



## 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 19 May 2008**

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 Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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(In accordance with Clause 66 in Council's Code of Meeting Practice, Public Forum is for a maximum of fifteen (15) minutes for <i>matters that are not listed on the Agenda</i> . A total of five (5) people may address Council for a maximum of three (3) minutes each.)	
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\*\*\*\*\* END OF AGENDA \*\*\*\*\*

**TO:** Ordinary Meeting - 19 May 2008  
**REPORT:** Mayoral Minute Report No. 5  
**SUBJECT:** Council no longer to use leaf blowing machines  
**FILE NO:**

---

**The Mayor will move:**

That Council no longer use leaf blowing machines as part of its regime for cleaning streets and public places and that instead, manual labour be used and any collected vegetation material be put towards more beneficial purposes.

**Background:**

Leaf Blowing machines are environmentally unsound, excessively noisy and fossil fuel consuming.

They were recently described by one astute observer as “the ultimate symbol for the futility of man's battle with nature”. At best, these noisy machines merely blow leaves from one property to the next before another machine blows them back again. At worst, they direct leaf litter and other garbage into our gutters and stormwater systems, eventually polluting our natural waterways.

Their impact on neighbourhood amenity is well documented with numerous complaints about the excessive noise they emit, usually early in the morning.

Leaf Blowers may be convenient and less labour intensive than a simple rake but I believe their use by Council sets a bad example to the community. How can we promote sustainable living, reduction in carbon emissions and the benefits of composting when we send our own staff out with fuel guzzling, noisy machines that disrupt neighbourhoods and merely blow the leaves around.

By refusing to use leaf blowing machines, I believe Manly Council would once again be leading the way in Environmental initiatives, once again affirming our role as Custodians and guardians of our natural environment.

**RECOMMENDATION**

I therefore move that:

That Council no longer use leaf blowing machines as part of its regime for cleaning streets and public places and that instead, manual labour be used and any collected vegetation material be put towards more beneficial purposes.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Mayoral Minute Report No. 5 \*\*\*\*\*

**TO:** Ordinary Meeting - 19 May 2008  
**REPORT:** Mayoral Minute Report No. 6  
**SUBJECT:** Short Street As A Farmer's Market  
**FILE NO:**

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**The Mayor will move:**

That Council call for expressions of interest (EOI) for the establishment of a Farmers' Market on Short Street Plaza at weekends (and weekdays if deemed appropriate by staff).

**Background:**

Following the successful revitalization of the main central areas of Manly, it is timely to examine strategies that will enliven our "laneways and back streets".

Short Street Plaza in particular has suffered from a lack of attention and planning over recent years and, in a sense, is no longer a "people place". The adjoining retail is limited, the landscaping is dreary and it tends to have a desolate ambience.

The Landscape Management and Urban Design committee has been informally considering measures to bring life back to these areas in Manly and make them "relevant".

The establishment of a Farmer's market would be a start to the revitalisation and could be a really appropriate venue for the market. It is far enough distant from other competitors and would draw people away from the main Corso and down Sydney road. There would be nearby parking at both Council car parks in Central Avenue as well as the Cycle Station at Whistler Street for those choosing to come in by bike. The existing craft market would certainly not be prejudiced and may even benefit from another nearby attraction.

Within our society, there has been a shift over recent years towards more organic, or locally grown produce and by Council providing such a market, we would therefore be providing local residents with another choice for their needs as consumers.

A Farmer's Market in Short street would provide benefits to local retailers, local producers of fresh food and to local consumers. The market would soon become another community benefit of living in Manly.

**RECOMMENDATION**

I therefore move that:

That Council call for expressions of interest (EOI) for the establishment of a Farmers' Market on Short Street Plaza at weekends (and weekdays if deemed appropriate by staff).

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Mayoral Minute Report No. 6 \*\*\*\*\*

**TO:** Ordinary Meeting - 19 May 2008  
**REPORT:** Notice of Motion Report No. 10  
**SUBJECT:** Law Enforcement in Manly LGA  
**FILE NO:**

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**Councillor Pat Daley will move:**

That Manly Council makes appropriate representations to Manly Police asking that there be increased efforts regarding the enforcement of the law in relation to the distribution and possession of illegal drugs in the Manly Local Government area and in particular on The Corso and the near surrounds.

That Council also obtain from the Police the most recent information available regarding arrests both for possession and distribution of illegal drugs in the Manly Local Government area back to the year 2000.

**RECOMMENDATION**

Submitted to Council for consideration.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Motion Report No. 10 \*\*\*\*\*

**TO: Ordinary Meeting - 19 May 2008**  
**REPORT: Notice of Motion Report No. 11**  
**SUBJECT: Sponsorships are better than rate rises**  
**FILE NO:**

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**Councillor Mark Norek will move:**

Council bring back a report to Council on how to manage a promotions opportunity in the Manly LGA. The report to include: licensing agreement, policy on the issue and the benefit of in-house or outsourcing to a marketing company to manage.

**Background**

The current financial climate requires us to think of alternative ways to revenue raise. With the continuing interest rate rises in home loans and now Council's proposal to ask for up to 5.5% special levy for climate change, plus a 3.2% rate rise on top, it's about time this council started looking at other ways to seek additional revenue sources instead of constantly slugging the Manly LGA ratepayer.

Glen Condie, from Maverick Marketing and Communications has indicated that there is up to \$6,000 per day that could be generated from regulated and controlled commercial activities in the Manly LGA.

He quoted that "In fact most Tourist Council's across Australia and around the world all partake in this kind of revenue raising. In particular Sydney City Council and St Kilda City Council to name a few utilize this form of revenue raising and it forms an important part of their budget strategy."

