



Agenda

Ordinary Meeting

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

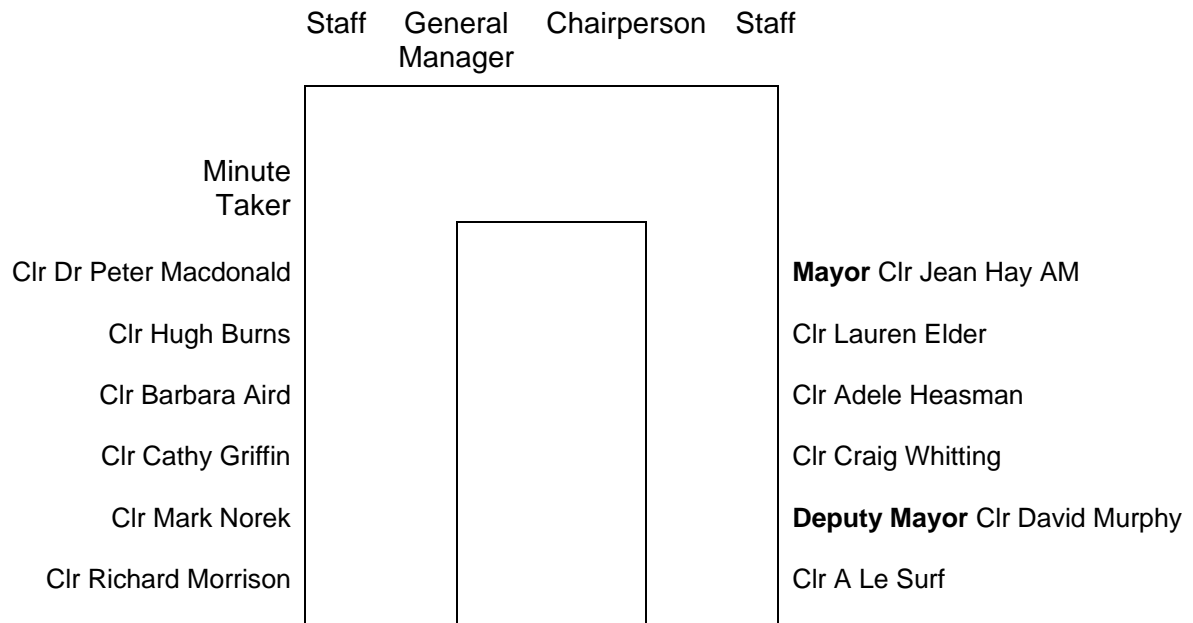
Monday 13 September 2010

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

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

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

Seating Arrangements for Meetings



Public
Addresses

Public Gallery

Chairperson: The Mayor, Clr Jean Hay AM
Deputy Chairperson: Deputy Mayor Clr David Murphy

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

CLOSED SESSION******* END OF AGENDA *******

TO: Ordinary Meeting - 13 September 2010

REPORT: Mayoral Minute Report No. 7

SUBJECT: The election of the Deputy Mayor, and the Chair and Deputy Chair

FILE NO:

I Move the election of the Deputy Mayor, and the Chair and Deputy Chair of the Planning and Strategy Committee be held at the Ordinary Meeting of Council on the 8th November.

Report

It is the convention and practice of this Council to elect the Deputy Mayor and the Chair and Deputy Chair of the Planning and Strategy Committee at an Ordinary Meeting of Council at which all Councillors are able to be present.

The meeting at which no known apologies have been given is the November Ordinary Meeting.

RECOMMENDATION

That the election of the Deputy Mayor, and the Chair and Deputy Chair of the Planning and Strategy Committee be held at the Ordinary Meeting of Council on the 8th November.

ATTACHMENTS

There are no attachments for this report.

OM130910MM_1

***** End of Mayoral Minute Report No. 7 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Mayoral Minute Report No. 8
SUBJECT: Review of Increased Parking Fees at Council parking stations
FILE NO:

That, subject to the requirements of the Local Government Act to give due public notice then followed by a formal resolution of the Council, Council give notice to vary the 2010/11 adopted Fees and Charges in its adopted Management Plan as follows:

7.00am – 7.00 pm

1. 0-2 hours free
2. 2-3 hours \$7.00
3. 3-4 hours \$14.00
4. 4-5 hours \$21.00
5. 5+ hours \$30.00
6. \$15 for Early Bird Parking (at the Manly National only)

Background

On 1 July, 2010 new fees and measures were introduced at Council car parks to discourage long stay parking so as to improve the availability of parking for short stay users.

Since the introduction of the new measures, the Manly Chamber of Commerce has raised concerns regarding some aspects of the new measures.

The measures introduced on 1st July removed Early Bird Parking from all car parks with the exception of the Manly National and all new pre paid parking applications from 1 July were allocated to the Manly National. There were no changes made to the existing pre paid parking arrangements.

However, Prepaid Parking fees, available only to workers in the Manly CBD, for the Manly National Car Park were reduced by about 5%.

Since the introduction of the new measures and fees, early figures indicate an increase of +3% in the under two and under three hours usage. There has been a general improvement in availability of space on the lower floors of car parks as cars turnover after the morning peaks. However, early figures also suggest a general reduction in the use of the car parks by about 4%, which includes a reduction in Early Bird users by about 70%.

I have been advised that the Manly National car park is capable of accommodating another 50 to 60 Early Bird users.

Likewise, I have been advised if the objective is to maintain an environment for short stay users, the balance needs to remain in favour of those users. However, I believe there is room to fine-tune pricing to more adequately accommodate, which hopefully would not create a knock-on effect on the availability of short stay parking in our car parks.

Mayoral Minute Report No. 8 (Cont'd)

Councillors, for your information attachments as follows:

1. Manly Chamber of Commerce submission.
2. Warringah Mall and Stockland, Balgowlah parking fees for comparison.

RECOMMENDATION

That, subject to the requirements of the Local Government Act to give due public notice then followed by a formal resolution of the Council, Council give notice to vary the 2010/11 adopted Fees and Charges in its adopted Management Plan as follows:

7.00am – 7.00 pm

1. 0-2 hours free
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ATTACHMENTS

AT- 1 Manly Chamber of Commerce submission 1 Page

AT- 2 Warringah Mall and Stockland, Balgowlah parking fees for comparison 1 Page

OM130910MM_2

***** End of Mayoral Minute Report No. 8 *****

ATTACHMENT 1

Mayoral Minute Report No. 8 - Review of Increased Parking Fees at Council parking stations Manly Chamber of Commerce submission

Dear Councillors

I am writing in regard to the recent price increases in all Council car parks in Manly.
What is the process to have these rates reviewed?

We have received numerous complaints from the public and our members and would like to make the following points:

1. **Unfair increases** – we accept that inflation might dictate a small increase every few years however clearly the price increases are so over the top they are unjustifiable by any logic. Parking rates in the Manly CBD have in many cases superseded the Sydney CBD. They are a disincentive to come to Manly or stay in Manly and will hurt local business. People who come to Manly to go to the beach and shop will only do one or the other, and the shopping will likely be at Stockland or at the Mall who offer 3 hours parking for free. And/or people will use the other beaches.
Please find below a reasonable recommendation:

	Was	Is	Recommendation
Up to 2 hours	Free	Free	Free
2-3 hours	\$6	\$7	\$6 or free
3-4 hours	\$12	\$20	\$12
4-5 hours	\$16	\$35	\$18
5 hours plus	\$20	\$45	\$25
Earlybird	\$12	\$25	\$14

Regards

Monique Eggeling
Executive Officer



Uniting, building and promoting the Manly business community.

T: 9977 0513 | F: 9977 7207 | M: 0407 062 330 | E: chamber@manly.org.au | A: Suite 3, 4 Belgrave St, Manly 2095

Corporate Members of the Chamber:



Manly Daily



Gold Members of the Chamber:

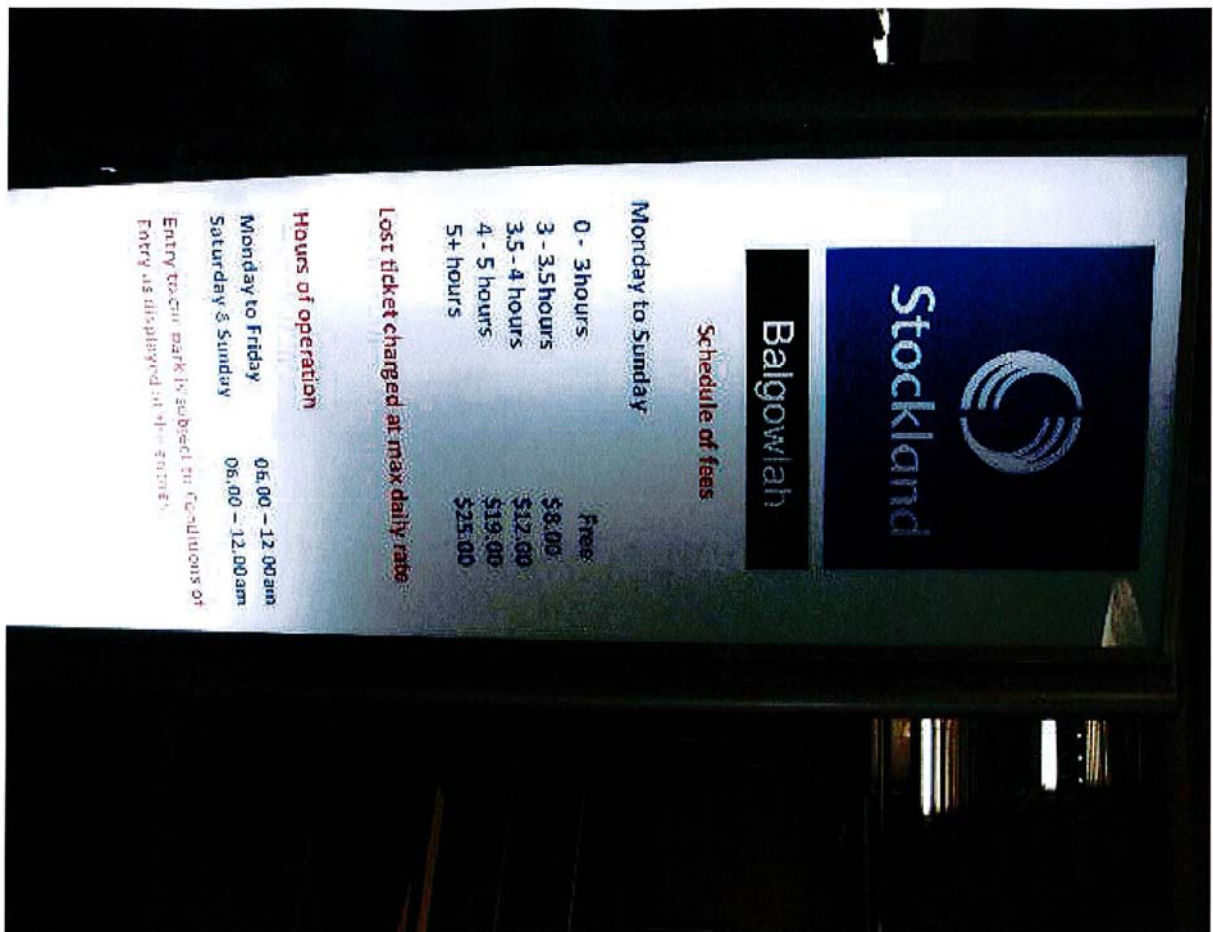
Billabong; G. Brothers Mercedes; Gwynvill Pty Ltd; Halix Pty Ltd; Henroth Investments; Humphreys Newsagency; ICMS; Manly Daily; Manly Paradise Hotel; Manly Surfside Apartments; Manly Warringah Credit Union; Manly Wharf Management; Oceanworld; Secure Parking; Surfction; TMG Developments.

Find Us On:



ATTACHMENT 2

Mayoral Minute Report No. 8 - Review of Increased Parking Fees at Council parking stations Warringah Mall and Stockland, Balgowlah parking fees for comparison



HOW THE NEW AUTO PAY SYSTEM WORKS?

1. Arrive at Warringah Mall as normal but remember to take your parking ticket with you while you shop.
2. If you've been shopping for under 3 hours, return to your car and proceed to the exit as usual. Or if you've been in the mall for over 3 hours, pay at the Auto Pay Machine before returning to your car.
3. Exit the carpark by inserting the ticket into the exit station when leaving the carpark.

NEW CARPARK RATES EFFECTIVE JULY 1st

Under 3 hours	FREE
3 - 3.5 hours	\$5.00
3.5 - 4 hours	\$7.00
4 - 4.5 hours	\$9.00
4.5 - 5 hours	\$12.00
5 - 5.5 hours	\$14.00
5.5 - 6 hours	\$16.00
6 - 6.5 hours	\$18.00
6.5 - 7 hours	\$20.00
7 - 7.5 hours	\$22.00
7.5 - 8 hours	\$24.00
Max daily charge	\$26.00

Additional information

- Cinema customers can receive 4 hours free parking with validation of carpark ticket at Hoyts Cinema. 4th hour is FREE with movie ticket only. **No other discounts apply.**
- Disabled parking is free with presentation of disabled parking permit and parking ticket at Customer Service or Wison Carpark office located on the ground floor of the Myer multi-deck carpark.
- Lost tickets will incur the maximum daily charge
- All exit booths will be automatic and unmanned
- Auto Pay Machines accept cash as well as Visa and Mastercard
- Operating hours of carpark - 24 hours

Carpark Office Number: 0423 797 811



Your home for shopping



TO: Ordinary Meeting - 13 September 2010

REPORT: Mayoral Minute Report No. 9

SUBJECT: Manly Amateur Swimming Clubs – Waiver of Pool and Lane hire fees to 2014

FILE NO:

In August 2010, a meeting was held with Council and representatives of the following Manly Swimming clubs:

- Manly Amateur Swimming Club
- Manly Ladies Swimming Club
- Manly Diggers Club

to discuss the current financial position of these clubs, and their ability to pay the discounted fee for the hire of lane/pool space at Andrew Boy Charlton Swim Centre. As requested by Council, two of these clubs have provided copies of their profit and loss statements for the past period, demonstrating their inability to pay the fees charged under the discounted rate for schools, registered sporting and swimming clubs.

Council resolved in June 2010 in adopting the Fees and Charges to provide a discounted rate for schools, registered sporting and swimming clubs of 50% of the normal hire rate. The fees required to be paid under this discounted rate are \$36.50 per lane, per hour for the 50 metre pool and \$18.25 per lane, per hour for the use of the 25 metre pool.

Hire agreements were sent to the amateur swimming clubs. On receipt of these hire agreements club representatives advised Council that they are in financial hardship and cannot afford to pay to hire the pool/lane space. Additionally, the clubs advised that a past agreement between Council and the clubs did not require payment to Council for their pool/lane hire. The club members continue to pay entry fees in accordance with the user fee.

In order to provide adequate time for the clubs to increase their membership and income, a three year waiving of the fees is recommended. The fee waiver will cease on the commencement of club swimming season in 2014. I urge Councillors to consider support for the clubs by waiving the pool/lane hire fees for the three amateur swimming clubs until the commencement of the club swimming season in 2014.

RECOMMENDATION

1. That the pool/lane hire fees for the three Manly amateur swimming clubs (Manly Amateur Swimming Club, Manly Ladies Swimming Club and Manly Diggers Club) are waived for a period of three years.
2. That the three clubs develop their membership numbers to increase their ability to pay the 50% discounted fees, as adopted by Council for schools, registered sporting and swimming clubs, from the commencement of the swimming season in 2014.
3. That the three Manly Amateur swimming clubs (Manly Amateur Swimming Club, Manly Ladies Swimming Club and Manly Diggers Club) are advised in writing that Council has resolved to waive the fees for the clubs until the commencement of the swimming season in 2014.

ATTACHMENTS

There are no attachments for this report.

OM130910MM_3

***** End of Mayoral Minute Report No. 9 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Notice of Motion Report No. 41
SUBJECT: Manly Lagoon's Rehabilitation
FILE NO:

Councillor Craig Whitting will move:

That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.

Background

I move this motion so residents living near Manly Lagoon can log-on to the website to learn about the sustainability initiatives and how the dredging project is progressing through a monitoring program. The NSW Government has invested hundreds of thousands of dollars to improve the quality of water in Manly Lagoon.

This website could provide information about the lagoon and how the community can contribute to the long term sustainable management of this valuable natural asset. The website could be a one stop shop for residents, schools, community groups, government agencies and stakeholders to find the information they need about the lagoon and the work underway to protect it.

Suggestions the website would include are:

Interactive maps- the community can identify hotspots where lagoon sustainability is progressing and find information on each site.

Background information- reports, plans, publications and research papers on local waterways.

Education kit- resources for teachers and students studying the Manly Lagoon and sustainability.

Calender- opportunities for community involvement in lagoon health events

Ecology- plants, animals, food and catchment areas of the river.

Quick- links to participating councils, government agencies, community groups and stakeholders.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM130910NM_2

***** End of Notice of Motion Report No. 41 *****

TO: Ordinary Meeting - 13 September 2010

REPORT: Notice of Motion Report No. 42

SUBJECT: Posters on the history of the People of the Guringai Language Country

FILE NO:

Councillor Cathy Griffin will move:

That the series of three posters developed by the Department of History, University of Sydney on the History of the People of the Guringai Language Country be framed and displayed in selected Manly Council buildings. In addition a set of these posters be accessioned into the Local Studies section of Manly Library.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM130910NM_3

***** End of Notice of Motion Report No. 42 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Notice of Motion Report No. 43
SUBJECT: Removal of Storm Water pipes along Manly Beach
FILE NO:

Councillor Barbara Aird will move:

That the General Manager provide an updated, detailed report on Council's earlier proposal to remove the storm water pipes along Manly Beach, including an analysis of economic and environmental effects.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM130910NM_4

***** End of Notice of Motion Report No. 43 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Notice of Motion Report No. 44
SUBJECT: East Region JRPP
FILE NO:

Councillor Cathy Griffin will move:

A report be prepared on the options available for Manly Council's nominations for the East Region JRPP.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM130910NM_5

***** End of Notice of Motion Report No. 44 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Notice of Motion Report No. 45
SUBJECT: Introduction of Late Night Council Rangers to ensure compliance to better protect public amenity
FILE NO:

Councillor Hugh Burns will move:

That Manly Council introduce Late Night Council Rangers to ensure compliance to better protect public amenity.

Background

Council currently has a few Night Owl rangers on duty Friday and Saturday evenings after 9:00pm who currently have the function to follow up noise complaints on behalf of (and are under the direction of) the NSW Police.

Late night incidents in Manly are currently running at a reduced level due to the closure of one hotel for redevelopment, the changed management at another hotel and the current winter time of year, with less people about at night.

However due to ongoing complaints from the public, including matters of Council compliance being raised at Land and Environment Court hearings, there is clearly a need to better enforce Manly Council's development application conditions on a variety of late trading entertainment premises in the CBD, to better protect both public safety and the residents amenity alike.

Areas of concern currently needing late night ranger attention include premises trading hours, noise levels, closure of openings, illegal parking, venue numbers and similar.

Given we are approaching the summer months with more people out and about at night now is the time to be improving Council's current policing of matters within its control and responsibility.

Thus is it considered to be in the interests of Council and residents that Council move to increase the hours of Ranger Operations to ensure its rangers are rostered on on duty to be able to check premises -particularly including Friday and weekend nights and are also available on call to be available for residents needing assistance to be able to respond to complaints late at night on other nights of the week.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM130910NM_6

***** End of Notice of Motion Report No. 45 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Notice of Motion Report No. 46
SUBJECT: Ensuring Mechanical Ventilations meet Australian Standards and Code Requirements in the Manly Municipality
FILE NO:

Councillor Hugh Burns will move:

That Council action these points list to ensure its administration of Mechanical Services is brought to an appropriate standard.

Background

Manly Council currently does not appear to have adequate internal procedures, staff skills and controls in place to properly administer the installation of mechanical services system designs in new buildings and fitouts of existing buildings, nor ensure mechanical services systems previously installed continue to meet required standards.

To achieve this Council needs to ensure :

- 1) It is provided with accurate complying mechanical services plans as part of the development assessment (DA) process and as part of any consideration for granting of occupation certificates.
- 2) It has staff officers in both DA assessment and building compliance areas with professional Mechanical Systems knowledge and experience so as to be able to assess such plans and inspect premises for compliance with building and ventilation codes.
- 3) Its has staff officers in its building compliance areas professionally qualified so as to be able to inspect premises to verify and assess any private certification received by Council to ensure any documentation received is professionally sound and not issued in error, nor fraudulent.
- 4) It adopts a policy of ensuring rigorous code compliance when assessing mechanical services designs or installations.
- 5) It organises its records and works with building owners to ensure that Council holds current plans for all ventilation systems in all licensed and restaurant premises and all high rise apartment blocks in the Manly Municipality. That all such plans include commissioning data and readings obtained.
- 6) It adopts an ongoing random audit process to inspect all mechanical ventilation systems within the Manly Municipality for correct operation/functionality and ongoing meeting of building codes and Australian standards as applicable at the time the systems were installed or current requirements as regulations may require. (Certification by building owner/lessee consultants alone is not considered sufficient)

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM130910NM_7***** End of Notice of Motion Report No. 46 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Item For Brief Mention Report No. 5
SUBJECT: Items for Brief Mention

1. Code of Meeting Practice

On 26 August 2010 Council received a letter from the Chief Executive Local Government concerning limiting the number of Notices of Motion under its Code of Meeting Practice and stating that it is inconsistent with the Local Government Act 1993 and the Local Government (General) Regulation 2005. (Attachment 1). The General Manager's response dated 3rd September (Attachment 2).

Under Clause 6.9(4) of the current Code, the number of Notices of Motion that can be submitted is limited to 12 per year.

Council considered a Report at the Planning & Strategy Committee Meeting held on 7 June 2010 which recommended adoption of the Department's Meetings Practice Note No. 16 which sought to remove the limit on the number of Notices of Motion that could be submitted.

Notwithstanding the oral advice of the General Manager to the meeting, Council resolved "that no action be taken in the amendment of the existing Policy". (Attachment 3).

The correspondence from the Department of Local Government requests Council to reconsider its decision of 7 June, 2010.

2. Summary of complaints to the General Manager

In the months of July and August 2010, the General Manager finalised the following complaints:

Received	Nature of complaint	Outcome	Finalised
June	Alleged failure by a Councillor to declare a pecuniary interest.	Finding that the councillor did declare and manage a pecuniary interest. No breach of Code of Conduct. No further action taken.	July
June	Conduct complaint against staff.	In progress.	
July	Email difficulties experienced by a customer.	Technical difficulties resolved with customer. No further action taken.	July
August	Conduct complaint against a Councillor.	Resolved through alternative and appropriate strategies.	August

Item For Brief Mention Report No. 5 (Cont'd)

3. Notice of Motion Report Status Report - September 2010

Notices of Motion Status Report for the month of September 2010 currently in progress:

Res No.	Meeting Date	Subject	Resolution	Status
132/10	9 August	Notice of Motion - Drinking Fountains for Dogs	That Council investigate the practicalities and cost of installing Dog Drinking Fountains in relevant areas in the Manly Local Government Area.	In progress
131/10	9 August	Notice of Motion - Enhancements and Confirmation of Aspects of Council Records Management Policy	That Council bring back a report on the process and flowchart currently in place for record keeping by rangers and compliance staff.	In progress
94/10	21 June	Notice of Motion - Membership of Sustainable Choice Program	3. Developing, adopting and implementing sustainable purchasing policy principles, as set out in Appendix 1	Training booked.
			4. Integrating sustainable procurement principles into council's purchasing processes.	In progress.
			5. Establishing a tracking system to monitor the scope and level of purchasing activity.	See point 2 comments above.
			6. Council participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable procurement taking place in NSW local government.	To be arranged after staff training.
			7. Staff participation in peer education forums, (workshops, etc) to facilitate increased levels of awareness of the benefits of sustainable procurement.	To be followed up after staff training.
44/10	19 April	Notice of Motion - Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs	Waiting for Energy Australia to respond.

Item For Brief Mention Report No. 5 (Cont'd)

			<p>or savings from taking over these assets over say a 20 year term.</p> <ul style="list-style-type: none"> - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale. 	
76/10	10 May	Notice of Motion - Maintenance of Council Infrastructure on West Esplanade and North Steyne	<ol style="list-style-type: none"> 1. That repairs and remediations are carried out on the Art Gallery rear exterior, West Promenade beach stairs and the North Steyne toilet block exterior. 2. That a review of the inspection and remediation activities being carried out in Council public areas is carried out to assess adequacy, with a report brought back to Council and an annual certification process introduced. 	<p>Complete</p> <p>In progress</p>

RECOMMENDATION

1. That the Manly Code Of Meeting Practice as recommended in the staff report to the Planning and Strategy meeting of 7 June 2010 be adopted
2. That the report be noted.
3. That the information be received and noted.

ATTACHMENTS

- AT- 1 Letter from DLG 2 Pages
- AT- 2 Response to DLG 1 Page
- AT- 3 Adoption of the Manly council Code of meeting Practice Report - 7 June 2010 6 Pages

OM130910IBM_1

***** End of Item For Brief Mention Report No. 5 *****

Item For Brief Mention Report No. 5 - Items for Brief Mention Letter from DLG



Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE
YOUR REFERENCE
CONTACT

A223814

Anita Gambhir
02 4428 4215

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



Dear Mr Wong

I am writing to you in relation to the Code of Meeting Practice, adopted by Manly Council on 2 March 2009, whereby Councillors are limited to 12 notices of motion per calendar year.

It remains the view of the Division of Local Government, Department of Premier and Cabinet, that Council's amended Code is inconsistent with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

I refer your attention to three letters dated 28 April and 24 August 2005 and February 2006 sent to you by the former Department of Local Government on the same matter. In these letters Council was advised that its Code of Meeting Practice was in conflict with the Act and Regulation. Council was asked to comment on the legality of limiting the number of motions.

In response to its letter of 24 August 2005, the Department received a letter from Council dated 31 August 2005 advising that Council requested as a matter of priority legal advice on the matter and that on receipt of this advice Council would forward it to the Department.

No such advice or any further correspondence has been received.

I note that this matter was again raised as part of the Promoting Better Practice review of Council conducted by the Department in 2005. In addition, I personally brought this matter to your attention again at a meeting in January 2006.

I am continuing to receive complaints about Council's failure to ensure that its Code of Meeting Practice is consistent with the Act and Regulation.

I request that you advise me as a matter of priority what steps Council is taking to address this inconsistency between Council's Code of Meeting Practice and the Act and Regulation, including a satisfactory explanation as to why Council has failed to respond to the Division on this matter as requested.

