

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 10 December 2012

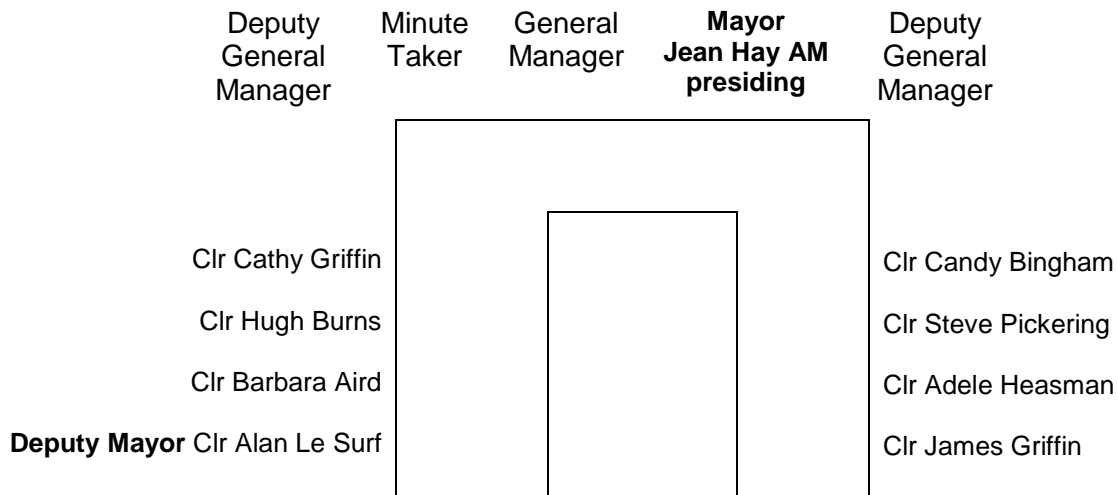
Commencing at 7.30pm for the purpose of considering items included on the Agenda.

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

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

www.manly.nsw.gov.au

Seating Arrangements for Meetings



Press

Public
Addresses

Public Gallery

Chairperson: The Mayor, Clr Jean Hay AM
Deputy Chairperson: Clr Alan Le Surf

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

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

TO: Ordinary Meeting - 10 December 2012
REPORT: Mayoral Minute Report No. 11
SUBJECT: Manly Pathway of Olympians
FILE NO:

I Move that Council:

1. honour its Manly local Olympians and Paralympians who had represented Australia at the 2012 London Games by immortalising their names onto the Manly Pathway of Olympians, and
2. seek sponsorship for these installations.

Background

Manly was once again blessed by the representation of Manly local athletes at the 2012 London Olympic and Paralympics Games. And this official Minute serves to once again honour our newest Olympians by immortalising their names onto the Manly Pathway of the Olympians.

The Manly Pathway of Olympians honours the strikingly large number of Manly residents (past and present) who have represented Australia at the Olympic or Paralympic Games, and features cast bronze plaques for Olympians and Paralympians who have had a significant association with the Manly Area.

Everyday, pedestrians, joggers, busy mums, school-children, tourist visitors, and even commuters rushing to catch the ferries, pause to read the inscriptions on Manly's 'Pathway of Olympians' on West Esplanade.

The Pathway has taken on the patina of a treasured local landmark since the conclusion of 'the best Olympics ever', with 92 Olympians and Paralympians commemorated on the Pathway, with separate adjoining plaques carrying the names of individuals and organisations who have supported the Manly Pathway of Olympians.

Manly has been represented at every Olympics since 1900, the Manly 'Pathway of Olympians' being established in 2000.

Manly residents who represented Australia at the 2012 Olympic Games held in London are:

PARALYMPIANS

Jennifer Blow: Goalball
Daniel Fitzgibbon: Sailing
Alexandra Green: Cycling track
Tristan Knowles: Wheelchair basketball
Liesl Tesch: Sailing

OLYMPIANS

Holly Lincoln-Smith (water polo)
Kynan Maley (canoe slalom)
Malcolm Page (sailing)
Sam Loch (rowing)
Nina Curtis (sailing)
Naomi Flood (kayaking)
Jo Brigden-Jones (kayaking)
Murray Stewart (kayaking)
Tom Fraser-Holmes (swimming)
Ky Hurst (swimming)

Mayoral Minute Report No. 11 (Cont'd)**RECOMMENDATION****I Move that Council:**

1. honour its Manly local Olympians and Paralympians who had represented Australia at the 2012 London Games by immortalising their names onto the Manly Pathway of Olympians, and
2. seek sponsorship for these installations.

ATTACHMENTS

There are no attachments for this report.

