

# Manly Council



## 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 15 May 2006**

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](http://www.manly.nsw.gov.au)*

# Seating Arrangements for Meetings

Staff      Staff      General  
                                 Manager      Chairperson      Staff      Minute  
   Taker



**Mayor** Dr Peter  
Macdonald

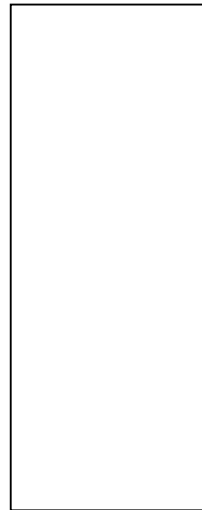
Clr Mark Norek

Clr Joanna Evans

**Deputy Mayor**  
Clr Barbara Aird

Clr Brad  
Pedersen

Clr Richard  
Morrison



Clr Jean Hay AM

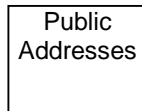
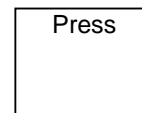
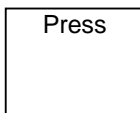
Clr Adele Heasman

Clr Dr Judy Lambert  
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



**Public Gallery**

**Chairperson:** The Mayor, Dr Peter Macdonald  
**Deputy Chairperson:** Deputy Mayor Clr Barbara Aird

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**TABLE OF CONTENTS**

Item	Page No.
<b>OPENING PRAYER</b>	
<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>DECLARATIONS OF INTEREST</b>	
<b>CONFIRMATION OF MINUTES</b>	
The Ordinary Meeting of 18 APRIL 2006	
<b>PUBLIC FORUM</b>	
<b>NOTICES OF MOTION</b>	
<b>Notice of Motion Report No. 6</b> Proposed Sale of Snowy Hydro Ltd .....	3
<b>Notice of Motion Report No. 7</b> Pedestrian Safety & Access Difficulties at the Intersection of Darley Road & Wentworth Street .....	4
<b>Notice of Motion Report No. 8</b> Manly Food & Wine Festival .....	5
<b>PUBLIC ADDRESSES</b>	
<b>ITEMS FOR BRIEF MENTION</b>	
<b>Item For Brief Mention Report No. 4</b> Items for Brief Mention .....	6
<b>GENERAL MANAGERS DIVISION</b>	
<b>General Managers Division Report No. 9</b> Cycleway - East West Link - Report Back Following Independent Consultant's Review .....	8
<b>CORPORATE SERVICES DIVISION</b>	
<b>Corporate Services Division Report No. 8</b> Goods and Services Tax (GST) Compliance Certificate .....	33
<b>Corporate Services Division Report No. 9</b> Council's Code of Conduct .....	34
<b>Corporate Services Division Report No. 10</b> Schedule of Meetings - July to December 2006 .....	37
<b>Corporate Services Division Report No. 11</b> Accounts - Report on Council Investments as at 30 April, 2006 .....	40

**CORPORATE PLANNING AND STRATEGY DIVISION**

**Corporate Planning And Strategy Division Report No. 29**

Draft Local Environmental Plan No.75 - Emergency Service Facility..... 42

**CLOSED SESSION**

**QUESTIONS WITHOUT NOTICE**

**MATTERS OF URGENCY**

(In accordance with Clause 14 of the Local Government (Meetings) Regulations, 1993)

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

**TO: Ordinary Meeting - 15 May 2006**  
**REPORT: Notice of Motion Report No. 6**  
**SUBJECT: Proposed Sale of Snowy Hydro Ltd**  
**FILE NO:**

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Councillor Lambert will move:

That Council agrees:

1. to support the Don't Sell the Snowy Campaign;
2. to write to the Premier, Treasurer and local state and federal parliamentary representatives, indicating Council's opposition to the sale of Snowy Hydro to private shareholders;
3. to make a submission to the NSW Legislative Council Inquiry into the Proposed Sale of Snowy Hydro Ltd;
4. to advise residents and the community via the local media about the public rally organised for 12:30 pm on Tuesday, 6 June, which will assemble at the Archibald Fountain in Hyde Park, Sydney, and then march to Parliament House.

### **Background Information**

The NSW, Victorian and Federal Governments are proceeding with the privatisation of Snowy Hydro Ltd. The sale is deeply unpopular in the community, is not in the medium- or long-term financial interests of the State, and could have devastating impacts on water users, including councils, local residents and the environment.

A 'Don't Sell the Snowy' Campaign is currently being organised by a diversity of interests opposing the sale.

### **The Main Reasons for Opposing the Sale**

- Private ownership would see Snowy Hydro run for private profit ahead of public benefit.
- The sale would put control of the eastern seaboard's largest generator of renewable energy and source of clean water into private ownership. At a time when the dangers of climate change are universally recognised, it essential that control of water and energy remain in public hands.
- The current water licence is in place for 72 years. Any change to how the water is used (eg to counter the effects of climate change) would require the public to pay massive compensation to any private owners.
- Snowy Hydro is an efficient, well-performing public asset that returns handsome profits to the people of NSW, Victoria and Australia every year.
- 100,000 people from 30 countries were involved in building the Snowy. 121 of them gave their lives. Many families had their land compulsorily acquired. Two whole towns were flooded. These sacrifices were for the common good, not for the profit of private owners.

### **ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Motion Report No. 6 \*\*\*\*\*

**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** Notice of Motion Report No. 7  
**SUBJECT:** Pedestrian Safety & Access Difficulties at the Intersection of Darley Road & Wentworth Street  
**FILE NO:**

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Councillor Barbara Aird will move:

That in order to address the long held concerns of Manly Council Access Committee regarding pedestrian safety and access difficulties at the intersection of Darley Road and Wentworth Street, the matter be referred to the Traffic Committee with the proposal to:

1. Modify the kerb return on the western side of Darley Road, north of Wentworth Street (currently a "No Stopping" zone) resulting in a widened path and shorter crossing distance.
2. Reduce the grade of the existing pram ramp on south western corner of same intersection. (Note: the existing ramp was constructed with a steeper grade than the other 3 corners and has caused wheelchairs to tip over).

#### **ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Motion Report No. 7 \*\*\*\*\*

**TO: Ordinary Meeting - 15 May 2006**  
**REPORT: Notice of Motion Report No. 8**  
**SUBJECT: Manly Food & Wine Festival**  
**FILE NO:**

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Councillor Richard Morrison will move:

That pursuant to the provisions of Clause 5.1 5 of the Code Council: -

- Find that, in making those remarks, Councillor MacDonald has breached Council's Code of Conduct; and
- Require Councillor MacDonald to publicly withdraw his comments and issue an apology for the unwarranted offence and embarrassment he has undoubtedly caused the food and wine stall holders, volunteers, Councillors, council staff, and especially the hundreds of thousands of family and other community members and visitors to Manly, who have contributed so much to the exemplary conduct and success of the annual event over the last twenty years.

### **Background**

I draw councillor's' attention to a report in the Manly Daily (April 21,2006), in which Councillor MacDonald is quoted as saying that the traditional Manly Food and Wine Festival: -

"(was) becoming more about drinking a lot of wine and eating poor quality food";

And that the new format: -

"(has) more of an emphasis on fine dining rather than swilling wine".

I refer Councillors to Clause 4.1 of Council's Code of Conduct adopted 11 April 2005, which states in part: -

A Councillor must: -

- Treat members of the public fairly and equitably and with respect, courtesy, compassion and sensitivity; and
- Refrain from any form of conduct, in the performance of his or her public duties, which may cause any reasonable person unwarranted offence or embarrassment.

### **ATTACHMENTS**

There are no attachments for this report.

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

**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** Item For Brief Mention Report No. 4  
**SUBJECT:** Items for Brief Mention  
**FILE NO:**

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**1. Minutes of Meetings:**

- i) ACCESS COMMITTEE MINUTES OF MEETING HELD ON 20 APRIL 2006
- ii) COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 16 MARCH 2006
- iii) COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 20 APRIL 2006
- iv) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 24 APRIL 2006
- v) MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 23 MARCH 2006
- vi) MANLY PUBLIC ART COMMITTEE MINUTES OF MEETING HELD ON 22 FEBRUARY 2006
- vii) WASTE MANAGEMENT COMMITTEE MINUTES OF MEETING HELD ON 22 FEBRUARY 2006
- viii) WASTE MANAGEMENT COMMITTEE MINUTES OF MEETING HELD ON 26 APRIL 2006

**2. THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**

- (a)** Manly Waste Management Committee - Minutes of Meeting held on 22 February 2006

**Item Number 4.1: Electronic Waste**

The Recommendation of the Committee was:

- 1. That the information be noted.
- 2. That Council ask SHOROC to take urgent action to facilitate the move away from member Councils collecting Electronic Waste for landfill disposal
- 3. Continue to promote alternatives to disposal (eg. Freecycle, 2nd hand dealers in Manly LGA, repairers in Manly LGA, Industry/Company take-back schemes [eg. Dell, Cromer Public School] etc.)
- 4. Ban collection for landfill of computers, related equipment, and televisions by January 2007
- 5. May choose to support collection schemes if/when they are established by companies, industries, or legislation.



**Item For Brief Mention Report No. 4 (Cont'd)**

- (b) Manly Waste Management Committee - Minutes of Meeting held on 22 February 2006

**Item Number 4.3: Mobile Muster**

The Recommendation of the Committee was:

1. That the information be noted.
2. That staff ask all mobile phone sellers in the Manly LGA to participate in Mobile Muster, and that any 'still working' mobile phones be delivered to CUA for re-use via Manly Library collection service.

- (c) Manly Waste Management Committee - Minutes of Meeting held on 22 February 2006

**Item Number 6.1: Swim Centre Lease Conditions**

The Recommendation of the Committee was:

1. That the information be noted.
2. At the first available opportunity, that the pool canteen lease conditions be modified to take account of Councils Zero Waste Policy, noting changes in school canteen services based on both health and waste concerns, and profiling Councils commitment to a cleaner, healthier and happier Manly.
3. That at an appropriate opportunity, the Waste Education staff offer to the current lessees, consultation on the conduct of a Green Canteen.
4. That the existing waste-related lease conditions be provided to this Committee for consideration at the earliest opportunity.