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



ATTACHMENT 1

Item For Brief Mention Report No. 5 - Items for Brief Mention Letter from DLG

2

The Division issued its revised Meetings Practice Note No.16 in August 2009, which is available on the Division's website at www.dlg.nsw.gov.au. This particular issue is addressed in clause 5.2.4 of the Practice Note. All councillors should be provided with a copy of the Practice Note in order to assist them in adopting a Code that complies with the Act and Regulation.

I request that this letter be tabled at the next ordinary council meeting and that Council take appropriate and timely action to address the issues raised.

I look forward to your early response.

Yours sincerely



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

ATTACHMENT 2

Item For Brief Mention Report No. 5 - Items for Brief Mention Response to DLG

Manly Council



Reference: -030910 HLL:HLL
Enquiries: Helen Lever phone 9976 1503

Mr Ross Woodward
Chief Executive
Department of Local Government
Locked Bag 3015
NOWRA NSW 2541

Council Offices
1 Belgrave Street
Manly NSW 2095

Correspondence to
General Manager
PO Box 82
Manly NSW 1655

DX 9205 Manly

Telephone 02 9976 1500
Facsimile 02 9976 1400

www.manly.nsw.gov.au
records@manly.nsw.gov.au

ABN 43 662 868 065

Dear Mr Woodward,


Re: Manly Council's 2010 Code of Meeting Practice (Code)

Thank you for your recent letter regarding the above matter.

I would like to confirm my telephone conversations of 27th August 2010 and 3 September 2010, with you and with Ms Gambhir of your office respectively, that firstly, the said letter will be tabled at the next Ordinary Meeting of Council scheduled for 13 September 2010, and secondly, despite recommendations from staff on this, Council, in the democratic process resolved to maintain certain limits on Notices of Motion in its Code.

Once Council has given consideration to your letter, I will write to you again.

Yours sincerely,



Henry Wong
General Manager
Manly Council

Date: 3/9/2010

CLEANER HEALTHIER HAPPIER

Manly Council Supports Smoke Free Zones

www.smokefreecouncils.com.au

Item For Brief Mention Report No. 5 - Items for Brief Mention
Adoption of the Manly council Code of meeting Practice Report - 7 June 2010

PLANNING AND STRATEGY COMMITTEE

7 JUNE 2010

TO: Planning and Strategy Committee - 7 June 2010
REPORT: Corporate Services Division Report No. 18
SUBJECT: Adoption of the Manly Council Code of Meeting Practice
FILE NO:

SUMMARY

The *Manly Council - Code of Meeting Practice* is now referred to Council for adoption.

REPORT

Council at the Ordinary Meeting of 19 April 2010, considered Corporate Services Division Report No. 11, *Amendments to the Manly Council Code of Meeting Practice*, following the release by the Division of Local Government, Department of Premier, of Circular No 09/32 regarding the revised and updated the Meetings Practice Note (Practice Note 16).

Clause 361 of the Local Government Act, 1993, provides that:

- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.

The *draft Manly Council - Code of Meeting Practice* was placed on public exhibition from 23 April 2010, closing on 24 May 2010. At the close of the exhibition period, Council had not received any submissions.

However, during the exhibition period, the Division of Local Government, Department of Premier, issued Circular 10-10 dated 21 May 2010 titled "Implementation of the Revised Meetings Practice Note", copy of which is attached.

The Circular provides further explanation to the revised *Practice Note 16 – Meetings Practice* issued by the DLG on 31 August 2009.

Prior to Council adopting the draft Code, a further amendment is required to bring the Code more in line with the DLG Practice Note in regard to the section dealing with Questions without Notice.

The Circular discusses the following items. Where relevant, a comment is provided.

1. Questions at Council Meetings Generally

The Circular emphasises that councillors must, when submitting questions, balance their civic responsibility for representing the interests of their community with their obligation to use council's resources effectively and efficiently.

2. Questions without notice

Council's Code of Meeting Practice – Clause 6.5 "Order of Business" includes a provision at the end of the Ordinary Meeting for "Questions without Notice". During this time Councillors ask questions of staff, and in the majority of instances, an answer is provided at the meeting. Councillors are still required to submit the "Question without Notice" in writing to the Minute Taker, who also records the answer given by staff, in the Minutes. If the question cannot be answered at the meeting, for eg it may need to be referred to staff, the question is "taken on notice".

Item For Brief Mention Report No. 5 - Items for Brief Mention
Adoption of the Manly council Code of meeting Practice Report - 7 June 2010

PLANNING AND STRATEGY COMMITTEE

7 JUNE 2010

Corporate Services Division Report No. 18 (Cont'd)

Whilst Council's current practice for dealing with questions does work, the DLG Practice Note recommends that Questions be provided in advance and appear as part of the Agenda. The DLG argument is that all councillors and the public should be aware of matters that will be raised at the meeting. However, staff's opinion is that the DLG requirement that the Agenda include an item for "Questions with Notice" and "Questions without Notice which are ruled as a matter of urgency" will only lead to more administration, will delay the meeting proceedings, and will not result in better decision making.

This purpose may be better served by a requirement that Questions be submitted in writing to the Chairperson prior to the Meeting. The Questions would then be read out by the Chairperson at the appropriate Order of Business, and the General Manager provide a response at the meeting or "take the question on Notice", and provide a response at a subsequent meeting. "Questions" and "answers" would still be reported in the Minutes.

Clause 6.13 of the Code provides that: *a Councillor (a) may, through the Chairperson, put a question to another Councillor; and (b) may, through the General Manager, put a question to a Council employee. (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.*

This would also give the General Manager, and staff, time during the meeting to read the submitted Questions and prepare a response.

It is therefore recommended that:

- (a) Clause 6.5 "Order of Business" agenda item "Questions Without Notice" be omitted and be replaced by a standing order of business "Questions on Notice".
- (b) Clause 6.13 be amended as follows (new subclauses hi-lited):
 - (1) A Councillor:
 - (a) may, through the Chairperson, put a question to another Councillor; and
 - (a) may, through the General Manager, put a question to a Council employee.
 - (2) All Questions on Notice intended for consideration at any meeting are to be delivered to the Chairperson prior to commencement of the Ordinary Meeting of the Council.
 - (3) All Questions on Notice will be read out by the Chairperson at the Meeting, unless it is ruled out of Order by the Chairperson.
 - (3) The Councillor who put the Question may provide further explanation.
 - (5) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
 - (6) The Councillor must put every such question directly, succinctly and without argument.
 - (7) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

3. Removal of Items of Business from the Agenda before the Meeting

ATTACHMENT 3

Item For Brief Mention Report No. 5 - Items for Brief Mention Adoption of the Manly council Code of meeting Practice Report - 7 June 2010

PLANNING AND STRATEGY COMMITTEE

7 JUNE 2010

Corporate Services Division Report No. 18 (Cont'd)

This is the current practice.

4. Comments by the General Manager on the Merits of a Notice of Motion

It is the current practice that the General Manager does not to comment on the merits or otherwise of a Notice of Motion.

5. Workshops

Council workshops are already conducted in this format.

Amendments to Council's Codes of Meeting Practice

Council is advised that it may only amend its code of meeting practice by preparing a new draft code and complying with the public consultation procedure set out in sections 361 and 362 of the Act.

Section 362 states that if, after considering the submissions received during the public consultation process, a council wishes to amend the draft code before adopting it the council may either:

- re-exhibit the draft code with the amendments, or
- if it considers that the amendments are not substantial, simply amend the draft and adopt it.

The only exception to these is, as noted in clause 12.2.1 of the Practice Note, an amendment which is triggered by a change in the Act or the Local Government (General) Regulation 2005. In such cases the legislation effectively amends a code of meeting practice.

The proposed changes recommended above to Questions without Notice are not considered sufficient to warrant Council re-exhibiting its draft Code.

It is therefore recommended that the draft *Manly Council - Code of Meeting Practice* be adopted in accordance with Section 362 (2) of the Act, incorporating the amendments to Clauses 6.5 and 6.13 outlined above.

RECOMMENDATION

That, having given public notice of its intention to adopt the *Manly Council - Code of Meeting Practice* in accordance with Section 361 of the Local Government Act 1993, and having received no submissions at the close of the exhibition period, Council now adopt the *Manly Council - Code of Meeting Practice* dated June 2010.

ATTACHMENTS

AT- 1 DLG Circular 10-10 3 Pages

Document2

***** End of Corporate Services Division Report No. 18 *****

ATTACHMENT 3

Item For Brief Mention Report No. 5 - Items for Brief Mention Adoption of the Manly council Code of meeting Practice Report - 7 June 2010

ATTACHMENT 1

Corporate Services Division Report No. 18 - Adoption of the Manly Council Code of Meeting Practice DLG Circular 10-10



Circular No. 10-10
Date 21 May 2010
Doc ID. A200086

Contact David Rolls
02 4428 4210
david.rolls@dlg.nsw.gov.au

IMPLEMENTATION OF THE REVISED MEETINGS PRACTICE NOTE

The Division of Local Government, Department of Premier and Cabinet issued the revised and updated *Practice Note 16 – Meetings Practice* on 31 August 2009.

The Practice Note was developed to assist councillors and staff conduct council and committee meetings in accordance with best practice standards.

The Division has been monitoring feedback on the revised Practice Note. The following information is now provided to answer some of the more frequently asked questions arising out of the contents of the revised Practice Note.

Questions at Council Meetings Generally

The opportunity to raise questions at council meetings should not be abused. Councillors should bear in mind that there may well be other effective avenues of obtaining information, for example through the general manager outside the formal meeting cycle.

As in the case of putting forward notices of motion, councillors must, in submitting questions, balance their civic responsibility for representing the interests of their community with their obligation to use council's resources effectively and efficiently.

Questions without notice

Clause 1.4.11 of the revised Practice Note explains that allowing questions without notice is inconsistent with the provisions of clause 241(1) of the Local Government (General) Regulation 2005 which requires notice to be given of matters to be raised at council meetings.

The purpose of the notice requirement is to enable all councillors and the public to be aware, by reading the agenda for the meeting, of matters that will be raised at the meeting. This in turn promotes openness and transparency in the conduct of council meetings.

The notice requirement also ensures that questions, when asked, are appropriately recorded and responded to. It should not stifle debate or constrain the asking of questions.

If the subject matter of a question is genuinely urgent and the question is not on the agenda, the question could be raised under clause 241(3) of the Regulation. That clause allows a matter to be raised before council, despite notice not having been given, if:

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

ATTACHMENT 3

Item For Brief Mention Report No. 5 - Items for Brief Mention Adoption of the Manly council Code of meeting Practice Report - 7 June 2010

ATTACHMENT 1

Corporate Services Division Report No. 18 - Adoption of the Manly Council Code of Meeting Practice DLG Circular 10-10

2

- A motion is passed to have the matter brought before the meeting; and
- The matter is ruled by the chairperson to be of great urgency.

It should be borne in mind that a councillor is at liberty to ask a question of another councillor or the general manager about a matter that is on the meeting agenda during the debate on that matter.

The Division considers that it is acceptable for a council to adopt a practice of allowing councillors, just prior to the end of a meeting, to raise questions on the understanding that the answers will be provided at the following meeting.

Such questions should be recorded in the minutes of the meeting. This could be formalised by way of an agenda item "Questions for Next Meeting". This would constitute a means of giving notice of the question for the following meeting, provided that there is sufficient time between the two meetings to meet the notice requirements of clause 241. When such questions are listed, there is nothing preventing an answer being given straight away, if it makes sense to do so.

Removal of Items of Business from the Agenda before the Meeting

As noted in clause 1.4.12 of the revised Practice Note, once the agenda for a meeting has been sent to councillors an item of business on the agenda should not be removed from the agenda prior to the meeting.

The proper course of action for the removal of an item of business from the agenda in these circumstances is for council to resolve at the meeting to defer the business to another meeting or resolve not to consider the business, as the circumstances may require.

Comments by the General Manager on the Merits of a Notice of Motion

As noted in clause 5.2.3 of the revised Practice Note, it is good practice that a general manager only provide factual information on a notice of motion to assist in the discussion of the motion if requested by the councillor who lodged the motion.

It is considered inappropriate for a general manager to comment in the business papers on the merits of any notice of motion. However this does not prevent the general manager from answering a question with regard to factual information, if invited to do so. Such information could include legal or financial impediments, which should be considered by the Council when making decisions.

Workshops

Clause 13.3.1 concerns the procedures for council workshops. Ideally, workshops should be chaired by the general manager or another senior council officer. This will assist in placing workshops in their proper perspective, that is, an information sharing forum, and avoid the appearance of a formal council meeting which carries the attendant risk of de facto decision-making.

ATTACHMENT 3

Item For Brief Mention Report No. 5 - Items for Brief Mention Adoption of the Manly council Code of meeting Practice Report - 7 June 2010

ATTACHMENT 1

Corporate Services Division Report No. 18 - Adoption of the Manly Council Code of Meeting Practice DLG Circular 10-10

3

Amendments to Councils' Codes of Meeting Practice

The Division is aware that a number of councils, in reviewing their meeting procedures in light of the revised Practice Note, have found it necessary to amend their codes of meeting practice.

It is apparent that several councils have been under the misapprehension that provided they are satisfied that an amendment is not substantial they may amend their codes without public notice and exhibition.

The attention of councils is drawn to section 363 of the Act. The effect of this section is that a council may only amend its code of meeting practice by preparing a new draft code and complying with the public consultation procedure set out in sections 361 and 362 of the Act.

Section 362 states that if, after considering the submissions received during the public consultation process, a council wishes to amend the draft code before adopting it the council may either:

- re-exhibit the draft code with the amendments, or
- if it considers that the amendments are not substantial, simply amend the draft and adopt it.

The only exception to these is, as noted in clause 12.2.1 of the Practice Note, an amendment which is triggered by a change in the Act or the Local Government (General) Regulation 2005. In such cases the legislation effectively amends a code of meeting practice.

Councils are asked to consider these matters when reviewing their codes of meeting practice.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of the Premier and Cabinet

TO: Ordinary Meeting - 13 September 2010
REPORT: Report Of Committees Report No. 37
SUBJECT: Minutes for adoption by Council - LM Graham Working Group 19 August 2010
FILE NO:

This report was dealt with at the LM Graham Working Group meeting of 19 August 2010 and was listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

1. ITEM 3 Final Draft LM Graham Reserve Masterplan

The Final Draft LM Graham Masterplan, in addition to the supporting Action Plan and Environmental Constraints Report were presented by staff to the Working Group.

A discussion followed, in which the Working Group agreed that the following changes would be beneficial:

- i. That the wording in the Action Plan be amended concerning the two tennis courts to remove reference to futsal and tennis seasons. The replacement wording should identify that the courts may also be hired for 'other compatible uses'.
- ii. The three most western practice cricket nets should be extended further north to enable a longer run up for fast bowlers. The entrance would subsequently need to be moved eastward.
- iii. The most western of the junior soccer fields to be a synthetic grass surface to enable cross and wet-weather training and multi-use. This field will need to be moved southward to be located outside the cricket field.

Subject to these changes, the Working Group indicated that they would endorse the Draft Masterplan and associated documentation, for public exhibition.

Discussion was then held concerning funding opportunities for implementation of the Masterplan.

RECOMMENDATION

That the minutes of the LM Graham Reserve Working Group meeting on 19 August 2010 be adopted including the following items:

1. ITEM 3 Final Draft LM Graham Reserve Masterplan

The Working Group recommends to the General Manager and Council that:

1. The LM Graham Reserve Working Group endorses the Final Draft LM Graham Reserve Masterplan, subject to the following amendments:

That the wording in the LM Graham Reserve Masterplan - Action Plan be amended concerning the two tennis courts to remove reference to futsal use and tennis seasons. The replacement wording should identify that the courts may also be hired for 'other compatible uses'.

- i. The three most western practice cricket nets should be extended further north to enable a longer run up for fast bowlers. The formalised entrance would subsequently need to be moved eastward.

Report Of Committees Report No. 37 (Cont'd)

- ii. The most western of the junior soccer fields should be changed to be a synthetic grass surface to enable cross and wet-weather training and multi-use. This field will need to be moved southward to be located outside the cricket field.
2. The Final Draft Masterplan (amended as per the above recommended changes) be publically exhibited along with supporting documentation including the LM Graham Reserve Masterplan – Action Plan, the LM Graham Reserve Environmental Constraints Report and the Adopted Plan of Management relevant to LM Graham Reserve.

ATTACHMENTS

There are no attachments for this report.

OM130910RC_1

***** End of Report Of Committees Report No. 37 *****

TO: Ordinary Meeting - 13 September 2010

REPORT: Report Of Committees Report No. 38

SUBJECT: Minutes for adoption by Council - Surf Club Liaison Working Group - 17 August 2010

FILE NO:

This report was dealt with at the Surf Club Liaison Working Group meeting of 17 August 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 5 GENERAL BUSINESS

- Surfing Reserve Opening 25 September 2010.
- The Land and Property Management Authority is meeting 25 August 2010, with representatives of Councils, SLS NSW and Northern Beaches to discuss relationship between all parties and to create guidelines as an outcome. The process to develop guidelines is estimated to take up to two years.
- Public Relations for Surf Life Saving Club - It was raised that the Clubs should promote what they do to the community.

RECOMMENDATION

That the minutes of the Surf Club Liaison Working Group meeting on 17 August 2010 be adopted including the following items:

ITEM 5 GENERAL BUSINESS

That Council promotes beach services and prepares a press release prior to the commencement of the season, and that the Mayor's column also features Surf Life Saving.

ATTACHMENTS

There are no attachments for this report.

OM130910RC_2

***** End of Report Of Committees Report No. 38 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Report Of Committees Report No. 39
SUBJECT: Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature
FILE NO:

The Minutes of the following Special Purpose Committee Meeting is tabled at this meeting.

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

- i) Manly Draft Local Environmental Plan and Development Control Plan working Group

RECOMMENDATION

That the Minutes of the following Special Purpose Committee Meeting is tabled at this meeting.

- i) Manly Draft Local Environmental Plan and Development Control Plan working Group

ATTACHMENTS

There are no attachments for this report.

OM130910RC_3

***** End of Report Of Committees Report No. 39 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Corporate Services Division Report No. 29
SUBJECT: Financial Statements for the Year Ended 30 June 2010
FILE NO:

SUMMARY

The Local Government Act, 1993, requires a Council to present its Audited Financial Statements for the financial year ended 30 June 2010, together with the Auditor's Report, at a meeting of Council within 5 weeks of receipt of the Auditor's Report.

REPORT

At Council's Ordinary Meeting of 9 August 2010, the Financial Statements for the period 1 July 2009 to 30 June 2010 were adopted and referred to Council's Auditors, Hill Rogers Spencer Steer.

The Auditor's Report was completed and signed off on 26 August 2010.

In accordance with the requirements of the Local Government Act, a notice was published in the Manly Daily advising that the Financial Statements are available for inspection at Council, and that the accounts would be formally presented to Council at its Meeting to be held on Monday 13 September, 2010.

Council's Financial Statements for the year ended 30 June, 2010 have been audited and a copy of the annual Financial Statements with the Auditor's Report has been forwarded to the Department of Local Government on 10 September 2010.

A copy of the Auditor's Report is included in the Financial Statements, which have been circulated separately to all Councillors and will be tabled at the meeting.

A representative from Council's Auditors, has been invited to be in attendance at the meeting to present the Auditors Report and to answer any questions.

In accordance with Section 420 of the Act, any person may make a submission to Council within seven (7) days after the Statements are presented to the public.

Financial Results:

For the year ended 30 June 2010, Council recorded an Operating Deficit of \$804,000 from Ordinary Activities before Capital Amounts. Operating result after Capital Amounts - Grant & Contributions is a surplus of \$ 3.745 million.

A summary of the Financial Statements for the year ended 30 June, 2010 is provided below:

SUMMARY OF FINANCIAL STATEMENTS	2010	2009
	(\$'000)	(\$'000)
<u>Income Statement</u>		
Total Revenues from Ordinary Activities	58,578	57,141
Total Expenses from Ordinary Activities	54,833	52,628
Net Operating Result from All Activities	3,745	4,513
Net Operating Result from Ordinary Activities before Capital Grants and Contributions	(804)	1,537

Corporate Services Division Report No. 29 (Cont'd)

Balance Sheet		
Total Current Assets	19,755	21,413
Total Current Liabilities	18,018	16,472
Total Non Current Assets	733,522	579,035
Total Non Current Liabilities	7,982	8,835
Total Equity	727,367	575,141
Other Financial Information		
Unrestricted Current Ratio	1.30:1	1.65:1
Debt Service Ratio (%)	3.67%	3.54%
Rate Coverage Ratio (%)	53.72%	52.58%
Rates & Annual Charges Outstanding (%)	3.16%	3.97%
Building & Renewals Infrastructure	3.46:1	2.44:1

Summary

All Councils are required to have their annual financial statements prepared and audited by 31 October each year, and a copy lodged with the Department of Local Government by 7 November. A copy of Council's Annual Financial Statements with the Auditor's Report was forwarded to the Department of Local Government.

In summary, on the consolidated basis (including joint ventures), Council's financial statements show:

1. An increase in Net Assets for the year of \$152.226 million to \$727.367 million (\$575.141 million previous year).
2. Expenses from ordinary operations amounted to \$54.833 million (\$52.628 million).
3. Revenues from Ordinary Activities including capital grants and contributions amounted to \$58.578 million (\$57.141 million).
4. Operating result from Ordinary Activities before capital items of \$804,000 (deficit) (\$1.537 million surplus).
5. Net Operating result after capital grants and contributions (Surplus) - \$3.745 million (\$4.513 million).
6. Operating Revenues decreased by \$136,000 and there was an increase in Operating Expenses of \$2.205 million resulting in a net surplus decrease before capital income of \$2.341 million.
7. Current Assets exceed Current Liabilities by \$1.737 million.
8. The Unrestricted Current Ratio is 1.30:1 (1.65:1).
9. Operating revenue required to service debt is 3.67% (3.54%) on total borrowings including finance leases of \$8.889 million (\$9.928 million).
10. Percentage of rates, annual and extra charges collected was 96.84% (96.03%).
11. Available Working Capital at 30 June 2010 of \$320,000.

Corporate Services Division Report No. 29 (Cont'd)

12. Cash and Investments held at 30 June 2010 were \$16.333 million (\$12.423 million in 2009). Of this amount \$7.554 million (\$7.638 million) is externally restricted; \$6.913 million (\$3.779 million) is internally restricted; and \$1.866 million (\$1.006 million) is unrestricted.

RECOMMENDATION

1. That the Annual Financial Report for the Year ended 30 June 2010 together with the Auditors Report be received;
2. That Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

ATTACHMENTS

AT-1	Copy of Financial Report for the Year Ended 30 June 2010 is tabled with copies having been separately circulated to Councillors	Circulated Separately
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OM130910CSD_2

***** End of Corporate Services Division Report No. 29 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Corporate Services Division Report No. 30
SUBJECT: Report on Council Investments as at 30 July 2010
FILE NO:

SUMMARY

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

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

REPORT

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

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

Certification – Responsible Accounting Officer

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

Investment Performance

The Investment Report shows that Council has total Investments of \$14,048,122, comprising a combined Bank Balance of \$2,003,109; and Investment Holdings of \$8,995,013 directly managed and \$3,050,000 externally managed.

Investments overall performed below the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.43% (*Council Benchmark = 4.84% - benchmark is 90 day average BBSW*)

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

Lehman Brothers Australia (Grange) Portfolio Performance

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 6.91%, less than the benchmark UBSWA Index of 5.64% (for the month of July 2010 the monthly return was 0.46% below the benchmark UBSWA Index). Whilst the current market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Lehman Brothers Australia (Grange) indicate a return below benchmark, it is important to note that the Investments are recorded by Council at their original principal face value, and there would be no erosion of Council's initial capital investment if the investment continues to be held at the present time to maturity.

