILE NO: MC/13/130534

Councillor Pickering will move:

That Manly Council prepares a report on the feasibility of providing shelter, seating and additional bike and clothes racks adjacent to Manly Surf Life Saving Club for use by groups such as the Bold and Beautiful Swim Squad Manly and the wider community.

Background

At 7.00am every morning of the year an informal group of several hundred swimmers, known as the Bold and Beautiful Swim Squad Manly gather at Manly Surf Life Saving Club before swimming to Shelly Beach. Providing a designated meeting place for this group of swimmers with associated shelter, bike and clothes racks and seating, away from the front of the Surf Club would ease congestion on the walkway and be of benefit to swimmers, surf club members and the wider community.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09122013NM_2.DOC

***** End of Notice of Motion Report No. 77 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Motion Report No. 78
SUBJECT: Review of 2012/2013 Capital Works Program
FILE NO: MC/13/141088

Councillor Candy Bingham will move:

That:

1. The General Manager provide Councillors with a full written report on the Capital Works Program undertaken during the financial year 2012/2013.
2. This report should specify which projects were undertaken; which, if any, were postponed; and the actual cost compared to the amount budgeted. The report should also provide a general progress report on items uncompleted, delayed or deleted.

Background:

As part of the Community Strategic Plan process, Council authorised an extensive Capital Works program for the 2012/2013 financial year totalling \$13,780,647.

The standard financial reporting by Council does not provide the information requested in this motion in a format that enables Councillors to compare which projects were proposed to what was delivered within that financial year.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

AT-	Copy of Manly Council – Community Strategic Plan Adopted 4th June 2012.	1
1	Page 79 – Major Capital Works for 2012-2016	Page

OM09122013NM_3.DOC

***** End of Notice of Motion Report No. 78 *****

ATTACHMENT 1

Notice of Motion Report No. 78.DOC - Review of 2012/2013 Capital Works Program
Copy of Manly Council – Community Strategic Plan Adopted 4th June 2012. Page 79 – Major Capital Works for 2012-2016

Major Capital Works for 2012-2016 include:

2012-2013

Property acquisitions	6,030,000			
Town Hall / Civic Offices - renewal works	100,000	102,000	104,000	106,100
Manly Yacht Club - firestairs	20,000			
Manly Oval Grandstand - lighting fixtures	10,000			
Roundhouse & Harbourview LDC -solar panels	20,000			
Early Childhood Centre Balgowlah - office setup	50,000			
Ivanhoe Park Preschool - playground seating	6,000			
Art Gallery - extensions feasibility	20,000			
Art Gallery - collections	34,000	34,700	35,400	36,100
Visitor Information Centre - internal upgrade	20,000			
Public Amenities - various new/renewal	100,000	200,000	200,000	200,000
IT Systems - infrastructure & software	450,000	439,000	418,200	426,600
IT Systems - asset management software	95,000			
IT Systems - infrastructure fibre optic cabling	80,000			
Civic Centre - furniture & equipment	20,000	20,400	20,800	21,200
Regulatory compliance - infrastructure & software	170,000			
Library books and periodicals	263,800	269,100	274,500	279,900
Library fixtures & equipment	37,000	37,200	37,400	37,600
Library special projects facilities	29,500	30,100	30,700	31,300
Playgrounds - equipment/ park furniture new & renewal	85,000	86,700	88,400	90,200
LM Graham Reserve - Master Plan Yr1 of 3	410,000			
Tania Park - Masterplan works	161,000			
Community Park Stuart St - feasibility/ stage 1	30,000			
Sporting Fields - upgrades & amenities	7,000	7,100	7,200	7,300
Manly Cemetery - conservation & improvements	35,000	30,000	30,000	30,000
Manly Swim Centre – co-generation plant	100,000			
Manly Aquatic Centre - feasibility reports	150,000			
Harbour Pools - shark net replacement	50,000			
Public drinking fountains - new/renewal	35,000			
Manly Wharf fountain - renewal	15,000			
Balgowlah Heights Shopping Centre - new works	60,000			
Tramway Loop - feasibility study	30,000			
Bicycle Facilities	50,000	51,000	52,000	53,000
Pedestrian Access Facilities (PAMPs)	20,000	20,400	20,800	21,200
Road Pavement – various new/renewal	547,995	559,000	570,200	581,600
Civil Works Infrastructure - new/renewals	1,037,500	1,765,100	1,775,300	1,785,806
Traffic Facilities / LATMs - new/renewal	67,000	120,000	120,000	120,000
Kerb & Gutter/ Pram Ramps - various	40,000	40,800	41,600	42,400
Footpath Construction - new/renewal	240,000	244,800	249,700	254,700
Federation Point boardwalk - renewal	130,000			
Manly Scenic Walkway - new/renewal works	75,000	30,000	30,000	30,000
Manly Scenic Walkway - zig-zag path	45,000			
Heavy plant replacement program	1,630,000	1,662,600	1,695,800	1,729,700
Light plant & fleet replacement	460,000	469,200	478,600	488,200
Depot - minor plant/equipment	15,000	15,300	15,600	15,900
Car Parking Stations - equipment upgrade/renewal	70,000			
Pacific Waves Car Park - plant renewals	25,000			
Drainage Construction - various new/renewal/works	185,000	188,700	192,500	196,400
Stormwater Management - various new/renewal	294,852	377,200	384,700	392,400
Clontarf Reserve - stormwater diversion	75,000			
Parking Meters - Little Manly	50,000			

\$13,782,647

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Motion Report No. 79
SUBJECT: Rectification of Flooding problems in the vicinity of Kenneth Rd. and Balgowlah Rd.
FILE NO: MC/13/141236

Councillor Barbara Aird will move:

That Council urgently addresses the on-going flooding problems in the vicinity of Kenneth Rd, Balgowlah Rd and surrounding streets such as Golf, Rolf and Alexander Sts which in the last few weeks alone has caused the closure of these streets for several hours at a time, and which could leave Council liable for claims from property owners.

Council is to bring back to the next Ordinary Meeting of Council, a detailed independent engineers report identifying the causes and rectification measures necessary, projected budget and timeline for the necessary works to eliminate the flooding.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09122013NM_5.DOC

***** End of Notice of Motion Report No. 79 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Motion Report No. 81
SUBJECT: Upgrade works to enable the reopening of the Whister St Carpark basement
FILE NO: MC/13/141250

Councillor Hugh Burns will move:

That Council commission an independent engineering report on the cheapest options to upgrade the fire services to this level of the carpark sufficient to enable it to be reopened, so as to provide the community with another approx 24 parking spaces. The report should include but not be limited to:

- the installation of sprinklers and fire hydrants to this level,
- consideration of smoke spill fans to serve the partially enclosed basement level.
- and smoke isolation of the main pedestrian stairway (at this level).