- (d) Manly Waste Management Committee - Minutes of Meeting held on 26 April 2006

**Item Number 4.1: Waste Banner**

The Recommendation of the Committee was:

1. That the information be noted.
2. In view of ongoing concerns regarding public place littering and the effectiveness of the Sydney Coastal Councils (SCC) banner "The Beach is sick of your rubbish", the Committee recommends that a visible anti-waste banner of the type provided by the SCC be erected at the end of the Corso at Manly Beach.

**RECOMMENDATION**

1. That the recommendations of **Minutes of Meetings, as listed in item 1**, being **1(i) to 1(viii)**, as listed above, be **adopted**.
2. That in relation to all matters of a substantial nature listed in Item 2 above, being **2 (a) to 2 (d)**, be adopted as per the recommendation of the Committees.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Item For Brief Mention Report No. 4 \*\*\*\*\*

**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** General Managers Division Report No. 9  
**SUBJECT:** Cycleway - East West Link - Report Back Following Independent Consultant's Review  
**FILE NO:**

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### SUMMARY

- This matter has had a long history. In March, 2005 the Bicycle Committee made a submission to Council in relation to introducing family cycling on the Manly Scenic Walkway to complete the "East West Link" in the cycleway network.
- In July, 2005 Council resolved (inter alia):-
  - "That Council engage an independent consultant to report back on the feasibility of providing
    - (a) a separate cycle path on the section of East Esplanade Park, between Lauderdale Avenue and Bolingbroke Parade, Fairlight; and/or
    - (b) a designated cycleway on Lauderdale Avenue between King Avenue, Balgowlah and Federation Point, Manly."

### REPORT

#### Background

Councillors will be aware that some years ago Council adopted a Manly Cycle Plan and as part of the many routes identified in the Plan, there was a suggested East West Link following the foreshore path around the waterfront on Esplanade Park. Over many years there has been conflict within the local community regarding the widening of the path and when the path was last widened to around two metres, the community mounted a campaign to ensure that it was narrower than the 2.5 metres minimum width which was required as a shared (pedestrians and cyclists) pathway width under the Roads and Traffic Authority Guidelines (RTA).

More recently, the RTA Guidelines have changed to permit "family" cycling on footpaths, however, the Guidelines still provide Council with the option of banning cycling on footpaths where it is considered that cycling is inappropriate.

Following the Bicycle Committee's recommendation to Council to explore the possibility of family cycling within Esplanade Park Reserve, Council decided to conduct a Public Forum on the issue. That Public Forum was held on 15th May, 2005. At the conclusion of the Forum, a two part motion was adopted in the following terms:-

1. That this meeting affirms the Council ban on cycling on the Manly Scenic Walkway.
2. That the meeting calls on Council to vigorously pursue alternatives that does not include cyclists on the Walkway.

When this was subsequently reported to Council at the Planning and Strategy Committee on 18th July, 2005, Council resolved:-

- "1. That Council reaffirm the ban on cycling in East Esplanade Park between Bolingbroke Parade, Fairlight and Federation Point, Manly.

**General Managers Division Report No. 9 (Cont'd)**

2. That Council engage an independent consultant to report back on the feasibility of providing:
  - a) a separate cycle path parallel to the existing pedestrian footpath on the section of East Esplanade Park between Lauderdale Avenue and Bolingbroke Parade, Fairlight; and/or
  - b) a designated cycleway on Lauderdale Avenue between King Avenue, Balgowlah and Federation Point, Manly.

The report is to fully address inter-alia, safety, signage, cost, engineering and environmental issues.

3. That the Bicycle Committee hand over to the selected independent consultant, all relevant material on the East West route assessment process to date.
4. That the independent consultant's report be funded out of the Bicycle Committee's budget allocation for the 2005/06 budget.
5. That Council retain the current use of Esplanade Park as an off-leash dog area as a condition precedent for the consultancy report."

Councillors should note that Part 1 of the resolution was for Council to reaffirm the ban on cycling in East Esplanade Park, between Bolingbroke Parade and Federation Point, Manly. Part 2 of the resolution called for an Independent Consultant to look at the possibility of a parallel path alongside the walkway in Esplanade Park, between Lauderdale Avenue and Bolingbroke Parade and/or the alternative of establishing a cycleway on Lauderdale Avenue, between King Avenue and Federation Point, Manly.

The latter part of the resolution was obviously adopted with the intent of trying to find a total solution to the East West Link - Manly to Balgowlah and beyond.

Council subsequently appointed Manidis Roberts as the principal Consultant for the project and in turn Manidis Roberts engaged a range of Consultants with expertise relating to environmental matters, engineering and landscaping matters and traffic management. The Consultants were supplied with a considerable amount of material which reflected the history of this matter. The Final Draft Report was made available in February, 2006, following further observations of pedestrian flows in the peak summer period.

**Process for Considering the Report**

As a process for considering the report, it was considered that rather than just put the report out on exhibition, it would be preferable for those Committees of Council which have an interest in the matter to be given the opportunity to view the report and make comment on it in advance of reporting it to Council. Council would then have the benefit of the comments of the various Committees of Council.

**Feedback and Recommendation from Various Committees of Council**

Numerous Committees of Council are interested in this subject and the following Committees have all given feedback on the Consultant's report:-

- Access Committee
- Manly Scenic Walkway Committee
- Companion Animals Committee
- Manly Bicycle Committee

**General Managers Division Report No. 9 (Cont'd)**

- Traffic Committee
- Harbour Foreshores Management Committee
- Landscape Management and Urban Design Committee
- Heritage Committee
- Fairlight Precinct Community Forum

The responses from these various Committees is contained in a Matrix of Sub-Committee Feedback and Recommendations (**Attachment 1**).

Having given the Committees the opportunity to review the report, it was considered appropriate to have a Workshop of the Executives of the Committees with a view to having a dialogue between the Consultants and the Executives of the Committees with a view to seeing whether the report needed changing or amending and whether some form of consensus could be arrived at.

The Consultants presented their report to the Committee representatives and following deliberation, it was agreed that the Consultant should provide an Addendum to their report. This addendum was provided to Council and is **attached** marked **Attachment 2**.

Please note that the Conclusion in the Addendum to the report is as follows:-

**Conclusion to Consultant's Report**

The strong themes to emerge from the meeting were that:-

- There is a need for an east-west cycle link.
- There is a very strong opposition to using Esplanade Park for cycling among all groups except Manly Bicycle Committee.
- There is a broad approval for Option 3b, a shared pedestrian-bicycle path on the southern side of Lauderdale Avenue, given that initial surveys show it would be feasible, and cause minimal impact.

Given that the Manly Bicycle Committee has now also agreed to Option 3b, it is concluded that Council should now further investigate this option with a view to its implementation. Due to the scope and cost of the project, it may need to be implemented in stages over a number of years.

**Consensus**

The Addendum to the Consultant's report is basically reflecting the consensus that was arrived at in the Workshop which considered the Consultant's report. The cost of Option 3b (a shared bicycle/pedestrian path - south side of Lauderdale Avenue, between King Avenue and Manly) was estimated in the Consultant's report at around \$900,000.

Council staff have had a preliminary look at those costings and they should be regarded as order of costs for comparative purposes rather than detailed estimates.

**RECOMMENDATION**

1. That Council receive and note the report.
2. That Council endorse Option 3b for the establishment of an East/West Cycleway Link to join up with the Manly cycleway network in the central business district and with existing routes to the west in Balgowlah.

**General Managers Division Report No. 9 (Cont'd)**

3. That grant applications be made with the Roads and Traffic Authority and to the Sharing Sydney Harbour Foreshores Access Grants.
4. That the report be exhibited for a period of one month, together with Council's endorsed in-principle response to the report (as reflected in this recommendation).

**ATTACHMENTS**

**AT- 1** Matrix of Sub-Committee Feedback and Recommendations 13 Pages

**AT- 2** Addendum to Consultant's East West Cycleway Report 8 Pages

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\*\*\*\*\* End of General Managers Division Report No. 9 \*\*\*\*\*

**ATTACHMENT 1**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
Matrix of Sub-Committee Feedback and Recommendations**

Attachment 1

**Cycleway - East West Link  
Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

SUB-COMMITTEE	DATE OF MEETING	FEEDBACK AND RECOMMENDATION
Access Committee	On-Site Meeting 24/2/2006	<p><b>East West Walk Way – Manly Scenic Walk Way - Friday 24<sup>th</sup> February 2006</b> Following the agenda item on this issue at the last Access Committee it was agreed to do a site visit.</p> <p><b>Present:</b> Evelyn Shervington – Chairperson Manly Access Committee, Verity Shervington – Committee member, Councillor Barbara Aird, Anna Nikolov, Ellen Turley – Community Development Coordinator</p> <p><b>Discussion took place:</b> Manly Scenic walk way narrows at the end of Bolingbroke Parade and that is where the cars enter to park at rear of their property. Cars are parking on Crown Land (this has been happening for many, many years). People who live in Lauderdale Avenue have rear access to properties via Manly Scenic Walk Way. Cyclists should have a designated area for them but not on the Manly Scenic Walk way perhaps on Lauderdale Avenue. Walk way for pedestrians only. Angle parking in Bolingbroke Parade to maximize the number of parking places. Resident parking scheme to come into effect on Monday 28<sup>th</sup> February 2006</p> <p><b>Recommendation:</b> Cyclists not permitted on the Manly Scenic Walk Way (Already numerous pedestrians using). Cyclist to have designated lane on Lauderdale Avenue. Introduce angle parking in Bolingbroke parade to maximize the number of parking places.</p>
Manly Scenic Walkway Committee	Committee Meeting 21/2/2006  Special Meeting 7/3/2006	<p><b>Recommendation:</b> That a special meeting be held to discuss the options outlined in the report, and that the meeting be attended by all Committee members.</p> <p><b>Introduction:</b> The Manly Scenic Walkway was completed as a continuous track from Manly Wharf to the Spit Bridge as a joint effort between Manly Council and the National Parks and Wildlife Service in 1988. It realized the hopes and years of effort by many public spirited people. The walkway reflects an increasing public awareness and appreciation of the environment and the rapidly growing interest in walking and passive outdoor recreation.</p>

MP: 0698/JHFH

Page: 1

General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
Matrix of Sub-Committee Feedback and Recommendations

Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)

It is important to recognize that the growth in walking and passive outdoor recreation not only includes the able bodied but very definitely includes the disabled as well as older folk and young families.