Corporate Services Division Report No. 31 (Cont'd)**Movements in Investments for the Month of July 2010****Investments Made**

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Bank of Queensland	Term Deposit	\$500,000.00
Adelaide & Bendigo Bank	Term Deposit	\$719,877.16
Suncorp Metway Ltd	Term Deposit	\$500,000.00

Investments Matured

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Westpac Ethical Note	Structured Note	\$500,000.00	\$453,004.00
Suncorp Metway Ltd	Term Deposit	\$500,000.00	\$500,000.00
Credit Union Australia	Term Deposit	\$500,000.00	\$500,000.00

RECOMMENDATION

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

ATTACHMENTS

AT- 1 Investment Report July 2010 2 Pages

OM130910CSD_4

***** End of Corporate Services Division Report No. 31 *****

ATTACHMENT 1

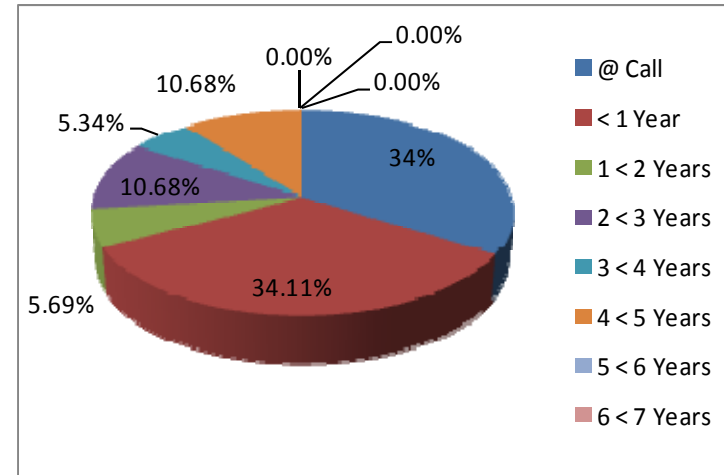
Corporate Services Division Report No. 31 - Report on Council Investments as at 30 July 2010 Investment Report July 2010

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 July 2010								Investment Returns Interest Rate	Interest Accrual		
Form of Investment	Investment in AUS\$	Market Val	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	YTD		July 10		
Directly Managed Funds											
Trading Account											
CBA Trading Account	Cash	2,003,109	2,003,109	14.26%	AA -	.		3% ⁽³⁾	\$ 2,984	\$ 2,984	
Others											
Emu Note - Dresdner Bank	Structered Note	500,000	378,750	3.56%	AAA	25/10/2005	13/12/2012	0.00%	\$ -	\$ -	
Longreach - Socially Responsible Note	Structured Note	500,000	455,350	3.56%	AA	19/12/2007	11/12/2012	0.00%	\$ -	\$ -	
ANZ Climate Change Trust	Structured Note	500,000	420,068	3.56%	AA	21/12/2007	21/12/2013	0.00%	\$ -	\$ -	
Greater Building Society	Term Deposit	571,268	571,268	4.07%	BBB+	7/03/2010	3/09/2010	6.00%	\$ 2,911	\$ 2,911	
Community CPS Credit Union	Term Deposit	500,000	500,000	3.56%	Cr Union	2/06/2010	31/08/2010	6.15%	\$ 2,612	\$ 2,612	
Community CPS Credit Union	Term Deposit	500,000	500,000	3.56%	Cr Union	29/06/2010	28/09/2010	6.08%	\$ 2,582	\$ 2,582	
Bank of Queensland	Term Deposit	500,000	500,000	3.56%	BBB+	29/06/2010	22/12/2010	6.21%	\$ 2,637	\$ 2,637	
Police and Nurses Credit Union	Term Deposit	500,000	500,000	3.56%	Cr Union	29/06/2010	27/09/2010	5.94%	\$ 2,522	\$ 2,522	
Credit Union Australia	Term Deposit	500,000	500,000	3.56%	Cr Union	30/06/2010	28/10/2010	6.00%	\$ 2,548	\$ 2,548	
Bank of Queensland	Term Deposit	500,000	500,000	3.56%	BBB+	5/07/2010	30/06/2011	6.30%	\$ 2,244	\$ 2,244	
Adelaide and Bendigo Bank	Term Deposit	719,877	719,877	5.12%	BBB+	5/07/2010	30/06/2011	6.20%	\$ 3,179	\$ 3,179	
Suncorp Metway	Term Deposit	500,000	500,000	3.56%	AA	6/07/2010	30/06/2011	6.30%	\$ 2,244	\$ 2,244	
LGFS Fixed Out-Performance Cash Fund	@ Call	56,733	56,733	0.40%	AA -	At call	At call	5.58%	\$ 261	\$ 261	
LGFS Ethical Fund	@ Call	31,447	31,447	0.22%	A	At call	At call	8.15%	\$ 285	\$ 285	
Macquarie Cash Management Account	@ Call	211	211	0.00%	AAA	At call	At call	3.53%	\$ 4,767	\$ 4,767	
Commonwealth Bank	@ Call	2,615,476	2,615,476	18.62%	AA -	At call	At call	4.00%	\$ 6,592	\$ 6,592	
Total		8,995,012	8,749,180	64.03%							
Total Directly Managed Funds		10,998,122	10,752,290								
Lehman Brothers Australia (Grange) Managed Funds (All in AUS\$)											
Approved Deposit Institutions (Bank)											
HSBC	Floating Rate Note	500,000	493,475	3.56%	AA	20/03/2007	22/09/2011	5.18%	\$ 2,200	\$ 2,200	
Total		500,000	493,475	3.56%							
Interest Bearing Securities (Non Bank)											
Magnolia (Flinders)	Floating Rate CDO	300,000	254,103	2.14%	BB	20/03/2007	20/03/2012	6.40%	\$ 1,613	\$ 1,613	
MAS6-7 (Parkes IIA)	Floating Rate CDO	500,000	19,495	3.56%	CCC-	20/03/2007	20/06/2015	6.95%	\$ 2,919	\$ 2,919	
Heli0308 (Scarborough)	Floating Rate CDO	250,000	16,755	1.78%	CCC-	21/06/2007	23/06/2014	6.74%	\$ 1,416	\$ 1,416	
Corsair (Torquay)	Floating Rate CDO	500,000	8,590	3.56%	CCC-	20/03/2007	20/06/2013	6.55%	\$ 2,751	\$ 2,751	
Zircon (Coolangatta)	Floating Rate CDO	500,000	380,000	3.56%	B+	20/03/2007	20/09/2014	0.00%	\$ -	\$ -	
Beryl (Global Bank Note)	Floating Rate Note	500,000	470,000	3.56%	B-	3/04/2007	20/09/2014	0.00%	\$ -	\$ -	
Total		2,550,000	1,148,943	18.15%							
Total Grange Managed Funds		3,050,000	1,642,418	21.71%							
Retired Investments											
TOTAL PORTFOLIO		14,048,122	12,394,708	100.00%							
BENCHMARK								4.84%			
Notes:											
1 Benchmark is 90 day Average BBSW											
2 CDO - Collateralised Debt Obligation											
3 Balances less than \$250,000 earn 3% , \$250,000 to \$499,999 earn 3.25% , \$500,000 to \$750,000 earn 3.5% & greater \$750,000 earn 3.75%											
In 2008 Council's Portfolio was written down from Face Value to its Market Value by \$2.2million. Since then there has been partial recovery of some write downs and overall there has been no further deterioration in Council's Portfolio Market Value											

ATTACHMENT 1

Corporate Services Division Report No. 31 - Report on Council Investments as at 30 July 2010 Investment Report July 2010

Summary by Credit Rating		No.
AAA	3.56%	2
AA	14.24%	4
A	0.22%	1
AA-	33.28%	3
BBB+	16.31%	4
BBB-	0.00%	0
BB	2.14%	1
B+	3.56%	1
B-	3.56%	1
CCC-	8.90%	3
Credit Union	14.24%	4
	100.00%	24



TO: Ordinary Meeting - 13 September 2010
REPORT: Planning And Strategy Division Report No. 22
SUBJECT: Manly Local Environmental Plan 1988 – draft Amendment 81
FILE NO:

SUMMARY

The purpose of this report is to advise Council of consultations and submissions received following the public exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 81) (Draft LEP 81) and to make appropriate recommendations in relation to the exhibited Draft Plan for submission to the Minister for Planning in accordance with the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

REPORT

Introduction

The proposed amendments to Manly LEP 1988 (Amendment 81) include:

- the zoning of a number of un-zoned parcels of land adjoining Burnt Bridge Creek to either Zone No 6 - Open Space or Zone No 4 - Industrial to be compatible with adjoining zones;
- the zoning of the closed and unzoned laneway between 18 & 20 Peronne Avenue and 21 & 23 Gordon Street, Clontarf to Zone No.2 - Residential;
- listing six (6) properties as heritage items; and
- third party advertising being included as Exempt Development.

Background

At its meeting on 2 November 2009, Council resolved to initiate LEP Amendment 81 as follows:

Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 81, pursuant to sections 54-55 of the Environmental Planning & Assessment Act, 1979, in respect of:

- a. the zoning of several parcels of land adjoining the Burnt Bridge Creek to open space or industrial zoning;*
- b. the zoning of land consisting of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to residential;*
- c. the listing of six (6) properties are recommended for listing as heritage items; and*
- d. Third Party Advertising as exempt development.*

Following Council's resolution above, a planning proposal was submitted to the Department of Planning on 18 January 2010 in relation to draft LEP 81 as reported to Council. On 9 February 2010 the Director General of the Department of Planning advised Council that the planning proposal should proceed in accordance with conditions provided in his Determination. The conditions related particularly to the public consultations and exhibition detailed in this report.

Public Exhibition

Draft LEP 81 was exhibited in accordance with statutory requirements from 12 July 2010 to 26 July 2010 and was be available for viewing at:

- Manly Council Chambers, Belgrave Street Manly between 8.30 a.m. and 5.00 p.m. Monday to Friday.

Planning And Strategy Division Report No. 22 (Cont'd)

- Manly Library, 1st floor information desk, Market Lane, Manly during the Library's usual opening hours.
- Manly Council website: <http://www.manly.nsw.gov.au/>.

In addition, Manly Council wrote to affected landowners. No submissions were received from private land owners.

Public Consultations

In accordance with the conditions outlined by the Department of Planning in its Determination of the Planning Proposal under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), Council consulted with Public Authorities as follows:

- New South Wales Rural Fire Service;
- Road & Traffic Authority;
- Sydney Water;
- Warringah Council; and
- Energy Australia.

Four (4) responses were received and are attached to this report, from the Road & Traffic Authority, Sydney Water, New South Wales Rural Fire Service and Warringah Council (refer to Attachment 1).

The Road & Traffic Authority and Sydney Water did not raise any objections to the amendment.

New South Wales Rural Fire Service (RFS) noted relevant provisions of the EP&A Act in relation to any future development of bush fire prone lands. A number of provisions under the requirements of 'Planning for Bushfire Protection 2006' have been considered as part of the planning proposal and are not considered to warrant any amendment to the proposal. On this basis the RFS support the progression of the proposed amendments to the Manly Local Environmental Plan.

While Warringah Council advised that the proposed zoning is compatible with the adjoining zones, some further consultation was requested. Warringah Council requested that Manly Council consult with the Department of Planning to identify whether any public open space acquisition proposals have been earmarked for the subject land. The request for clarification arises since historically the land was zoned as County Open Space under the Warringah Local Environmental Plan 1985. Further consultations with the Department have now resolved that "there are no proposed or outstanding acquisitions in this location". This consultation is resolved and there are no variations to the planning proposal required.

Warringah Council also requested that following the zoning process, both Manly Council and Warringah Council engage in discussions to address issues related to management, maintenance and operation of the land. This arises because the parcels are in the ownership of Warringah Council and it is seeking to "provide the basis for the establishment of a clear framework to identify the role of each Council in relation to the operation and management of the land." Discussion on this issue should take place following publication of the plan by the NSW Government.

Statutory Assessment and Details of the Next Stage in the Process

Community Consultation has been undertaken in accordance with sections 56(2) and 57 of the EP&A Act. The planning proposal was classified in the Department of Planning's Determination as low impact as described in *A Guide to Preparing LEPs* (Department of Planning, 2009) and was accordingly exhibited publically for fourteen days as required.

Consultation with Public Authorities has been undertaken in accordance with sections 56(2) (d) of the EP&A Act as detailed above in this report. While Public Authorities may request additional

Planning And Strategy Division Report No. 22 (Cont'd)

information or additional matters to be addressed in the planning proposal, the consultations have not resulted in any variation to the planning proposal.

An assessment of submissions has been made and Council, as the responsible planning authority, has concluded that no variations to the proposal are necessary under section s58(1) of the EP&A Act. Council may now resolve to finalise the planning proposal and forward the finalised proposal to the Department of Planning. On receipt of the finalised proposal the Department will issue instructions to Parliamentary Counsel for the drafting of the then local environmental plan i.e. the legal instrument. The Department will further consult with Manly Council to ensure the plan is consistent with the planning proposal. Once the Parliamentary Counsel has produced both the written instrument and opinion that the instrument may be legally made, the Department may then proceed to publish the LEP.

CONCLUSION

Council has from time to time undertaken similar amendments to the Manly LEP 1988 incorporating a range of amendments largely dealing with 'housekeeping' matters that may proceed ahead of the drafting of the comprehensive Manly LEP (under the standard instrument template).

Draft LEP 81 addresses existing anomalies by zoning a small number of parcels of land in the vicinity of Burnt Bridge Creek and Condamine Street, Balgowlah to No 6 - Open Space and No 4 - Industrial following recent consultations that resolved earlier RTA objections to the zoning of the land. The Plan also zones land between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf to Zone 2 - Residential following the Council's approved sale of this land to the owners of adjoining residential properties.

In addition, draft LEP 81 includes the listing of six (6) new heritage items as follows:

- *Edinboro*, 297 Sydney Road, Balgowlah;
- The Kiosk, Shelly Beach;
- Electricity Substation 15151, Condamine Street, Balgowlah;
- Electricity Substation 16124, Ashburner Street, Manly;
- Electricity Substation 16453, Krui Street, Fairlight; and
- Pumping Station SP 0036, Golf Parade, Manly.

This group of buildings has been previously identified in Council's major heritage review in 2007/2008 as having heritage significance and justifies high priority for listing with the confirmed support of land owners. There are no further submissions arising from the LEP exhibition and notification process.

It is also proposed to include Third Party Advertising signage as exempt development in Manly LEP 1988 in accordance with Council's previous resolution of 7 September 2009.

The recommended amendments are consistent with Council's practice to limit the number of minor miscellaneous LEP amendments by grouping issues to be addressed in one amending LEP. Once Council resolves to finalise the reported and exhibited LEP 81 (without variation), it will be submitted to the Department of Planning for gazettal.

RECOMMENDATION

It is recommended that:

1. The planning proposal to amend Manly Local Environmental Plan 1988 (Amendment No. 81) be finalised as exhibited without variation to the planning proposal.

Planning And Strategy Division Report No. 22 (Cont'd)

2. The Department of Planning be requested to make Draft Manly Local Environmental Plan 1988 (Amendment No. 81).

ATTACHMENTS

AT-1	Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council	6 Pages
AT-2	Various Maps in relation to Proposed Zonings & Heritage Listings	19 Pages
AT-3	Planning & Strategy Division Resolution 2 November 2009	1 Page
AT-4	Planning & Strategy Division Resolution 7 September 2009	3 Pages


OM130910PSD_1

***** End of Planning And Strategy Division Report No. 22 *****

ATTACHMENT 1

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council

Our Reference:	279.5314 v6 - SYD10/00295	
Your Reference:	116419	
Contact:	Angela Malloch	
Telephone	8849 2041	

The General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Attention: Tom Irons

DRAFT MANLY LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO.81)

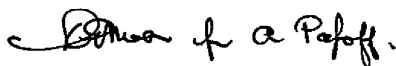
Dear Sir/Madam,

Reference is made to Council letter dated 31 March 2010 with regard to the abovementioned amendment to the Draft Manly Local Environmental Plan 1988 referred to the Roads and Traffic Authority (RTA) for comment.

The RTA raises no objection to amendment no. 81 of the Manly Local Environmental Plan.

Please refer any further queries on this matter to the nominated Assistant Planner, Angela Malloch on phone (02) 8849 2041 or facsimile (02) 8849 2918.

Yours faithfully,



Andrew Popoff
A/Senior Land Use Planner
Transport Planning, Sydney Region

5 May 2010

Roads and Traffic Authority

27-31 Argyle Street Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2150 DX28555 Parramatta
www.rta.nsw.gov.au | 13 17 82

ATTACHMENT 1

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council

15 April 2010

Jennie Minifie
Manly Council
PO Box 82
Manly NSW 1655

Attention: Tom Irons



Sydney
WATER

Dear Ms Minifie,

Re: Draft Manly Local Environmental Plan Amendment No.81

Thank you for your letter of 31 March 2010 regarding the draft Manly Local Environment Plan Amendment No.81. Sydney Water has reviewed the proposal and provides the following comments for Council's consideration.

Sydney Water has no concerns with the proposed amendments of:

- The zoning of a number of unzoned parcels of land adjoining Burnt Bridge Creek to be zoned either open space or industrial to be compatible with adjoining zones
- The zoning of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to zone No.2 Residential
- The listing of a number of properties as heritage items
- Third party advertising being included as exempt development

Sydney Water notes the listing of Sewer Pumping Station No.0036, Golf Parade Manly, as a heritage item.

Sydney Water e-planning

Sydney Water has created a new email address for planning authorities to use to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

- Section 62 consultations under the *Environmental Planning and Assessment Act 1979*
- consultations where Sydney Water is an adjoining land owner to a proposed development
- Major Project applications under Part 3A of the *Environmental Planning and Assessment Act 1979*
- consultations and referrals required under any Environmental Planning Instrument
- draft LEPs, SEPPs or other planning controls, such as DCPs
- any proposed development or rezoning within a 400m radius of a Sydney Water Sewage Treatment Plant
- any proposed planning reforms or other general planning or development inquiries

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au

Delivering essential and sustainable water services for the benefit of the community

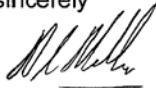
ATTACHMENT 1

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council

If you require any further information, please contact Alexandra Plumb of the Urban Growth Branch on 02 8849 6066 or e-mail alexandra.plumb@sydneywater.com.au

Yours sincerely



Adrian Miller
Manager Urban Growth Strategy and Planning

ATTACHMENT 1

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council

All communications to be addressed to:

Head Office
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Head Office
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Telephone: (02) 8741 8175

Facsimile: (02) 8741 5550

Email: development.assessment@rfs.nsw.gov.au



The General Manager
Manly Council
PO Box 82
Manly NSW 1655

Attention: Tom Irons



Your Ref: 116419

Our Ref: L08/0201
HQ10/1820

18 May 2010

Dear Mr Irons,

Re: Manly Local Environmental Plan (Amendment No. 81)

I refer to your letter dated 31 March 2010 providing a copy of the abovementioned planning proposal and associated supporting information.

The NSW Rural Fire Service (RFS) notes, in accordance with your correspondence, that specific lots have been identified within the Manly local government area that are considered suitable for rezoning to allow for further residential or industrial development and potentially for increased development densities. Importantly, some of the nominated areas have also been mapped as bush fire prone land.

As such, any future development within the abovementioned lots will be required to comply with either section 79BA (residential, commercial or industrial development) or section 91 (subdivision or special fire protection purposes development) of the *Environmental Planning and Assessment Act 1979*. The latter, relevant for all integrated development, will require the issue of a bush fire safety authority as per section 100B of the *Rural Fires Act 1997*.

For the purposes of future development planning, the requirements of *Planning for Bush Fire Protection 2006* should be considered from the early planning stages of future development within these bush fire prone areas. This consideration should include the provision of the following bush fire protection measures:

- Asset protection zones in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*;
- Public access in accordance with section 4.1.3 of *Planning for Bush Fire Protection 2006*. This includes the provision of perimeter roads;

ATTACHMENT 1

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council

- Water supply for fire fighting purposes in accordance with section 4.1.3 of *Planning for Bush Fire Protection 2006*;
- Construction of future dwellings in accordance with Addendum Appendix 3 of *Planning for Bush Fire Protection 2006* and AS3959-2009 – *Construction of Buildings in Bush Fire Prone Areas*;
- Landscaping in accordance with Appendix 5 of *Planning for Bush Fire Protection 2006*; and
- Emergency evacuation measures in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006* (for special fire protection purpose developments).

Provided the above measures are considered as part of the planning proposal for the rezoning of land, then the RFS raises no additional concerns and supports the progression of the proposed amendments to the Manly Local Environmental Plan.

For any enquiries regarding this correspondence, please contact Daniel Copland on 8741 5175.

Yours sincerely



Nika Fomin
Team Leader
Development Assessment and Planning

The RFS has made getting additional information easier. For general information on *Planning for Bushfire Protection 2006*, visit RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bushfire Protection 2006*.

ATTACHMENT 1

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

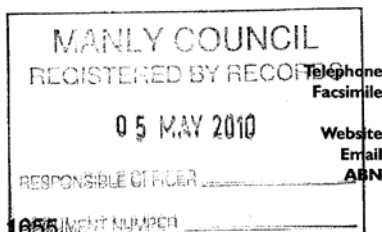
Submissions from RTA, Sydney Water, NSW Rural Fire Service and Warringah Council



**Warringah
Council**

27 April 2010

General Manager
Manly Council
PO Box 82 Manly NSW 1555



Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

www.warringah.nsw.gov.au
council@warringah.nsw.gov.au
31 565 068 406

Dear Sir

Re: Draft Manly Local Environmental Plan (Amendment No 81)

This letter is in response to correspondence received from Manly Council on 12th April 2010, regarding draft Manly Local Environmental Plan (Amendment No 81) (DLEP). The DLEP in question proposes to zone 2 parcels of unzoned Warringah Council owned bushland, which are located in the Manly Local Government Area.

Pursuant to S56 2 (d) (public authority consultation) of the Environmental Planning and Assessment Act 1979 (EPA Act), the following comments are made on the DLEP:

- The proposal to zone parcels Pt 7 DP 776891 and Pt 1 DP 1127989 to Zone 6 – Existing Open Space under Manly Local Environmental Plan 1988 is supported. The proposed zoning is compatible with the adjoining zones, and reflective of the current use of the land as open space.
- In recognition of the historical zoning of the parcels under Warringah Local Environmental Plan 1985 as *County Open Space*, it is requested that Manly Council consult with the Department of Planning to identify whether any public open space acquisition proposals have been earmarked for the subject land. It is requested that Manly Council notify Warringah Council of the outcome of any such consultations.
- Following the zoning of the subject open space parcels, it is requested that Manly Council and Warringah Council engage in discussions to address issues related to management, maintenance and operation of the land. These discussions should provide the basis for the establishment of a clear framework to identify the role of each Council in relation to the operation and management of the land.

If you have further questions regarding the zoning proposal, please do not hesitate to contact Warringah Council's Strategic Planning Department on telephone 9942 2111.

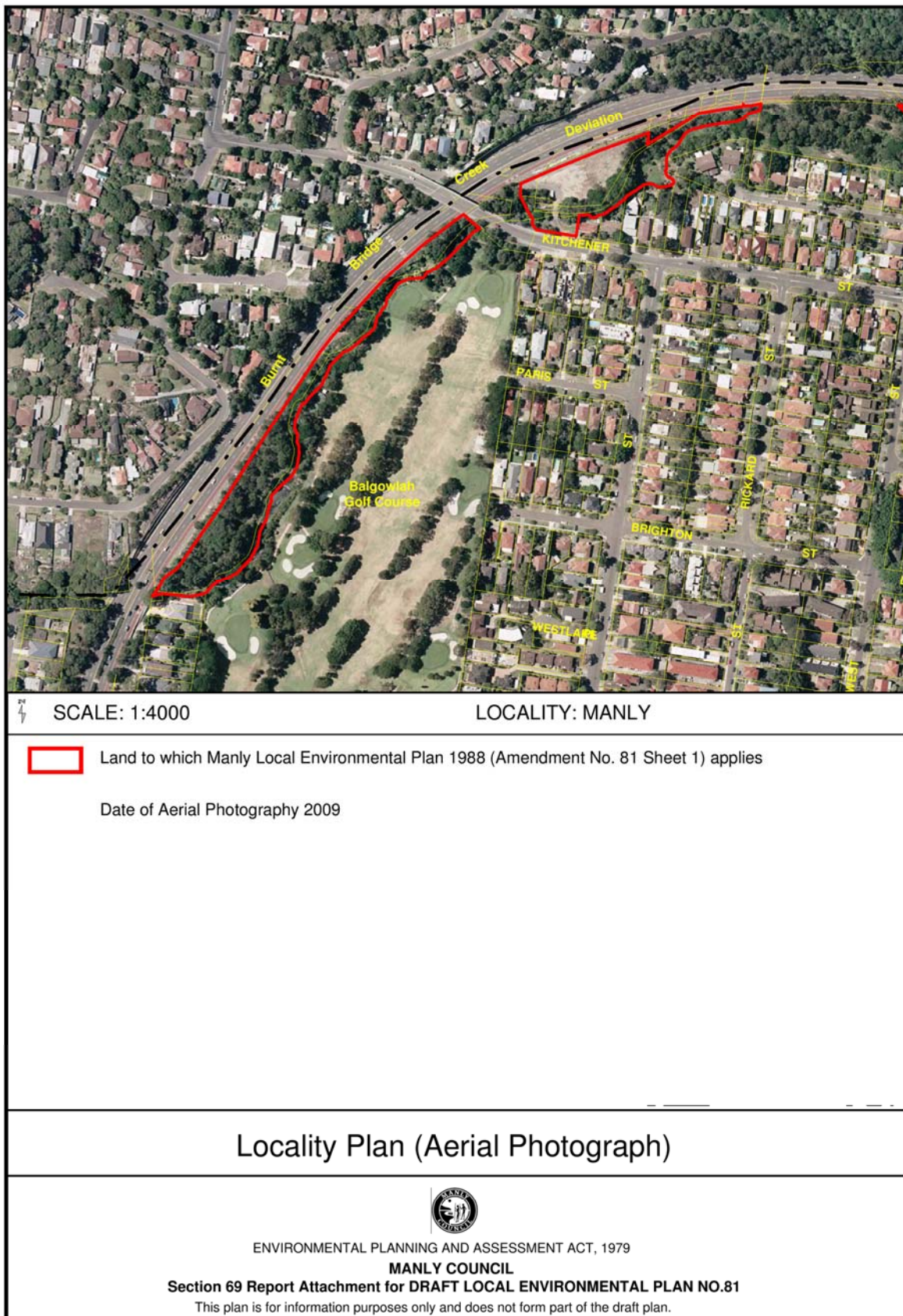
Yours faithfully

David Kerr
Manager Strategic Planning

ATTACHMENT 2

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

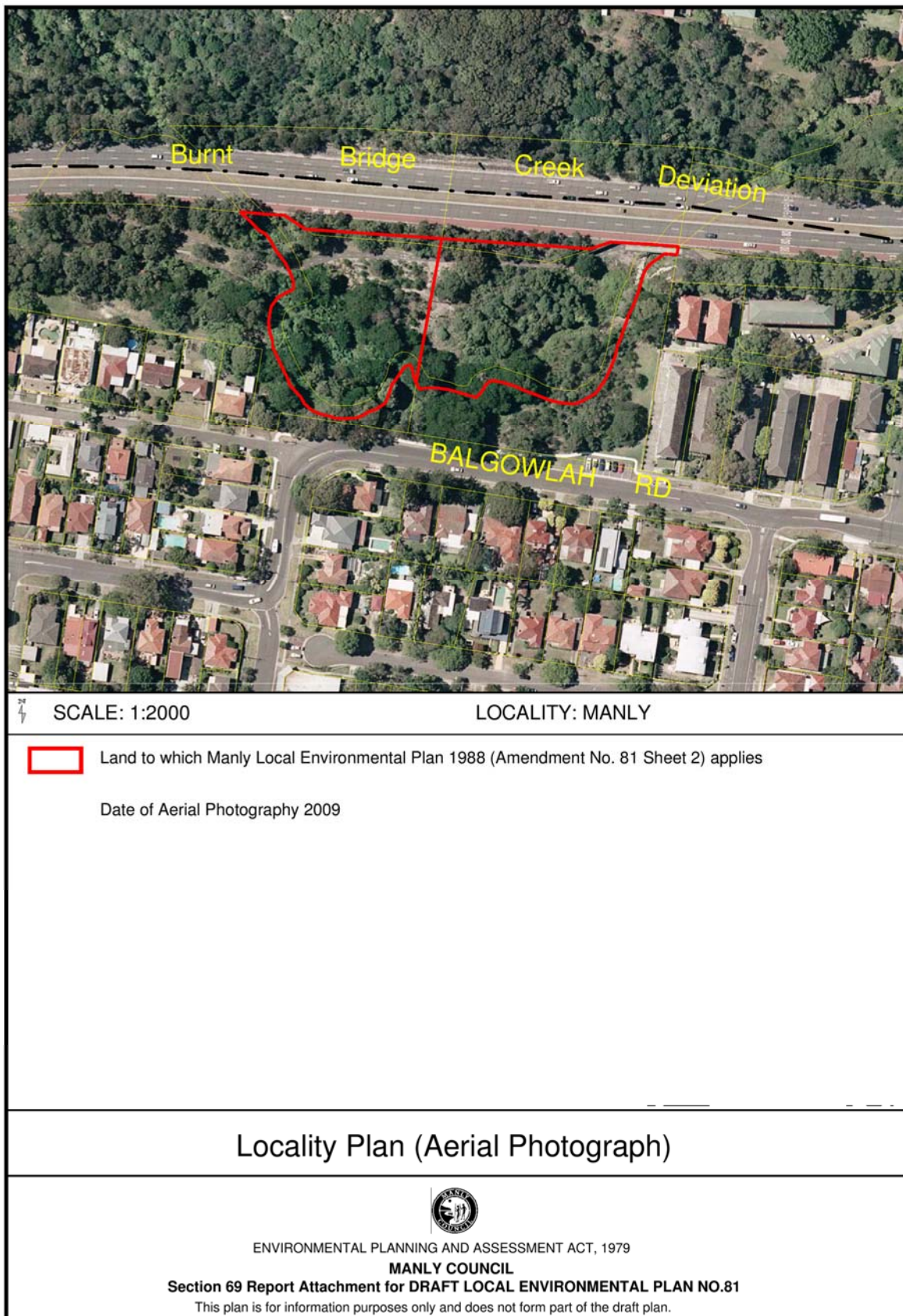
Various Maps in relation to Proposed Zonings & Heritage Listings