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***** End of Mayoral Minute Report No. 11 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Mayoral Minute Report No. 12
SUBJECT: Stuart Street Properties
FILE NO:

I move that:

1. properties 34, 36 and 38 Stuart Street Manly be zoned for Environmental Living E4 under the Draft Manly Comprehensive LEP;
2. Council proceed to create a three metre wide right of way at the rear of 34 and 36 Stuart Street to enable public access to the beach from the Craig Avenue Carpark;
3. Council approach the owners of 38 Stuart Street to seek agreement for a right of way at the rear of their property to link up with that proposed for 34 and 36;
4. following the creation of the right of way at the rear of 34 and 36 Stuart Street, these properties be sold and proceeds go to repay the loan on 40 Stuart Street, and the General Manager to determine the timing for these divestments
5. the General Manager be authorised to do all things necessary to implement the above points one to four, including the execution of any documents and the affixing of the Council Seal upon them; and
6. 40 Stuart Street remain zoned for open space.

Report

In my view, the decision made by the last Council to zone 34 to 40 Stuart Street for Open Space had completely ignored the fact that the original 1960s decision for these properties was made at a time when Little Manly had limited amount of open space and the imminent closure of the gasworks located at the Point for high-rise redevelopment.

Since then, the provision of open space at Little Manly has vastly improved when in 1988, the then Local Member lobbied the Government to retain the former gasworks site for rehabilitation and gifting of the entire former gasworks site to the Council for public open space, which resulted in Little Manly among the best in the Manly LGA in terms of open space.

Compounding on the zoning decision was the Council's subsequent decision to acquire 40 Stuart Street, seemingly at any cost, which has forced the Council into considerable debt for a revenue deficit asset. This inevitably has caused, and will continue to cause, significant pressure on Council's cashflow and programs.

RECOMMENDATION

I move that:

1. properties 34, 36 and 38 Stuart Street Manly be zoned for Environmental Living E4 under the Draft Manly Comprehensive LEP;
2. Council proceed to create a three metre wide right of way at the rear of 34 and 36 Stuart Street to enable public access to the beach from the Craig Avenue Carpark;
3. Council approach the owners of 38 Stuart Street to seek agreement for a right of way at the rear of their property to link up with that proposed for 34 and 36;

Mayoral Minute Report No. 12 (Cont'd)

4. following the creation of the right of way at the rear of 34 and 36 Stuart Street, these properties be sold and proceeds go to repay the loan on 40 Stuart Street, and the General Manager to determine the timing for these divestments
5. the General Manager be authorised to do all things necessary to implement the above points one to four, including the execution of any documents and the affixing of the Council Seal upon them; and
6. 40 Stuart Street remain zoned for open space.

ATTACHMENTS

There are no attachments for this report.

OM101212MM_2.DOC

***** End of Mayoral Minute Report No. 12 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 43
SUBJECT: 2014 School Student of the Year
FILE NO:

Councillor Steve Pickering will move:

That Manly Council establishes a *School Student of the Year Award* as part of the *NSW Local Citizen of the Year Awards* in 2013.

Background

As part of the NSW Local Citizen of the Year Awards Council currently awards; Citizen of the Year, Young Citizen of the Year, Sportsperson of the Year and Community Event of the Year. In 2013 it is proposed that every school in the Local Government Area nominates a meritorious student who has made a significant contribution to the community. These awards would be presented by the Mayor or a Councillor at each School's annual presentation day. Award winners from LGA schools would then be considered by Council for the inaugural award of the *2014 School Student of the Year*.

The school awards and the overall award would be highly sought after and strengthen Council's relationship with school communities in the Manly area.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 44
SUBJECT: Proposal to locate a six person outrigger canoe at Little Manly
FILE NO:

Councillor Cathy Griffin will move:

That consideration be given to the proposal from the Northern Beaches Dragon Boat Club to locate a six-person Outrigger Canoe at Little Manly Cove. Manly Council respond to the Northern Beaches Dragon Boat Club in writing the outcome of its deliberations.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM101212NM_2.DOC

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

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 46
SUBJECT: Master Plan for Ivanhoe Botanic Gardens
FILE NO:

Councillor Cathy Griffin will move:

That Manly Council develop a Master Plan for the Ivanhoe Botanic Gardens area bounded by Sydney Rd, Belgrave St, Raglan St, rear building line of the properties on Birkley Rd Manly.

Background

This area has several landowners, but is largely in the 'care and control' of Manly Council. The Ivanhoe Botanic Gardens is of historic significance however the grounds and community buildings located in the centre of the gardens on the creek line are in need of an upgrade.

The purpose of this Master Plan would be to identify opportunities for various projects to:

1. Identify, preserve and improve interpretation of the heritage value of the Ivanhoe Botanic Gardens;
2. improve access in, around and through the area;
3. improve the community facilities located within the area;
 - a. scout hall;
 - b. childcare/kindergarten centre;
 - c. Diggers in the Park facilities;
4. improve the management of stormwater through the area with WSUD projects; and
5. identify opportunities for new community facilities such as a community garden.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 47
SUBJECT: Free Wi Fi Access in Manly CDB
FILE NO:

Councillor Candy Bingham will move:

1. That Council support providing and/or facilitating free wi fi access in the Manly CBD area, by conducting a feasibility review which includes:
 - a) Discussions with the Manly Chamber of Commerce on the possible joint provision of such a service by its members and council, potentially with support from corporate sponsors.
 - b) Investigation of the existing services already provided by other councils such as Parramatta, and Pittwater and the recently announced private initiative in Bondi, to see if there is a model that would suit Manly.
 - c) Use of 'mesh' technology to create shared community networks following discussion with local experts in the Manly community.
2. That a report be prepared recommending the best implementation option to Council by February 2013.