The report be brought back to the February 2014 meeting of Council

Background

Whistler Street Carpark basement was closed to its normal use by the public and council staff at the beginning of November 2013. The carpark was closed without public consultation nor advice of the proposed closure to the Councillors.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09122013NM_6.DOC

***** End of Notice of Motion Report No. 81 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Motion Report No. 82
SUBJECT: Senior Citizens' Centre
FILE NO: MC/13/141253

Councillor Hugh Burns will move:

That to address these issues that Council immediately:

1. proceeds to organise a detailed "spring" clean of the premises to bring them to a more acceptable standard of presentation;
2. arranges a full interior and exterior repaint (including refinishing floors) to a colour scheme determined in consultation with the users of the building;
3. undertakes a review of the building cleaning arrangements (or contract) to ensure a higher level of cleaning performance, so that the premises will be maintained in future to the reasonable satisfaction of the Committee and community members using the building.

Background

A number of Councillors have received representations from Senior Citizens and community groups using the above centre that the building needs better maintenance, as it looks tired and in some places appears dirty and unkempt (eg dirty internal doors and windows of hall) and is not being adequately cleaned (eg dust in tabled area).

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09122013NM_7.DOC

***** End of Notice of Motion Report No. 82 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Notice of Motion Report No. 83
SUBJECT: Balgowlah Swim Centre Parking and Transport Options
FILE NO: MC/13/141255

Councillor Hugh Burns will move:

That Council investigate addressing the apparent swim centre parking space shortfall caused by some of the existing parking areas being used for the proposed extensions to the Swim Centre, by investigating provision of a transport link between the swim centre and other nearby parking locations such as the Buckingham Street Carpark and the two Pittwater Road carparks - serving Keirle Park and Lagoon Park.

That the matter also be referred to the tramway working group for its investigation and consideration.

Background

There are concerns that the financial viability of the expanded Manly Swim Centre could be severely limited by the lack of on-site parking to be provided as part of the expansion proposal. Secondly there are concerns that the proposed substitute on-street angled parking on Kenneth Road may not be completely safe for the public, given the nature of this road, with high levels of traffic and high vehicle speeds.

Staff Notation: The Tramway Working Group was dissolved at the end of Council's last term (2012).

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM09122013NM_8.DOC

***** End of Notice of Motion Report No. 83 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Item For Brief Mention Report No. 17
SUBJECT: Items For Brief Mention
FILE NO: MC/13/135959

1. Complaints made to the General Manager

Received	Nature of complaint	Status
August	Code of Conduct	Being assessed
October	Code of Conduct	Being assessed

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
178/13	14 Oct	NoM No. 68	Provision of bus shelter at Condamine Street Hop, Skip and Jump bus terminal	Contacted supplier
202/13	11 Nov	NoM No. 76	Save our Streets – Real Action on Alcohol Now Campaigns	Letters sent
204/13	2 Dec	NoM No. 75	Beach front meter parking to commence at 8am	On public exhibition

3. Tabled Documents

Date	Author	Subject
2 Dec 13	Clr Keith Rhoades AFSM President	Regional Australia Development Fund (RDAF round5) funding.
27 Nov 13	Ben Taylor Executive Director SHOROC	SHOROC Annual General Meeting of 27 November 2013.
20 Nov 13	Ben Taylor Executive Director SHOROC	SHOROC Board Meeting Minutes of 20 November 2013.

RECOMMENDATION

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

ATTACHMENTS

There are no attachments for this report.

OM09122013IBM_1.DOC

***** End of Item For Brief Mention Report No. 17 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Report Of Committees Report No. 40
SUBJECT: Minutes for adoption by Council - Special Purpose Advisory Committee without recommendations of a significant nature.
FILE NO: MC/13/139524

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

- i) Playground Advisory Committee – 10 October 2013
- ii) Manly Local Traffic Committee – 11 November 2013
- iii) Community Safety & Place Management Advisory Community – 14 November 2013

RECOMMENDATION

That the minutes of the following Special Purpose Advisory Committee meetings be received and noted.

- i) Playground Advisory Committee – 10 October 2013
- ii) Manly Local Traffic Committee – 11 November 2013
- iii) Community Safety & Place Management Advisory Community – 14 November 2013

ATTACHMENTS

There are no attachments for this report.

OM09122013RC_3.DOC

***** End of Report Of Committees Report No. 40 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Report Of Committees Report No. 41
SUBJECT: Minutes for adoption by Council - Waste Advisory Committee 30 October 2013
FILE NO: MC/13/137449

This report was dealt with at the Waste Advisory Committee meeting of 30 October 2014 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 6 General Business Brought to the Attention of the Chair Prior to the Meeting and Approved for consideration

Additional Councillor Position on Waste Advisory Committee

Clr Bingham expressed interest in joining the Waste Advisory Committee.

RECOMMENDATION

That the minutes of the Waste Advisory Committee meeting on 30 October 2013 be received and noted including the following items:

ITEM 6 General Business Brought to the Attention of the Chair Prior to the Meeting and Approved for consideration

That the Committee recommends to the General Manager that:

- i) The membership of the Committee as outlined in the Terms of Reference be expanded to allow for 3 Councillor representatives.
- ii) Due to the expression of interest received, that this role be offered to Clr Bingham.

ATTACHMENTS

There are no attachments for this report.

OM09122013RC_2.DOC

***** End of Report Of Committees Report No. 41 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Report Of Committees Report No. 42
SUBJECT: Minutes for adoption by Council - Surf Club Liaison Working Group
FILE NO: MC/13/139538

This report was dealt with at the Surf Club Liaison Working Group meeting of 19 November 2013 and was listed as a Recommendation in those minutes. This item is hereby submitted to the Ordinary Meeting, together with the minutes for receiving and noting by Council.

ITEM 4 Club Reports – Queenscliff SLSC

- Dilapidation Report covers southern end of Club. A whole of building report is required to assist an effective maintenance plan in partnership with Council; and
- Club wishes to discuss with Council an income stream to assist the completion of the works in the Masterplan.