The pathway is also very significant as it makes many foreshore areas of Sydney Harbour available to a wide cross section of the public so they can enjoy its unrivalled panoramic views

As the walkway passes through a wide and extensive variety of native vegetation which is also home to a wide variety of native wildlife, great care has been taken to both retain and care for them.

In addition to the pathway's superb natural beauty, it also links many sites of heritage value and historic interest.

It has always been a guiding principle of the walkway committee to ensure that the many thousands of walkers who regularly use the walkway do so in safety and quiet harmony with the natural environment.

**Discussion:**

The committee once again reiterated its total opposition to any form of cycling on the Manly Scenic Walkway.

The committee is **vehemently opposed** to:

**Option 2 (a) Shared Pedestrian/Bicycle Use of Existing Path (current width)** for the following reasons:

**Insufficient Capacity**

- \*This section is highly used, particularly at weekends, by residents and visitors.
- \*A large number of residents also take advantage of being able to walk their dogs daily off a leash in this section as it provides them with one of the few opportunities they have to do so.
- This popular activity would certainly have to cease should walkers be forced to share the pathway with cyclists.
- \*Such is the popularity of the pathway to walkers of all ages and levels of fitness, especially during weekends, holidays and fine weather, it is perfectly obvious that it would be impossible and intolerable to add cyclists to its existing users.

General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
 Matrix of Sub-Committee Feedback and Recommendations

Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)

**Option 2(b) Shared Pedestrian/Bicycle Path on Existing – Widened - Path .**  
 \*The committee believes this option is a wicked waste of ratepayer's money.  
 To contemplate ripping out the existing fine path, which is only 4 years old and replace it with a new concrete path, **2.5 to 3 metres in width** is an arrogant slap in the face to the hundreds of local residents who overwhelmingly rejected the proposal at a public meeting chaired by then Mayor, Sue Sacker in 1998.  
 That meeting overwhelmingly supported the pathway being no wider than 1.8 metres, as a means of preventing shared pedestrian/bicycle use of the pathway.  
**It is therefore outrageous that this totally rejected proposal should once again be raised.**  
 \*The real cost of this proposal would be \$212,000

**Safety**  
 \*The risk of cyclists colliding with walkers, including children in strollers and the elderly (the walkway attracts scores of local and visiting Senior Walking Groups) would obviously be unacceptable.  
 \*The committee cannot stress too strongly that the section of the walkway from Manly Wharf to King Avenue is the **only part** of the foreshore walkway suitable to people in **wheelchairs** and parents with children in **prams and strollers**.  
 All these groups enjoy the absence of vehicular hazards.  
 \*The terrain is clearly unsuitable for inexperienced cyclists (and serious cyclists have already made it clear that the route would not appeal to them).  
 Should a cyclist leave the confines of the concrete pathway, as regularly occurs even now, they would often be confronted with steep slopes, vertical drops and blind corners.  
 \*It would be irresponsible to ignore the likelihood of injuries, not only to walkers and the many people who sit at vantage points adjacent to the walkway, but to cyclists themselves.  
 \*Should bicycles be permitted to ignore the legal ramifications that would follow  
 forced to avoid an area they derive great pleasure from, because of the threat it would then pose to their safety.  
 \*To drive the elderly, disabled, parents walking with young children and local dog owners off the Manly Scenic Walkway would be a disgraceful indictment on Manly Council.

**Option 2(c) Separate Pedestrian and Bicycle Paths in the Foreshore Park**  
 \*The committee **totally reject** this option.  
 \*The committee's position was supported by the following motion moved by David Barr MP at a community forum held in Manly Council Chambers on Sunday, May 15, 2006 at 11:00am.

MP: 0698/JHFM

Page: 3



General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
 Matrix of Sub-Committee Feedback and Recommendations

Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)

<ol style="list-style-type: none"> <li>1. That this meeting affirms the council ban on cycling on the Manly Scenic Walkway.</li> <li>2. That the meeting calls on council to vigorously pursue alternatives that does not include cyclists on the walkway.</li> </ol>	<p>The motion was overwhelmingly supported - by 90% of the 300 residents in attendance at the forum.</p> <p>Following an account of the forum meeting in the Manly Daily, Mr Barr wrote a letter to the paper (Manly Daily, May 17, stating in part;</p> <p>"The walkway entails not only the existing path but the entire environs of Esplanade Park. That was clearly understood at the meeting and any attempt to construe the motions as applying to a two metre strip is a sterile exercise in semantics."</p> <p>*Whilst this option separates pedestrians and cyclists, the committee firmly believes it will <b>destroy the natural ambience of this special place</b>.          Construction of a boardwalk will most certainly result in the destruction of existing native trees and critical disturbance of local, natural wildlife.</p> <p>*The proposal <b>does not comply with the aims and objectives of State Environmental Planning Policy #19</b>. The objective of this policy is to protect and preserve bushland within urban areas.</p> <p>*The proposal is an insult to the many Bushcare and Volunteer groups who have toiled over many years to regenerate the area.  <i>Would these dedicated folk be prepared to offer their services in a voluntary capacity again, after seeing their priceless efforts obliterated to make way for a half-million dollar PLUS boardwalk?</i>          The committee thinks not!</p> <p>*The committee holds grave doubts cyclists travelling east to Manly on the proposed cycleway (the current pedestrian pathway) would exit the bicycle pathway at Bolingbroke Pde and join the road Crescent and Commonwealth Pde!          Rather than follow this preposterous, serpentine route, their natural inclination – especially inexperienced cyclists and parents with small children – would be to follow the existing pedestrian path (only 1.8 metres wide) from Bolingbroke Pde to Federation Point!</p>
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MP: 0838/JHFM

Page: 4

**ATTACHMENT 1**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review**  
**Matrix of Sub-Committee Feedback and Recommendations**

**Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

		<p>The conflict this would create between walkers, joggers, the disabled, the elderly, unleashed dogs and their owners, parents with small children and swimmers entering and leaving Fairlight Pool and last but not least, council's regulatory staff, would be a nightmare. It would take an army of Council Rangers to police the ridiculous situation!</p> <p><b>Summary</b>                  In summary, the Manly Scenic Walkway Committee firmly believes it is essential that the current prohibition of cycling along the foreshore precinct of the walkway is enforced.                  In simple terms, Manly Council's long existing policy, adopted after exhaustive public consultation and debate, be retained.                  After mature consideration, the committee believes this must prevail to maintain the safety and amenity that makes the walkway so attractive to so many people.</p> <p>The original intention of Manly Council was to create a walkway for residents and visitors to enjoy the simple pleasure of a quiet stroll along our magnificent harbour foreshore, not only to enjoy the ever-changing scene and our natural environment, but, for a time to be freed from the conflict and chaos of urban life.</p> <p><b>The Manly Scenic Walkway was Manly's contribution to our nation's Bi-Centennial in 1988. We ask that you do not destroy this Jewel in the Crown of Manly.</b></p>
<p><b>Companion Animals Committee</b></p>	<p>Petition from Local Dog Walkers at North Harbour Reserve                  - Submitted by Councillor Morrison                  29/3/2006</p> <p>Committee Meeting</p>	<p>Petition containing 64 signatures expressing:</p> <p>"Opposition to any installation of a bicycle way from King Avenue, Balgowlah to Manly Wharf along the northern foreshore line that if constructed would preclude the walking of dogs or other companion animals along this same walkway. Any provision or allowance for bicycles would be in direct conflict with the principal concept of the Manly Scenic Walkway."</p> <p>Note: The Companion Animals Committee has not met and to date we have not received a formal recommendation from that Committee.</p>

MP: 0658/JHFM

Page: 5

**ATTACHMENT 1**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
Matrix of Sub-Committee Feedback and Recommendations**

**Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

<p><b>Manly Bicycle Committee</b></p>	<p>Committee Meeting 9/2/2006</p> <p>Submission from Chair of Bicycle Committee dated 28/2/2006</p>	<p><b>Recommendation:</b> That the Chair of the Bike Committee be authorised to prepare a draft response incorporating the many concerns of the committee for circulation, review and forward these to Jim Hunter."</p> <p>The Committee:</p> <ol style="list-style-type: none"> <li>Supports options 2c and 3b (east of Fairlight Cres only), provided that: <ul style="list-style-type: none"> <li>the proposed new walkway can be designed in a way that respects the environmental values of the immediate area and satisfactorily addresses the coastline hazard issues.</li> <li>these options are combined with a connecting link, via Boilingbroke Ave and Fairlight Cres to provide an integrated and effective route to Manly.</li> </ul> </li> <li>Recommends the draft report be amended to: <ul style="list-style-type: none"> <li>include the amended option, in 1 above (as say a 3e) with engineering solutions and specific cost estimates for the entire route.</li> <li>embrace a review of a possible link to Manly Wharf in the east and Woodland St in the west.</li> <li>incorporate the other textual changes detailed in the <b>Related Comments</b>.</li> </ul> </li> </ol>
	<p>Further Submission from Chair of Bicycle Committee dated 3/4/2006</p>	<p><b>Further E-mail received from Chair of Bicycle Committee with conclusion as follows:</b></p> <p>As you requested, I have canvassed the views of Committee members who did not attend the meeting on 29 March. I advised them that a clear consensus emerged in favour of the Lauderdale option, once the Traffic Committee staff said that they have surveyed the route and gave an assurance that a shared path of minimum 2.5m and maximum 4m, could be built along the entire S length of Lauderdale.</p> <p>Although we remain of the view that using a section of Esplanade Pk is preferable in terms of</p> <ul style="list-style-type: none"> <li>gradient, safety and scenery.</li> <li>discouraging cyclists from using the entire length of the walkway.</li> </ul> <p>we recognise that the many objections raised would in all probability delay the project indefinitely, if not permanently.</p>

MP: 0698/JHFM

Page: 6

General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
 Matrix of Sub-Committee Feedback and Recommendations

Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)