Background

Internet access is pervasive and ubiquitous in homes and offices. While the provision of free wi fi access is becoming commonplace in tourist areas, community centres and shopping areas both overseas and within Australia, in many cases the service is patchy, not pervasive and requires users to log in.

Strong public internet access is good for local business as it encourages more businesses to operate in the area. It also brings more people to patronize local businesses, encourages new business to the area and creates employment.

In tourist areas like Manly, the need is even greater as we have millions of visitors away from their normal internet infrastructure, with a growing expectation that free internet access will be available.

Bondi Beach has recently launched free wi fi from the waters edge to the Campbell Parade area supplied by a local resident/businessman who has a wi fi business in the area. Free wi fi has been provided, with great success, in Mona Vale for about two years; Newport since the end of 2011; and Avalon Beach since February this year.

There is an opportunity for Manly to be a leader in this area by providing truly ubiquitous access without limitation or unfriendly user names and passwords. Manly has some logical areas to begin the service that are contained and suitable across the CBD:

- Corso
- Rialto Square
- Sydney Road & Short St
- Manly Library and surrounding businesses
- Wentworth St
- Manly Wharf
- Harbour Beach from Wharf to Manly SeaLife Sanctuary
- Ocean Beachfront through to Shelly Beach

Notice of Motion Report No. 47 (Cont'd)

Providing free wi fi access in Manly's village centres (including those outside the CBD such as Balgowlah Heights, Fairlight, Balgowlah, Seaforth, Clontarf Reserve and Little Manly) is simply good business practice in today's mobile world.

Initial conversations with the Manly Chamber of Commerce by Good for Manly have indicated their support, in principal, for such a service which they are keen to explore.

There are many ways this service can be provided. One option is the creation of a 'community network' by using a new system known as 'mesh' networking. Such a network can be created for an initial minimal cost utilizing existing unlimited broadband networks in the area currently used by Manly's shops, pubs, public buildings and eating places. The network operates by each location using a router which connects to their existing service. Each router costs around \$95 and links to the other routers within the area. (This can be supported by booster routers as needed on public structures such as street lights and traffic lights).

This new technology creates a single network, no matter what internet provider those businesses are using, and existing unlimited broadband plans ensure there is no extra cost to businesses or council for the community wi fi service to operate, once it is setup.

In addition to making Manly a leader as a 'wired' community, the provision of free wi fi access will greatly support local businesses and service providers in our area. It will also 'spread the load' as access will be available generally, not just in specific hotels or coffee shops.

Finally, the National Broadband Network (NBN) has not prioritized Manly in its initial plans and this initiative can be used to garner support for earlier connectivity of Manly – perhaps even securing some NBN support for services prior to NBN.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 47 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 48
SUBJECT: Re-creation of a Manly Harbour Pool and boardwalk linking Manly Wharf to Federation Point
FILE NO:

Councillor Candy Bingham will move:

That:

1. Council consider in more detail the project of the re-creation of a Manly Harbour Pool and boardwalk linking Manly Wharf to Federation Point by putting the matter on its agenda for the Councillors' Strategic Workshop proposed in February 2013.
2. Councillors be given the opportunity at that workshop to be briefed on the Manly Harbour Pool concept and Masterplan developed by local eco-architect Maurice Patten, as a starting point for discussion.
3. That Report No 18 titled: '*Next Steps for Feasibility Study for Boardwalk at Harbour Pool*' prepared by the Corporate Services Division, be resubmitted for consideration.

Background

Following a Motion lodged by Cllr Hugh Burns in March 2012 council's Corporate Services Division submitted a report at the June 4 meeting on the '*Next Steps for Feasibility Study for Boardwalk at Harbour Pool*'. At that meeting it was resolved to refer the report to the newly-elected Council.

During the 2012 Council election campaign, the Good for Manly group worked with local eco-architect Maurice Patten to develop a concept plan to reinstate the harbour pool in a form that would be more appropriate to today's environment protection concerns and design criteria than the original 'Wonder Pool' which, while such a success of its time, would no longer be appropriate by today's standards.

This concept plan was promoted extensively, and feedback was sought from various interest groups and the community at large. Stage 1 of the Masterplan, being the building of a boardwalk and creation of a harbour pool, were professionally costed at around \$2 million.