RECOMMENDATION

That the minutes of the Surf Club Liaison Working Group meeting on 19 November 2013 be received and noted including the following items:

ITEM 4 Club Reports – Queenscliff SLSC

The Working Group request that the club reports be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM09122013RC_4.DOC

***** End of Report Of Committees Report No. 42 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: General Managers Division Report No. 17
SUBJECT: Complaints Reporting
FILE NO: MC/13/135909

SUMMARY

Under the new Model Code of Conduct Procedures, which Council adopted in February 2013 and Council's Complaint Management Policy (C120), a report is to be provided to Council on a range of complaints statistics within three months of the end of September each year. This report has been completed to fulfill these requirements.

REPORT

During the period 1 September 2012 to 31 August 2013, Council received 3 complaints under the Code of Conduct relating to Councillors:

Model Code Procedures Reference 12.1 Councillors & GM (DLG Template):

1a. The total number of code of conduct complaints	3
The number of code of conduct complaints referred to a conduct review	1
The number of code of conduct complaints investigated by a conduct reviewer	1
The number of code of conduct complaints investigated by a conduct review committee	0
The total cost of dealing with code of conduct complaints	\$15,000

Mode Code Procedures Reference 6.10 (DLG Template):

2 a. The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage	0
b. The number of those complaints finalised by any of the following recommendations: To take no action	0
To resolve the complaint by alternative and appropriate strategies	0
To refer the matter back to the General Manager or the Mayor, for resolution by alternative and appropriate strategies	0
To refer the matter to another agency or body	0
To investigate the matter	1
To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0

During the reporting period there were 12 staff related Code of Conduct matters received.

General Managers Division Report No. 17 (Cont'd)

A total of 630 complaints were handled under Council's Complaint Management process. The statistical information is as follows:

Category	Number
DA, Compliance / Fines	131
Maintenance	134
Public places / cleansing	32
Traffic	58
Staff / Processes	178
Other	97
TOTAL	630

RECOMMENDATION

That Council receive and note this report.

ATTACHMENTS

There are no attachments for this report.

OM09122013GMO_3.DOC

***** End of General Managers Division Report No. 17 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Corporate Services Division Report No. 32
SUBJECT: Report on Council Investments as at 30 November 2013
FILE NO: MC/13/141036

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 2013**.

Legislative & Policy Implications

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

Certification – Responsible Accounting Officer

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

Investment Performance

The Investment Report shows that Council has total Investments of \$33,454,539 comprising a Commonwealth Bank Balance of \$1,847,843 and Investment Holdings of \$31,606,696 directly managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 3.73% (*Council Benchmark =2.59% - benchmark is 90 day average BBSW*)

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

The average rate of return for investments paying interest is 3.93%.

Corporate Services Division Report No. 32 (Cont'd)

Movements in Investments for the Month of November 2013

Investments Made

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

Investments Matured

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

RECOMMENDATION

That: the statement of Bank Balances and Investment Holdings as at 30 November 2013 be received and noted.

ATTACHMENTS

AT- 1 Investment Report 1 Page

OM09122013CSD_2.DOC

***** End of Corporate Services Division Report No. 32 *****

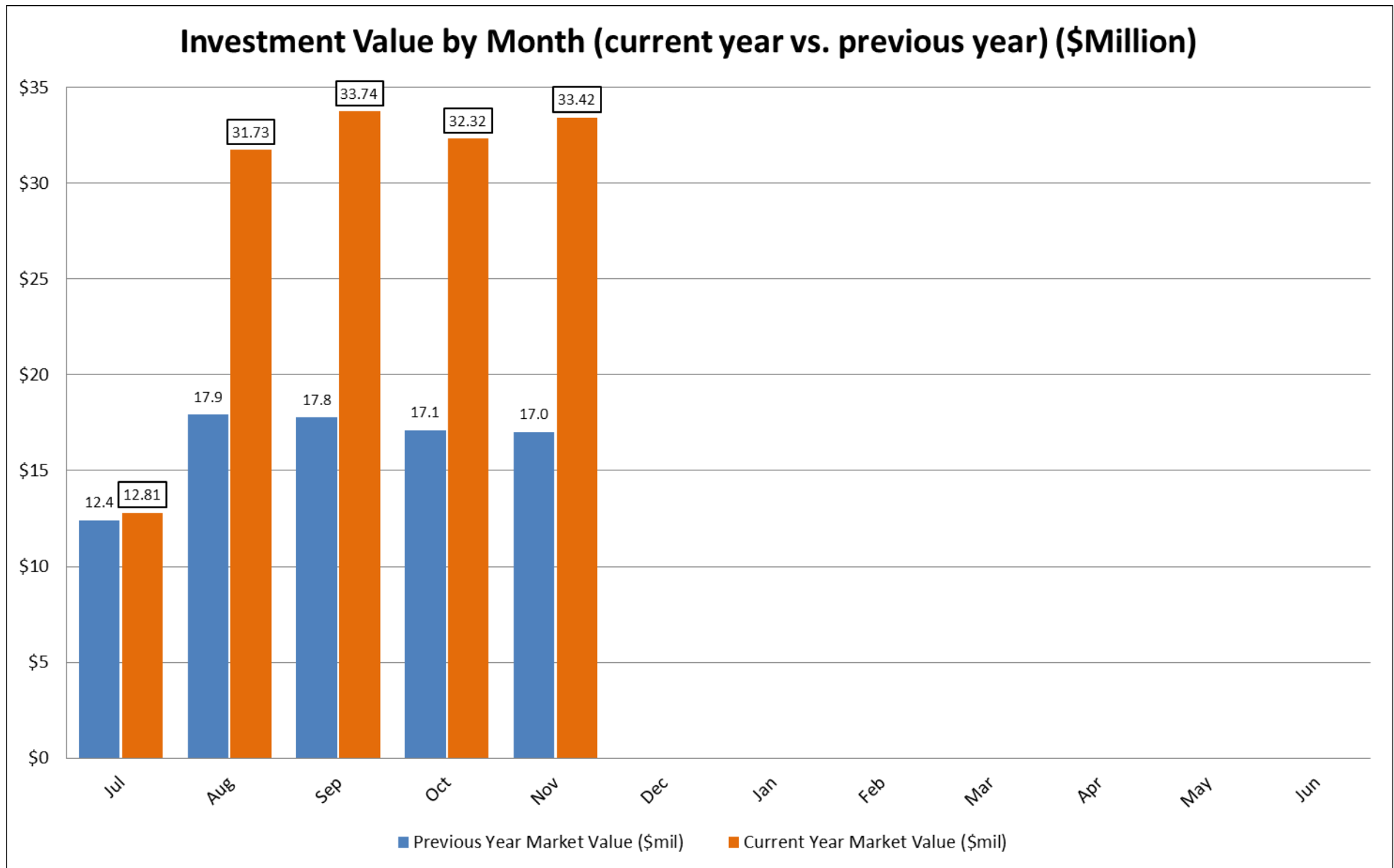
ATTACHMENT 1

Corporate Services Division Report No. 32.DOC - Report on Council Investments as at 30 November 2013 Investment Report