	<p>Accordingly, the Bike Committee:</p> <ol style="list-style-type: none"> <li>Endorses Option 3b - a shared path of 2.4 - 4m wide on the southern side of Lauderdale, <b>contingent</b> on it forming part of a consolidated project involving links             <ul style="list-style-type: none"> <li>through N Harbour Reserve to Tania Park</li> <li>to Woodland and Balgowlah.</li> <li>off road to Manly Wharf and the beach via Victoria Pde.</li> </ul> <p>As Option 3b is expensive <b>and</b> we will lose the opportunity to obtain funding per the State Government's harbour access program, it is critical that if Council adopts this solution it also commits to funding the project. The RTA may be a source of revenue, but as the NSW bike budget was eviscerated by a former Minister for Roads (and 4WDs) that avenue is problematic.</p> </li> <li>Still calls for a substantial revision of the consultants' report - <b>at no further cost to Council</b> - in line with the Committee's detailed critique, plus issues raised at the meeting, so that Crs can make an informed decision.              (NB speakers for Manidris conceded serious inadequacies in their report, notwithstanding the late inclusion of our Bolingbroke/Fairlight option. Interestingly, it was described glowingly as an 'obvious' link from the foreshore, despite ignoring it in the first draft.)</li> <li>Seeks to be consulted and involved in all stages of whatever is finally approved by Council, to ensure that the new east-west link is fully and intelligently integrated with all the existing, adjacent bike network routes.</li> </ol>
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**ATTACHMENT 1**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
Matrix of Sub-Committee Feedback and Recommendations**

**Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

<p><b>Manly Traffic Committee</b></p>	<p>Position Paper from Committee Presented to Workshop on 29/3/2006</p>	<p>Position Paper received from Manly Traffic Committee and recommendation as follows: <b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That: Manly Council Consider the implementation of Option 3B from the East-West Cycleway report (Feb 2006)</li> <li>2. Further That: Council consider increasing the funding for Option 3B to included extending the shared Pedestrian/Cycle path all the way to Manly Wharf.</li> <li>3. Further That: the proposed shared Pedestrian/Cycle path on the southern side of Lauderdale Ave and Commonwealth Pde be designed in accordance with the RTA's Cycleway Guidelines.</li> </ol>
<p><b>Harbour Foreshores Management Committee</b></p>	<p>Committee Meeting 11/4/2006</p>	<p><b>Summary</b> Council commissioned a report last year to consider options to promote a viable East-West Bicycle Path Link, and in particular, for the route between Fairlight Crescent/Bolingbroke Parade and King/Lauderdale Avenue. Options (conceptual) were to be assessed against criteria, including:-</p> <ul style="list-style-type: none"> <li>• Aesthetics;</li> <li>• Risk/Safety issues;</li> <li>• Traffic &amp; Parking impact;</li> <li>• Feeder links;</li> <li>• Engineering feasibility;</li> <li>• Social impact;</li> <li>• Signage;</li> <li>• Current usage (inc parking);</li> <li>• Environmental impacts;</li> <li>• Costs;</li> <li>• Alternate possibilities;</li> </ul> <p>A meeting was held between key staff and community to discuss issues relating to the various proposals presented by the consultants. Four member of the Harbour Foreshores Management Committee were present at the meeting. The meeting was not intended to determine a preferred option as further community consultation will occur on this long-standing issue.</p> <p>Considerations for this Committee focussed around the concept of providing an additional pedestrian path adjacent to the existing path which itself would become a cycle path.</p> <p>In the case that Council decides to pursue further investigation into Option 2c it is requested that the Harbour Foreshores Management Committee endorse this investigation based on the following recommendations:</p> <ul style="list-style-type: none"> <li>• There needs to be further incorporation of the potential impacts/constraints posed from</li> </ul>

MP: 0698.JHFM

Page: 8

General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
 Matrix of Sub-Committee Feedback and Recommendations

Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)

		<p>identified coastal hazards within the proposal. A total of nine individual coastal hazards have been identified within the proposed route as per the <i>Davis Marina to Manly Point Coastline Hazard Definition Study</i> (2004). These hazards, which include potential collapse of fill batter and cliff overhangs, will significantly affect the detail and feasibility of Option 2c.</p> <ul style="list-style-type: none"> <li>• The consultants need to better investigate the presence of State Environmental Planning Policy (SEPP) 19 Bushland which has been identified in <i>Flora and Fauna of Manly's Bushland Reserves</i> (2004). The general aim of this Policy is to protect and preserve bushland within the Greater Sydney area and provides for the preparation of management plans for SEPP 19 Bushland. It requires that bushland not be disturbed without the consent of Council and has been incorporated into Council's Development Application process.</li> <li>• Concern as to whether the boardwalk proposed in Option 2c incorporates the principles of Ecologically Sustainable Development (i.e. the precautionary principle and/or conservation of biological diversity and ecological integrity).</li> <li>• Consultants must better investigate the ramifications of the <i>Sydney Harbour Foreshores and Waterways DCP</i> (2005) as:  <i>"remaining natural features that are significant along the foreshore are preserved and views of these features are maintained"</i>.</li> <li>• Better investigation needs to be given to the feeder links, particularly at the westerns end where it is proposed that all users (pedestrians, the elderly, disabled, children, dogs and bicycles are all encouraged back together on a shared access ramp into North Harbour Reserve. It seems this would create an additional and unnecessary conflict between user groups.</li> <li>• Although outside the scope of the brief it is vital that consideration is given to feeder links. The proposed network to link the path to Forty Baskets needs much better investigation.</li> <li>• Option 2c will result in a significant loss of public open space and create excessive regulatory signage along the Fairlight Foreshore.</li> </ul>
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MP: 0698/JHFM

**ATTACHMENT 1**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
Matrix of Sub-Committee Feedback and Recommendations**

**Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

		<p>The Committee were informed that progress has been made on the East-West Bike link and that the option for a separate path described in 2b is no longer being pursued.</p> <p>The Committee then highlighted its support for further investigation into 3b which proposes a shared path on the south side of Lauderdale Avenue, Fairlight.</p> <p align="center"><b>RECOMMENDATION OF THE COMMITTEE TO COUNCIL</b></p> <ol style="list-style-type: none"> <li>1. That the Harbour Foreshores Management Committee endorse, in the case that Council decides to pursue further investigation into Option 2c, any further detailed investigation on the proviso that the Committee's tabled recommendations are addressed.</li> <li>2. The Committee support for further investigation into 3b which proposes a shared path on the south side of Lauderdale Avenue.</li> </ol>
<p><b>Landscape Management and Urban Design Committee</b></p>	<p>Committee Members Responses Councillor Aird</p>	<p>Members were canvassed and the following responses received:</p> <p>Concern and concern from the public in regard to illegal parking at Bolingbroke Parade and on the Reserve with respect to safety and amenity of the public, pedestrians etc. Knows this has been on Council's agenda for many years (507), but feels it should be dealt with now in this process.</p>

MP: 0698/JHFM

Page: 10

**ATTACHMENT 1**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
Matrix of Sub-Committee Feedback and Recommendations**

**Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

<p>Terry Metherell</p>	<p>Given the high costs and limited benefits I don't believe a strong case has been made for ANY action or option. However, if Council feels obliged politically, and in the face of more important and compelling expenditure priorities of far greater net public benefit...then - my preference is for Lauderdale South Side (all way to Manly, but in SEVERAL stages over perhaps 5 years, given the costs). I think the consultants may have seriously underestimated the difficulty/costs of the Lauderdale North Side option, especially in proximity to the cliff-face/overhead bridge' area where construction for apartments is currently in progress. I also disagree strongly with the heritage and environmental implications of the harbourside 'boardwalk' option, should the Park option for a dedicated cycleway be pursued. Like other options it is poorly justified, without any current data on actual east-west cyclists or potential cyclist users. The arguments and photo-montages are (inadvertently) quite misleading. There is no way to 'hide' such a boardwalk from the harbour (as the montages seem to suggest). Indeed pedestrian users would DEMAND clear lines of sight to the harbour at least as good as those currently enjoyed. This would create another waterfront eyesore. Nearby residents would strongly object to any loss of views due to any new plantings, thereby resulting in BOTH sides of any boardwalk being exposed to view from the harbour and many other vantage points around Manly. From a heritage perspective, such a boardwalk would be about as appropriate as a raised boardwalk on the Corso! Or along the top of the East-West Esplanade or Ocean Beach sea walls!</p>	<p>Sandra Loschke</p>
<p>Heritage Committee</p>	<p><b>Recommendation:</b> The Heritage Committee supports the transit solution proposed by Council's Traffic Manager for the East-West Cycle Path (Lauderdale Avenue, south side).</p>	<p>Committee Meeting 5/4/2006</p>

MP: 0698/JHFM

Page: 11



General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review  
 Matrix of Sub-Committee Feedback and Recommendations

Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)

<p><b>Fairlight Precinct Community Forum</b></p>	<p>Precinct Meeting 13/4/2006</p>	<p><b>Recommendation:</b></p> <p><b>Option 2a &amp; 2b Esplanade Park- Shared pedestrian bicycle path.</b>                  Opposed to any sharing of path whether existing or widened.</p> <p><b>Option 2c Esplanade Park - separate pedestrian and bicycle paths.</b>                  Object to loss of trees.</p> <p>Regard the boardwalk as a visual scar, as well as having negative implications for wild life.</p> <p>Proposed possibility of creating stailway connection to water edge could endanger the small number of pelicans which currently inhabit the area.</p> <p>Proposed boardwalk across the mudflats to link with Wellings Reserve would detract from the pristine nature of the bush.</p> <p>Concerns about the exit point for bicycles. What will stop bike riders from continuing on walkway once they reach designated exit point at Bolingbroke Pde?</p> <p><b>Option 3B shared bicycle pedestrian path south side of Lauderdale Avenue continuing to Manly wharf.</b>                  This option may encourage bike riders who currently ride on the walkway illegally to use Lauderdale Ave as an alternative. If this option is to be agreed Council must police cycle ban on walkway rigorously. This may result in pedestrians from the southern side of Lauderdale Ave who fear cyclists to use the walkway as an alternative.</p> <p>There are a number of other issues we have concerns about.</p> <ul style="list-style-type: none"> <li>• Danger from vehicles leaving driveways. Many properties along the southern side of the proposed route have off-street parking below street level. This presents cyclists and pedestrians with the need to be on special alert to avoid a collision as some drivers accelerate up their driveways across the footpath.</li> <li>• Pedestrians who choose to use the footpath would also be at risk from cyclists sharing the footpath. This is particularly relevant on Lauderdale Ave, from King Ave to Bolingbroke Pde, as the alternative northern footpath does not provide a viable route. There are many stairs making it unsuitable for elderly, disabled or pram pushing parents.</li> <li>• Widening of footpath to allow for cycling could lead to a severe loss of amenity for some</li> </ul>
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MP: 0698.JHFM

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review**  
**Matrix of Sub-Committee Feedback and Recommendations**