ATTACHMENT 2

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

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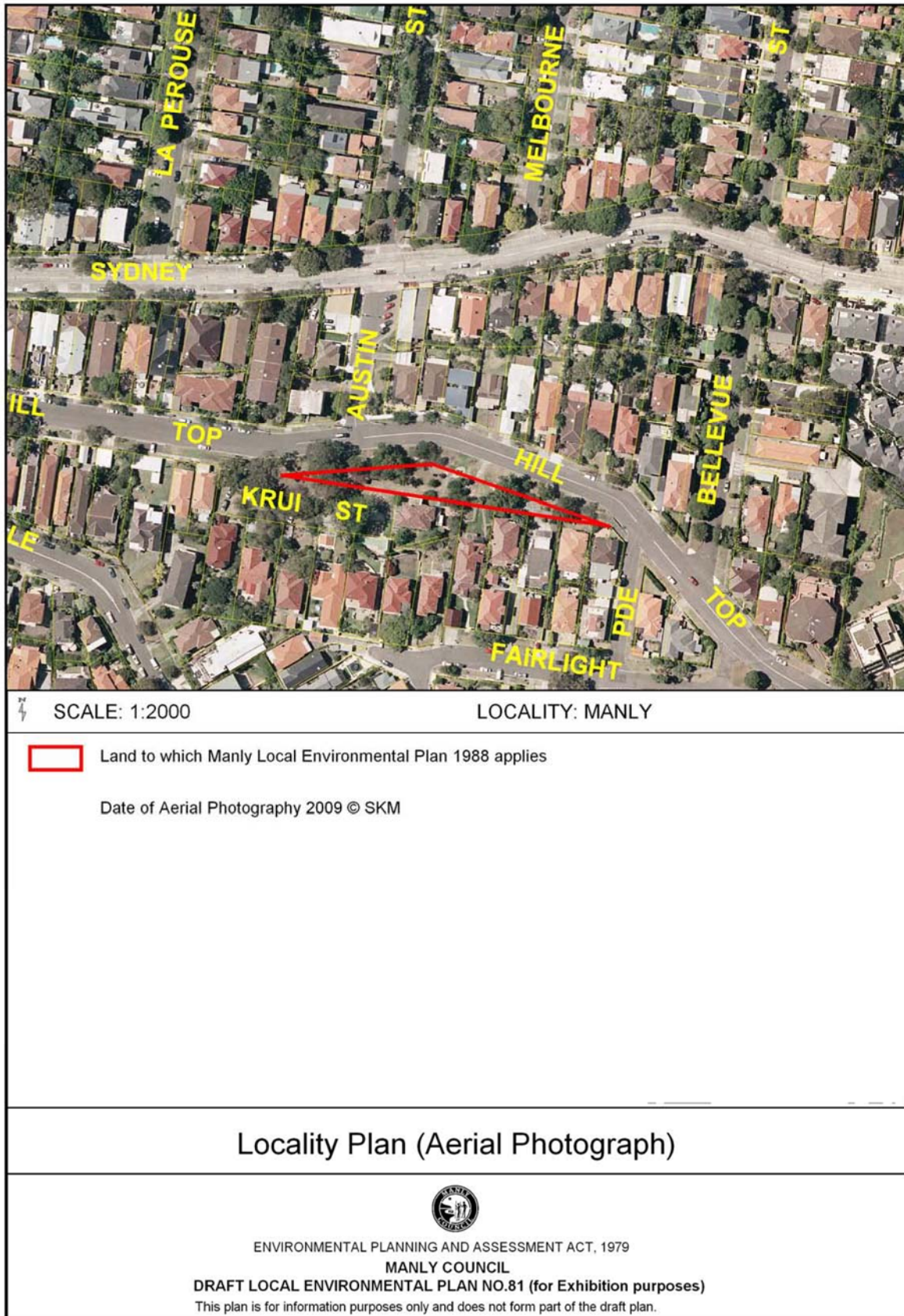
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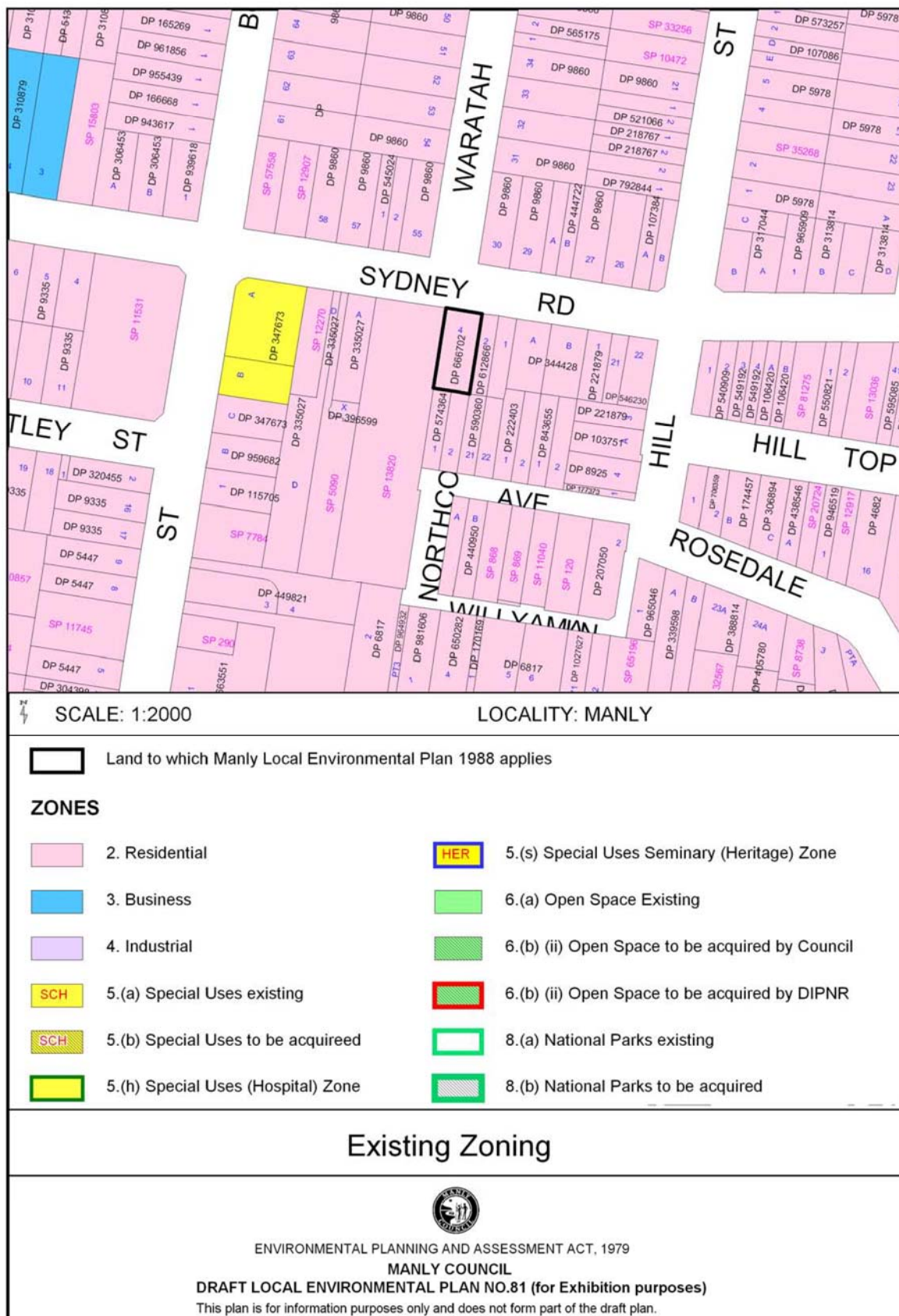
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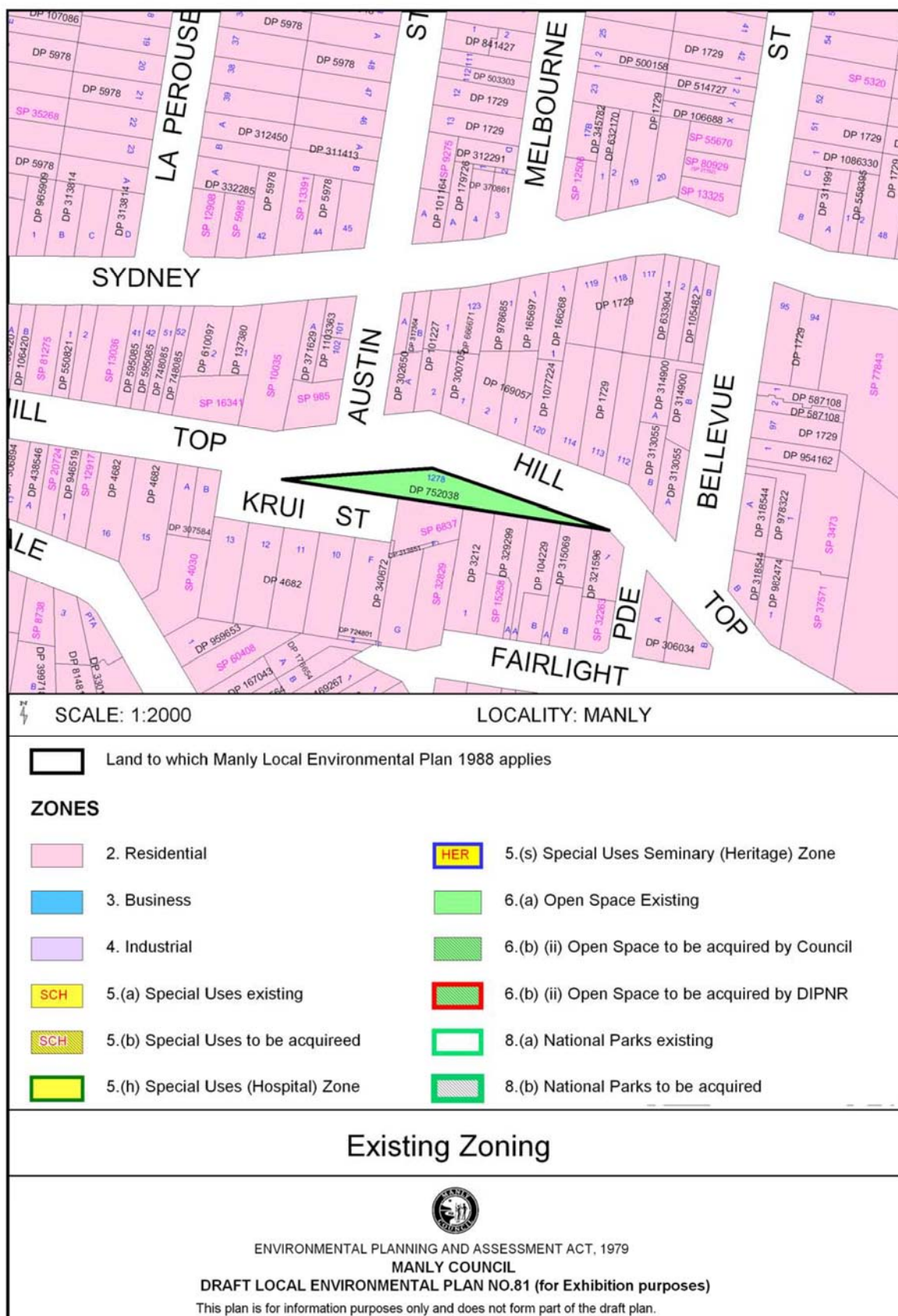
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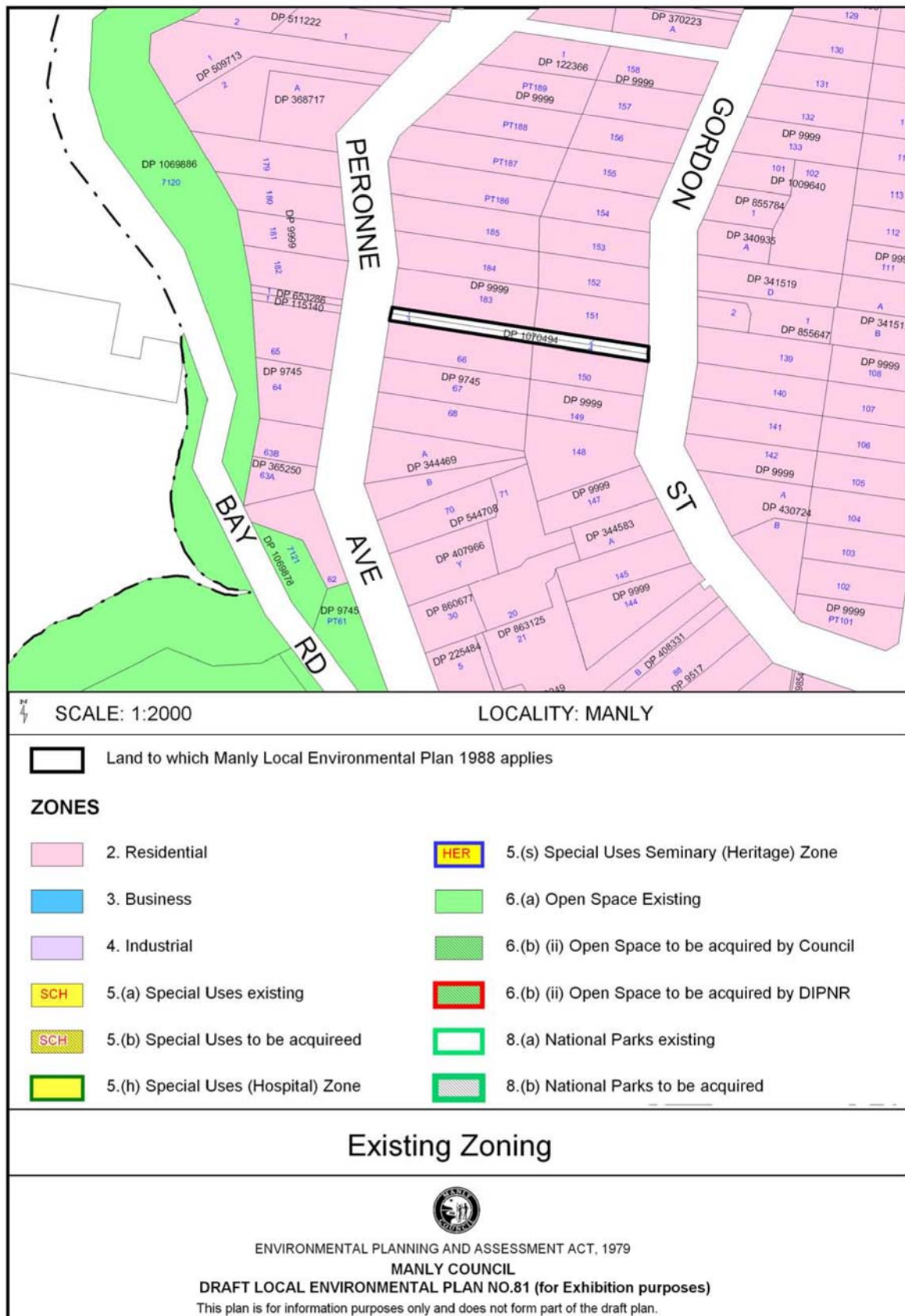
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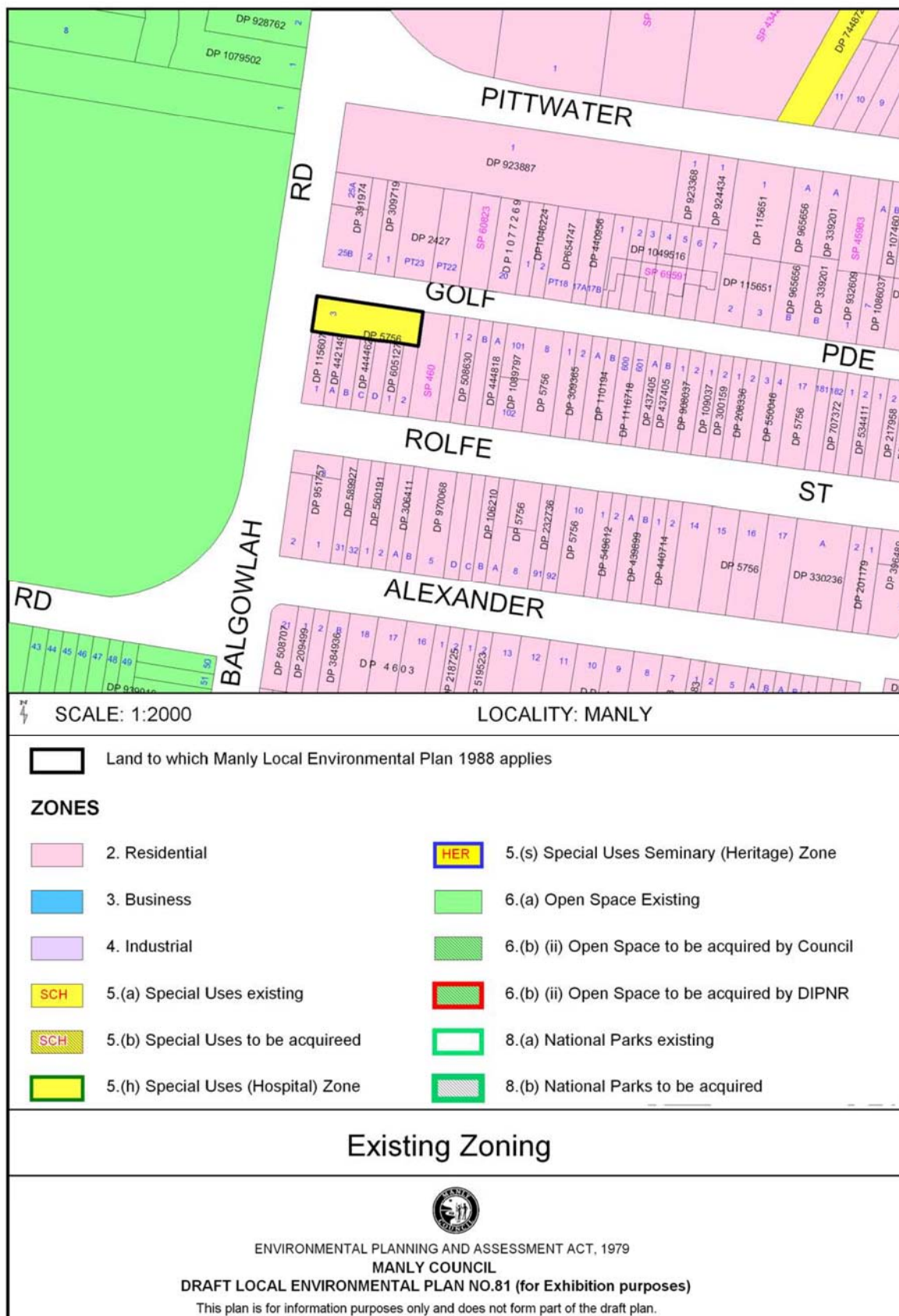
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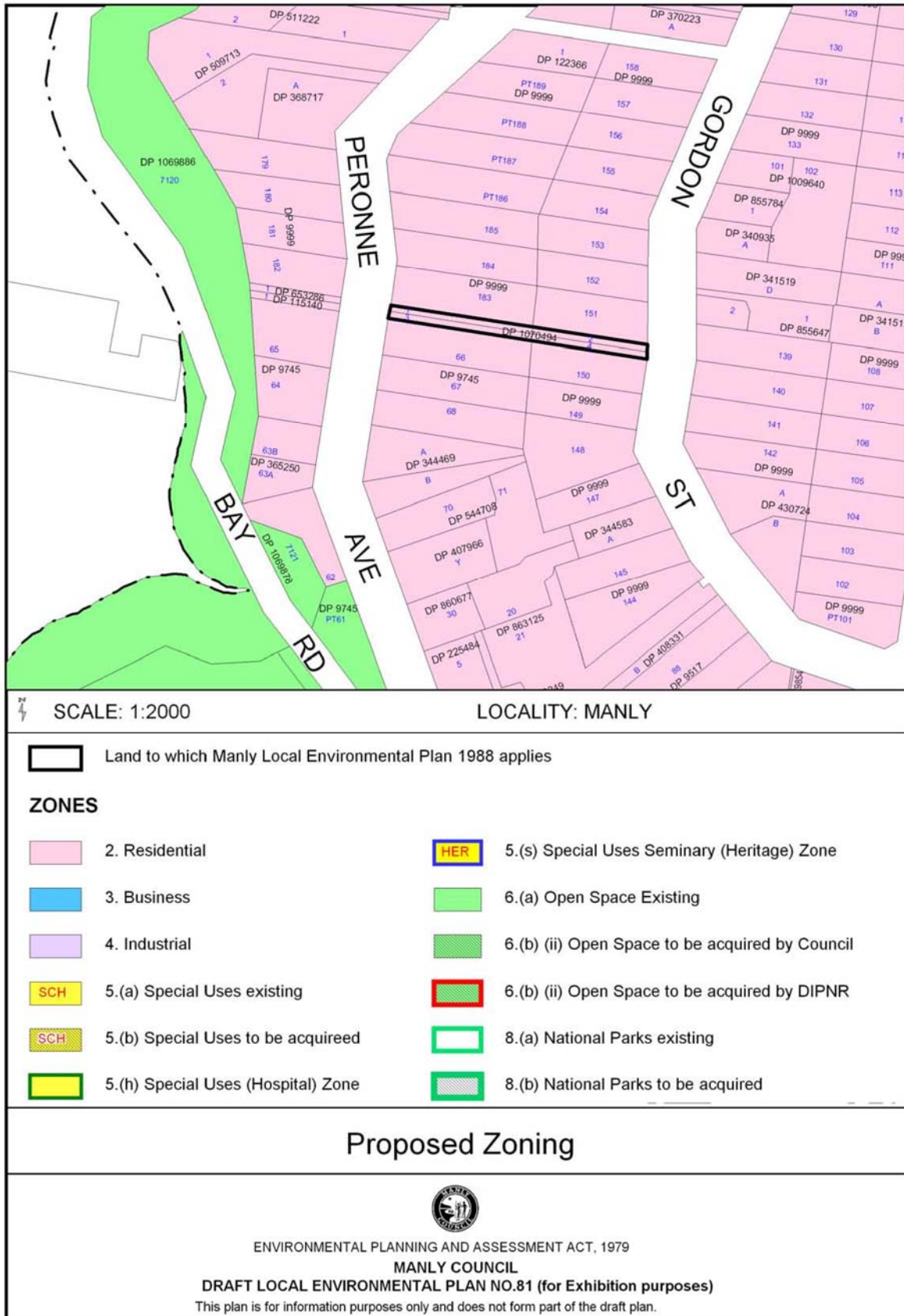
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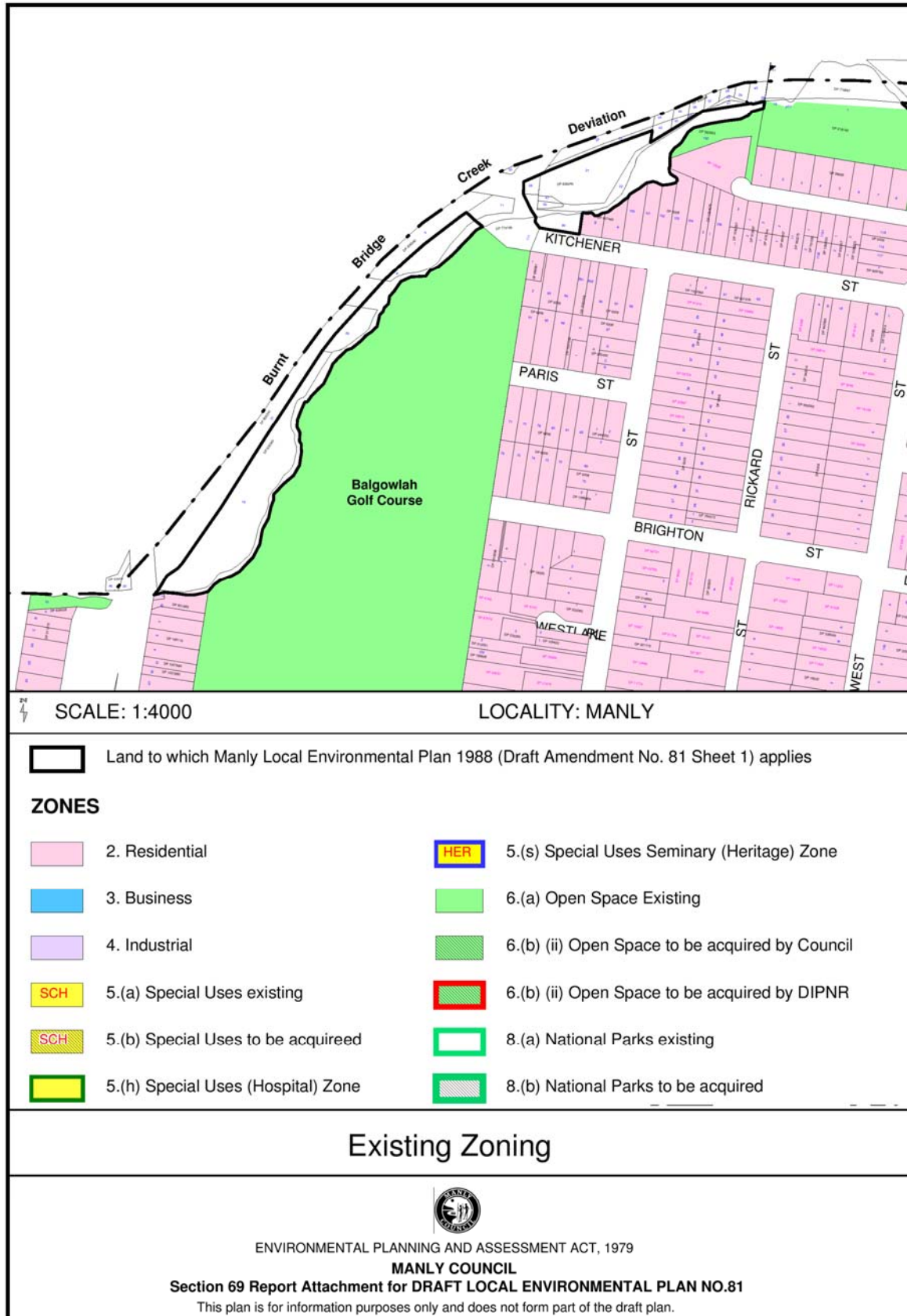
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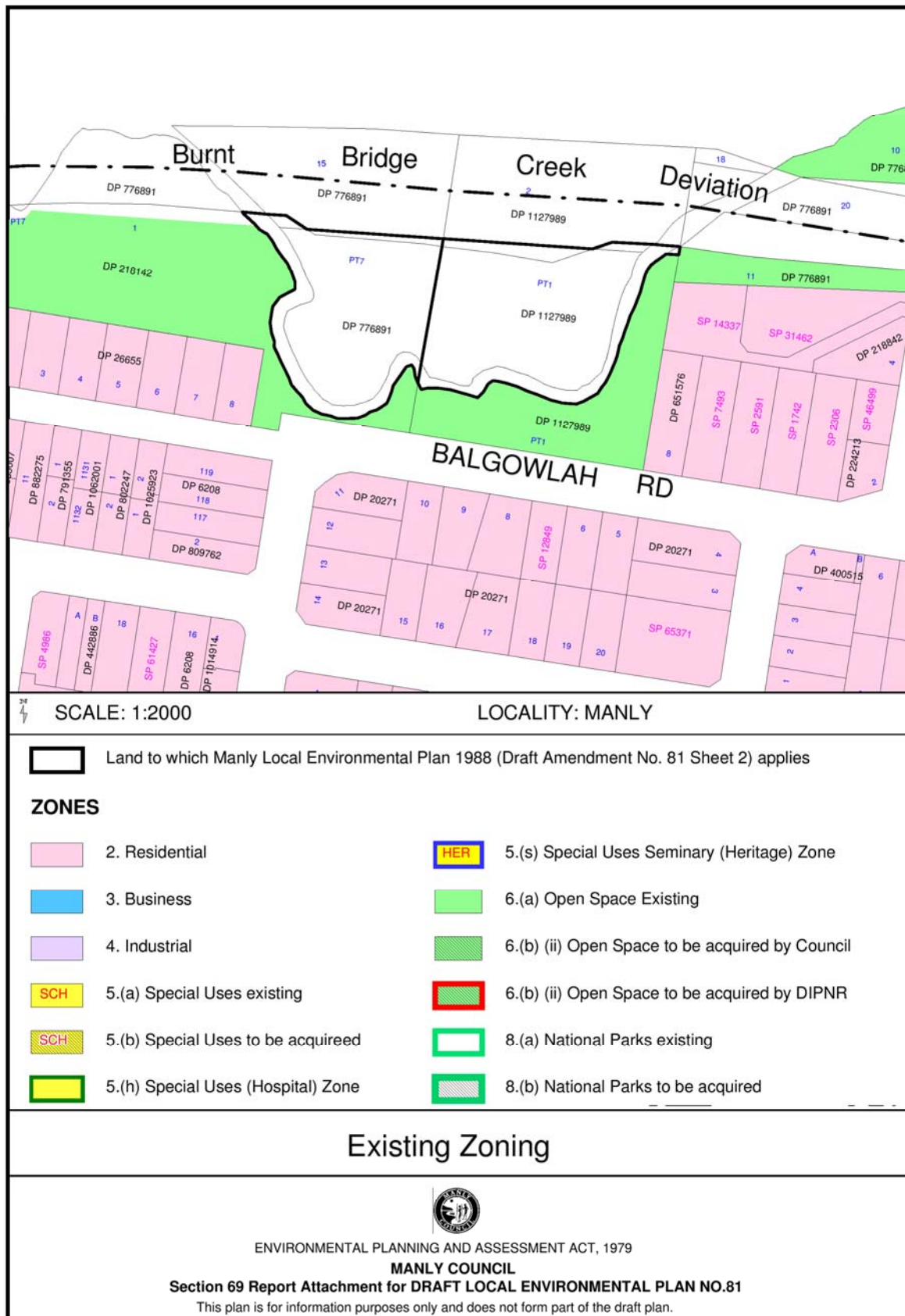