Initial research indicated that, with a few exceptions, the community supported the proposal to reinstate a harbour pool in Manly Cove.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM101212NM_7.DOC

***** End of Notice of Motion Report No. 48 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 49
SUBJECT: Container Deposit System
FILE NO:

Councillor Barbara Aird will move that:

That Manly Council develops and implements a campaign action plan in the lead up to this critical meeting in April, 2013.

Such actions to include (but not limited to):

A. Council implement a local Container Deposit Scheme:

Council set up a beverage container collection point in the Corso staffed by Council employees and volunteers. This to be undertaken some time during January.

Each beverage container returned be 'purchased' by the Council for 10c with a limit of \$10 per person per day.

As part of this project Manly Council:

1. Separate the containers to determine their origin/brand
2. Weigh the containers and determine the cost of removal
3. Invoice the company from where the containers have originated for the cost of removal
4. Cease mechanical beach cleaning on the main beach during the period the CDS operates
5. Survey the participants
6. Place a sign on the beach explaining the scheme
7. Advertise the scheme in local papers in the south and western suburbs and Hills district and Hills bus line which brings passengers to Manly.
8. Document and photograph campaign actions
9. Make available petitions to relevant State Members of Parliament

B. Manly Council to write to the Premier, Minister for the Environment and our local Member of Parliament urging them to support a national container deposit system.

C. Use of Council's website to facilitate E letters from the community to State Premiers, Environment Ministers and local Members of Parliament and on-line petition to those Members of Parliament.

D. Council makes available at strategic places, eg. Visitor Information Centre, Environment Centre, Manly Library and with Litter Guards, hard- copy petitions to the above Members of Parliament.

E. Council engages the support of our Precincts in this campaign.

F. Members of Waste staff and Waste C'tee to work together on formulation of the campaign action plan.

Notice of Motion Report No. 49 (Cont'd)**Background**

Australia currently wastes 8 billion containers every year!

In April, 2012, Federal Environment Minister, Tony Burke stated that he supports container deposits as long as the States do. This is a major advance as national legislation will be required. State Environment Ministers from around Australia are planning to make a final decision in April, 2013, so it is critical that those decision makers hear the message loud and clear that the overwhelming majority of people want such a scheme implemented. The NSWLGSA (as a member of the Boomerang Alliance) has been involved in an ongoing campaign on this issue and has called on our support.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM101212NM_8.DOC

***** End of Notice of Motion Report No. 49 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Notice of Motion Report No. 50
SUBJECT: Funding for our Public Libraries
FILE NO:

Councillor Adele Heasman will move:

That Council write to the Minister for the Arts, The Hon. George Souris MP, via Mike Baird, The Member for Manly, calling upon the NSW State Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW public libraries.

Background

The Library Council of NSW is recommending that the recurrent public library funding model to Councils be very modestly adjusted from \$26.5m (current) to \$30m per annum from 2013/14 and indexed from the following year.

The Library Council also are requesting a Building Library Infrastructure Program of \$30m per annum for building and maintaining infrastructure, be phased in over 4 years, to replace the now defunct provision of grants from operating funds.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 50 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Item For Brief Mention Report No. 13
SUBJECT: Items For Brief Mention
FILE NO:

1. Complaints made to the General Manager

In the month of December, the General Manager finalised the following complaints:

Received	Nature of Complaint	Outcome	Finalised
COMP2012-08-01 August	Complaint re conduct	Review completed. Report to be submitted to Council	December

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
196/12	12 Nov	Notice of Motion Report No. 41 Extending Christmas Decorations and Creation of Christmas Window Competition for Businesses in the Manly LGA	ii) Manly Council initiate an annual Christmas Window Competition for businesses in the Manly LGA...	In progress
			iii) that the Mayor is to judge the finalists of both sections.	Scheduled
194/12	12 Nov	Notice of Motion Report No. 39 Extended Hours of Parking	1. Council introduce free 3 continuous hours of parking for residents and ratepayers in Manly CBD Council owned car parks to beyond 7pm	On exhibition until 14 December
			2. Council retain the 3 hour "re-set" period as is.	In progress
193/12	12 Nov	Notice of Motion Report No. 38 Master plan for Jump Rock and Unnamed reserve at the end of Stuart Street	That Council develop a Master Plan for the area known as Jump Rock and the unnamed reserve at the end of Stuart Street...	In progress
189/12	12 Nov	Notice of Motion Report No. 42 New Street Shops Proposed Telstra Tower	1. Manly Council investigate further ways to assist the Balgowlah Heights New Street shop community as they endeavour to prevent the installation of the Telstra Tower at New Street shops	In progress

RECOMMENDATION

That the Items for Brief Mention be received and noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Item For Brief Mention Report No. 13 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: General Managers Division Report No. 13
SUBJECT: Development Application information available on Council websites
FILE NO:

SUMMARY

This report provides a response to Resolution No. 191/12 at the Ordinary Meeting on 12 November 2012 regarding access to development application information on Manly Council's website.