**Cycleway - East West Link - Matrix of Sub-Committee Feedback and Recommendations (for Council Report)**

		<p>residents. Due to limited off-street parking many delivery, furniture and tradesmen's vehicles park on the nature strip and all or part of the footpath where no parking or stopping is allowed on the street. Also on garbage collection nights many wheele bins are placed along the footpath. This reflects the large number of multi unit dwellings.</p> <ul style="list-style-type: none"> <li>• A widening of the footpath will result in loss of trees and nature strip. This would have a negative visual and environmental impact.</li> </ul> <p>If this option is to be approved it must be integrated with the Fairlight LATM currently with Council.</p> <p><b>Option 3d major upgrade of Lauderdale Avenue</b>          Concern that it would be impractical given the high number of vehicles and narrow traffic lanes (3.5 metres). It appears that it may prevent vehicles passing cars waiting to turn into driveways or cross streets. Also it will significantly reduce parking.</p> <p>Best description is 'pretty but impractical'.</p> <p><b>Broader community comment must be sought prior to final approval for any alternative.</b></p>
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MP: 0698/JHFM

Page: 13

ATTACHMENT 2

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General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following  
Independent Consultant's Review  
Addendum to Consultant's East West Cycleway Report

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Attachment 2

CYCLE PATH OPTIONS  
FOR EAST-WEST  
CYCLEWAY

Manly to Balgowlah  
Addendum to report  
April 2006

**MANIDIS** **ROBERTS**  
environment + community

**ATTACHMENT 2**

**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following  
Independent Consultant's Review  
Addendum to Consultant's East West Cycleway Report**

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Prepared by

**MANIDIS ROBERTS CONSULTANTS  
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Quality Control

Our reference	05021
Version number	1
Date	2 May 2006



**ATTACHMENT 2**

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**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following  
Independent Consultant's Review  
Addendum to Consultant's East West Cycleway Report**

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**CONTENTS**

<b>1</b>	<b>INTRODUCTION</b>	<b>2</b>
<b>2</b>	<b>KEY ISSUES RAISED AT THE MEETING</b>	<b>2</b>
<b>3</b>	<b>SUMMARY OF SUBMISSION PRESENTED BY MANLY BICYCLE COMMITTEE</b>	<b>2</b>
<b>4</b>	<b>CONCLUSION</b>	<b>2</b>

## ATTACHMENT 2

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### General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review Addendum to Consultant's East West Cycleway Report

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## 1 INTRODUCTION

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On 29 March 2006, Manly Council convened a meeting of interested parties to discuss the report, *Cycle path options for east-west cycleway* (Manidis Roberts 2006), with a view to attaining general agreement on a preferred option for an east-west cycle path between King Avenue, Balgowlah, and Manly Wharf.

The meeting was chaired by the Mayor of Manly, Dr Peter MacDonald, and allowed all interested parties to comment on the report and provide input.

This addendum report presents:

- The key issues raised at the meeting.
- A summary of the submission subsequently presented by the Chair of the Manly Bicycle Committee, Mr Norman Monshall (dated 3 April 2006).

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**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review**  
**Addendum to Consultant's East West Cycleway Report**

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## **2 KEY ISSUES RAISED AT THE MEETING**

The following points were raised at the meeting.

### **Manly Bicycle Committee**

The Committee:

- There is a need for links to the CBD, Woodland Street and North Harbour Reserve.
- Prefers the cycleway option in Esplanade Park (Option 2).
- The Options Report should mention the possibility for cyclists to use a route along Bolingbroke Parade and Fairlight Crescent, to link between Esplanade Park and Lauderdale Avenue.
- Rejects the western section of Lauderdale Avenue (between King Avenue and Rosedale Avenue) as it is too steep for family cycling (a slope of 8% was mentioned).
- Cost estimates in Table 10 in the Options Report need to reflect the full length of Lauderdale Avenue from King Avenue to Federation Point.

### **Companion Animals Committee**

- North Harbour Reserve is an off-leash dog walking area, which could preclude cycling in the reserve, as canvassed in the Options Report.

### **Harbour Foreshore Committee**

The Committee opposes use of Manly Scenic Walkway for cycling. It stated that priority should be given to pedestrians, though a solution is needed for cyclists. Particular concerns focused on:

- The option for a pedestrian boardwalk in Esplanade Park, illustrated in the Options Report. Particular concerns are the nine coastal hazards in the vicinity of the boardwalk, and the potential loss of trees (the boardwalk could impact on SEPP 19 bushland).
- The creation of a bottle-neck in North Harbour Reserve if the option linking to the Reserve (outlined in the Options Report) were implemented.
- The impact of the boardwalk on views from Forty Baskets Beach, particularly the replacement of trees and boulders in Esplanade Park with built elements.

### **Scenic Walkway Committee**

The Committee expressed similar concerns to those of the Harbour Foreshore Committee in respect to use of Manly Scenic Walkway. It stated that Council should not tamper with Manly's 'jewel in the crown'. The Committee opposes any option to use Esplanade Park for cycling on the following grounds:

- Public safety. A shared pedestrian/cycle path in Esplanade Park would introduce risks for pedestrians.
- Visual impact. A shared pedestrian/cycle path in Esplanade Park would affect the visual quality of the park.

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**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review**  
**Addendum to Consultant's East West Cycleway Report**

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- Environmental, amenity, safety and public liability impact if the boardwalk option were introduced.

**Heritage Committee**

- Esplanade Park and the foreshore are listed heritage items. The Committee opposes the boardwalk option in the park, as it would replace a natural area with built items.
- The sandstone walls on the northern side of Lauderdale Avenue are potential heritage items.

**Fairlight Precinct**

Fairlight Precinct has concerns about:

- Loss of parking if the bicycle path was on Lauderdale Avenue.
- Safety of pedestrians if there were a shared path on Lauderdale Avenue.
- Pedestrians safety if the bicycle path were in Esplanade Park, whether a shared path or separate.
- Safety of residents who live in homes backing onto Esplanade Park, who may be in danger of being hit by cyclists under the boardwalk option (which has the cycleway on the same route as the current footpath).
- Option 3d (major upgrade of Lauderdale Avenue) may be too narrow to allow cars to pass safely.

**Traffic Committee**

The Traffic Committee presented the findings of its investigation into options on Lauderdale Avenue.

The Committee found that:

- It would be feasible to build Option 3b, a 2.5 to 4 metre-wide shared pedestrian-bicycle path on the southern side of the road, between Woodland Street and Manly Wharf.
- Option 3b could be achieved with no loss of parking, and minimal loss of street trees (six paperbark trees would need to be removed).
- Option 3b accords with Fairlight Local Area Traffic Management Plan.
- Option 3b would cost about \$1 million to implement.

Following the presentation by the Traffic Committee, there was a clear consensus in favour of the option for a shared pedestrian-bicycle path on the southern side of Lauderdale Avenue (Option 3b).

Representatives of the Manly Bicycle Committee noted the strong sentiment in favour of Option 3b and said the Committee would meet to discuss the issue, and present Council with a new submission.



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**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review**  
**Addendum to Consultant's East West Cycleway Report**

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### **3 SUMMARY OF SUBMISSION PRESENTED BY MANLY BICYCLE COMMITTEE**

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The Chair of the Manly Bicycle Committee acknowledged that, at the meeting, a "clear consensus" emerged in favour of the option for a shared pedestrian-bicycle path on Lauderdale Avenue (Option 3b), once the Traffic Committee staff said they had surveyed the route and gave an assurance that a shared path of 2.5 to 4 metres wide, could be built along the entire length of Lauderdale Avenue.

Although the Committee continues to prefer the option of using a section of Esplanade Park, it recognises that the many objections raised would in all probability delay the project indefinitely, if not permanently, and therefore supports a solution which, while imperfect in its view, has the greatest likelihood of being accepted by Councillors, Precincts, Committees and the community at large.

Accordingly, the Committee:

1. Endorses Option 3b, a shared path 2.5 to 4 metres wide on the southern side of Lauderdale Avenue, contingent on it forming part of a consolidated project involving links through North Harbour Reserve to Tania Park to Woodland and Balgowlah, off-road to Manly Wharf and the beach via Victoria Parade. As Option 3b is expensive and Council will lose the opportunity to obtain funding from the State Government's harbour access program, it is critical that if Council adopts this solution it also commits to funding the project.
2. Calls for a substantial revision of the consultants' report in line with the Committee's comments (submission dated 28 February 2006), plus issues raised at the meeting.
3. Seeks to be consulted and involved in all stages of whatever is finally approved by Council, to ensure the new east-west link is fully and intelligently integrated with all the existing, adjacent bike network routes.

The Committee's submission concludes that, if adopted, funded and implemented, the proposed path will provide the best opportunity to complete the bicycle network.

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**General Managers Division Report No. 9 - Cycleway - East West Link - Report Back Following Independent Consultant's Review**  
**Addendum to Consultant's East West Cycleway Report**

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## 4 CONCLUSION

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The strong themes to emerge from the meeting were that:

- There is a need for an east-west cycle link.
- There is very strong opposition to using Esplanade Park for cycling among all groups except Manly Bicycle Committee.
- There is broad approval for Option 3b, a shared pedestrian-bicycle path on the southern side of Lauderdale Avenue, given that initial surveys show it would be feasible, and cause minimal impact.

Given that the Manly Bicycle Committee has now also agreed to Option 3b, it is concluded that Council should now further investigate this option with a view to its implementation. It is understood that due to the scope and cost of the project, it may need to be implemented in stages over a number of years.

***End of addendum report***

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**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** Corporate Services Division Report No. 8  
**SUBJECT:** Goods and Services Tax (GST) Compliance Certificate  
**FILE NO:**

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### SUMMARY

The Department of Local Government has advised Council of changes to requirements for GST compliance. Council must now supply the Department of Local Government a certificate of confirmation signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer, that Council has complied with GST requirements. The certificate is to be signed in accordance with a resolution of Council.

### REPORT

By 8 June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies.

The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, local governing bodies are requested to provide the department with this advice before 1 June each year. The department will then provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Attached to this report is a certificate for the period 1 July 2005 to 30 April 2006 that meets these requirements.

#### Statement by Chief Financial Officer

I hereby certify that to the best of my knowledge and belief that all GST required to be paid for the period 1 July 2005 to 30 April 2006 has been paid; that Council has in place management arrangements and internal controls to account for GST liabilities and recoup GST input tax credits; and there are no GST non-compliance issues or events that have been identified or raised by the Australian Taxation Office.