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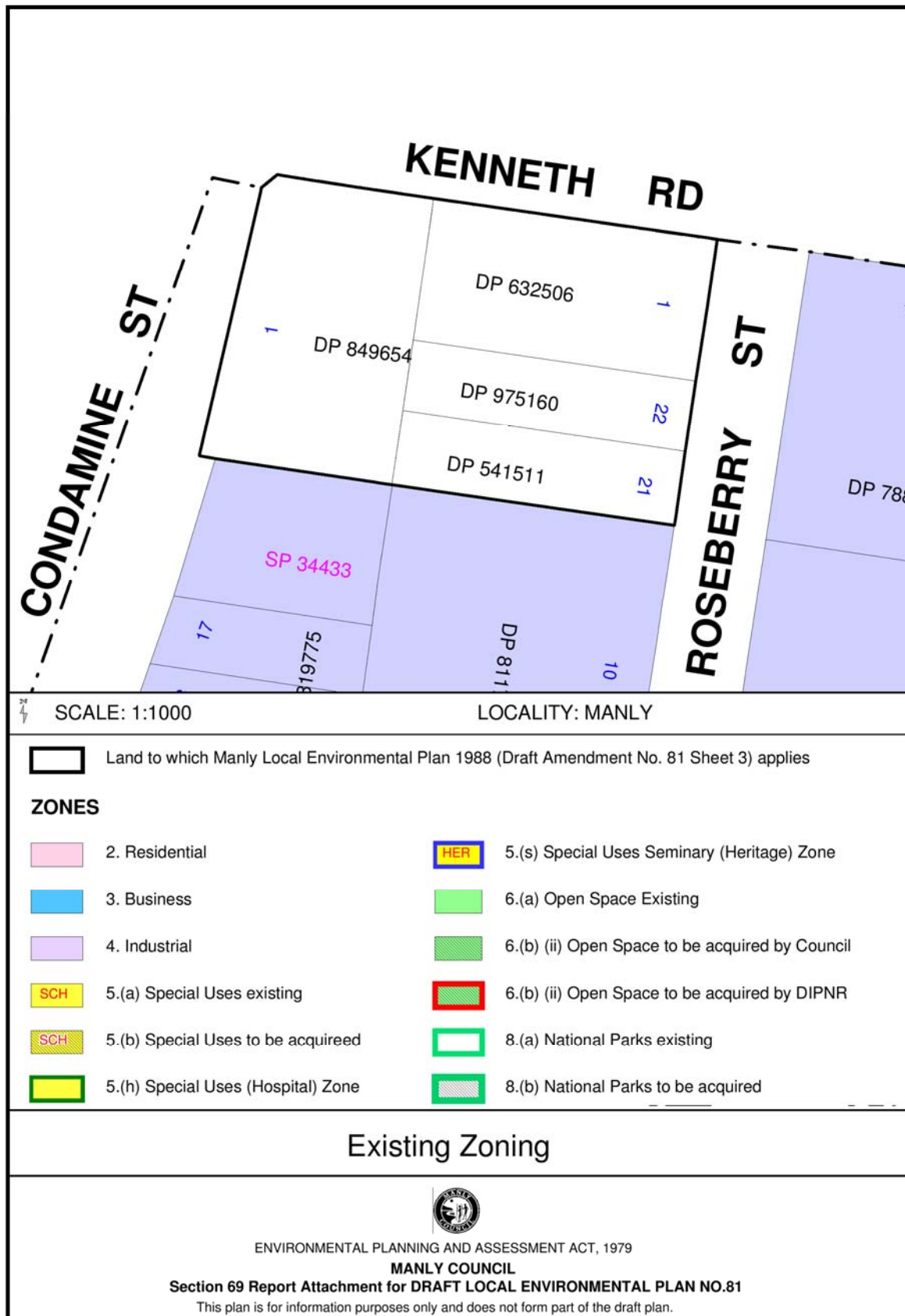
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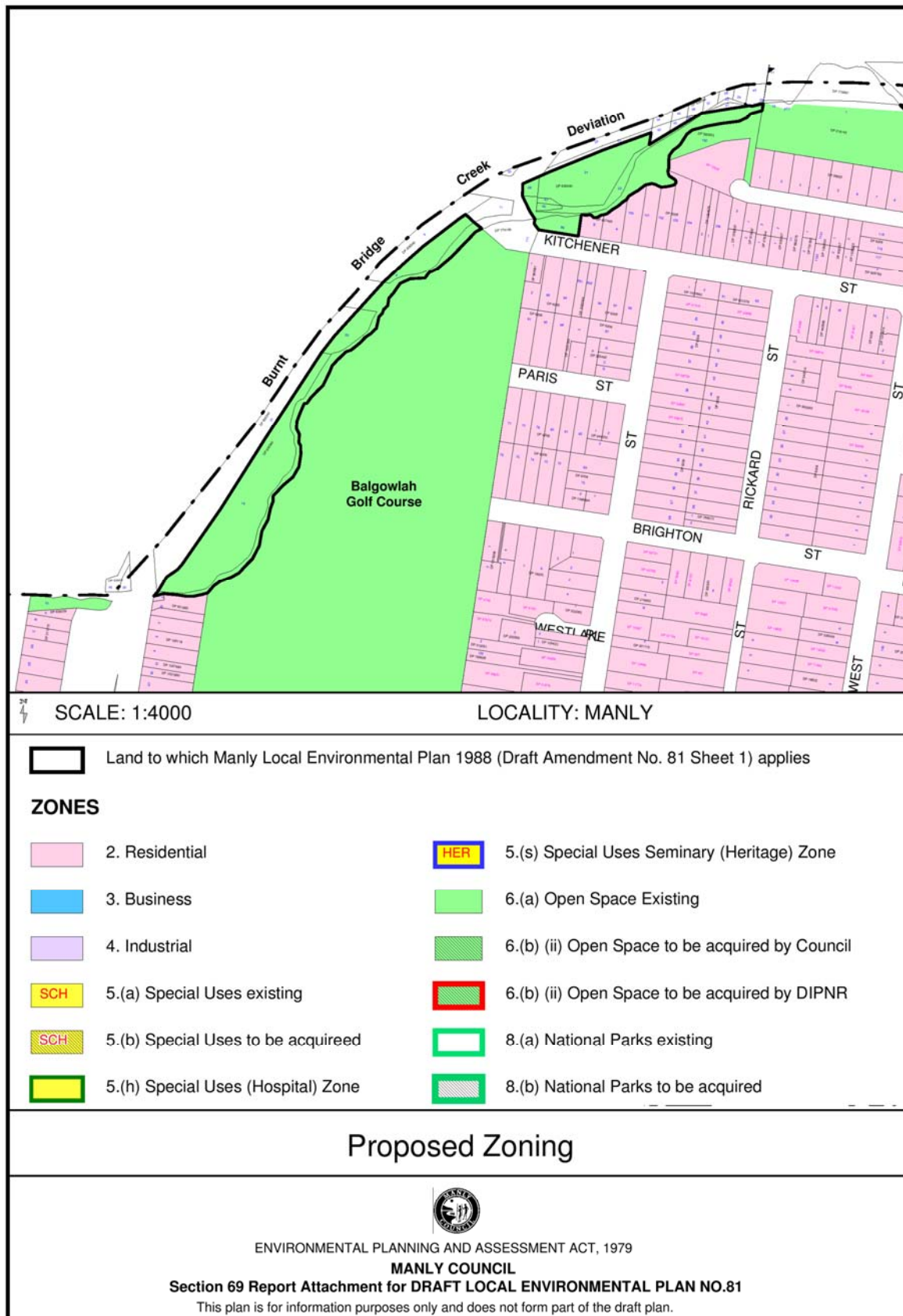
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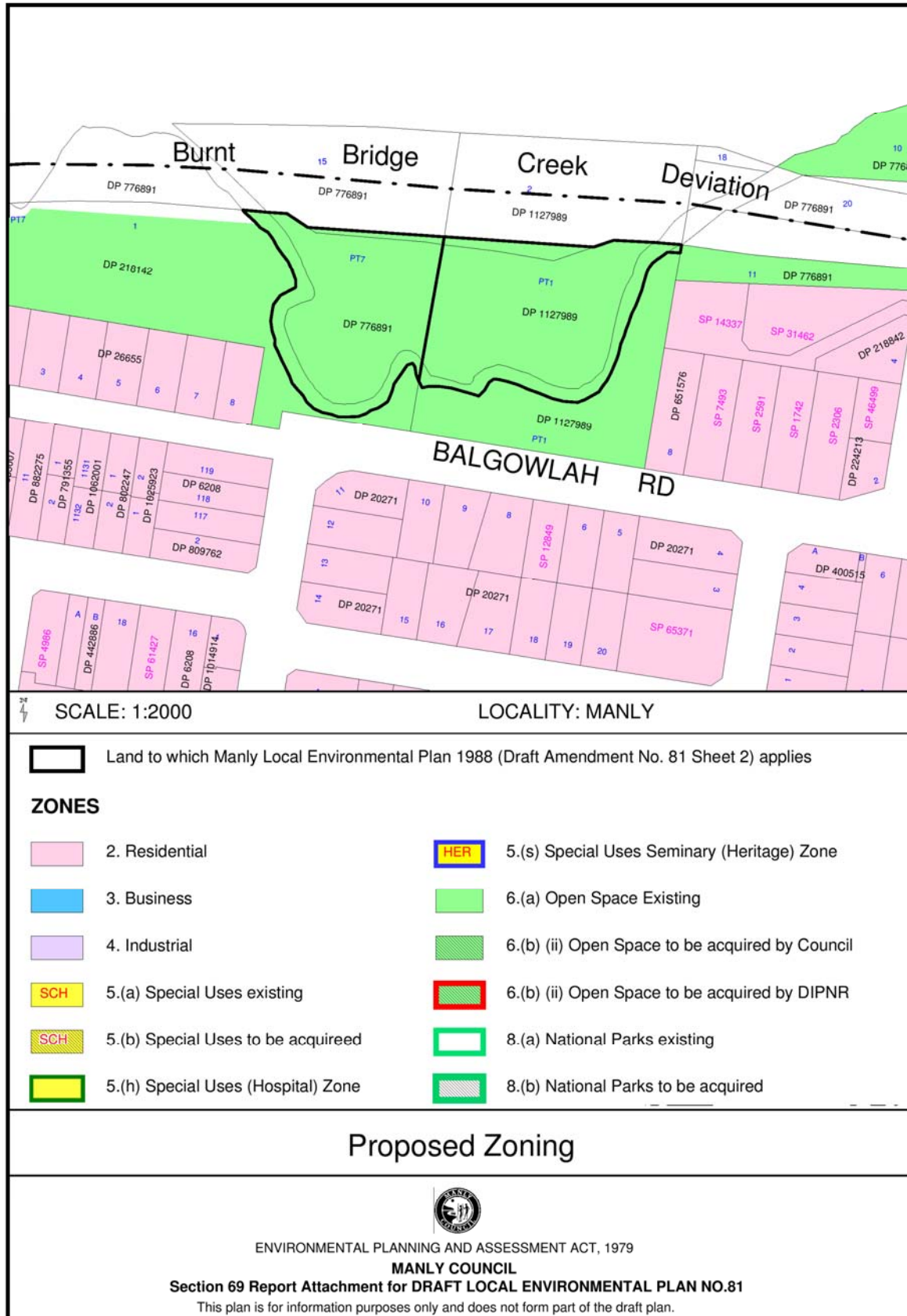
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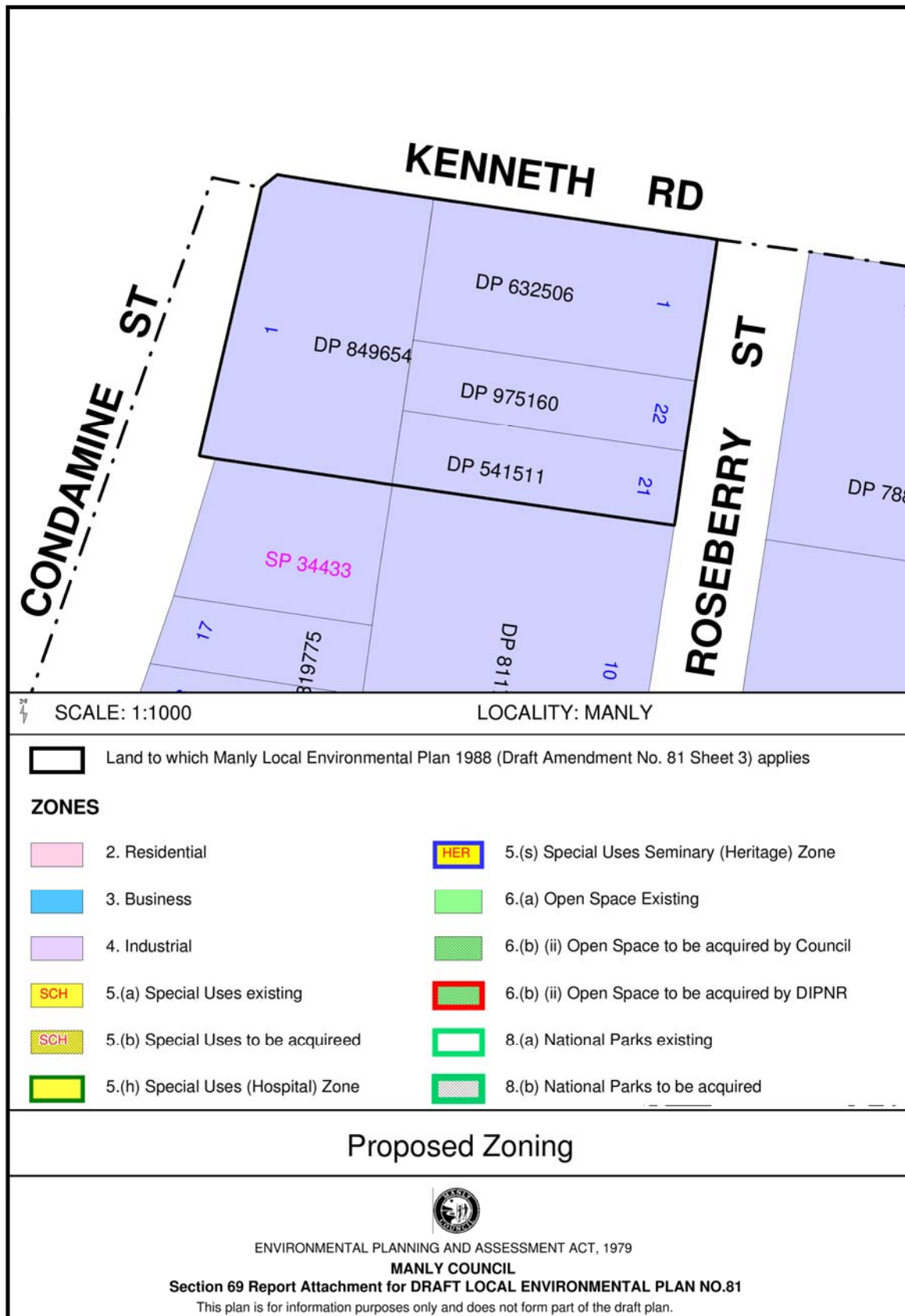
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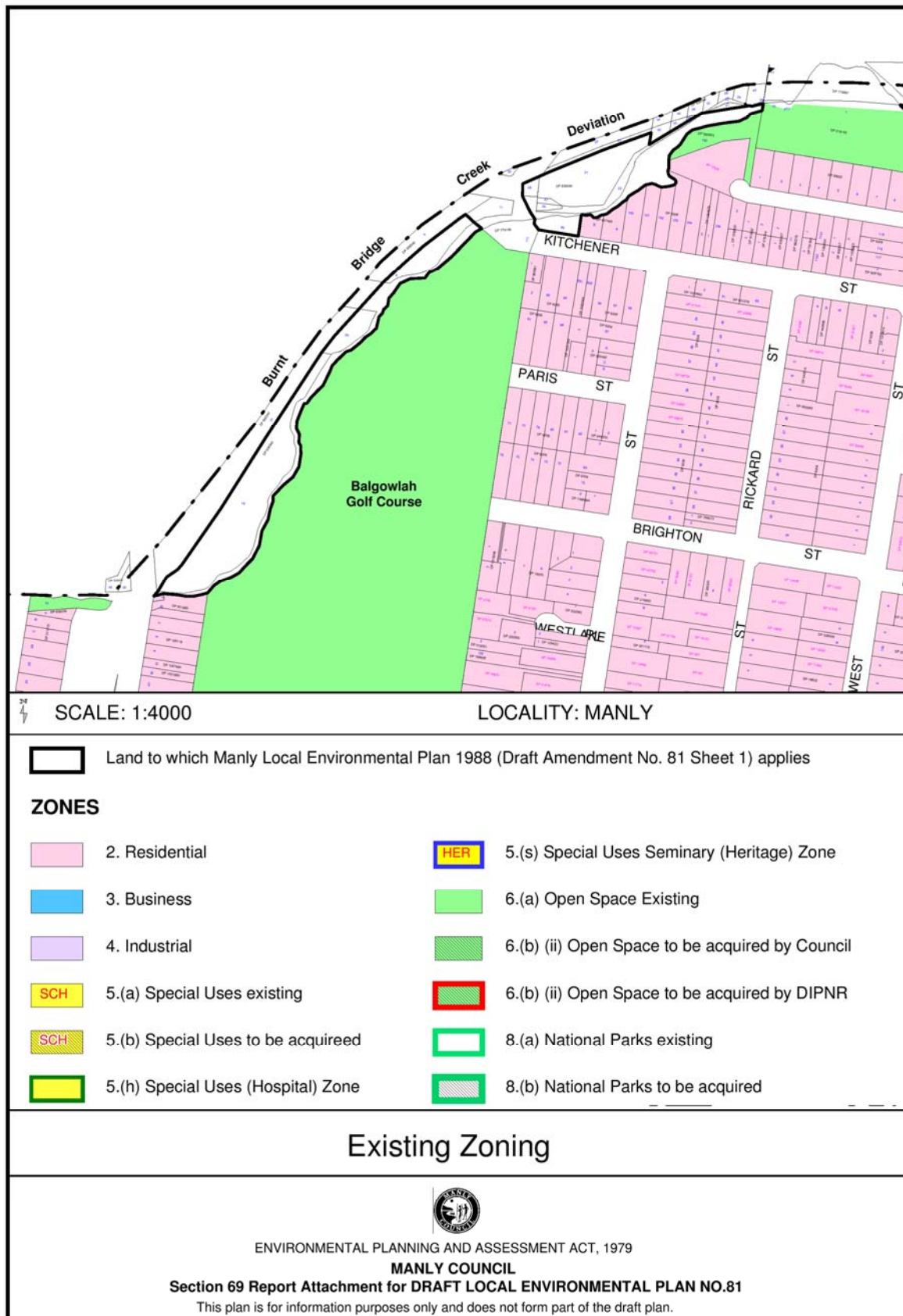
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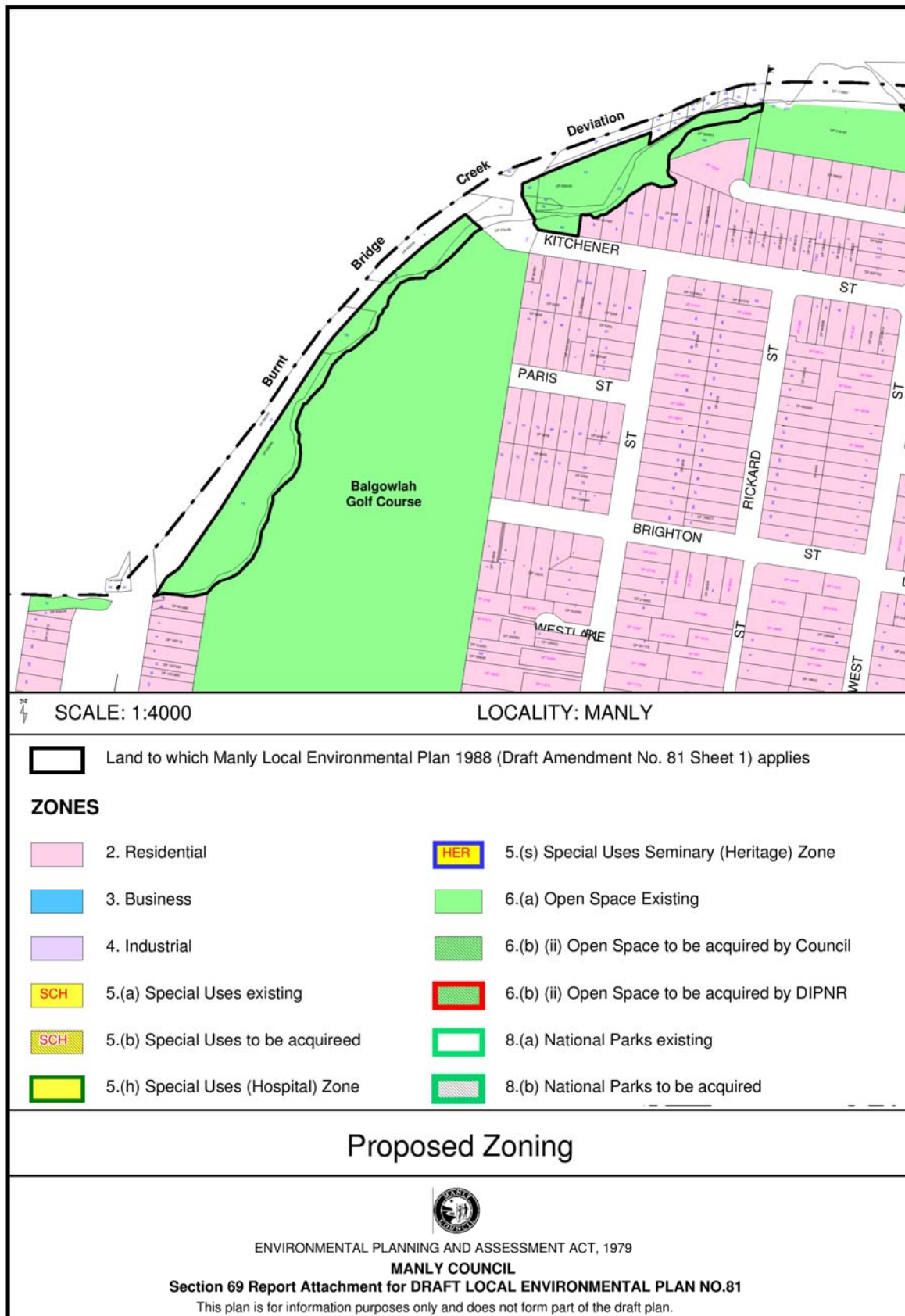
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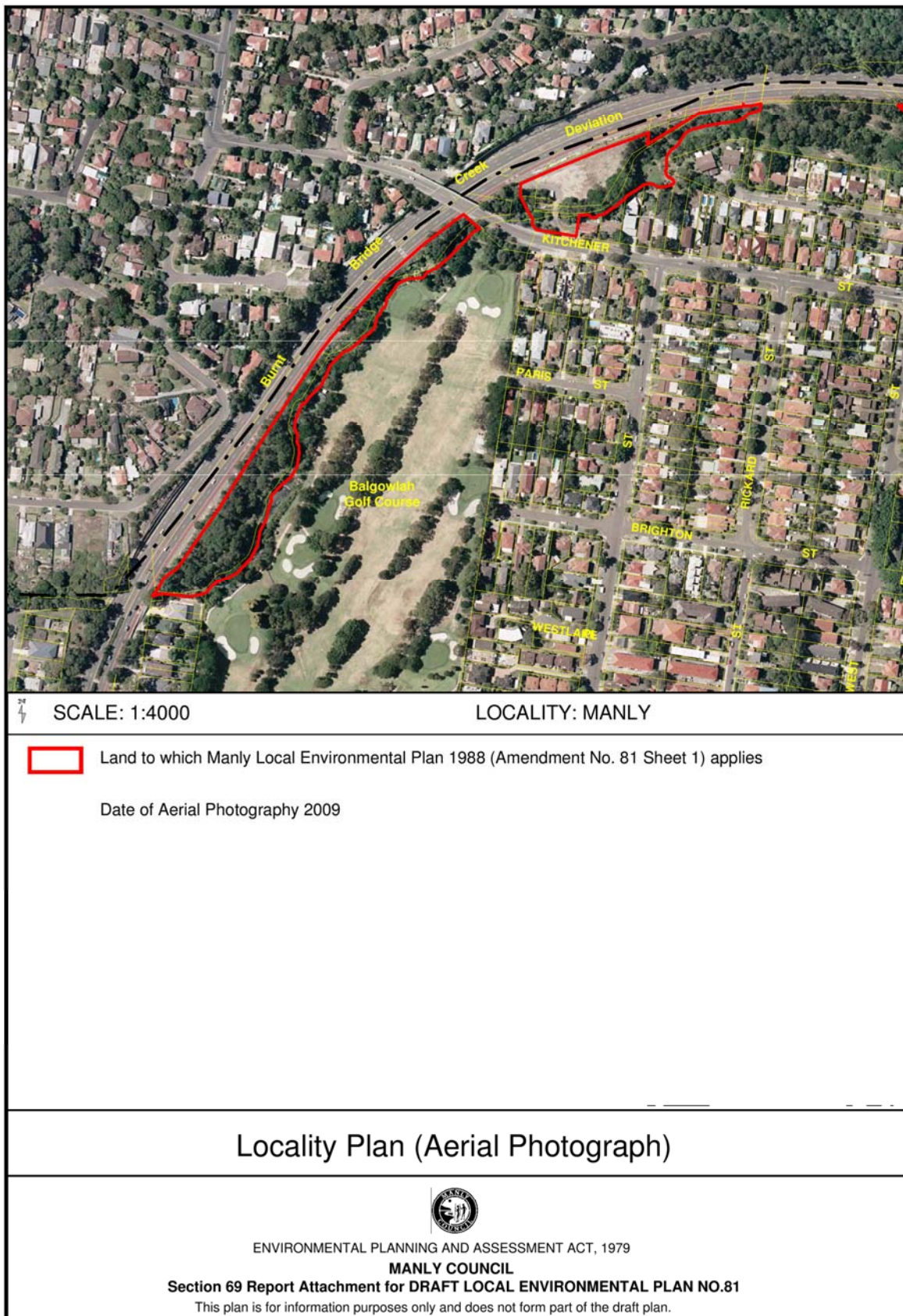
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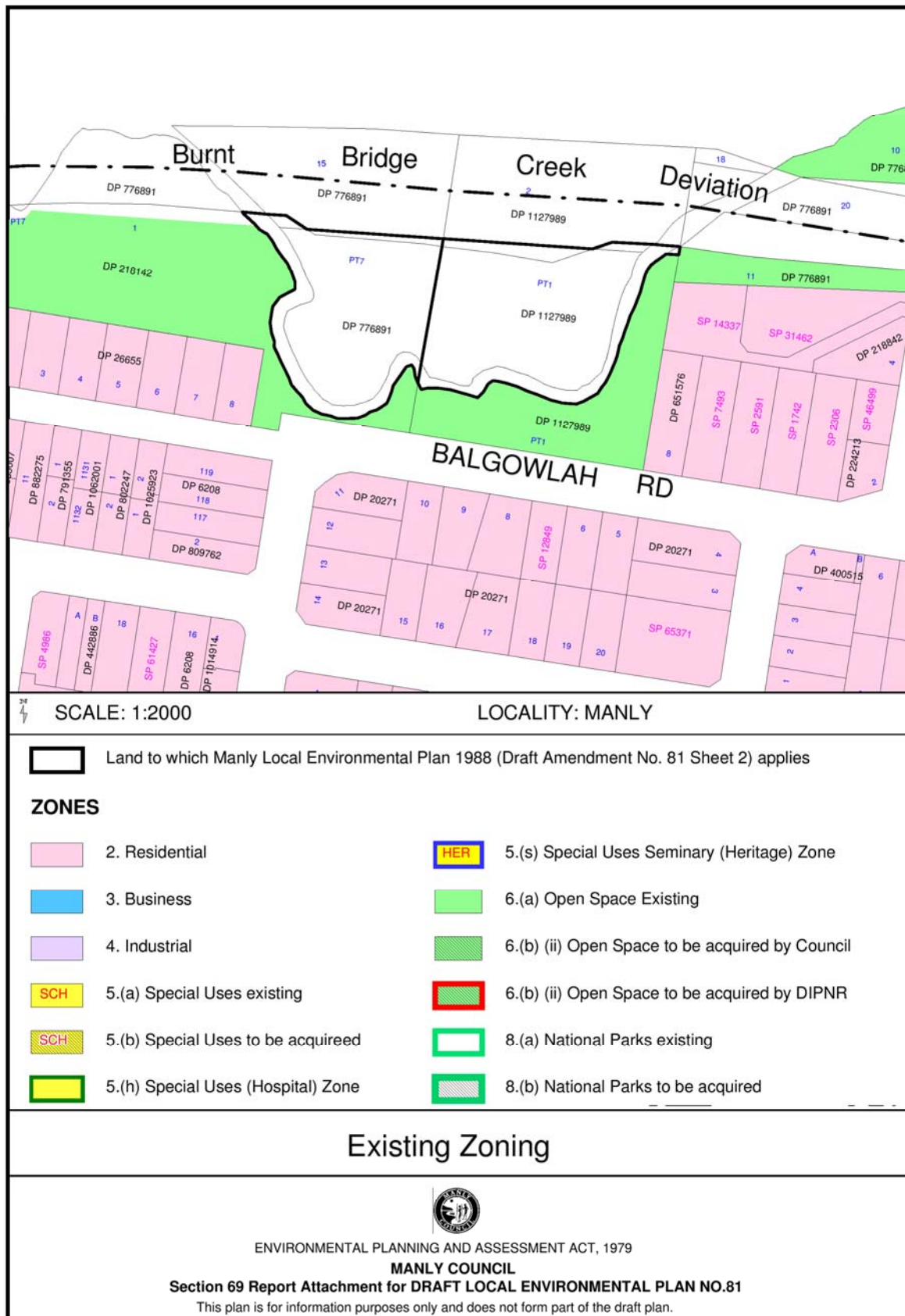
Various Maps in relation to Proposed Zonings & Heritage Listings