REPORT

On 12 November 2012 Council resolved that (191/12):

The General Manager report to the December 2012 meeting of Council the procedures adopted by other Councils such as Warringah, Mosman, Pittwater & Woollahra in relation to providing full public disclosure of Development Applications on their websites, and present a report on how Manly Council can also resolve this issue.

A review has now been undertaken of the procedures adopted by Warringah, Mosman, Pittwater and Woollahra Councils as to what development application (DA) information they provide on their websites under the *Government Information (Public Access) Act 2009* (the GIPA Act).

The following table summarises the type of information each of the councils make available online:

DA Document Type	Mosman Council	Pittwater Council	Warringah Council	Woollahra Council	Manly Council
Application Form	Online Perm	Online Perm	Online Perm	Not Online	Online Perm
Plans or drawings	Online Temp	Online Perm	Online Perm	Online Perm	Online Temp
Internal layouts of residential buildings	Not Online	Online Perm	Not Online	Online Perm	Not Online
Reports submitted with the DA	Online Perm	Online Perm	Online Perm	Not Online	Online Perm
Submissions	Online Perm	Online Perm	Online Perm	Not Online	Online Perm
Planner's Report	Online Perm	Online Perm	Online Perm	Online Perm	Online Perm
Minutes of Determining Committee	Not Online	Online Perm	Not Online	Not Online	Online Perm
Notice of Determination	Online Perm	Online Perm	Online Perm	Not Online	Online Perm

Legend: Not Online, Online Perm - online permanently, Online Temp - online until DA is determined

Compliance with Privacy Legislation

All councils have an obligation to comply with the *Privacy and Personal Information Protection Act 1998*.

Accordingly, personal information is removed from DA forms by Mosman, Warringah and Manly Council but not by Pittwater Council.

General Managers Division Report No. 13 (Cont'd)

In relation to submissions, personal information is removed by Mosman and Warringah Council if requested but not by Pittwater Council. Manly Council automatically removes all personal information from submissions before they are placed online; confidential submissions are treated as personal information and are not placed online.

Compliance with Copyright Legislation

All councils have an obligation to comply with the *Copyright Act 1968* (Cth) when providing information online.

Pittwater Council places all of the DA information in the above table on its website. In contrast, Woollahra Council does not place most of the DA information online. Manly, Mosman and Warringah Council provide a balance of the information on their websites with Manly Council making more information available to the public than these other three councils.

Mosman Council's position is similar to Manly Council's position.

Manly Council has attempted to comply with the GIPA Act and provide as much DA information to the public as possible while complying with the competing, and inconsistent, requirements of copyright and privacy legislation.

Manly Council is working towards providing historical DA information online from 2007. The other councils publish DA information from 2001 (Warringah), 2003 (Pittwater), 2004 (Mosman) and September 2012 (Woollahra). The publication of historical DA information online requires extensive computer programming and manual checking of all information before they can be placed online.

RECOMMENDATION

That the report be received and noted.

ATTACHMENTS

There are no attachments for this report

OM101212GMO_2.DOC

***** End of General Managers Division Report No. 13 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: General Managers Division Report No. 14
SUBJECT: Code of Conduct Complaint
FILE NO:

SUMMARY

This is a report about a code of conduct complaint by Council staff against a councillor.

REPORT

Under section 440 of the *Local Government Act 1993*, all councillors, members of staff and delegates of a council must comply with the code of conduct.

Complaints alleging a breach of the code of conduct must be made to the General Manager under clauses 11 and 12 of the code. The General Manager may refer code of conduct complaints to a conduct reviewer in accordance with clause 12.9(d) of the code.

The conduct reviewer is responsible for reviewing complaints and the reviewer must report any findings, reasons and recommendations to Council under clause 12 of the code.

Council must then determine whether there has been a breach of the code of conduct and what sanctions, if any, to impose.

The complaint

On 10 August 2012 the General Manager received a code of conduct complaint from five staff members. The complaint concerned Cr Hugh Burns and alleged that Cr Burns

- Bullied and harassed the staff members on a repeated basis even though they sought to diligently undertake their professional roles.
- Treated the staff members without due respect.
- Made personal rude remarks and serious imputations to the staff members about their conduct. Further, that these remarks were used to coerce and bully the staff to perform in accordance with Cr Burn's wishes with no regard for due process.
- Publicly vilified the professional reputations of the staff in Council and special purpose committee meetings.
- Necessitated a disproportionate amount of the staff's time and public resources to respond to Cr Burns' lack of regard for due process or normal administrative and business practices at Council.

On 17 August 2012 the General Manager referred the matter to independent conduct reviewer, Ms Annette Simpson, for review.

On 30 October 2012 the conduct reviewer completed her review. A copy of the reviewer's report is now attached for Council's consideration (see AT-1).

In summary, the conduct reviewer has found that there is sufficient supporting evidence to indicate a pattern of bullying behaviour by Cr Burns towards both senior and junior staff of Council over a

General Managers Division Report No. 14 (Cont'd)

significant period of time. The conduct reviewer has found that Cr Burns has breached the Code of Conduct including clauses 6.1, 6.3, 9.2, 9.7, 11.9 and 12.