MANLY COUNCIL INVESTMENT PORTFOLIO as at 30 November 2013										
	Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	Interest YTD	Interest Nov 2013
Directly Managed Funds										
Trading Account										
CBA	Cash Trading Account	1,847,843	1,847,843	5.52%	AA-			0.55% ^{(2)&(3)}	12,062	2,321
Others										
CBA	At Call	3,318,595	3,318,595	9.92%	AA-	At Call	At Call	2.50%	34,509	6,942
AMP	At Call	3,299,746	3,299,746	9.86%	A+	At Call	At Call	3.35%	36,067	9,086
Macquarie Bank	At Call	240	240 ⁽⁴⁾	0.00%	A	At Call	At Call	2.50%	2	1
RaboDirect	TD	719,877	719,877	2.15%	AA-	04/07/2013	07/01/2014	4.25%	12,489	2,515
RaboDirect	TD	268,238	268,238	0.80%	AA-	07/08/2013	03/02/2014	3.95%	3,338	871
AMP	TD	1,000,000	1,000,000	2.99%	A+	23/08/2013	25/08/2014	3.80%	10,307	3,123
Bank of Queensland	TD	1,000,000	1,000,000	2.99%	A-	23/08/2013	19/02/2014	3.90%	10,578	3,205
Bank of Queensland	TD	1,000,000	1,000,000	2.99%	A-	23/08/2013	19/02/2014	3.90%	10,578	3,205
Bank of Queensland	TD	1,000,000	1,000,000	2.99%	A-	23/08/2013	20/05/2014	3.90%	10,578	3,205
Bank of Queensland	TD	1,000,000	1,000,000	2.99%	A-	30/08/2013	26/02/2014	3.95%	9,956	3,247
Bendigo and Adelaide Bank	TD	1,000,000	1,000,000	2.99%	A-	30/08/2013	07/01/2014	3.70%	9,326	3,041
ING Direct	TD	1,000,000	1,000,000	2.99%	A	02/09/2013	02/12/2013	3.76%	9,168	3,090
ING Direct	TD	1,000,000	1,000,000	2.99%	A	23/08/2013	20/05/2014	3.95%	10,714	3,247
ING Direct	TD	1,000,000	1,000,000	2.99%	A	23/08/2013	19/02/2014	3.96%	10,741	3,255
Macquarie Bank	TD	1,000,000	1,000,000	2.99%	A	23/08/2013	23/08/2014	3.90%	10,578	3,205
ME Bank	TD	1,000,000	1,000,000	2.99%	A2	27/02/2013	27/02/2014	4.33%	18,150	3,559
ME Bank	TD	1,000,000	1,000,000	2.99%	A2	02/09/2013	02/12/2013	3.73%	9,095	3,066
ME Bank	TD	1,000,000	1,000,000	2.99%	A2	23/08/2013	19/02/2014	3.95%	10,714	3,247
National Bank	TD	1,000,000	1,000,000	2.99%	AA-	26/08/2013	26/08/2014	3.92%	10,310	3,222
National Bank	TD	1,000,000	1,000,000	2.99%	AA-	26/08/2013	26/08/2014	3.92%	10,310	3,222
National Bank	TD	1,000,000	1,000,000	2.99%	AA-	26/08/2013	26/05/2014	3.87%	10,179	3,181
National Bank	TD	1,000,000	1,000,000	2.99%	AA-	30/08/2013	30/05/2014	3.85%	9,704	3,164
Rural Bank	TD	1,000,000	1,000,000	2.99%	A-	03/06/2013	03/12/2013	4.25%	17,815	3,493
Rural Bank	TD	1,000,000	1,000,000	2.99%	A-	10/09/2013	12/12/2013	3.70%	8,211	3,041
Rural Bank	TD	1,000,000	1,000,000	2.99%	A-	10/09/2013	14/01/2014	3.77%	8,366	3,099
Suncorp Bank	TD	1,000,000	1,000,000	2.99%	A+	30/08/2013	26/02/2014	3.75%	9,452	3,082
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	2.99%	A2	30/08/2013	28/03/2014	3.75%	9,452	3,082
Wide Bay Australia Ltd	TD	1,000,000	1,000,000	2.99%	A2	30/08/2013	27/05/2014	3.75%	9,452	3,082
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	470,050 ⁽⁴⁾	1.49%	A	25/10/2005	30/10/2015	0.00%	-	-
ANZ Climate Change Trust	Struct'd Note	500,000	497,325 ⁽⁴⁾	1.49%	AA-	18/01/2008	18/01/2014	0.00%	-	-
Total		31,606,696	31,574,071	94.48%						
Total Directly Managed Funds		33,454,539	33,421,914	100.00%						
Retired Investments									48,146	
TOTAL PORTFOLIO		33,454,539	33,421,914	100%				3.73%	390,349	95,099
BENCHMARK⁽¹⁾								2.59%		
Notes:										
1 Benchmark is 90 day BBSW as at 30 November 2013										
2 Balances less than \$250,000 earn 0.15%, \$250,000 to \$499,999 earn 0.50%, greater \$500,000 earn 1%										
3 CBA Trading account not included in the monthly portfolio return calculation										
4 Market Value as at 31 October 2013										