### RECOMMENDATION

That in respect to Council's GST compliance requirements, that the Goods and Services Tax (GST) Compliance Certificate, as tabled, be signed under resolution of Council by the Mayor, the Deputy Mayor (or one other Councillor), the General Manager and the Responsible Accounting Officer.

### ATTACHMENTS

There are no attachments for this report.

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\*\*\*\*\* End of Corporate Services Division Report No. 8 \*\*\*\*\*

**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** Corporate Services Division Report No. 9  
**SUBJECT:** Council's Code of Conduct  
**FILE NO:**

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### SUMMARY

Council at the Ordinary Meeting held 19 December 2005 considered Corporate Services Division Report No 30 – **Code of Conduct – Councillors Giving Evidence at Court Proceedings** and resolved:

1. That the report be received and noted;
2. That the General Manager prepare a report relating to the matters raised in the report, with particular reference to the question of Councillors appearing for an appellant where the Council has already voted on a matter, in order to avoid potential conflict of interest, except where a Councillor has been subpoenaed to appear.

### REPORT

Section 440 of the Local Government Act 1993, requires that Council must adopt a Code of Conduct, to be observed by Councillors, members of staff and delegates of the council. Manly Council's Code of Conduct was adopted at the Planning and Strategy Committee Meeting held 11 April 2005.

The Code deals with Conflicts of Interest and provides that a councillor, member of staff or delegate must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

*Clause 4.1 of the Code provides that a councillor, member of staff or delegate must:*

- not act contrary to the law;
- not act unreasonably, unjustly or oppressively or in a discriminatory manner;
- deal with like situations in a like manner, but treating each matter on its merits;
- take all relevant information into consideration and must not take any irrelevant information or opinions into consideration;
- take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained;
- treat members of the public fairly and equitably and with respect, courtesy, compassion and sensitivity;
- refrain from any form of conduct, in the performance of his or her public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or partial performance of his or her public or professional duties;
- not act on improper or irrelevant grounds; and not act in a manner that would bring council or its officers into disrepute;
- When dealing with development matters, ensure that decisions are properly made and that parties involved in the development process are dealt with fairly. He or she must avoid impropriety and avoid any occasion for suspicion and any appearance of improper conduct.;

**Corporate Services Division Report No. 9 (Cont'd)**

- When dealing with development matter, ensure that he or she is highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means he or she must ensure that no action, statement or communication between himself or herself and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment.

The NSW Ombudsman's publication "Good Conduct and Administrative Practice – Guidelines for State and Local Government" draws a distinction between "conflict of interests" and "conflict of duties":

**Conflict of interests**

*A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.*

*Conflict of interests can involve pecuniary interests (ie, financial interests or other material benefits or costs) or non-pecuniary interests (eg, political, religious, recreational, family or other interests). They can involve the interests of the public official, members of the official's immediate family or relatives (where these interests are known), business partners or associates, or friends. Enmity as well as friendship can give rise to an actual or perceived conflict of interests.*

**Conflict of duties**

*A distinction can be drawn between 'conflict of interests' involving actual, potential or reasonably perceived conflicts between public duty and private interests, and 'conflict of duties' involving a conflict between competing or incompatible public duties. In some circumstances a conflict of duties is acceptable, or at least unavoidable, for example where the holding of one public sector position or office is the prerequisite or qualification for the holding of another position or office. In most other circumstances, as a matter of principle a conflict of duties is either unacceptable and to be avoided, or at the least a problem to be disclosed and carefully managed.*

The Local Government Act 1993 and the Code of Conduct does not contain any provisions expressly excluding a Councillor from appearing as a witness in a court of law. There may be a variety of reasons as to why a person holding a position on council would be a witness – they could be appearing in their capacity as a private individual; they could be subpoenaed to appear; they may be considered an "expert" witness; they could be called on to provide evidence.

A conflict could arise for example if Council considers a further report on a matter where a councillor has represented or appeared as a witness for an appellant. Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on a councillor, member of staff or delegate to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of his or her public duty.

Enquiries were made of other Councils on how they might handle such situations. In both cases the Council has made an amendment to its Code of Conduct along the following lines.

**Conclusion**

It may be appropriate for Council to give consideration to amending its Code so that Councillors not appear for an appellant where the Council has already voted on a matter, in order to provide clear guidance to councillors, by adding the following paragraph to **Clause 4.1 - Equitable treatment of people and situations**:

**Corporate Services Division Report No. 9 (Cont'd)**

"A Councillor, member of staff or delegate must: ...

*"Not attend proceedings of the Land & Environment Court, other than as an observer, without the consent of the Mayor or General Manager and with the concurrence of Council's Solicitor. However this provision will not prevent a Councillor from giving evidence to the Court in circumstances where the Councillor is an affected person – for example where the Councillor is a resident whose amenity may be affected by a proposed development."*

**RECOMMENDATION**

That Pursuant to the *Local Government Act 1993*, Council place on public exhibition the following proposed amendment to its Code of Conduct:

Insertion of the following under **Clause 4.1 - Equitable treatment of people and situations:**

"A Councillor, member of staff or delegate must: ...

*"Not attend proceedings of the Land & Environment Court, other than as an observer, without the consent of the Mayor or General Manager and with the concurrence of Council's Solicitor. However this provision will not prevent a Councillor from giving evidence to the Court in circumstances where the Councillor is an affected person – for example where the Councillor is a resident whose amenity may be affected by a proposed development."*

**ATTACHMENTS**

There are no attachments for this report.

OM150506CSD\_2.doc

\*\*\*\*\* End of Corporate Services Division Report No. 9 \*\*\*\*\*

**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** Corporate Services Division Report No. 10  
**SUBJECT:** Schedule of Meetings - July to December 2006  
**FILE NO:**

---

**SUMMARY**

A schedule of proposed dates for Council and Principal Committees meetings from 1 July 2006 to 31 December 2006 is submitted to Council for adoption.

**REPORT**

Council's current Code of Meeting Practice provides that meetings of Council and its Principal Committees be held on a four weekly cycle on a Monday evening commencing at 7.30pm. Where a public holiday falls on a Monday, meetings will either be held on the following Tuesday evening or the following Monday.

The following is the proposed Schedule of Meetings for the period 1 July 2006 to 31 December 2006.

Date	Day	Time	Meeting
------	-----	------	---------

**JULY 2006**

3 <sup>rd</sup> July 2006	Monday	7.30pm	Land Use Management Committee Meeting
10 <sup>th</sup> July 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
17 <sup>th</sup> July 2006	Monday	7.30pm	Ordinary Meeting
24 <sup>th</sup> July 2006	Monday		<b>No Meeting</b>
31 <sup>st</sup> July 2006	Monday		<b>No Meeting</b>

**AUGUST 2006**

7 <sup>th</sup> August 2006	Monday	7.30pm	Land Use Management Committee Meeting
14 <sup>th</sup> August 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
21 <sup>st</sup> August 2006	Monday	7.30pm	Ordinary Meeting
28 <sup>th</sup> August 2006	Monday		<b>No Meeting</b>

## Corporate Services Division Report No. 10 (Cont'd)

Date	Day	Time	Meeting
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**SEPTEMBER 2006**

4 <sup>th</sup> September 2006	Monday	7.30pm	Land Use Management Committee Meeting
11 <sup>th</sup> September 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
18 <sup>th</sup> September 2006	Monday	7.30pm	Ordinary Meeting
25 <sup>th</sup> September 2006	Monday		<b>No Meeting</b>

**OCTOBER 2006**

2 <sup>nd</sup> October 2006	Monday		No Meeting – Labour Day
3 <sup>rd</sup> October 2006	Tuesday	7.30pm	Land Use Management Committee Meeting
9 <sup>th</sup> October 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
16 <sup>th</sup> October 2006	Monday	7.30pm	Ordinary Meeting
23 <sup>rd</sup> October 2006	Monday		<b>No Meeting</b>
30 <sup>th</sup> October 2006	Monday		<b>No Meeting</b> (Local Government Conference)

**NOVEMBER 2006**

6 <sup>th</sup> November 2006	Monday	7.30pm	Land Use Management Committee Meeting
13 <sup>th</sup> November 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
20 <sup>th</sup> November 2006	Monday	7.30pm	Ordinary Meeting
27 <sup>th</sup> November 2006	Monday		<b>No Meeting</b>



## Corporate Services Division Report No. 10 (Cont'd)

Date	Day	Time	Meeting
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**DECEMBER 2006**

4 <sup>th</sup> December 2006	Monday	7.30pm	Land Use Management Committee Meeting
11 <sup>th</sup> December 2006	Monday	7.30pm	Corporate Planning & Strategy Committee Meeting
18 <sup>th</sup> December 2006	Monday	7.30pm	Ordinary Meeting
25 <sup>th</sup> December 2006	Monday		<b>No Meeting</b>

**RECOMMENDATION**

That the schedule of Meetings for the period 1 July 2006 to 31 December 2006 as presented be adopted.

**ATTACHMENTS**

There are no attachments for this report.

OM150506CSD\_3.doc

\*\*\*\*\* End of Corporate Services Division Report No. 10 \*\*\*\*\*

**TO: Ordinary Meeting - 15 May 2006**  
**REPORT: Corporate Services Division Report No. 11**  
**SUBJECT: Accounts - Report on Council Investments as at 30 April, 2006**  
**FILE NO:**

---

## SUMMARY

Latest accounting statements for the period to 30 April, 2006.

1. Statement showing general fund bank account balance as at 30 April, 2006.
2. Cash investments as at 30 April, 2006.

## REPORT

### 1. Statement Showing General Fund Bank Account Balance as at 30 April, 2006

Limit of overdraft arranged with bank	<b>\$400,000.00 Dr</b>
Bank Balance as at 30 April, 2006 <sup>(1)</sup>	<b>\$58,497.30 Cr</b>

### 2. Details of Council Investments Pursuant to the General Regulation as at 30 April, 2006,

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.

For the information of Councillors, the following cash investments were held by Council as at 30 April, 2006.