In view of the breaches, the conduct reviewer has recommended that Council take the following action:

- Censure Cr Burns for his behaviour;
- Require Cr Burns to apologise in writing to each of the complainants and also Staff F*; and
- Arrange counselling of Cr Burns for his inappropriate behaviour.

(* The names of the staff members are protected in accordance with guidelines from the Department of Local Government)

Under clause 12.24 of the code, Council must make a determination that a councillor has breached the code before it can impose a sanction.

Council may by resolution impose any of the following sanctions under clause 12.25 of the code:

- a) Censure the councillor for misbehaviour in accordance with section 440G of the Act
- b) Require the councillor to apologise to any person adversely affected by the breach
- c) Counsel the councillor
- d) Make public findings of inappropriate conduct
- e) Prosecute for any breach of law

RECOMMENDATION

That Council:

1. Determines that Cr Burns has breached the Code of Conduct;
2. Censure Cr Burns for his behaviour;
3. Require Cr Burns to apologise in writing to each of the complainants and also Staff F; and
4. Arrange counselling of Cr Burns for his inappropriate behaviour.

ATTACHMENTS

AT- 1 Manly Council Conduct Reviewer Report 41 Pages Circulated Separately

OM101212GMO_3.DOC

***** End of General Managers Division Report No. 14 *****

TO: Ordinary Meeting - 10 December 2012
REPORT: Corporate Services Division Report No. 33
SUBJECT: Report on Council Investments as at 30 November 2012
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 November 2012.

Legislative & Policy Implications

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

Certification – Responsible Accounting Officer

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

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

- Coolangatta CDO currently rated N/R
- Global Bank Note currently rated N/R

Investment Performance

The Investment Report shows that Council has total Investments of \$17,011,378 comprising a combined Bank Balance of \$2,715,778; and Investment Holdings of \$13,295,600 directly managed and \$1,000,000 externally managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.29% (*Council Benchmark = 3.22% - benchmark is 90 day average BBSW*)

Corporate Services Division Report No. 33 (Cont'd)

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

The average rate of return for investments paying interest is 4.93%

Lehman Brothers Australia (Grange) Portfolio Performance

During the month of November Return on Lehman Brothers Australia Limited (Grange) Managed Funds was -4.65%. 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.

Movements in Investments for the Month of November 2012**Investments Made**

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

Investments Matured

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

RECOMMENDATION

That: the statement of Bank Balances and Investment Holdings as at 30 November 2012 be received and noted.

ATTACHMENTS

AT- 1 Investment Report 4 Pages

OM101212CSD_1.DOC

***** End of Corporate Services Division Report No. 33 *****

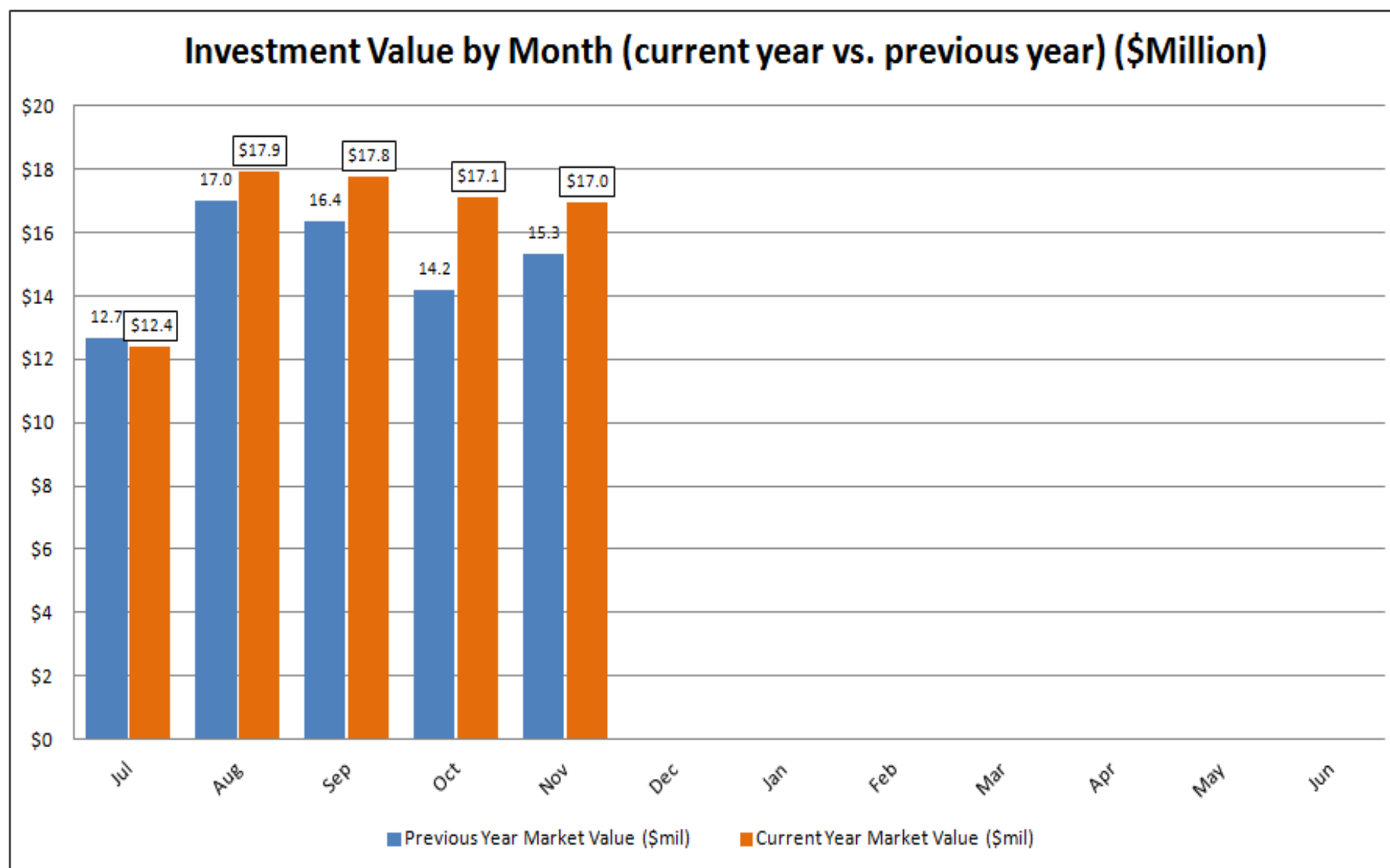
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Corporate Services Division Report No. 33.DOC - Report on Council Investments as at 30 November 2012 Investment Report