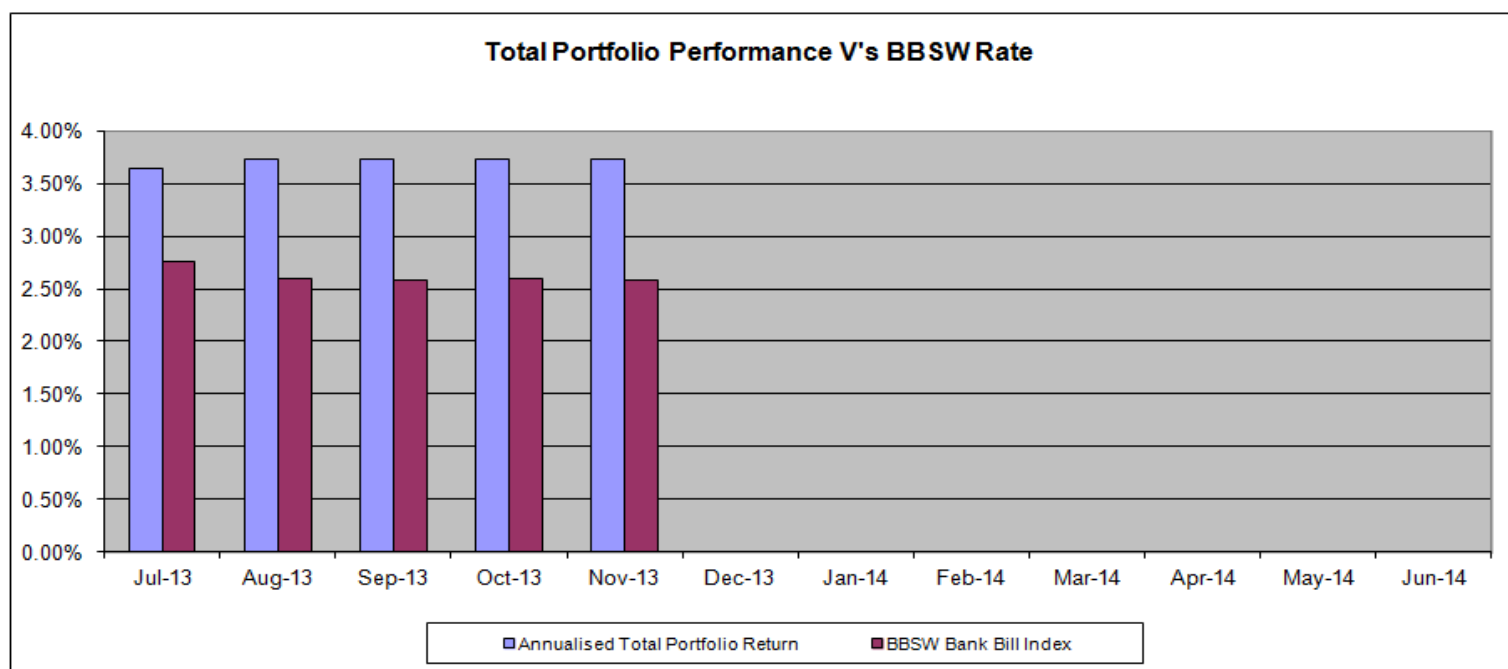
ATTACHMENT 1

Corporate Services Division Report No. 32.DOC - Report on Council Investments as at 30 November 2013 Investment Report

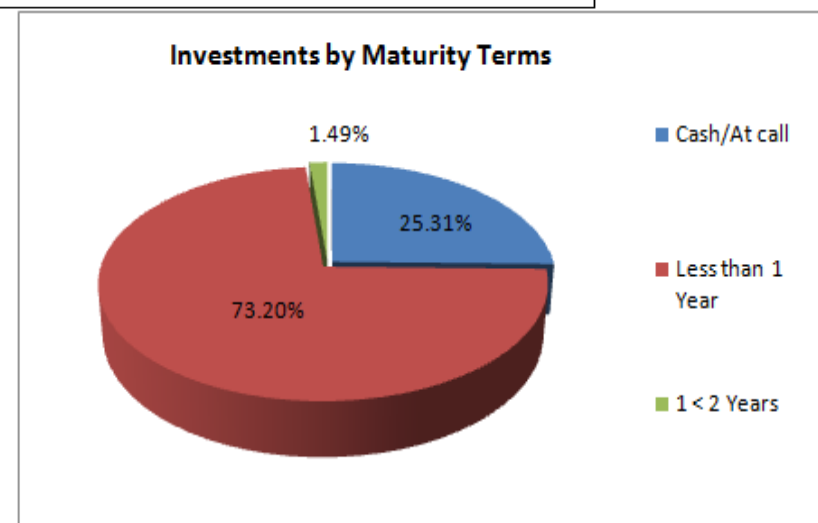


ATTACHMENT 1

Corporate Services Division Report No. 32.DOC - Report on Council Investments as at 30 November 2013 Investment Report