ATTACHMENT 2

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

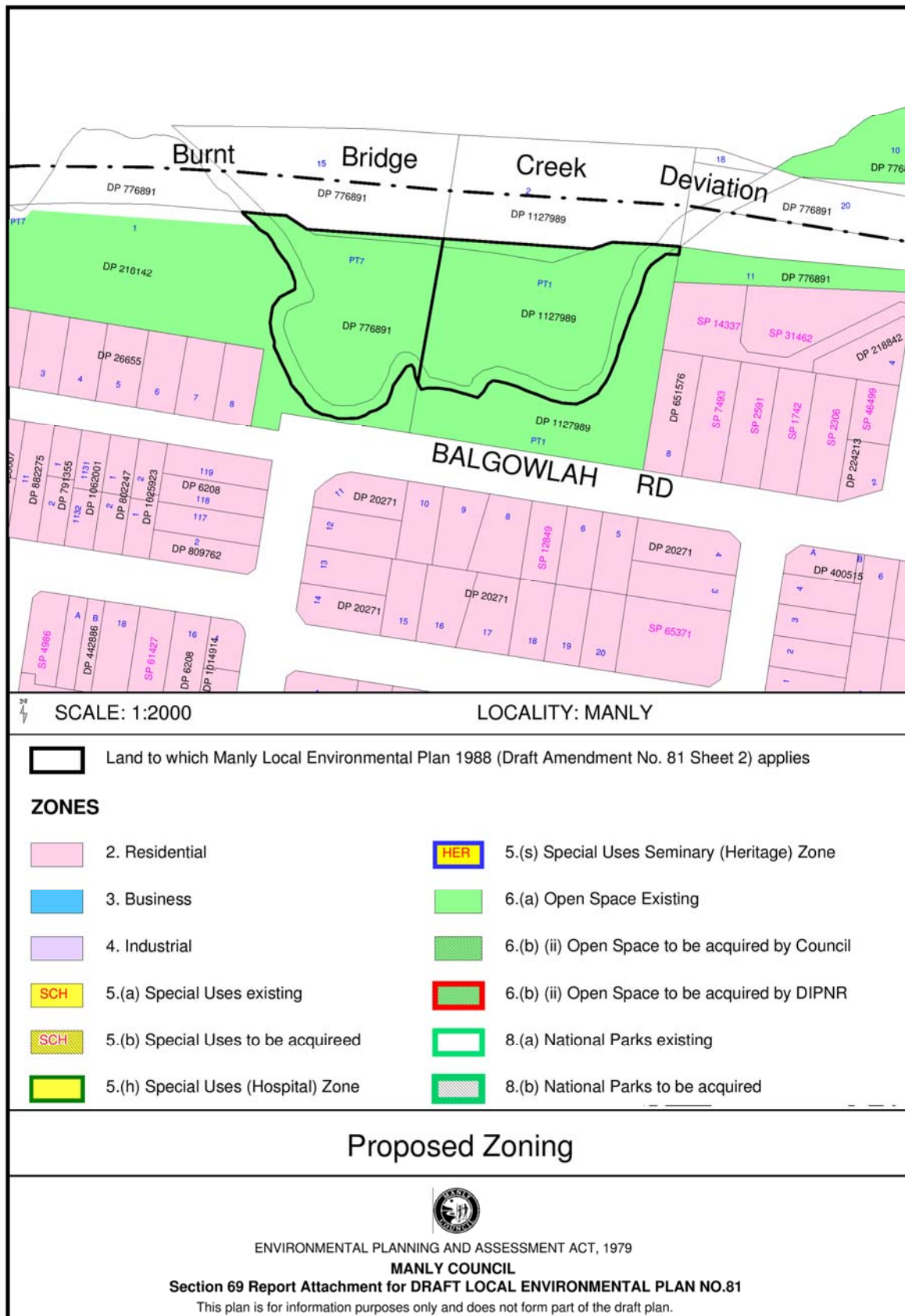
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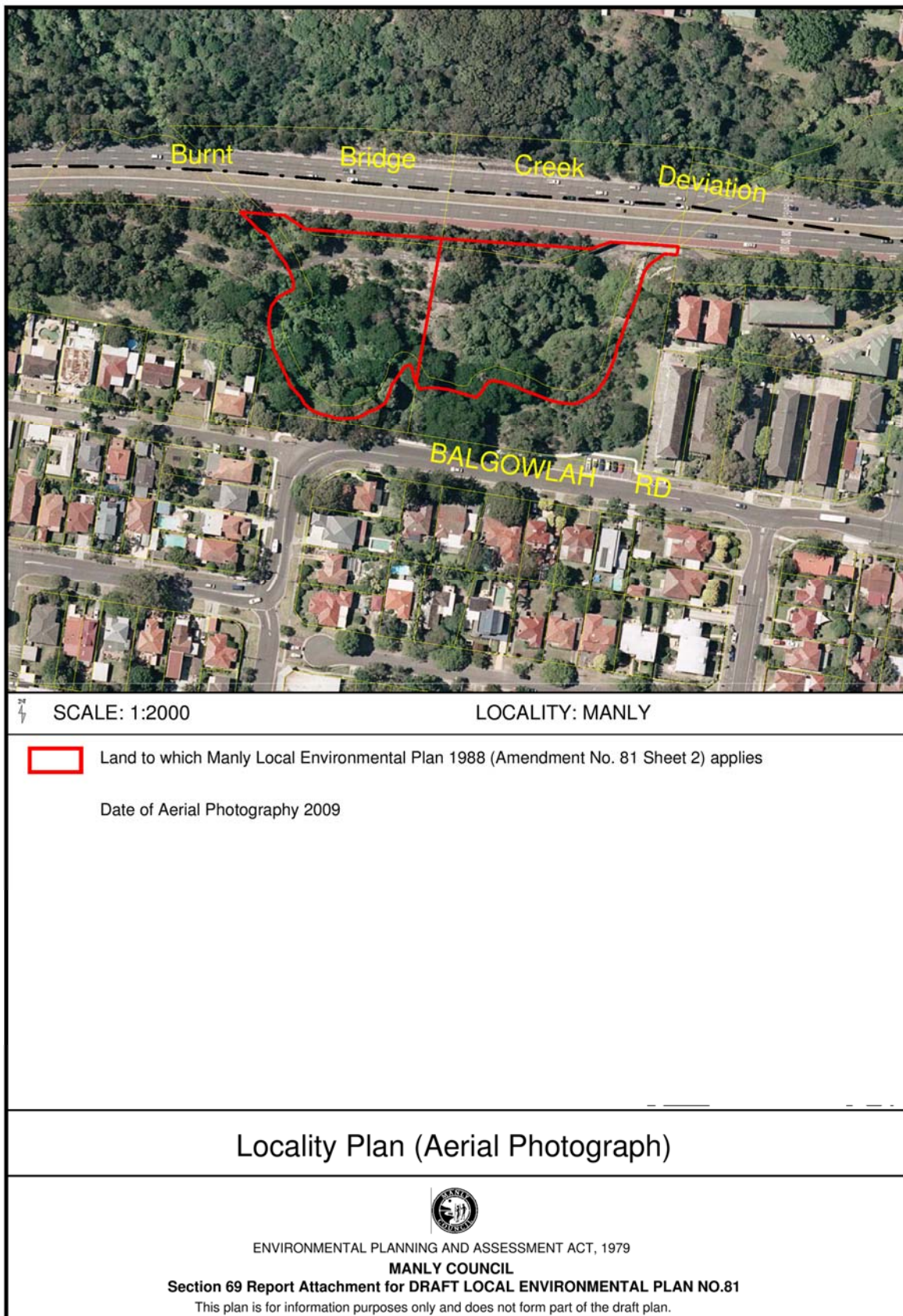
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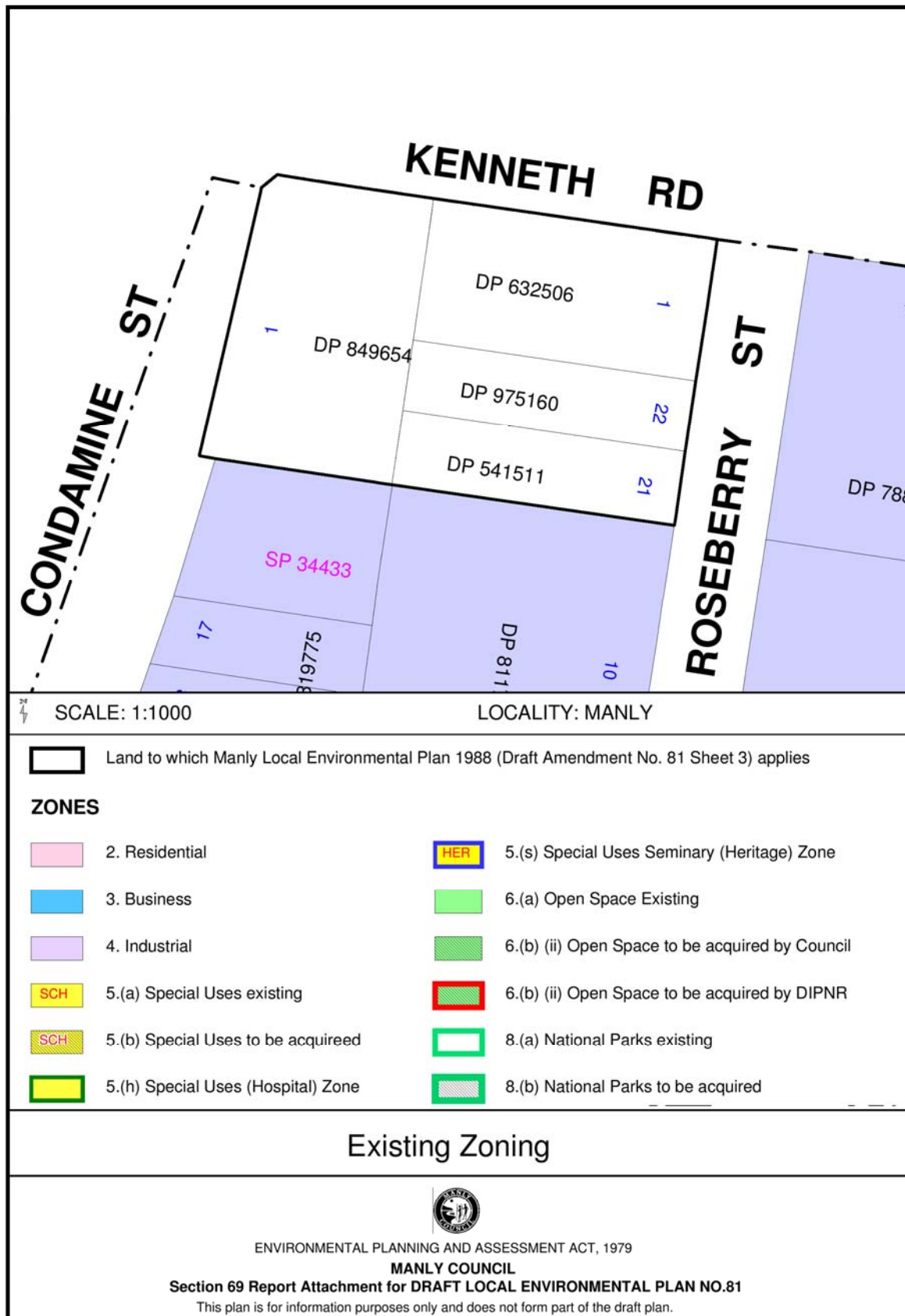
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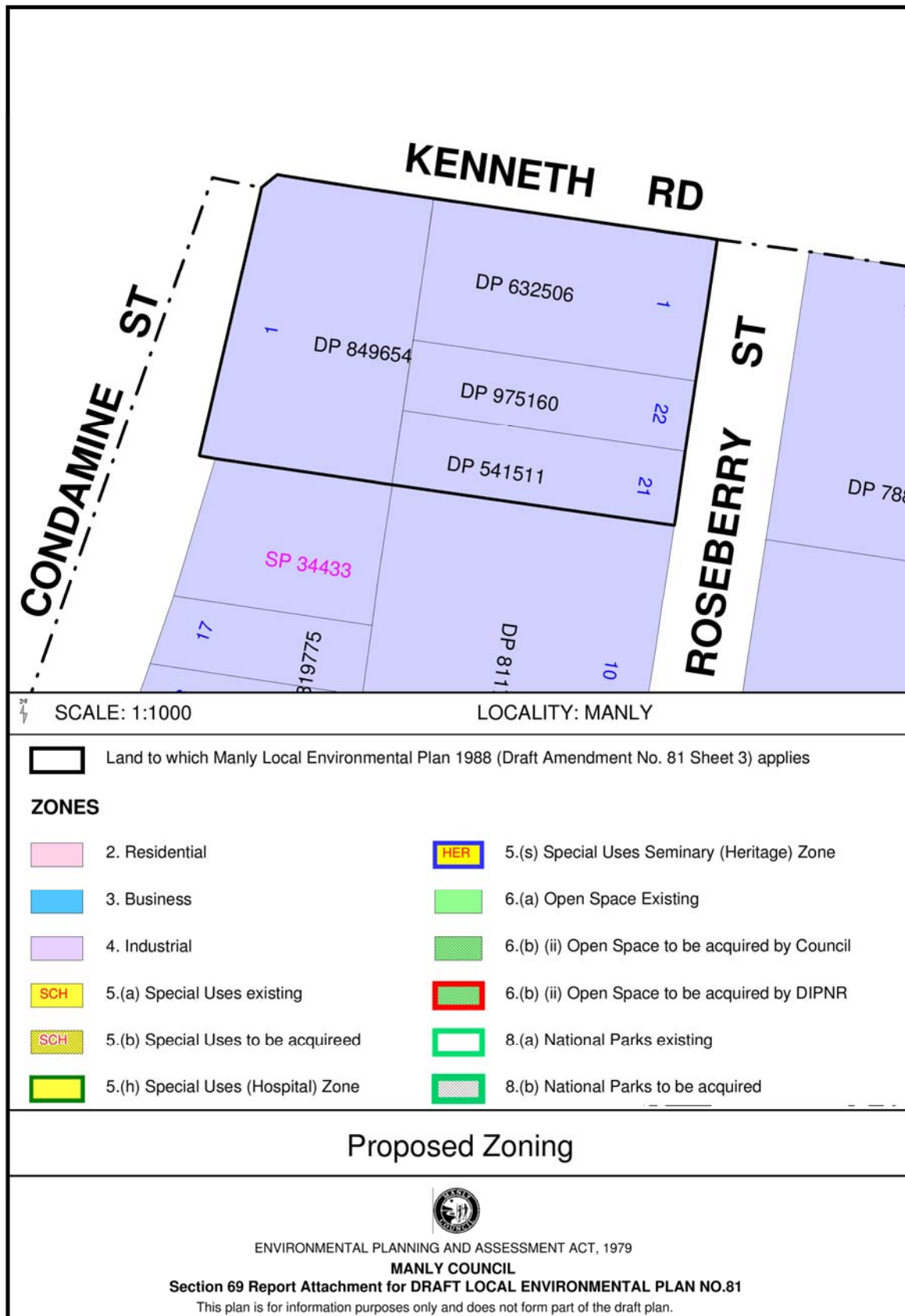
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ATTACHMENT 2

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Various Maps in relation to Proposed Zonings & Heritage Listings



ATTACHMENT 2

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

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Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Planning & Strategy Division Resolution 2 November 2009

Planning And Strategy Division Report No. 40

Manly Local Environmental Plan 1988 – draft Amendment 81

SUMMARY

This report recommends that Council initiate an amendment to Manly Local Environmental Plan (LEP) 1988 for submission to the Minister for Planning (delegated to the Department's new 'Gateway' panel) in accordance with s. 54 and s. 55 of the *Environmental Planning and Assessment Act, 1979*, (the EP&A Act).

MOTION (Aird / Whitting)

That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 81, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
 - a. the zoning of several parcels of land adjoining the Burnt Bridge Creek to open space or industrial zoning;
 - b. the zoning of land consisting of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to residential;
 - c. the listing of six (6) properties are recommended for listing as heritage items; and
 - d. Third Party Advertising as exempt development.

PS180/09 RESOLVED: (Aird / Whitting)

That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 81, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
 - a. the zoning of several parcels of land adjoining the Burnt Bridge Creek to open space or industrial zoning;
 - b. the zoning of land consisting of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to residential;
 - c. the listing of six (6) properties are recommended for listing as heritage items; and
 - d. Third Party Advertising as exempt development.

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

ATTACHMENT 4

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Planning & Strategy Division Resolution 7 September 2009

Planning And Strategy Division Report No. 35

Manly Local Environmental Plan 1988 Draft Amendment re Third Party Advertising

SUMMARY

This report recommends exempting third party advertising signage from development consent in accordance with Council's resolution in this matter on 15 June 2009 and where such signage conforms to the Manly DCP definition of "commercial sign". The mechanism for such an exemption would be to amend the Manly LEP 1988 by adding this development type to the schedule of Exempt Development (schedule 8, MLEP). Potential impacts in relation to this proposal are considered in the drafting of the recommended LEP amendment and Council is also advised of the next steps in the process. The requirements for preparing a planning proposal to the Department of Planning are detailed. It is recommended that Council initiate an amendment to Manly Local Environmental Plan 1988 to permit third part advertising structures as exempt development.

MOTION (Norek / LeSurf)

THAT Council initiate an amendment to Manly Local Environmental Plan 1988, and an accompanying amendment to the DCP for Advertising to permit third part advertising structures as exempt development, pursuant to sections 54-55 and 74C(1)(a) of the *Environmental Planning & Assessment Act, 1979*.

PS166/09 RESOLVED: (Norek / LeSurf)

THAT Council initiate an amendment to Manly Local Environmental Plan 1988, and an accompanying amendment to the DCP for Advertising to permit third part advertising structures as exempt development, pursuant to sections 54-55 and 74C(1)(a) of the *Environmental Planning & Assessment Act, 1979*.

For the Resolution: Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison and Norek

Against the Resolution: Councillors Griffin, Aird and Burns

ATTACHMENT 4

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

Planning & Strategy Division Resolution 7 September 2009

Planning And Strategy Division Report No. 35

Manly Local Environmental Plan 1988 Draft Amendment re Third Party Advertising

SUMMARY

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For the Resolution: Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison and Norek

Against the Resolution: Councillors Griffin, Aird and Burns

ATTACHMENT 4

Planning And Strategy Division Report No. 22 - Manly Local Environmental Plan 1988 – draft Amendment 81

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Planning And Strategy Division Report No. 35

Manly Local Environmental Plan 1988 Draft Amendment re Third Party Advertising

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For the Resolution: Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison and Norek

Against the Resolution: Councillors Griffin, Aird and Burns

TO: Ordinary Meeting - 13 September 2010
REPORT: Planning And Strategy Division Report No. 23
SUBJECT: Public exhibition of the North Harbour Reserve Landscape Masterplan
FILE NO:

SUMMARY

At its Planning and Strategy Meeting dated 6th September 2010 Council considered a report recommending the public exhibition of the North Harbour Reserve Landscape Masterplan. It resolved (PS89/10)... *"That this item be deferred to obtain comments from the North Harbour and Balgowlah Precincts."*

The Draft Masterplan has been amended in consideration of the Precincts comments which were also conveyed to Council in writing (refer to attachment circulated separately).

It is recommended the revised Masterplan be formally exhibited for 28 days when submissions from the public will be welcomed prior to coming back to Council for consideration and final endorsement.