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
15/07/02	15/07/07	HSBC	1826	6.37	1,000,000.00	15,916.75 <sup>(2)</sup>
15/08/02	15/07/07	HSBC	1795	6.37	2,008,481.93	31,833.50 <sup>(2)</sup>
30/07/02	12/12/06	Bendigo Bank	1596	7.61	510,200.00	9,512.49 <sup>(3)</sup>
14/10/02	12/12/06	Bendigo Bank	1520	7.61	504,476.45	9,512.49 <sup>(3)</sup>
08/08/02	08/08/07	Bank of Qld	1826	6.91	1,000,000.00	17,291.75 <sup>(4)</sup>
02/09/02	28/09/06	Suncorp Metway	1487	6.75	1,005,210.00	33,750.00 <sup>(5)</sup>
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00 <sup>(6)</sup>
02/04/04	02/04/09	Adelaide Bank	1826	6.54	500,000.00	8,179.12 <sup>(7)</sup>
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.65	700,000.00	11,640.48 <sup>(8)</sup>
15/12/04	15/12/09	Aust Central C/U	1826	6.80	1,000,000.00	16,987.49 <sup>(9)</sup>
25/10/05	25/10/06	Emu Structured Note	365	7.00	500,000.00	35,000.00 <sup>(11)</sup>
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38 <sup>(10)</sup>
11/04/06	11/07/06	IMB	91	5.81	1,250,000.00	18,106.51
11/04/06	11/07/06	Credit Union Australia	91	5.92	3,000,000.00	44,278.35
11/04/06	11/07/06	BankWest	91	5.72	2,000,000.00	28,521.64
		LGFS Ethical Fund	@CALL	5.90	1,027,118.81	
		IMB	@CALL	5.45	150,000.00	
		CBA	@CALL	5.45	<u>553,987.66</u>	
					<b>18,429,352.01</b>	

**1) Balances from \$0 to \$250,000 earns 4.25%pa**

**2) Interest to 15 July, 2006 only**

**Corporate Services Division Report No. 11 (Cont'd)**

- 3) Interest to 12 June, 2006 only
- 4) Interest to 8 May, 2006 only
- 5) Interest to 28 March, 2005 only
- 6) Interest to 18 August, 2006 only
- 7) Interest to 2 July, 2006 only
- 8) Interest to 3 June, 2006 only
- 9) Interest to 15 June, 2006 only
- 10) Interest to 21 May, 2006 only
- 11) Interest calculated at the guaranteed interest floor of 7.00%pa for the first year

Except for (5), (6), (10) and (11) interest is calculated at a floating rate, fixed for the duration of each subsequent quarter, based on the prevailing interest rates at the quarterly reset date(s).

<b>Investment Performance</b>	<b>Council</b>	<b>Benchmark*</b>	<b>90 day BBSW**</b>
Returns - April 2006 [%pa]:	<b>6.26</b>	<b>5.93</b>	5.68

\* benchmark is 90day BBSW plus 0.25%pa

\*\* 90 day BBSW is the average 90 day bank bill rate for the month.

Certification – Responsible Accounting Officer

The Chief Financial Officer hereby certifies that the investments listed above 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.

**RECOMMENDATION**

1. That the statement of General Fund Bank Account balance as at 30 April, 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 April, 2006 be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

OM150506CSD\_4.doc

\*\*\*\*\* End of Corporate Services Division Report No. 11 \*\*\*\*\*

**TO:** Ordinary Meeting - 15 May 2006  
**REPORT:** Corporate Planning And Strategy Division Report No. 29  
**SUBJECT:** Draft Local Environmental Plan No.75 - Emergency Service Facility  
**FILE NO:**

---

### SUMMARY

Draft Local Environmental Plan No.75 will permit an Emergency Services Facility, on land zoned Open Space 6(a)(existing), in Quirk Road, Balgowlah has been exhibited and a public hearing into its reclassification from community to operational land has taken place.

It is recommended the Council refer the draft plan to the Minister of Planning to make the Plan.

### REPORT

Manly Council at its meeting of 14 November 2005 resolved to prepare a Local Environmental Plan (Amendment No. 75) to permit, with the consent of Manly Council, the establishment of an Emergency Service facility on certain land (Pt. Lot 6 in DP30586) zoned Open Space in Quirk Road, Balgowlah, which is located immediately north of Manly West Park.

The Plan was exhibited under the provisions of Section 66 of the Environmental Planning and Assessment Act between 23 Jan. 2006 and 20 Feb.2006. The land requires reclassification from "community land" to "operational land" for the Plan to proceed.

Accordingly, pursuant to Section 29 of Local Government Act and Section 68 of Environmental Planning and Assessment Act, a Public Hearing into the reclassification was conducted on 30 March, 2006. The hearing was Chaired by Mr Eric Armstrong, Consultant Planner.

Submissions in regard to the Draft LEP, including those to the reclassification hearing, are required to be considered under Section 68 of the Environmental Planning & Assessment Act.

No submissions were received in response to the exhibition of the Draft LEP and no submissions were made to the hearing, other than by officers of Manly Council in support of the reclassification as indicated in Mr Armstrong's report.

Consequently, there are no impediments to Draft LEP 75 being referred to the Department of Planning, pursuant to Section 68(4), accompanied by a report under Section 69 of the Environmental Planning & Assessment Act requesting the Minister to make the Plan.

### RECOMMENDATION

That Draft LEP 75 be referred to the Department of Planning, pursuant to Section 68(4), accompanied by a report under Section 69 of the Environmental Planning & Assessment Act, requesting the Minister to make the Plan.

### ATTACHMENTS

<b>AT-</b>	Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd	8
<b>1</b>	Balgowlah	Pages

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\*\*\*\*\* End of Corporate Planning And Strategy Division Report No. 29 \*\*\*\*\*

## ATTACHMENT 1

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### Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan No.75 - Emergency Service Facility Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

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#### **RECLASSIFICATION OF LAND LOCAL GOVERNMENT ACT 1993 SECTION 29**

#### **QUIRK RD - BALGOWLAH.**

#### **PUBLIC HEARING 30<sup>th</sup> March 2006**

##### **Introduction**

Manly Council in October 2005 resolved to reclassify part of an open space area in Quirk Rd Balgowlah, from 'Community' land to 'Operational' land for the purpose of facilitating the use of the site and erection of an emergency services centre on the site. The building is to be used primarily by the State Emergency Services.

Section 29 of the Local Government Act provides that Council must arrange a public hearing where it is proposed to reclassify 'Community' land as 'Operational' land

The legislative mechanism provided to reclassify land is by way of a Local Environmental Plan (LEP) prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979. Sec 68 of that Act provides for a public hearing following the exhibition of a LEP.

The exhibition of the draft LEP which would ultimately give effect the reclassification was held between 23 January 2006 and 20 February 2006.

Manly Council appointed me as an independent planning consultant to conduct the public hearing. Public notice was given of the hearing in the Manly Daily on Saturday March 4<sup>th</sup> 2006.

This then is my report of that hearing which was held on Thursday 30th March 2006 in the Council Chambers.

##### **Ownership**

The subject site is part of Lot 6 DP 30586. This is shown on attachment 'A'. The site is roughly triangular in shape and has a frontage to Quirk Rd of some 24 metres. It has an area of some 900 square metres. Council's land register lists this as part of parcel number 333. I have been provided with a copy of Council's title to the land. This is CT Vol 7947 Fol 108. (copy attached as 'B'). The land was purchased by Council in June 1950. It is subject to a covenant. This covenant required the purchaser to obtain the vendors approval and to pay for, the erection of fencing on the common boundary, while ever the adjoining land was owned by the vendor. (This is commonly known as a "fencing covenant".)

Fences have been erected on the common boundary and it is reasonable to assume the terms of the covenant are now redundant. The effect of this is, that there is no restriction on the title which would limit the manner in which Council can deal with the land in terms of its future ownership once it has been reclassified.

## ATTACHMENT 1

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### Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan No.75 - Emergency Service Facility Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

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#### **Current Classification**

The site is part of an area which was classified by Council in 1994 as "Community" land under Sec 23 of the Local Government Act 1993. The site is further categorized as a 'Park' in accordance with Sec 36 of the Local Government Act.

The proposed use for buildings to house emergency services is inconsistent with that Classification and Categorization.

#### **Zoning**

The site is zoned Open Space – Existing Recreation under the Manly Local Environmental Plan 1988. To permit the proposed use, the land needs to be rezoned. The LEP placed on exhibition sets out to do this in addition to reclassifying the land. A copy of that LEP is attached at 'C'.

Whether that rezoning should proceed is however not the subject of this public hearing. This hearing is limited to whether or not the land should be reclassified.

#### **Current Use**

The site is currently used by Council to store materials for work on Council facilities i.e. pavers, bricks and stone. The site is fully fenced with a 1.8m high wire mesh fence. There is therefore no public access to the site. It appears that it has not been used as a park for some time.

#### **Surrounding Uses**

To the south of the site is a large open stormwater channel. This separates the site from the playing fields to the south. To the north are a number of industrial buildings. To the east on the other side of Quirk Rd is the Manly Golf Course. The northern part of the formed section of Quirk Rd terminates in front of the subject site. A public pathway commences from this point and travels in a southerly direction past the playing fields to join the southern section of Quirk Rd. Council's depot is on the western side at the northern end of this section of Quirk Rd. The State Emergency Service currently operates from within the depot. It is understood however that that facility does not meet its needs.

Council at the hearing provided an aerial photo of the locality highlighting the subject land.

#### **Proposal**

The proposal is to utilize the land for the erection of an emergency centre principally for the State Emergency Service. Council is required in accordance with State Emergency Legislation to support SES Units with a range of facilities and equipment including the provision of a facility of this nature. I was shown sketch plans of the type of facility possible to fit onto the site. I understand these sketches have no standing as to what might eventually be built.

Council has been consulting with the local SES for some time in an attempt to find a site suitable for its long term needs. Given the limited opportunities to find a site in a built up urban area, the subject land would appear to be ideal. It is within the industrial area, not surrounded by residential development and has easy access for emergency vehicles. This is not to suggest that the use should be approved, in the event that a development application

## ATTACHMENT 1

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### Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan No.75 - Emergency Service Facility Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

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is lodged but simply to reinforce that if a site had to be found that this would appear to be a strong contender.

#### **Submissions.**

Mr. M Batt, a Strategic Town Planner of Council attended the hearing and outlined Council's reasons for seeking to change the classification of the site. Council's General Manager Mr. H Wong also attended and expressed his support for the proposal.

According to the advice from Mr. Batt no submissions were received as a result of either the exhibition of the LEP or the notification of the hearing.