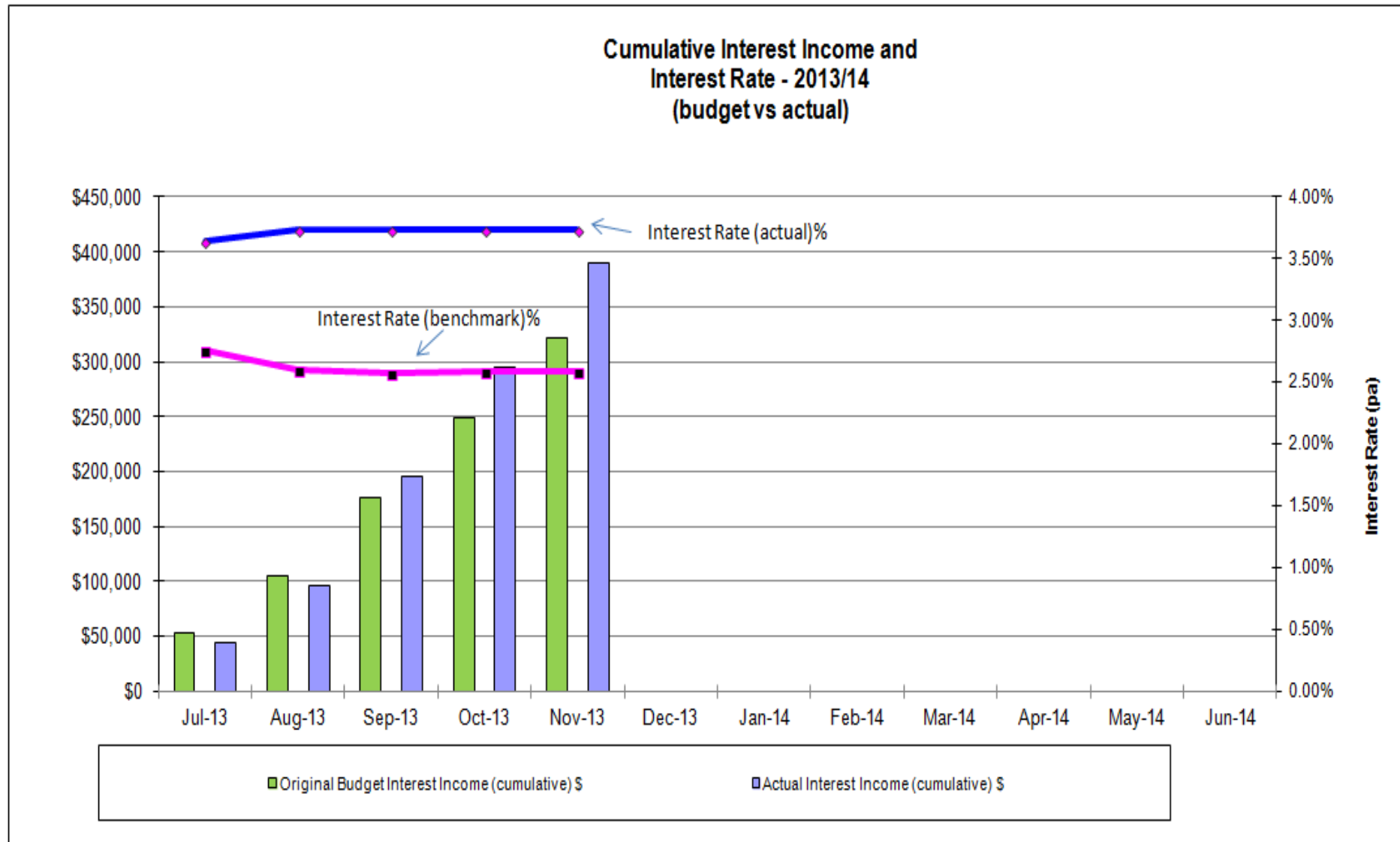


Summary by Credit Rating		No.
AA-	31.85%	9
A+	15.84%	3
A-	23.91%	8
A	13.45%	6
A2	14.95%	5
	100.00%	31



ATTACHMENT 1

Corporate Services Division Report No. 32.DOC - Report on Council Investments as at 30 November 2013 Investment Report



TO: Ordinary Meeting - 9 December 2013
REPORT: Civic and Urban Services Division Report No. 6
SUBJECT: Various Tree Related Matters
FILE NO: MC/13/128918

SUMMARY

This report addresses various tree related issues raised by Council recently, namely, valuation methodology, tree canopy policy, vegetation around lookouts, and iconic Manly Pines.

REPORT

Valuation

Trees are an important part in maintaining the health of our environment, they help to protect soil and water supplies, provide habitat, food and protection for wildlife. Trees in urban areas act as extensions of and links between core bush land, (known as bush land corridors).

Specific Aims of Manly's Tree Management Policy:

- Optimise the capacity of our urban forest to provide both present and future residents with environmental, economic, and social benefits;
- Achieve a balance between minimising risks and liabilities to the community whilst delivering a sustainable urban tree cover;
- Achieve target canopy cover, stocking levels and projected life spans for the Manly Local Government Areas trees, including replacing removed trees and planning for deteriorating/ageing street and park trees;
- Minimise the way that trees interfere with existing above and below ground services, signage, street lighting, public and private structures;
- Encourage space for street tree planting through design coordination between Council divisions/business units and utility organizations;
- Preserve and enhance Manly's tree heritage as it relates to iconic plantings, significant trees and maintain diversity within the different Precincts of Manly.

To protect and to manage existing and future trees in accordance with the values held by the community for intergenerational purposes, Manly Council has created and adopted the following:

- Tree Management Strategy
- Tree Management Policy
- Tree Preservation Order
- Street Tree Master Plan – *to be developed*
- Significant Tree register – *to be developed*
- Norfolk Island Pine Management Plan (currently being updated)
- Nature strip Garden Policy
- Trees – Removal of Ficus varieties
- Local Environment Plan (LEP) Preservation of trees or vegetation - Clause 59
- Development Control Plan (DCP) 2013 – Part 2.3, 3.3, 3.4, 4.1.5 & Schedule 4 Part A & B

Trees and their Monetary Value

Council has applied monetary value on trees for a variety of reasons including matters dealt with in the Land & Environment Court. In such cases as a rule, the Court has not accepted valuation evidence tendered in its tribunal of facts.

Civic and Urban Services Division Report No. 6 (Cont'd)

There is no agreement among practitioner and experts in the industry on what is an acceptable methodology for assigning monetary values to trees. In the absence of objective tests, valuations have become subjective and therefore contestable particularly in legal proceedings. This lack of certainty leaves monetary valuation open to manipulation to serve the desired outcome and objectives of parties in disagreement or in litigation.

Notwithstanding the lack of a legally reliable and acceptable methodology, there is merit to pursue the valuation of individual trees that are identified as significant, including ones with heritage legacy.

Where damage to infrastructure or property and/or legal liability is involved, Council's policy is to apply a monetary value on affected trees, up to the value of \$10,000. The cost benefit assessment is further guided by the established criteria for removal under the Tree Preservation Order (TPO) 2001 and Development Control Plan (DCP) 2013.

Where a tree causes damage to property or infrastructure or gives rise to legal or insurance liability, decisions are guided by Council's *Tree Management Policy*.

To value street trees on a reasonable and workable basis; it would be more feasible to determine the value of a tree by establishing the cost of replacement of the tree; (with an advanced tree), materials, labour and the future maintenance costs of the tree towards its establishment and viability in the environment.

Council currently assesses individual trees for removal (on request) in accordance with the Tree Preservation Order (TPO) 2001/Development Control Plan (DCP) 2013 and Council's Tree Management Strategy (item 5 page 30 of Strategy).

Current trends within the industry consider the value of trees in relation to Carbon Sequestration. This consideration would be made in relation to trees as a whole in Manly LGA, not on an individual tree basis.

Council is committed to replacing removed street trees across all Precincts. The Manly Street Tree Master Plan, the subject of a back brief as received from interested firms, is to provide a Master Plan, developed in consultation with the Precinct Community Forums.

Moving forward, the General Manager has requested for a council wide Street Tree Master Plan. This work will be performed by external consultants at the estimated cost of \$73,000.

In relation to tree canopy, Council's Tree Management Strategy states the act of planting street trees is to ensure the tree(s) contribute to the local streetscape quality, storm water management and a target of 50% footpath shade cover (*page 8 of the Tree Management Strategy*).

In relation to requests for tree removals, Council has an extremely well qualified level 5 arborist in the TPO position who makes independent assessment using visual and where required, use non-destructive Picus Tomograph tests to assess and establish the state of health and the structural integrity of the trees under inspection. A second opinion is often sought from other level 5 arborists to confirm diagnoses.

Scenic Viewing Areas

An audit of official viewing areas on the Manly Scenic Walkway was undertaken in October 2013. Each lookout investigated was mapped and a photographic record of the current condition was made.