	Form of Investment	Investment \$	Market Value \$	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Interest Rate	Interest YTD	Interest Nov 2012
Directly Managed Funds										
Trading Account										
CBA Trading Account	Cash	2,715,778	2,715,778	15.96%	AA-			1.15% ⁽³⁾	10,895	1,872
Others										
CBA @ call	At Call	518,816	518,816	3.05%	AA-	At Call	At Call	3.75%	32,055	5,087
AMP @ call	At Call	2,708,819	2,708,819	15.92%	A	At Call	At Call	4.10%	42,568	9,128
Macquarie @ call	At Call	234	234	0.00%	A	At Call	At Call	3.25%	3	1
RaboDirect	TD	719,877	719,877	4.23%	AA	06/07/2012	04/07/2013	5.02%	14,761	2,970
RaboDirect	TD	347,853	347,853	2.04%	AA	19/09/2012	18/03/2013	4.95%	3,397	1,415
Bank of QLD	TD	1,000,000	1,000,000	5.88%	A2	28/08/2012	25/02/2013	5.14%	13,237	4,225
Rural Bank	TD	1,000,000	1,000,000	5.88%	A2	31/08/2012	04/01/2013	5.00%	12,466	4,110
Members Equity Bank Pty Ltd	TD	1,000,000	1,000,000	5.88%	A2	07/09/2012	06/03/2013	5.01%	11,530	4,118
Bank of QLD	TD	1,000,000	1,000,000	5.88%	A2	07/09/2012	04/02/2013	5.01%	11,530	4,118
Bank of QLD	TD	1,000,000	1,000,000	5.88%	A2	10/09/2012	08/01/2013	5.06%	11,229	4,159
Bank of QLD	TD	1,000,000	1,000,000	5.88%	A2	19/09/2012	17/01/2013	5.06%	9,981	4,159
Police Credit Union	TD	1,000,000	1,000,000	5.88%	Credit Union	19/09/2012	18/03/2013	4.90%	9,666	4,027
Members Equity Bank Pty Ltd	TD	1,000,000	1,000,000	5.88%	A2	22/10/2012	22/04/2013	4.76%	5,086	3,912
Emu Note - Dresdner Bank AG	Struct'd Note	500,000	456,200 ⁽⁵⁾	2.94%	AAA	25/10/2005	30/10/2015	0.00%	-	-
ANZ Climate Change Trust	Struct'd Note	500,000	481,500 ⁽⁵⁾	2.94%	AA-	18/01/2008	18/01/2014	0.00%	-	-
Total		13,295,600	13,233,299	78.16%						
Total Directly Managed Funds		16,011,378	15,949,078							
Lehman Brothers Australia (Grange) Managed Funds (All in AU\$)										
Interest Bearing Securities (Non Bank)										
Beryl (Global Bank Note)	Floating Rate CDO	500,000	545,000	2.94%	N/R	03/04/2007	20/09/2014	0.00%	-	-
Zirccon (Coolangatta)	Floating Rate CDO	500,000	480,000	2.94%	N/R	20/03/2007	20/09/2014	0.00%	-	-
Total Grange Managed Funds		1,000,000	1,025,000	5.88%						
Retired Investments									78,390	-
TOTAL PORTFOLIO		17,011,378	16,974,078	100.00%				4.29%	266,794	53,301
BENCHMARK⁽¹⁾								3.22%		
Notes:										
1 Benchmark is 90 day Average BBSW for the monthly of November										
2 CDO - Collateralised Debt Obligation										
3 Balances less than \$250,000 earn 0.45%, \$250,000 to \$499,999 earn 1.25%, greater \$500,000 earn 1.75%										
4 CBA Trading account not included in the monthly portfolio return calculation										
5 Market Value as at 31 October 2012										