REPORT

Manly Council has produced the North Harbour Reserve Landscape Masterplan following extensive community and stakeholder consultation. The Plan has been developed in line with the management options proposed in the Council adopted North Harbour Coastline Management Plan.

The North Harbour Reserve is an open grassy area with mature exotic and native trees used for active and passive recreational activities. The Reserve was reclaimed on a tidal flat during the mid 1930's by the construction of a sandstone retaining wall and landfill. North Harbour Reserve is popular for a range of recreational pursuits. Open spaces of North Harbour Reserve forms an important portion of the Manly Scenic Walkway (MSW).

Improvements in North Harbour Reserve have been made, so far, on an ad hoc basis. With the increasing use of the Reserve, it has become necessary to prepare a detailed Landscape Masterplan.

The Masterplan should seek to distribute appropriately the various functions of the reserve and to maximise the opportunities presented by the foreshore setting and by the arrangement of the elements within it. Principles, to prepare the Masterplan, are:

- Recognition of value of the existing open spaces and landscape;
- Reinforcement of the existing native and indigenous planting and bushland;
- Further establishment of safe, quiet and planted seating and picnic areas around the edges;
- Recognition of existing play area with upgraded play equipments;
- Consideration of noise issue;
- Measures for child safety as the Reserve is also a dog off-leash area; and
- Emphasis of the historic past with signage and other interpretative and informative features.

Consultation

The various consultations and special purpose committee recommendations were detailed in the original report presented to Council on this matter on 6th September, 2010. In summary:

- The Preliminary design of the North Harbour Reserve Landscape Masterplan was presented at the Harbour Foreshore and Coastline Management Committee (HFCMC), Access Committee, Manly Scenic Walkway Committee (MSW) and Landscape Management and Urban Design Committee (LMUD) during June-July 2010.

Planning And Strategy Division Report No. 23 (Cont'd)

- First Draft Final Design of the North Harbour Reserve Landscape Masterplan was presented at the HFCMC, Access and LMUD Committees during August 2010.
- To ensure wider community involvement, an extensive awareness campaign and consultation process was undertaken during the preparation of the North Harbour Coastline Management Plan. Community and Stakeholder consultation was achieved through community/stakeholder field days, display panels, Council's webpage, and information in Precinct newsletters.
- Community and user groups' survey forms were distributed through various means with a total of 167 survey forms returned. Community consultation field days were held at North Harbour Reserve on 19 February 2006 and 4 March 2007.

The final draft plan for exhibition (circulated separately) has aimed at finding a 'consensus' approach where possible on the various inputs gained to date from Committees and the Precincts.

Most Recent Amendments Following Precincts Input

The latest amendments in the Masterplan from the draft presented to Council on 6th September include:

- Retention of both existing hedges within the park
- Deletion of stairs to waters edge midway along the seawall.
- Deletion of lighting and bubbler previously shown on scenic walkway
- Access walkway from King Street to be noted as featuring natural materials, to be oriented in a more easterly direction to preserve passive open space and to be of a design and construction sympathetic to the natural environment it passes through.

Detailed Design and Implementation

The attached is a Masterplan and as such is not intended to show 'detailed design' of specific features.

Following the appropriate exhibition period and final endorsement by Council as the Masterplan is implemented (when funds become available), detailed design components would be referred to the local Precincts for comment and input prior to finalization and implementation by Council.

Once the Master plan is finally adopted by Council it would be intended to refer a budget bid for staged implementation of the plan over future financial years.

RECOMMENDATION

It is recommended that:

1. The final design of the North Harbour Reserve Landscape Masterplan be placed on public exhibition for a period of four weeks; and
2. A public information field day be organised on site during the exhibition period to receive community feedback.

ATTACHMENTS

AT- 1 Submission from North Harbour & Balgowlah Precincts 3 Pages Circulated Separately

AT- 2 North Harbour Reserve Landscape Masterplan 1 Page Circulated Separately

OM130910PSD_2

***** End of Planning And Strategy Division Report No. 23 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Human Services And Facilities Division Report No. 11
SUBJECT: Adoption by Council of the Child Protection Policy
FILE NO:

SUMMARY

Council as a Public Authority and as a provider of Children's Services, is required (under Child Protection legislation) to have a policy that guides the processes required to uphold child protection in service provision, and effectively respond to allegations or convictions of child abuse by employees.

Child protection is a shared responsibility and as such, Council has a role to educate the community in relation to child protection responsibilities, as well as its employees and children's services user families.

REPORT

The current Child Protection Policy was adopted in 2007 and was reviewed in July 2008.

This Policy has been extensively revised and a draft Manly Council Child Protection Policy - August 2010 (attached) has been prepared in accordance with the NSW Ombudsman guideline for reviewing child protection policies.

Council as a Public Authority is required to operate its children's and youth services in accordance with relevant children's legislation, as well as the *Ombudsman Act 1974*.

RECOMMENDATION

That

1. The draft Manly Council Child Protection Policy - August 2010, be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.
2. At the conclusion of the exhibition period a further report be submitted for adoption of the Manly Council Child Protection Policy - August 2010, subject to any submissions received.
3. That Council engage in community education with parents and other users of Council's children's services to raise awareness of the Child Protection Policy.

ATTACHMENTS

AT- 1 Manly Council Draft Child Protection Policy August 2010 6 Pages

OM130910HSFU_1

***** End of Human Services And Facilities Division Report No. 11 *****

Manly Council



Child Protection Policy

September 2010

Human Services And Facilities Division Report No. 11 - Adoption by Council of the Child Protection Policy
Manly Council Draft Child Protection Policy August 2010

1. INTRODUCTION

Manly Council believes that all children and young people have equal rights to protection from abuse and exploitation regardless of their gender, race, religion, disability, social or cultural background, or any other distinguishing characteristic.

Protecting children is a shared responsibility of individuals, families, communities, government and non-government agencies and corporations. Preventative aspects of child protection will be addressed by Council by providing community education, parent education and support to ensure that the shared responsibility of child protection within the Manly community is upheld.

2. BACKGROUND

The Manly community has a right to expect that when using any services of Manly Council, that Council will ensure a safe, caring and nurturing environment, and that their children and young people are protected from all forms of abuse, including sexual, physical and emotional abuse and neglect.

Manly Council as a public authority, is required to report to the NSW Ombudsman, any allegations or convictions of child abuse by employees, regardless of where the alleged incident occurred.

3. PURPOSE

The purpose of this policy is to provide clear guidelines and procedures for Council staff working with children, and ensure that the correct balance between protecting children and allowing people who work with children to do so, without fear of unwarranted allegations of child abuse. To achieve the correct balance, it is necessary to be clear about what is or is not appropriate when dealing with children.

4. POLICY STATEMENT

Manly Council as a public authority is duty bound to maintain child protection in the workplace and ensure systems are in place for recording and responding to all allegations and convictions against employees that relate to physical assault, neglect, sexual misconduct and psychological harm of children.

Human Services And Facilities Division Report No. 11 - Adoption by Council of the Child Protection Policy
Manly Council Draft Child Protection Policy August 2010

5. DEFINITIONS

- **An employee** in relation to child protection, can be deemed as a staff member, contractor or a volunteer with Council.
- **A child** is defined as a person under 16 years of age as per the Children and Young Persons (Care and Protection) Act 1998
- **A child** is defined as a person under 18 years as per the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998
- **Head of Agency**, is the person responsible for fulfilling Council's responsibilities under the Ombudsman's Act 1974, and this person is the General Manager.
- **A Reportable Incident** is an allegation that the following kinds of behaviour have taken place or a conviction for an offence involving the following kinds of behaviour will need to be notified to the Ombudsman:
 - a) Any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including child pornography), or
 - b) Any assault, ill treatment, or neglect of a child, or
 - c) Any behaviour that causes psychological harm to a child, whether or not the child consented.
- **Agency Investigation** is the process of gathering information needed to make a decision about the management, supervision or continued employment of an employee who is the subject of an allegation or conviction in relation to a reportable incident.

6. RELEVANT LEGISLATION

Ombudsman Act 1974

This Act relates to the Ombudsman's child protection jurisdiction and relates to conduct of investigations, the ability to compel the production of documents, the ability to interview witnesses, the ability to respond to complaints about a matter that has been notified or that may be notifiable under the Act and secrecy provisions.

Children and Young Persons (Care and Protection) Act 1998

This Act prescribes the role of the NSW Department of Human Services – Community Services, and that this agency has the lead responsibility under this Act. The Act defines a child as 'a person who is under the age of 16 years'.

Human Services And Facilities Division Report No. 11 - Adoption by Council of the Child Protection Policy

Manly Council Draft Child Protection Policy August 2010

Child Protection (Prohibited Employment) Act 1998

The Act prohibits persons with serious sexual offences from working in positions of child-related employment as listed in s. 3(a) of the Act, that primarily involves direct contact with children where the contact is not directly supervised. For the purpose of the Act, a child means 'a person who is under 18 years of age'.

Commission for Children and Young People Act 1998

This Act establishes the Commission for Children and Young People and gives it functions that include but are not limited to monitoring the safety, welfare and well-being of children, and policy making and advocacy for children and young people. For the purpose of this Act a child means a person under 18 years of age.'

Child Protection (Offenders Registration) Act 2000

Under this legislation, a person who has been found guilty of a registerable offence against children under the Act is known as a 'Registerable Person', and as such strict reporting obligations and limits are placed on such persons.

Freedom of Information Act 1989

Under the Freedom of Information Act 1989, a person is entitled to apply for access to and /or correction of information about relevant employment proceedings taken by the person's employer.

7. MANLY COUNCIL CHILD PROTECTION PRINCIPLES

Child Protection is an underlying principle in all Council services and in particular where child related work is conducted. To ensure that child protection principles are upheld, there will be guidelines, processes and policies in place to ensure;

- Strict observance of Manly Council's Code of Conduct by all employees.
- Strict adherence to the NSW Children's Services Regulation 2004 and National Quality Standard for Early Childhood Education and Care.
- All permanent employees engaged in child related work should undertake Child Protection training within 12 months of commencing employment.
- Clear guidelines and policies for Behaviour Management in all Council operated child care services.
- There is appropriate supervision by maintaining maximum visibility at all times. Maximum visibility would be ensuring all child/adult interactions are clearly visible to other adults and not withdrawn to unobservable areas.
- Where possible there should always be a minimum of 2 staff present when a service is being provided for children.

Human Services And Facilities Division Report No. 11 - Adoption by Council of the Child Protection Policy

Manly Council Draft Child Protection Policy August 2010

- Employees should be aware that it is not permitted to socialise with a child or young person outside of the workplace.
- Employees should be aware that it is not permitted to purchase gifts or pay special attention to a child or young person.
- Employees should be aware that it is not permitted to take a child or young person to their home, or transport a child without parental consent, and then only if it is within the provision of the service.
- Employees should be aware that it is not permitted to touch or make suggestive comments that may be deemed inappropriate. These may not be sexual in nature, but can elicit a level of discomfort from the child or from others who observe the behaviour.
- Employees should be aware that it is not permitted to provide alcohol or drugs to children or young people.
- Children and Young People with Additional Needs present a particular concern in relation to Child Protection. Therefore as well as the above protective practices all employees should be kept informed of any child's requirements regarding relevant medical and care needs, or any other information available, in order they may appropriately and sensitively plan for a child or young person's individual needs.

8. Related Documents

Manly Council Child Protection Procedure 2010

Children's Services Regulation 2004, NSW

Spot It, Help Stop It – Preventing Child Abuse and Neglect, NSW Department of Community Services May 2005

Child Protection in the Workplace, NSW Ombudsman, 3rd edition, June 2004.

Manly Council Code of Conduct, September 2008

NCAC Child Protection Fact Sheet
(www.ncac.gov.au/factsheets/oshcqa_factsheet_14_child_protection.pdf
03 Jun 2008)

Protecting Children is Everyone's Business – National Framework for Protecting Australia's Children 2009-2020, Commonwealth of Australia 2009

National Quality Standard for Early Childhood Education and Care and School Age Care, Council of Australian Governments December 2009

www.check.kids.nsw.gov.au (website of NSW Commission for Children and Young

People - **For accessing Applicant Declaration and Consent Forms, Volunteer/Student Declaration Forms**)

www.keepthemsafe.nsw.gov.au (website for Keep Them Safe, A shared approach to child wellbeing, NSW Government- **For accessing information on Mandatory Reporting**)

Policy Title Child Protection Policy
Date of Issue: Date

Page 5 of 6

ATTACHMENT 1

Human Services And Facilities Division Report No. 11 - Adoption by Council of the Child Protection Policy Manly Council Draft Child Protection Policy August 2010

http://www.keepthemsafe.nsw.gov.au/information_sharing (For information sharing for Mandatory Reporters)

9. Performance Standards

- a) All staff has access to this policy.
- b) All staff working in child related services have signed that they have read and understood the child protection policy.
- c) A signed record of staff who work in child related services is obtained, stating they have read and understood the Manly Council and relevant service child protection policy. This signed record is kept in the employee's personnel file.
- d) Council to provide information on child protection to the community and families accessing Council operated child care services

10. Review of the policy

This policy will be reviewed on a two yearly basis. Where legislative, policy or funding environment impacts on the policy in its current form, the policy will be reviewed and amended accordingly.

11. POLICY HISTORY

Minute No	Date of Issue	Action	Author	Checked by
	6 September 2010	Draft Policy to P&S Committee Meeting	Kathryn Fayle	Key Personnel

Policy Title Child Protection Policy
Date of Issue: Date

Page 6 of 6

TO: Ordinary Meeting - 13 September 2010
REPORT: Human Services And Facilities Division Report No. 12
SUBJECT: Sydney Road Markets – review on location and operations
FILE NO:

SUMMARY

At the Ordinary meeting of Council on 9th August 2010, Council resolved:

That:

- 1. Council urgently investigate possible options under clause 8 (vi) to relocate the markets to Market Lane and Short Street as soon as possible. If it is not legally possible then the General Manager to bring back an urgent report on the possible options on the future of the markets.*
- 2. Rules of Operation be altered to read "Items for sale must be handmade quality goods produced in Australia".*
- 3. Council enforce strict compliance with the conditions of the licence agreement.*

This report seeks to address each of the above issues.

REPORT

1. Relocation of the Market Area

Clause 8 (vi) of the Licence Agreement provides that:

"Council shall have the right to relocate the Market to another area of Manly on any given day provided that it gives at least fourteen (14) days previous written notice of such requirement to the Licensee. On any such day the licensee shall ensure that no stalls are set up or operate in the Market Area."

This clause is a standard clause in all of Council's licences which are on public roads. The clause enables a road authority (ie Council or another authority such as Sydney Water) to temporarily remove the licensee from the area, in the event that Council needed to gain access to the site to undertake any road works, etc.

Council's legal Counsel has advised that the Agreement does not empower Council to unilaterally relocate the area constituting the "Market Area" on a permanent basis. This change would require an amendment to the Agreement, and that amendment would require the agreement of both Council and the Licensee (Blue Sky Event Pty Limited) to relocate on a permanent basis.

In regards to the option to relocate the markets to Market Lane and Short Street, the Licensee has advised that the total number of market stalls permitted in the Agreement (up to 70 stalls) will not fit within the Market Lane / Short Street location, and the impact of the markets would be lost as these are non-contiguous sites.

Whilst there may be other areas in Manly where a future Market could be located and possibly successfully operate, any proposal for locating the markets to another area in Manly will require an applicant to lodge a Development Application for Council's determination.

Accordingly the Market Operator has advised Council that they do not wish to relocate from their current location in Sydney Road on a permanent basis during the remaining term of the Licence.

Human Services And Facilities Division Report No. 12 (Cont'd)

Council should note that it cannot force the Licensee to relocate the current markets to another location (such as Market Lane or Short Street) on a permanent basis without the agreement of the Licensee, and without development consent.

Possible Options on the future of the Markets

The Council has the opportunity to determine other possible sites in Manly over the next 12 months, to identify other locations which may be suitable for a future Markets, whatever form that might take.

Clause 5 (ii) of the agreement allows either party, that is the Council or Blue Sky Events Pty Limited, to terminate the Agreement by giving not less than 3 months notice in writing.

2. Rules of operation

The agreement itself contains no power to alter the Rules, except, by agreement of both parties to the Agreement.

Clause 8 (viii) provides that *"The Council will review the management of the Market at the end of each year of operation and consider issues including but not limited to location, impact on local business, product quality and stall participation fees, and the Licensee will accept the reasonable directions of the Council as a result of such reviews"*.

This clause does not confer any substantive power upon Council to change any of the Rules annexed to the Agreement.

Rule 12 of the Agreement states, amongst other things, that *"Items for sale must be predominantly designed by the stallholder in Australia"*. Further that *"Preference must be given to hand made goods produced in Australia of good quality, etc.."*. There is no obligation that the goods **have** to be made in Australia.

The agreement between Blue Sky Events Pty Limited and the stall holders requires the stallholder to confirm the origin of the design of items sold, in accordance with Rule 12 of the agreement.

Council is advised that any change in the Rules annexed to the Agreement, will require the agreement of both parties to the Agreement.

Council's legal Counsel expressed grave doubts as to the lawfulness of the resolution of Council; and in his view, the resolution that Council is seeking to impose is likely to be unlawful, if not also unconstitutional and could be held in a court of law, to be a restraint on trade and a breach of the *Trade Practices Act (Commonwealth)*.

In that regard, the broad grant of power conferred by section 8 (Council's Charter) and section 24 of the Local Government Act, 1993, would not, enable a council to go "beyond the accepted notions of local government".

2. Compliance

Each weekend since 3 - 4 July 2010, , Council Rangers have completed inspections and surveys for compliance with the Agreement conditions for stalls at the Sydney Road markets.

On the weekend of 3 - 4 July the Rangers noted the following non compliance issues: (1) three boxes of goods from stalls which were spread beyond the particular stalls, hindering the use of the

Human Services And Facilities Division Report No. 12 (Cont'd)

walkway; and (2) several stalls closed at 4.00pm, due to inclement weather. (The Agreement states that the market is to be open between 9.00am and 5.00pm.)

These issues were resolved co-operatively as stall holders moved their goods, and one stall holder paid for an extra stall to hold his goods. Also, stall holders explained to Rangers that they traditionally closed earlier in winter if inclement weather was experienced.

Reports were received from Council's Rangers for weekends of: 11th & 12th, 17th & 18th, 24th & 25th July; 7th & 8th, 14th & 15th 21st & 22nd, 28th & 29th August; and 4th & 5th September. Council's Rangers undertook regular inspections and did not report any examples of non compliance, apart from the early closing incident.

Since the Council meeting of 9th August, 2010, Council has received correspondences from the Chamber of Commerce alleging breaches of the market area and operations. These have been passed onto the Licensee or the Rangers, as appropriate, for their attention.

The alleged stallholder breaches relate to stallholders who have closed up to one hour earlier than specified in the agreement (in winter due to darkness and inclement weather; and who have left early for personal or religious reasons). The trailer used to transport the market stalls was parked in its designated location Market Lane longer than permitted due to a broken axle.

Conclusion

During the past month, the Market Licensee has collected a petition signed by businesses in Sydney Road and the surrounding area, which support the continuation of the markets on weekends and public holidays, at their current location in Sydney Road. This petition has been provided to Council and will be tabled at the meeting.

Council's legal advice confirms that Council has no authority pursuant to the Agreement to require the Licensee to permanently relocate the Markets to another location in Manly, without the Licensee's agreement.

In the event that the Licensee agreed to re-locate the markets to another location in Manly, development approval for a markets would be required.

Goods sold in the markets are regulated through the agreement between the market operator and the stallholder and reflect Rule 12 of the agreement between Council and the market operator. A copy of the relevant section the agreement is as follows:

- | | |
|----------------------|--|
| ELIGIBLE
PRODUCTS | <ul style="list-style-type: none">• Items that may be offered for sale at the Market must be Australian-made arts & craft that are predominantly hand made. Included in the Eligible Products category are paintings, drawings & prints (etching, silkscreen, litho), antiques that are restored, bags, candles & wax products, ceramics, clothing, footwear, furniture, glassware, hats, home wares, indigenous Australian art, jewellery, leatherwork, music, photography, plants, sculpture & engravings, soaps, oils & perfumes, stationery, cards & paper products and other items on a case by case basis.• Items of clothing are permitted provided that they are predominantly hand-made. Items of clothing which have minimal or no hand-crafted input are not permitted.• T-shirts which bear original patterns/motifs/art work, hand dyed silk scarves and original/unique non commercial items are allowed provided they are not manufactured on a commercial scale by mass production methods.• Home made items such as jams, cakes, preserves are acceptable. |
|----------------------|--|

Human Services And Facilities Division Report No. 12 (Cont'd)

- Selection criteria include the quality of workmanship, originality of design and creativity, and whether the product adds to the range of products currently being sold at the Market.
- The Manager reserves the right to vary permitted product categories at the Market at its sole discretion.

Council's rangers have been requested to continue to check compliance with operation layout, ingress and egress and hours of operation. It is not their role to police the types of goods sold.

Due to the legal advice received by Council and the requirement for another development application to be determined, the markets should be permitted to remain in Sydney Road for the term of the current license agreement.

RECOMMENDATION

That:

1. The report be received and noted;
2. That the market operations remain in Sydney Road, Manly until the current Licence Agreement terminates, that is 31st August 2011.
3. That the Council determines the future uses of Sydney Road, Short Street, Market Lane and Library Place as hubs for markets and community engagement venues, following the termination of the agreement in August 2011.

ATTACHMENTS

There are no attachments for this report.

OM130910HSFU_2

***** End of Human Services And Facilities Division Report No. 12 *****

TO: Ordinary Meeting - 13 September 2010
REPORT: Civic and Urban Services Division Report No. 9
SUBJECT: Balgowlah Permit Parking Scheme (BPPS)
FILE NO:

SUMMARY

This report outlines the work undertaken on the proposed Balgowlah Permit Parking Scheme (BPPS) within the Balgowlah precinct, and proposes the introduction of the scheme into three streets, being Cormack Street, Learmont Ave and Condamine Street, for a length of one block between White Street and Sydney Road.

REPORT

Following the development of the Balgowlah (Village) Shopping Centre, the Balgowlah Chamber of Commerce, commuters, residents and employees working in the general Balgowlah shopping area sought Council's assistance to develop an on-street parking strategy to address the problems with local parking.

Development of a parking strategy was investigated through residential surveys to determine local parking preferences and habits. This investigation resulted in the proposal put to the Planning and Strategy Committee Meeting held on 3 May 2010 (Attachment 1).

At this meeting, Council resolved that:

1. The implementation of the Balgowlah Permit Parking Scheme be deferred to allow for further consultation with surrounding Precincts.
2. The Principal of Manly West Public School be contacted.

In June 2010 the surrounding precincts, businesses in the area, churches, and the Principal of the Manly West Public School were invited to provide detailed comments on the proposal.

Summary of the responses are provided as follows:

Precincts

Ivanhoe Park – Issues raised:

- No strong support to the scheme
- Transfer of parking problem to adjoining areas
- Holistic approach to Parking Permit Scheme for areas west of CBD (Ivanhoe Park, Balgowlah, Fairlight & North Harbour)
- Exclusion of employees associated with Balgowlah Village from the permit scheme
- Clarification of criteria for issuing permits for businesses

Fairlight (Draft Minutes) – Issues raised:

- Transfer of parking problem to adjoining areas
- Exclusion of employees associated with Balgowlah Village from the permit scheme
- Limit on the number of permits for businesses
- Question the extent of the BPPS “buffer zone” but make no recommendations

North Harbour and Balgowlah – Issues raised:

- Request for 1 hour parking limit in Cormack St and Learmonth Ave. to be for 7 days and 8 am to 10 pm

Civic and Urban Services Division Report No. 9 (Cont'd)

- Request for 2 hour resident parking scheme in Condamine St between Sydney Rd and White St ASAP.
- Request for resident parking scheme in the carpark on Condamine St.
- Request to increase the size of the carpark on Condamine St.

Businesses

- Increase number of permits.
- Impact of employees associated with Balgowlah Village on pre-existing businesses
- Survey results flawed in first report:
 - Businesses not included
 - Survey methodology, analyses and conclusions (high rate of response, correlation between parking analyses and residents response).
 - Number of houses with off-street parking.
- Parking Survey methodology (frequency and days of week survey undertaken)
- Time limits and times of operation
 - Proposed Time limit should be more than Balgowlah Village time limit. i.e. 3hrs.
 - Proposed Time of operation is excessive (8 am – 8 pm, 7 days per week) should be 2 – 6pm, Monday to Friday.
- The proposed area for the BPPS is excessive and should be reduced.

Residents

Submission by 19 Residents of Cormack St and Learmonth Ave – issues raised:

- Request for 1 hour parking limit in Cormack St and Learmonth Ave. to be for 7 days and 8 am to 10 pm

One (1) response from a resident outside BPPS area (Seaview St.) – issues raised:

- Request to be included in the BPPS

One (1) response from a resident outside BPPS area – issues raised:

- Strongly opposed to the BPPS.

Manly West School

As the school has limited off street parking, all visiting volunteers, consultants and Departmental personnel utilise the bordering streets. As we rely heavily on volunteers, I believe a change in parking arrangements may affect areas such as the canteen, library, scripture and classroom helpers.

Balgowlah (Village) Shopping Centre Staff Parking Scheme

Stockland have advised Council that a survey of employees working in The Village shopping centre showed 70% of those who drive to work would rather park in the centre and pay a fee than park on surrounding streets. Following this survey Stockland proposed to conduct a 6 month trial charging \$4 per day.

Proposal

After considering feedback from residents, businesses and precinct with specific consideration provided to: Condamine Street between Sydney Road and White Street, due to the high amount of bus commuters parking and employee parking ; and Cormack and Learmonth Streets, in recognition of the strong residents support, the proximity to Balgowlah (Village) Shopping Centre, the narrowness of the streets, the laneway linkage from Learmonth to major streets and facilities, and frequent use of these streets and associated laneway by Manly West Primary School students) it is proposed that a limited scale Balgowlah Permit Parking Scheme is introduced (Attachment 2) in conjunction with the Balgowlah (Village) Shopping Centre Staff Parking Scheme to enable Council to assess the impacts of these changes on the areas which are most highly impacted by parking unavailability.

Civic and Urban Services Division Report No. 9 (Cont'd)

The limited scale BPPS will provide:

1. 2 hour parking limits on both sides of Condamine Street between Sydney Road and White Street, to operate Monday - Saturday between 8am and 6pm.
2. 1 hour parking limits on both sides of Cormack St and Learmont Ave, to operate 7 days between 8am and 10pm.
3. The occupants of each ratable address in the BPPS area are eligible to apply for up to three (3) parking permits and one (1) trailer permit. A request for additional permits in exceptional circumstances only, may be made by written application to the General Manager. The proposed cost of permits are as follows:
 - a. First Permit: Free
 - b. Second permit: \$20.00
 - c. Third (maximum): \$80.00
 - d. Trailer Permit: \$80.00
 - e. Replacement Permit: \$150.00
 - f. Permit Holders: \$4.00 each
4. All other areas no Permit Parking scheme will be implemented for the present period.