Civic and Urban Services Division Report No. 6 (Cont'd)

There are 4 official lookouts on the Manly Scenic Walkway that are under Council management, or have some Council input into management that have been audited. These are located at Shelly Beach Headland, Little Manly Point, Arabanoo lookout at Tania Park, and Cutler Road lookout.

The Arabanoo lookout and Cutler Road lookout are owned by National Parks and Wildlife Service, but were included in this report as they adjoin and are accessed via Manly Council land. The lookouts at North Head were not included in the report as they are owned by National Parks and Wildlife Service and having no immediate proximity to Council land.

Of the lookouts inspected, the only ones that were identified to be significantly impacted by vegetation were the National Parks and Wildlife Lookouts at Arabanoo and Cutler Road. There was no or very minimal impact to Council lookouts at Shelly Beach and Little Manly Reserve.

The site audit was presented to the Manly Scenic Walkway Committee for recommendation on 5 November 2013. The Committee reviewed photos of each lookout and considered recommendations for view management.

The results of the scenic viewing areas audit are provided below. It is recommended that these be read in conjunction with the maps and photos in attachment 1 which illustrate the site conditions and recommendations for each of the 4 lookouts.

Lookout 1: Shelly Beach Headland

Current condition: Minor view obstruction
Proposed Action: Maintain in current condition

Lookout 2: Little Manly Point

Current condition: Lookouts: Unobstructed.
Proposed Action: Maintain lookouts in current condition

Lookout 3: Tania Park

Current condition: Lookout: Moderate view obstruction
Proposed Action: National Parks and Wildlife Service requested to prune vegetation for view maintenance at Arabanoo Lookout

Lookout 4: Cutler Road Lookout

Current condition: Lookout: Moderate view obstruction
Proposed Action: The National Parks and Wildlife Service be requested to prune vegetation for view maintenance at Cutler Road Lookout

The Management of Norfolk Island Pines

The following actions have been undertaken for Council's notation:

- An audit of all the pines along the beachfront has been completed with specific notation in regard to Cook Island Pines.
- All Pines along the beachfront have been identified in the Norfolk Island Pine Conservation Plan schedule of trees.
- The original consultant and author of the Conservation plan has been engaged to identify and include all the Norfolk Island and Cook pine trees in the LGA (including Darley Road,

Civic and Urban Services Division Report No. 6 (Cont'd)

Ashburner St, Victoria Pde, and Wentworth Ave) and East and West Esplanades in this Management Plan.

- During the course and production of the conservation plan all the trees were Inspected, recording of information and determination of maintenance work required to upgrade, improve, repair, fertilise, water, and protect the Norfolk and Cook Pine trees was identified.
- An action plan for the next 10 years is the next step in documentation of ongoing care and maintenance requirements in a work schedule. That was the purpose of the Conservation plan.

The updated plan and list of actions and projected work plan/schedule will be distributed to the Little Manly and Corso Precincts once completed.

RECOMMENDATION

That the Council receive and note the report.

ATTACHMENTS

There are no attachments for this report.

OM09122013CSU_1.DOC

***** End of Civic and Urban Services Division Report No. 6 *****

TO: Ordinary Meeting - 9 December 2013
REPORT: Civic and Urban Services Division Report No. 7
SUBJECT: Stuart Street Economic Plan for Little Manly Reserve
FILE NO: MC/13/137589

SUMMARY

At its Ordinary Meeting of 11th November 2013, Council, inter alia, resolved that a business case be prepared on the Stuart Street properties including the following options:

- A. Retain No. 40 Stuart Street for 8 to 10 years and pay interest only on its loan.
- B. Relocate the Manly Environment Centre (MEC) to No. 34 Stuart Street.
- C. Elevate No. 34 to meet the footpath level in Stuart Street.
- D. Operate a secured premium boat storage facility under an elevated 34 Stuart Street.
- E. Demolish No. 36 Stuart Street to provide increase recreation space and for boat storage.
- F. The cost of the Manly Design scheme.
- G. Increase the Environment Levy by 50 cents per week for each rateable property.
- H. Examine the timeline for public consultation and referral to the Minister on the levy increase.

REPORT

A Retain No. 40 Stuart Street for 8 to 10 years and pay interest only on its loan

Currently, the loan for 40 Stuart Street Manly is a variable loan to pay the debt of principal and interest. This variable loan is structured so that it can be paid off by Council in full.

The penalty cost to Council for breaking the loan and paying off early incurs a penalty cost of \$1500.00.

A new loan can be drawn down that will be an "interest only" for a period of 10 years.

The implication of an "interest only" loan arrangement is that the community would be paying for a loan more than twice over. Additionally, the burden of repaying the principal component would be shifted from the current community to a future community in 10 years' time.

Assuming Interest rates will remain steady and based on the current rate awarded for the existing loan of 5.44% then the costs would be as follows:

- The first 10 years of "interest only" payments would be estimated to cost \$2,067,200 plus the following 10 year's interest repayments, using the same interest rate, would also be estimated to cost \$1,177,000.
- The total interest cost to Community in nominal dollars would be \$3,244,269.00 (as opposed to \$1,177,000.00).
- The Net Present Value of the future interest repayments will be \$2.697million (as opposed to \$1.080million).

B Relocate Manly Environment Centre (MEC) to No. 34 Stuart Street

Council would benefit financially from the MEC being located in a Council owned building thereby reducing the rental payment of \$75,000 per annum, for the current property rental payment,

Civic and Urban Services Division Report No. 7 (Cont'd)

(adjusted in line with CPI each year). If the MEC was located at the Stuart Street property, it could also be used as a Coastal Management Centre and fulfill a dual role. This current dwelling/premises could accommodate meeting rooms to be utilised by community and school groups for environmental education.

Expenditure would be required on the adaption of these premises for its suggested purpose and the particular requirements; including a Welcome Entry to its visitors and the provision of storage and shelving for over 10,000 resources. While the cost to retrofit and strengthen this domestic structure to support loading of bookshelves and the visiting public and BCA requirements have not been assessed as yet, it would cost in the order of 200-400K.

Although the location is already well served by public buses and Council's Hop Skip and Jump service, the MEC's users will need to be consulted for their views on the important issue of access as their continuing support of the MEC is essential for the ongoing success of this unique service that heavily relies on the work and support of volunteers.