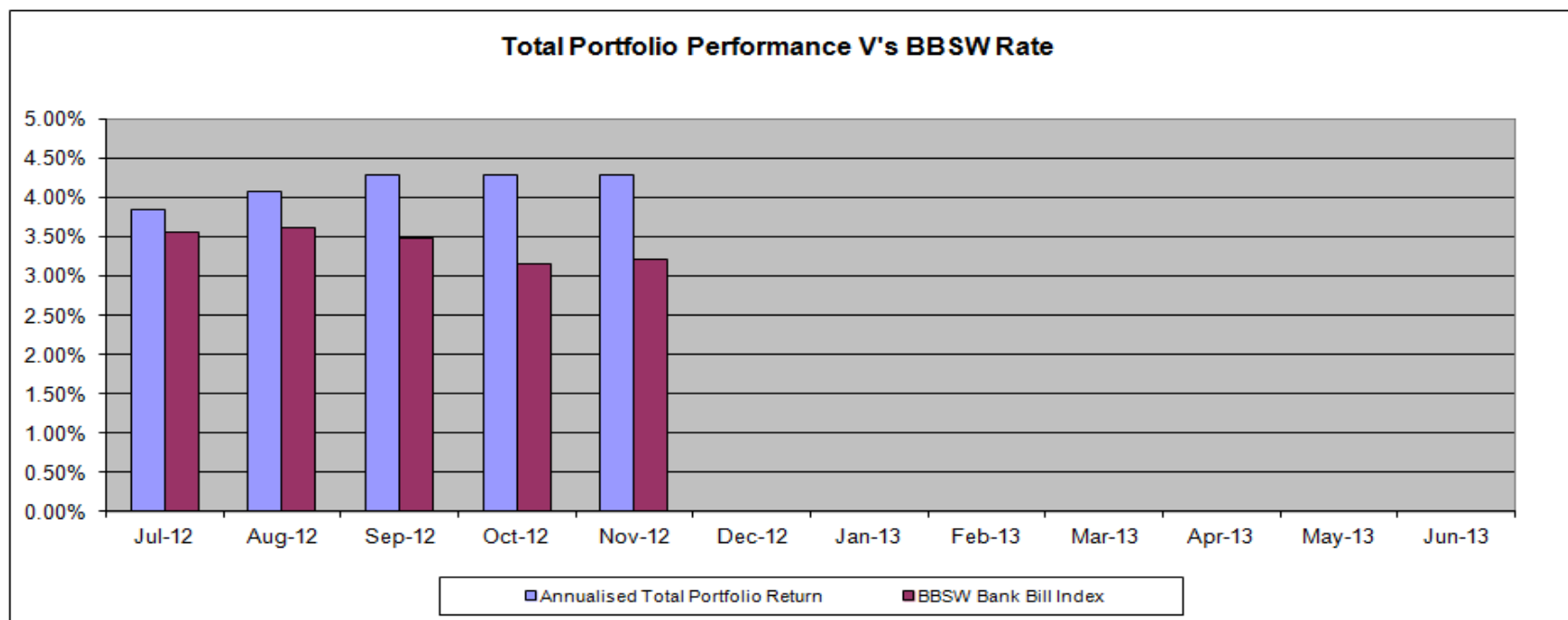
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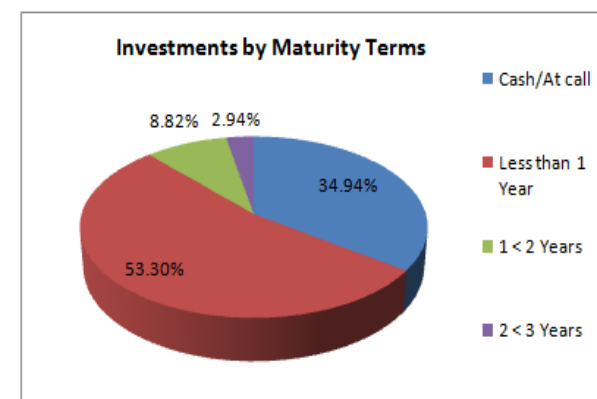


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Summary by Credit Rating		No.
AAA	2.94%	1
AA	6.28%	2
AA-	21.95%	3
A	15.92%	2
A2	41.15%	7
Credit Union	5.88%	1
N/R	5.88%	2
	100.00%	18



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