RECOMMENDATION

That:

1. Implementation of the proposed Balgowlah Permit Parking Scheme as outlined in this report; and
2. That the Balgowlah Permit Parking Scheme be reviewed after a trial period of 6 months, to assess the impacts of the BPPS and the Balgowlah (Village) Shopping Centre Staff Parking Scheme, and consider those impacts in conjunction with any additional or ongoing feedback provided.

ATTACHMENTS

AT- 1 Balgowlah Permit Parking Scheme 3 May 2010 Proposal 8 Pages

AT- 2 Proposed Balgowlah Permit Parking Scheme Map 1 Page

OM130910CSU_2

***** End of Civic and Urban Services Division Report No. 9 *****

**Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS)
Balgowlah Permit Parking Scheme 3 May 2010 Proposal**

PLANNING AND STRATEGY COMMITTEE

3 MAY 2010

TO: Planning and Strategy Committee - 3 May 2010
REPORT: Civic and Urban Services Division Report No. 3
SUBJECT: Balgowlah Permit Parking Scheme (BPPS) Draft Report
FILE NO:

SUMMARY

This is a study report, for information purposes, of a proposed Parking Permit Scheme in the Balgowlah Shopping Centre and surrounding area.

The aim of the Balgowlah Permit Parking Scheme (BPPS) is to:

- Identify the extent of the area to be included in the BPPS;
- Evaluate comments received as part of the questionnaires survey;
- Develop a permit parking scheme that will address the residential, commercial, retail and commuter parking demand; and
- Develop a period parking strategy to meet the short term parking demand of land use activities and also that meets the long term parking demand of the local residents.

REPORT

Background and Introduction

Following Council approval of the development of the Balgowlah Village (Stockland) shopping centre, during various stages of the construction activity and the opening of the centre, streets surrounding Balgowlah Village shopping centre have experienced a major increase in the demand for parking spaces during 6am to 6pm Mondays through Saturdays.

During the construction activity, commuters who previously were permitted to park free of charge in the old Totem Shopping Centre were forced to park on adjoining residential streets. As well, construction workers also parked their vehicles in surrounding streets.

Further, progressive commencement of the retail trade in the Balgowlah Village shopping centre and the restricted free parking operations, together with non-provision of employee parking created extra additional parking demand on many residential streets. Lack of available unrestricted parking spaces increased the strain on available parking stock.

The Balgowlah Chamber of Commerce, commuters, residents and employees working in the general Balgowlah Village area sought Council's assistance to develop a parking strategy.

Currently the parking demand has subsided following major changes to the parking arrangements by the Balgowlah Village shopping centre. This has removed a significant demand for on-street parking spaces generally, to one area north of Sydney Road.

However, the commuter parking demand has increased following improvements to express bus service to the City, and has affected an area generally south of Sydney Road between Condamine Street and Woodland Street South.

Also, employees from general retailers servicing Sydney Road south, are occupying unrestricted parking stock south of Sydney Road and have made on-street parking spaces virtually unavailable to local residents during the best part of the business day.

ATTACHMENT 1

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Balgowlah Permit Parking Scheme 3 May 2010 Proposal

PLANNING AND STRATEGY COMMITTEE

3 MAY 2010

Civic and Urban Services Division Report No. 3 (Cont'd)

Resident Survey

Council staff have quantified the parking demand and undertaken a general questionnaire survey of residents. The extent of the area to be surveyed was based on complaints received, and a buffer zone was included to address any potential shift of the parking demand should parking restrictions, in the form of a Permit Parking Scheme, be adopted by Council.

The survey questionnaire is shown at Attachment 1. Council engaged an external company to distribute around 2,000 questionnaires to all known addresses (including apartments and business premises) in the survey, which is the area shown in Figures 1 to 4 of this report (refer to Attachments 2, 3, 4 and 5 respectively).

Parking Surveys

Council staff carried out a survey of the occupancy rate of on-street parking in the survey area. The survey was carried out in business hours and identified, on a block-by-block basis, the number of parked vehicles and the number of vacant spaces.

Council staff also carried out a survey of the off-street parking available for each residential unit in the areas close to the Balgowlah commercial centre. This has identified that a significant number of older apartment buildings, duplexes and even detached cottages lack off-street parking, requiring their residents to park on-street.

Parking Analyses

Figure 1 identifies the streets where over 70 percent of spaces were occupied at any time during the on-street parking surveys. In these locations, and especially where over 80 percent of spaces were occupied, drivers would have difficulty seeking short-term parking while visiting the Balgowlah commercial centre, and residents returning home would have difficulty finding on-street parking near their homes,

Figure 2 shows the response rates, block by block, to the resident survey. The response rate is a general indicator of interest in the proposal for a Permit Parking Scheme, and therefore reflects to some extent residents' concerns about on-street parking issues.

Figure 3 summarizes, on a block-by-block basis, responses to the survey question "*How often do you experience parking difficulties in your street?*" Answers to the question were scored between 1 (Infrequently) and 5 (Frequently), and blocks where respondents gave an average score of 3.5 or more are marked.

Figure 3 clearly shows a core area around the Balgowlah commercial centre where residents have problems competing for parking with business employees who park all day while working in Balgowlah, commuters who park all-day to travel by bus to the city, and persons who park while visiting the Balgowlah centre.

Proposed Permit Parking Scheme Area

Based on the information shown in Figures 1 to 3, it is proposed that a Permit Parking Scheme for Balgowlah, if approved, should initially encompass the areas shown in Figure 4.

This area covers the core area where residents showed a high survey response rate and indicated a high degree of difficulty in finding on-street parking, and the areas where the parking survey shows that daytime parking demand is high.

It also includes a peripheral buffer zone, in recognition that a Permit scheme limited to the core area would simply displace all-day non-resident parkers to the immediately surrounding area. The

ATTACHMENT 1

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Balgowlah Permit Parking Scheme 3 May 2010 Proposal

PLANNING AND STRATEGY COMMITTEE

3 MAY 2010

Civic and Urban Services Division Report No. 3 (Cont'd)

additional peripheral area will force all-day parkers to consider other options, such as using public transport to come to the Balgowlah commercial centre or find parking elsewhere when commuting to the city by bus.

The Permit scheme area will need to be fine tuned as the present all-day parkers modify their mode choice and travel patterns following the introduction of a Permit Parking Scheme. The area defined in Figure 4 is therefore proposed for the initial stage of a scheme.

Proposed Permit Parking Area Time Limits and Times of Operation

In order to encourage short-term visitors to the Balgowlah commercial centre to use the free parking available in the Stockland Village development, the general parking time limit in the Permit Scheme area needs to be less than the 3 hours free time available in Stockland.

It is therefore proposed that the general parking time limit be 2 hours, if a Permit scheme is introduced. Shorter time limits will remain in specific areas, such as near facilities requiring parking for shorter-term visits, such as the Post Office. It should be noted that parking time limits have to be approved by the Manly Traffic Committee, and that Sydney Road is a State Road under the complete care and control of the Roads and Traffic Authority.

It is proposed that the parking time limits initially be imposed between 8AM and 8PM every day, subject to fine tuning as parkers adjust to the Permit Scheme.

Council's existing Permit Parking Schemes make provision for permits to be issued to businesses which require on-street parking for their operations. It is proposed that this arrangement be adopted in the case of a Balgowlah scheme being approved, with the issue of business permits to be at the discretion of the General Manager.

The current cost of the permits is as follows:

Permit Holders:	\$4.00 each
First permit:	Free
Second permit:	\$20.00
Third (maximum) permit:	\$80.00
Trailer permit:	\$80.00
Replacement permit:	\$150.00

RECOMMENDATION

That the proposals outlined above be considered by Council for the implementation of a Balgowlah Permit Parking Scheme.

ATTACHMENTS

AT- 1	Balgowlah Permit Parking Scheme - Community Consultation Survey	1 Page
AT- 2	Balgowlah Permit Parking Scheme - Figure 1	1 Page
AT- 3	Balgowlah Permit Parking Scheme - Figure 2	1 Page
AT- 4	Balgowlah Permit Parking Scheme - Figure 3	1 Page
AT- 5	Balgowlah Permit Parking Scheme - Figure 4	1 Page

Document3

***** End of Civic and Urban Services Division Report No. 3 *****

ATTACHMENT 1

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Balgowlah Permit Parking Scheme 3 May 2010 Proposal

ATTACHMENT 1

Civic and Urban Services Division Report No. 3 - Balgowlah Permit Parking Scheme (BPPS) Draft Report Balgowlah Permit Parking Scheme - Community Consultation Survey



Manly Council

Community Consultation

Dear Resident,

Manly Council is considering operating a new Permit Parking Scheme in the Balgowlah area encompassing the following streets: **Angle Street, Balgowlah Road, Bentley Street, Boyle Street, Burton Street, Condamine Street, Cormack Street, Griffith Street, Jackson Street, King Avenue, Learmonth Avenue, Lodge Street, Lombard Street, Lower Beach Street, Nield Avenue, Northcote Avenue, Orchard Street, Sydney Road, Waratah Street, West Street, White Street, Willyama Lane and Woodland Street.**

The parking restrictions in the new Balgowlah Permit Parking Area will provide for two (2) hours parking from 8am to 8pm every day, Balgowlah permit holders excepted.

In response to comments from residents and the Balgowlah Precinct, Council is now surveying the residents within the above streets, to ascertain whether the permit parking area should be implemented.

If you are a resident (owner or occupant), or conduct a business in the area of the permit scheme and you become a permit holder, you are entitled to park in the restricted parking areas at all times, with no time limit constraints. Holders of permits cannot be guaranteed a parking space, however it is expected that if a permit parking scheme were introduced in your street, parking availability would improve for permit holders.

Council proposes that if the new Balgowlah Permit Parking Scheme is implemented it would operate in the same manner as all existing permit parking schemes in Manly, with the fees as follows:

- Free for the **First permit**, plus \$4.00 for a display holder
- \$20.00 for the **second permit**, plus \$4.00 for a holder
- \$80.00 for the **third permit**, plus \$4.00 for a holder.

As part of the notification process Council is inviting your comments on the number of permits, cost and structure of the Permit Parking Scheme.

Please return the completed survey by 5pm 17 July 2009
by either:

- Mailing it reply paid to Council
- Faxing it back to Council on 9976 1400
- Emailing it back to records@manly.nsw.gov.au
- Delivering it to Manly Council Offices at 1 Belgrave Street, Manly.

For further information contact manly Council's hotline on 9976 1600.

Thank you.

Henry Wong
General Manager
19 June 2009

Tell us what you think...

Please complete the survey by circling or ticking your choice:

1. I live in a street listed for the proposed Balgowlah Permit Parking Scheme (see list of street on left)?
☐ yes ☐ no
2. How often do you experience parking difficulties in your street?
Infrequently 1 2 3 4 5 Frequently
3. In your opinion, what impact will the scheme have on parking in your street?
Negative Impact 1 2 3 4 5 Positive Impact
4. How strongly do you support the proposed permit parking scheme?
Strongly opposed 1 2 3 4 5 Strongly Support
5. Please indicate your preference for the time limit for non-permit holders within the restricted area.
½ hr 1 hr 2 hrs 3 hrs 4 hrs or more hrs
6. Between what hours should the new time limit apply?
☐ Full time ☐ 8am – 6pm ☐ 9am – 5pm ☐ Other
7. Which days of the week should the restrictions apply?
M T W T F Sat Sun
8. In addition to the basic 3 permits per household, how many additional permits should be allowed per household?
☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ more
9. Is the fee for the 2nd permit appropriately priced?
Too cheap 1 2 3 4 5 Too expensive
10. Is the fee for the 3rd permit appropriately priced?
Too cheap 1 2 3 4 5 Too expensive

Additional comments:

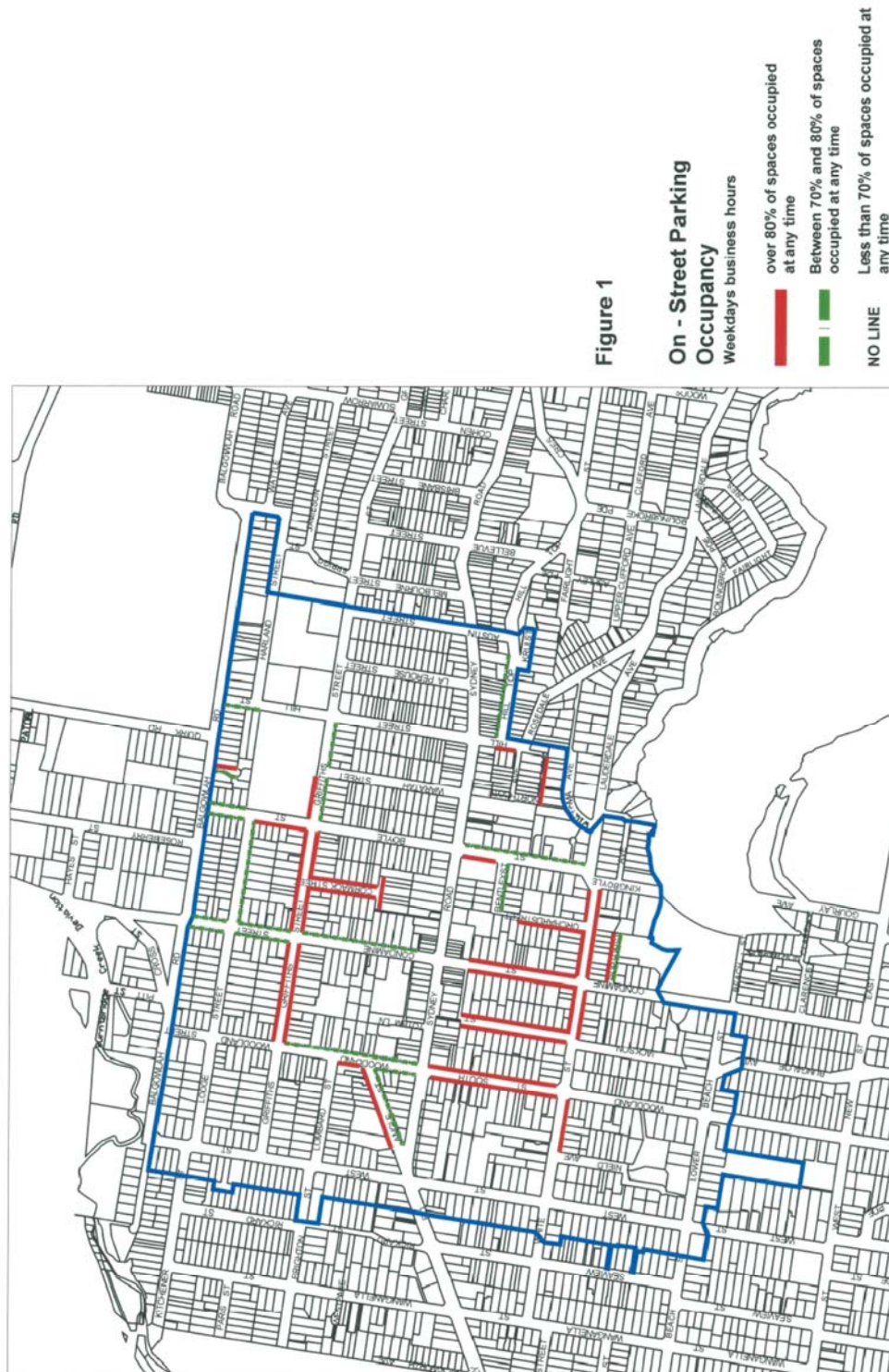
Name: _____
Address: _____

ATTACHMENT 1

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Balgowlah Permit Parking Scheme 3 May 2010 Proposal

ATTACHMENT 2

Civic and Urban Services Division Report No. 3 - Balgowlah Permit Parking Scheme (BPPS) Draft Report Balgowlah Permit Parking Scheme - Figure 1

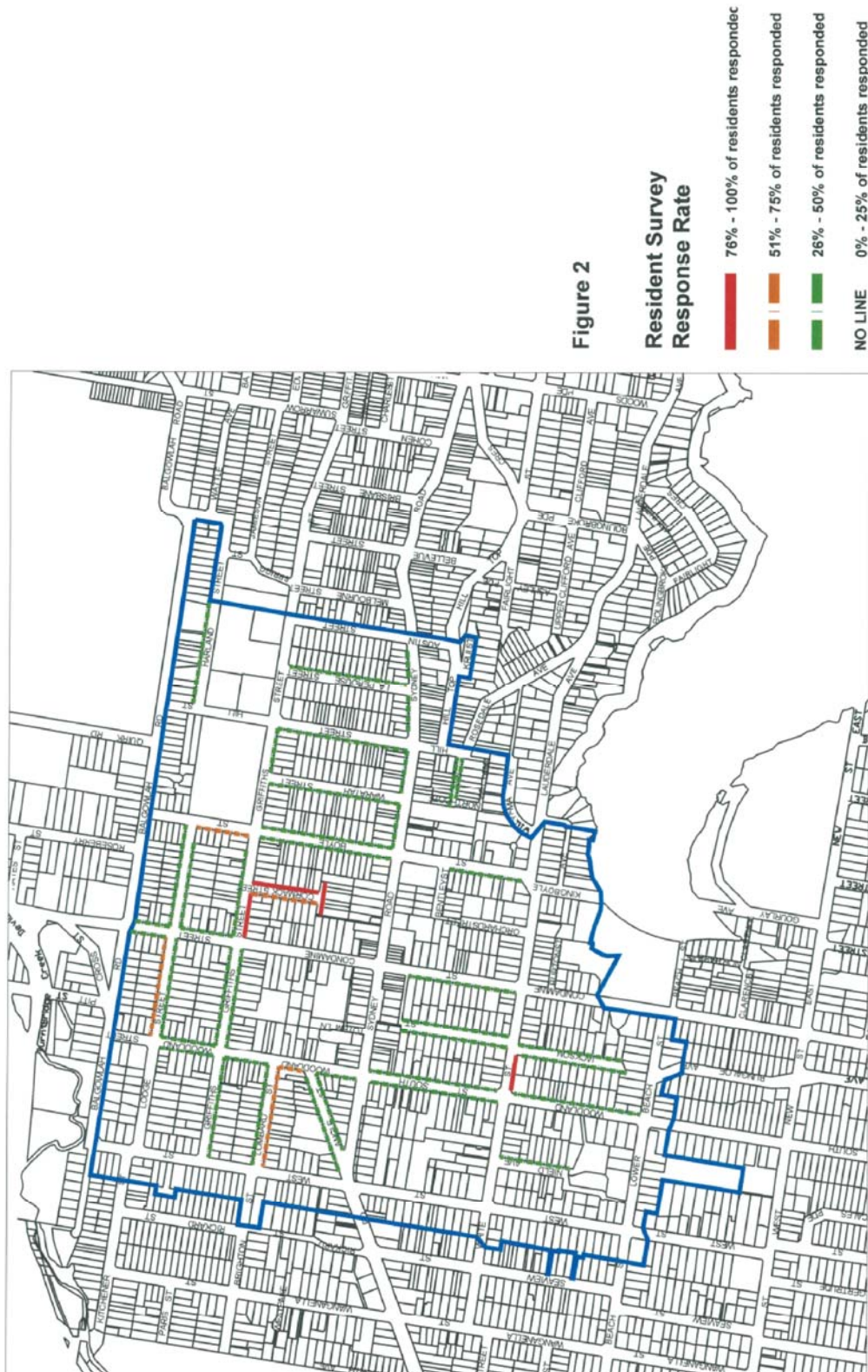


ATTACHMENT 1

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Balgowlah Permit Parking Scheme 3 May 2010 Proposal

ATTACHMENT 3

Civic and Urban Services Division Report No. 3 - Balgowlah Permit Parking Scheme (BPPS) Draft Report Balgowlah Permit Parking Scheme - Figure 2



Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS)
Balgowlah Permit Parking Scheme 3 May 2010 Proposal

Civic and Urban Services Division Report No. 3 - Balgowlah Permit Parking Scheme (BPPS)
Draft Report
Balgowlah Permit Parking Scheme - Figure 3

Resident Parking Difficulties

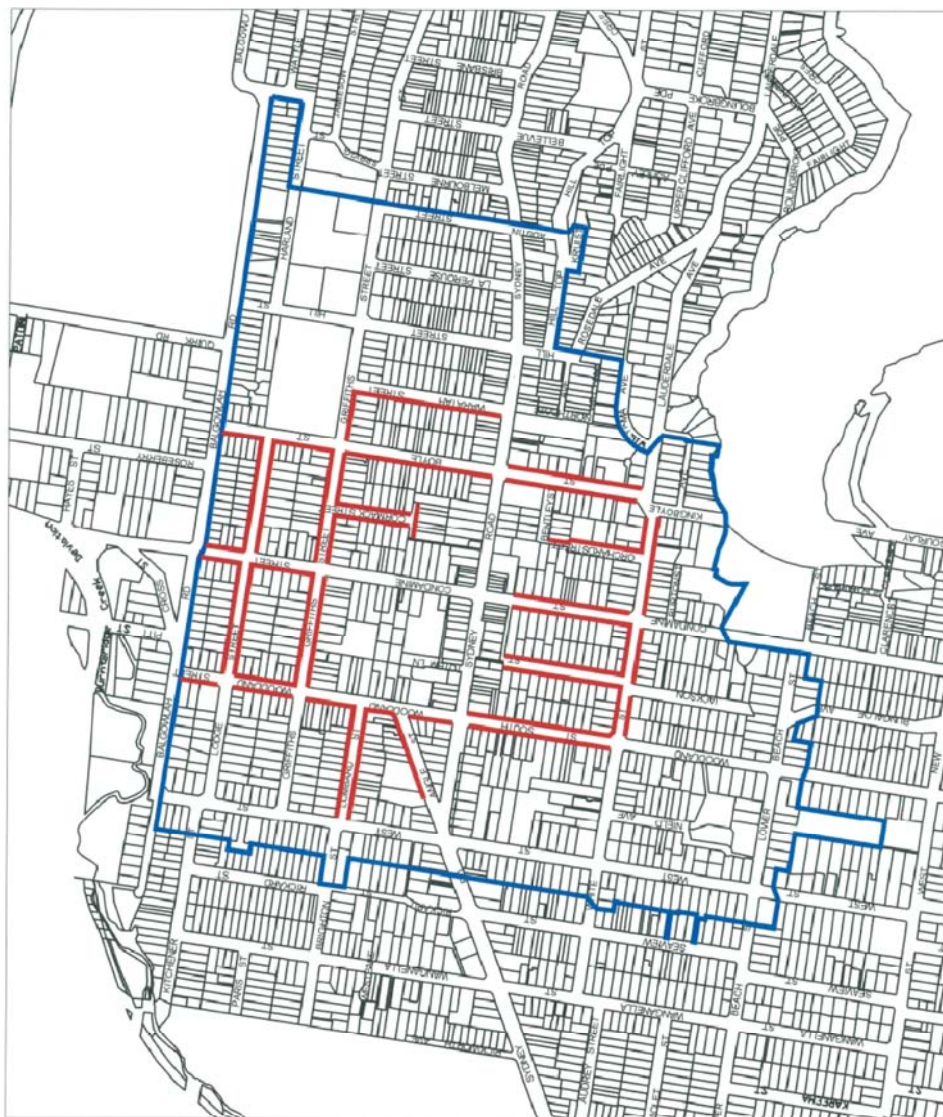
"How often do you experience parking difficulties in your street"

1 = Infrequently

3

4

Average score over 3.5

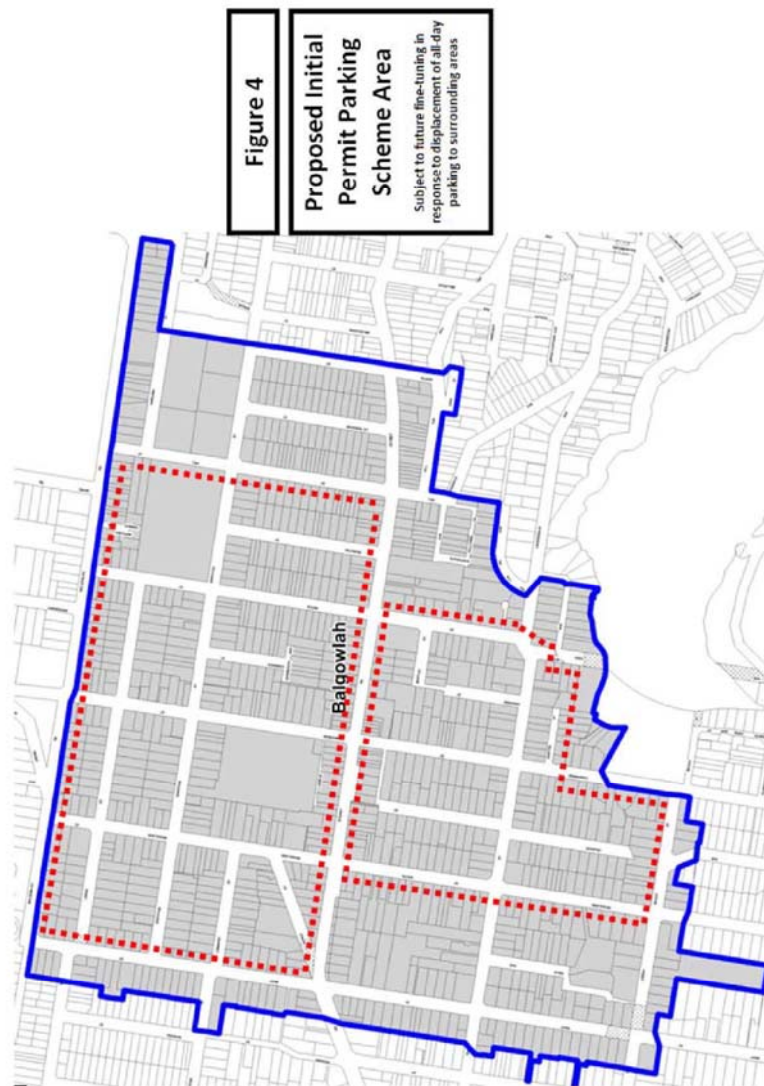


ATTACHMENT 1

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Balgowlah Permit Parking Scheme 3 May 2010 Proposal

ATTACHMENT 5

Civic and Urban Services Division Report No. 3 - Balgowlah Permit Parking Scheme (BPPS) Draft Report Balgowlah Permit Parking Scheme - Figure 4



ATTACHMENT 2

Civic and Urban Services Division Report No. 9 - Balgowlah Permit Parking Scheme (BPPS) Proposed Balgowlah Permit Parking Scheme Map