C Elevate the No. 34 Stuart Street building to provide level access to the street

- Heritage listed property - elevation would require a DA approval.
- Estimated cost of elevation is between \$20,000 and \$50,000.
- The elevated dwelling would require a permanent structural transfer structure supplied and installed of steel and / or masonry.
- Consideration be given to the costs associated with fit out as the Manly Environment Centre, as well as the need to add the cost of construction of an on grade bridge structure leading from Stuart Street footpath directly into raised building to ensure access compliance.
- No. 34 Stuart Street property is currently rented at \$850 pw (GST Inclusive) on "month to month" basis.
- Manyo Design proposal does not include the idea to elevate house.

D Operate a secured premium boat storage facility under an elevated 34 Stuart Street

- Premium kayak storage is provided by a commercial operator at Birkenhead Point (a Sydney Harbour location). The cost is \$800 per annum per craft, and includes a parking space in the shopping centre, access to rest rooms/showers along with the purpose built structure to manage the storage.

Kayak Storage

Civic and Urban Services Division Report No. 7 (Cont'd)E Demolish No. 36 Stuart Street to provide increase recreation space and for boat storage

Development Consent No.154/2012 granted for 36 Stuart Street Manly.

Demolition and removal of the dwelling and the reinstatement of a landscaped site compliant with requirements of Species Impact Report and DA conditions to make accessible to general public, cost to be estimated.

F The cost of the Manyo Design scheme

The preliminary estimate for the Manyo Scheme is between \$400 and \$450K.

G Increase the Environment Levy by 50cents per week for each rateable property**Background to Existing Environment Levy**

In March 1997, Council resolved to apply to the Minister of Local Government seeking a rate variation in addition to general income for the introduction of an environmental works program. This application was on the basis of raising \$1 Million per year to address environmental issues. The difference between the \$1 Million and the \$964,000 budgeted to the 'levy' is the impact of Pensioner Rate Rebates of \$36,000. The 'levy' received approval to be implemented permanently as part of the annual rate base at the figure of \$1 Million per year.

The Process and Timelines for a Special Rate Application

Local councils that are seeking special variations to general income above the rate peg amount are required to submit applications to IPART for review and assessment.

There are 2 special variation options under the *Local Government Act 1997*:

- a single year increase under section 508(2), or
- a multi-year increase (of between 2 and 7 years) under section 508A.

Guidelines from IPART have been reviewed by Council staff and also a meeting was held with staff at IPART to discuss their requirements. This confirmed that an application could be considered as proposed at Council's November Ordinary Meeting. However to be eligible and successful the following points would need to be considered.

The Guidelines for 2014/15 Financial Year have changed from the previous year in 3 main respects:

- Councils must submit both a special variation scenario and a 'business as usual' scenario in their Long Term Financial Plans.
- Councils must have adopted their relevant Integrated Planning and Reporting (IP&R) documents before submitting an application for a special variation.
- Where a council is not able to incorporate its special variation into its IP&R documents, it may apply for an exemption from this requirement. However, this would only occur in exceptional circumstances.

Civic and Urban Services Division Report No. 7 (Cont'd)

Given the above the three most critical issues to be considered are:

1. Timing.
2. Community engagement needs to be undertaken to support the increase and reflected in the CSP and Long Term Financial Plan documents.
3. That Council had reviewed all its funding options.

To address these points in turn (IPART Guidance):

Timing

To effect an increase in the Environment Levy for the next financial year being 2014/15 Council has to notify IPART by 13/12/13 of its intention to apply for a special rate variation.

Council has to complete its Special Rate application (together with the community consultation about the increase and support from the community clearly being demonstrated) and all this incorporated, exhibited and adopted in Council's Community Strategic Plan and Long Term Financial Plan by 24 February 2014.

The above tasks would need to be undertaken for an increase in the Environment Levy to be considered by IPART for introduction in the 2014/15 financial year. While not ruling out an application from Council, IPART's advice was that this is a short period of time in which to prepare an application, as most councils spend up to one year preparing their applications, including undertaking the required community consultation and obtaining community support for a special rate variation.

Community Engagement / Consulting the Community

IPART's guidelines indicate that a rigorous community engagement process is required to support applications for special rate variations. While these requirements are not prescriptive this typically includes focus groups, workshops, a media campaign and advertisements targeting local residents.

Typically councils avoid the Christmas/New Year period for conducting community engagement processes.

The existing levy is for Environmental purposes so those aspects of the works funded would need to be clearly for this "environmental purpose".

All Funding Options are Considered

The estimated costs of the engagement process need to be considered in the context of other funding options for the works proposed e.g. servicing a loan. Also, Council needs to consider, in pursuing a special rate variation, whether the increase is a one-off increase to the existing Environment Levy, or an increase to be undertaken over a number of years.

Cashflow Analysis

Should Council achieve an increase to the environmental Levy of 50cents per rateable property per week and provided the estimates for fitout and other relevant investments to enable the relocation of the MEC and the establishment of the secured lockup is realised, then the resultant cashflow forecast for "business case" can be summarised as shown in Table 1. The cashflow shown in Table 1 assumes an increase to the Levy, Council continues to rent out 40, and Interest and principal payment to occur in 2023. Under this scenario, council would achieve close balanced cashflow in 2032.

Civic and Urban Services Division Report No. 7 (Cont'd)

Due to the need for statutory approval IPART for an increase to the Environmental Levy, this revenue source is therefore uncertain for now. The present contingent position is therefore that shown in Table 2, which assumes no approval for an increase to the Environmental Levy.

Table 3 shows no increase to the Environmental Levy and the demolition of 40 Stuart Street in 2023.

Conclusion

The strategy proposed by the Public Domains Committee appear workable provided an increase to the Environmental Levy is approved and for this to be approved, Council will need to show IPART that there is community support for the increase.

As an increase to the Environmental Levy is the strongest aspect of the funding model for the Stuart Street Properties, the business case would be strategically weaker if approval for an increase is denied.

Table 1 shows that council would be close to achieving neutral cumulative cashflow in 2032 (dependent on interest rates) if an increase to the Environmental Levy is approved in 2014 and that Council continues to rent out number 40.

RECOMMENDATION

That the report is presented for Council's consideration.

ATTACHMENTS

AT- 1 Cashflow Analysis 2 Pages

OM09122013CSU_3.DOC

***** End of Civic and Urban Services Division Report No. 7 *****

Civic and Urban Services Division Report No. 7.DOC - Stuart Street Economic Plan for Little Manly Reserve
Cashflow Analysis

Table 1Table 2

Civic and Urban Services Division Report No. 7.DOC - Stuart Street Economic Plan for Little Manly Reserve
Cashflow Analysis

Table 3