#### **Comments**

There is no evidence as to why Council purchased the land in 1950. It is reasonable to assume that it was acquired for recreation purposes. However when it was acquired it was part of a larger area to the north which has now been sold by Council and which has been developed for industrial uses. It is therefore possible that the land was retained for construction of the storm water which passes along the southern side of the property.

Which ever is the case the land in its current configuration and size does not readily lend itself to a park or sporting facility. There may be other non active recreation uses to which the land could be put but because of the location of the storm water, the adjoining industrial uses and the narrowness of the site, its use for recreation purposes is limited. This opinion is supported by the fact that Council has used the site for some time as a storage area.

There have been no objections from either the public at large nor has the Local Precinct Committee expressed opposition to the proposal. It has been made clear, the use for which the land will be used if reclassified, that is the erection of a building capable of use by a range of community groups. At this time it is envisaged being used for emergency services however if the site is reclassified to "operational" this will provide Council with the flexibility to permit its use for a wide range of community uses without constantly altering either its categorization or any Plan of Management which might apply.

#### **CONCLUSIONS**

Council arranged for a public hearing into the reclassification of an area off Quirk Rd Balgowlah. It has followed the steps required by the Local Government Act as a precursor to the hearing including giving public notice of the draft LEP and of this public hearing. No submissions have been received. It is concluded the public supports the reclassification.

The Council's submission explains the reason why the land needs to be reclassified, that is to enable a facility to be erected for emergency services in line with meeting Council's obligations under the relevant legislation. Having visited the site and having regard for the surrounding uses and other opportunities for finding a site for such a facility I have concluded that this site is, subject to environmental assessment, likely to be suitable for the use proposed. I have also concluded that the site is not suitable for use as a park, that is in line with its categorization under the Local Government Act and because there is large areas of parklands in the immediate vicinity.

The current classification and Plan of Management restrict the site being used for this purpose. Given Council's obligations to support the emergency services by the provision of such a facility it is considered that reclassification is consistent with actively meeting that obligation and that the reclassification should proceed.

## ATTACHMENT 1

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### Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan No.75 - Emergency Service Facility Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

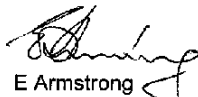
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I have considered the wording of the draft Local Environmental Plan in as far as it relates to reclassifying the site and concluded that no change needs to be made arising from the hearing. Further as there is no restriction on the land in terms of trusts, estates or other property interests, the LEP does not need to include a provision discharging that interest.

#### RECOMMENDATIONS.

It is recommended that:

- (i) Council note the conclusions of the report of the public hearing into the reclassification of part of Lot 6 DP 30586 Quirk Rd Balgowlah, which report supports the reclassification of the land to 'Operational',
- (ii) Council agrees that the land should be reclassified as "Operational" to facilitate its use for an emergency centre.
- (iii) In respect of the exhibited draft LEP, that no change be made to it in respect of the reclassification provisions.
- (iv) That the appropriate steps be taken to finalise the reclassification.

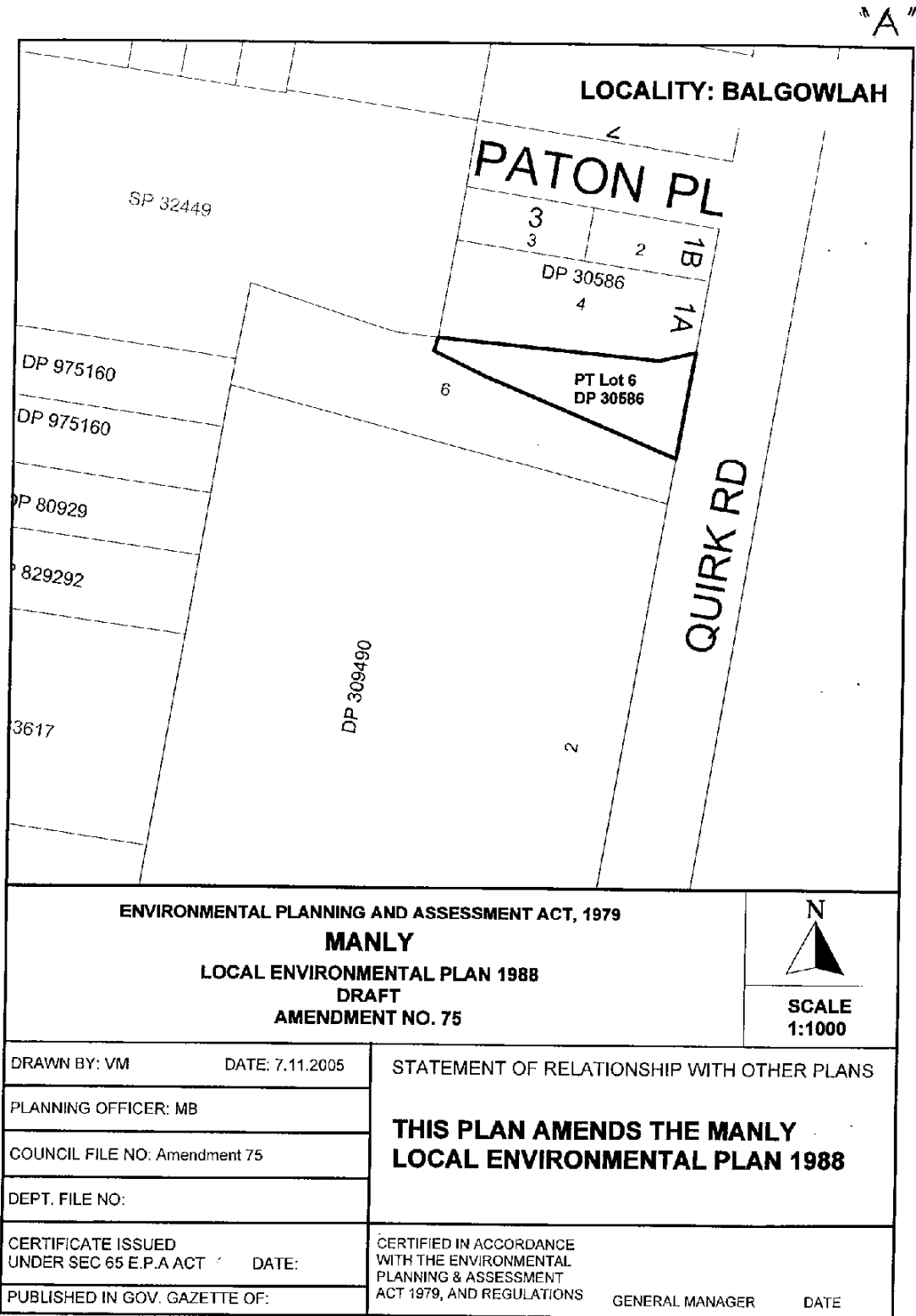
  
E Armstrong  
Consultant Planner  
M Env. Pl.  
MPIA

Ref: R: Quirk Rd Reclas'n 30.3.06



**ATTACHMENT 1**

**Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan  
No.75 - Emergency Service Facility  
Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah**

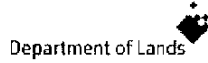


ATTACHMENT 1

Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan  
No.75 - Emergency Service Facility  
Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

Land & Property Information NSW

Page 1 of 2 "B"



Land and Property Information NSW

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 6/30586

SEARCH DATE	TIME	EDITION NO	DATE
24/3/2006	2:38 PM	-	-

VOL 7947 FOL 108 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 6 IN DEPOSITED PLAN 30586  
LOCAL GOVERNMENT AREA: MANLY  
PARISH OF MANLY COVE COUNTY OF CUMBERLAND  
TITLE DIAGRAM: DP30586

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF MANLY

SECOND SCHEDULE (2 NOTIFICATIONS)

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. F265721 COVENANT

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

lg:manl-vmiddleton GIS

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<https://lpi-online.lpi.nsw.gov.au/cgi-bin/lg/menu.pl>

24/03/2006

## ATTACHMENT 1

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### Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan No.75 - Emergency Service Facility Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

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10

#### **Manly Local Environmental Plan 1988 (Amendment No.75)**

Under the  
**Environmental Planning and Assessment Act 1979**

I, the Minister for Infrastructure, Planning and Natural Resources, make the following local environmental plan under the Environmental Planning and Assessment Act 1979.

The Hon. Frank Sartor  
Minister for Planning

#### **1 Name of Plan**

This plan is Manly Local Environmental Plan 1988 (Amendment No 75)

#### **2 Aims of Plan**

This plan aims

- a. to permit the land to which this plan applies to be used, with the consent of Manly Council for the purposes of a emergency services facility;
- b. to ensure that the development of the subject land for the purpose of an emergency services facility does not adversely affect the viability of any endangered ecological community adjacent to the site;
- c. to ensure that the emergency services facility does not impact on the adjacent land uses or adversely impact on the water quality of the adjacent creek.
- d. to reclassify the land to which this plan applies from community land to operational land;

#### **3 Land to Which Plan Applies**

This plan applies to the lands situated in the local government area of Manly, identified as Part lot 6 in DP30586 Quirk Road, Manly; as shown edged heavy black on the map marked "Manly Local Environmental Plan 1988 (Amendment No 75)" deposited in the office of Manly Council.

#### **4 Amendment of Manly Local Environmental Plan 1988**

Manly Local Environmental Plan 1988 is amended by;

- a) Inserting in the appropriate order in the definition of *the map* in Clause 7(1), the following words:

Manly Local Environmental Plan (Amendment No. 75). And;

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ATTACHMENT 1

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Corporate Planning And Strategy Division Report No. 29 - Draft Local Environmental Plan  
No.75 - Emergency Service Facility  
Reclassification of Land Local Government Act 1993 Section 29 Quirk Rd Balgowlah

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" C "

b) Inserting in the appropriate order in clause 7 the following definition:

*Emergency Services Facility*: means a building or place used for the provision of police, fire and ambulance services or the like, and may include training rooms and administration buildings or places used to store, service or repair vehicles or equipments. And;

c) Inserting in Schedule 5 the following clause:

"The Council may consent to the carrying out of development for the purposes of an emergency services facility on Part Lot 6 DP 30586, Quirk Road, Manly as is shown distinctly edged heavy black on the map marked "Manly Local Environmental Plan 1988 (Amendment No 75)". And;

d) Inserting in Schedule 6, Part 2, the following:

In Column 1; Quirk Road.

In Column 2; So much of lot 6 in DP 30586 as shown edged in heavy black on the map marked Manly Local Environment Plan 1988 (Amendment 75)

In Column 3; - .