Why should we as a major tourist attraction with over 4.5 million tourists a year not capitalize on this opportunity.

Let's as a Council start being smart in how we gain our revenue and look at new and fresh alternatives, rather than lump more fees on our residents.

**RECOMMENDATION**

Submitted to Council for consideration.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Motion Report No. 11 \*\*\*\*\*

**TO:** Ordinary Meeting - 19 May 2008  
**REPORT:** Item For Brief Mention Report No. 7  
**SUBJECT:** Items for Brief Mention  
**FILE NO:**

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**1. Reports:**

**i) Goods and Services Tax (GST) Compliance Certificate**

The Department of Local Government has advised Council of changes to requirements for GST compliance. Council must now supply the Department of Local Government a certificate of confirmation signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer, that Council has complied with GST requirements. The certificate is to be signed in accordance with a resolution of Council, and forwarded to the Department by 31 May.

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

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

Accordingly, local governing bodies are requested to provide the department with this advice by 31 May each year. The department will then provide the advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Attached to this report is a certificate for the period 1 May 2007 to 30 April 2008 that meets these requirements.

Statement by Chief Financial Officer

I hereby certify that to the best of my knowledge and belief that all GST required to be paid for the period 1 May 2007 to 30 April 2008 has been paid; that Council has in place management arrangements and internal controls to account for GST liabilities and recoup GST input tax credits; and there are no GST non-compliance issues or events that have been identified or raised by the Australian Taxation Office.

**ii) Response from City of Odawara**

The Council at its Planning and Strategy Committee Meeting of 19 November, 2007 adopted the following recommendation of the Manly Community Environment Committee:

“To further Council’s support for the National Day of Action for Whales, Manly Council should join other Northern Beaches Councils in expressing their concerns to their Japanese Sister Cities and the Japanese Government”

Letters were sent to the Japanese Embassy in Canberra, the sister city in Taito City and the friendship city in Odawara.

A response has been received from the City of Odawara and a copy is attached.

**Item For Brief Mention Report No. 7 (Cont'd)****2. Minutes of Meetings without recommendations of a substantial nature:**

- i) Manly Meals on Wheels Service Committee - 9<sup>th</sup> April 2008
- ii) Manly Access Committee – 17<sup>th</sup> April 2008
- iii) Manly Youth Council Committee – 21<sup>st</sup> April 2008
- iv) Manly Visitor and Community Board – 24<sup>th</sup> April 2008

**3. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:****i) Manly Art & Cultural Committee – 20<sup>th</sup> February 2008****a) Item 4 Appointment of New Chair**Recommendation

Therese Kenyon, Gallery Director, asked for nominations from Councillors to Chair the new Committee. The meeting accepted Clr Adele Heasman as Chair and Clr Jo Evans as Deputy Chair. This decision was unanimously taken.

**ii) Manly Community Safety Committee – 17<sup>th</sup> April 2008****a) Item 6 Police Report**Recommendation

It was recommended that a working group of key stakeholders be urgently formed to provide input to the Venue Management Plan being developed by Manly Police and the Liquor Accord with a view to making Manly the safest after-hours venue in Sydney.

**iii) Landscape Management and Urban Design Committee – 29<sup>th</sup> April 2008****a) Item 5.1 Fairlight Shops Urban Improvements Proposal**Recommendation

That the relevant Council officers incorporate the proposed bus stop island into the preferred scheme for the upgrade of Fairlight Shops Urban Design Scheme. Once these changes are made the new scheme would then be presented to the Traffic Committee, the Precinct and Shop Owners in parallel.

**b) Item 5.2 North Steyne footpath Widening**Recommendation

The committee supports the proposed widening of north Steyne footpath immediately north of The Corso (to complement widening works on the southern side), however careful management should ensure that pedestrian amenity and heritage values of buildings in this specific area are protected when and if abutting private businesses make application to use this widened area.

**Item For Brief Mention Report No. 7 (Cont'd)****c) Item 5.3 Land bound by Market Lane/ Whistler Street and Multi-storey carpark Design Competition**Recommendation

- i. The project brief be endorsed.
- ii. Relevant Council staff notify the competitors as to the new enlarged project site to include the whole triangle site bounded by Market Lane and Whistler Street and the lane to the north side of the library.
- iii. To ensure that the urban design enhancement of this area (as it abuts the private domain) can be enhanced into the future, it was resolved that Council's Environmental Services and Strategic Planning staff work together with developers at the appropriate time, when and if any property that fronts or backs onto this project site is proposing redevelopment.

**RECOMMENDATION**

- 1.i) That in respect to Council's GST compliance requirements, that the Goods and Services Tax (GST) Compliance Certificate, as tabled, be signed under resolution of Council by the Mayor, the Deputy Mayor (or one other Councillor), the General Manager and the Responsible Accounting Officer.
- ii) That the response letter from Odawara be noted.
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **(i) to (iv)**, be **adopted**.
- 3 i) That the minutes of the **Manly Art & Cultural Committee - 20<sup>th</sup> February 2008** be **adopted**, including the following recommendations of a substantial nature:
  - a) **Item 4 Appointment of New Chair**

Therese Kenyon, Gallery Director, asked for nominations from Councillors to Chair the new Committee. The meeting accepted Clr Adele Heasman as Chair and Clr Jo Evans as Deputy Chair. This decision was unanimously taken.
- ii) That the minutes of the **Manly Community Safety Committee - 17<sup>th</sup> April 2008** be **adopted**, including the following recommendations of a substantial nature:
  - a) **Item 6 Police Report**

It was recommended that a working group of key stakeholders be urgently formed to provide input to the Venue Management Plan being developed by Manly Police and the Liquor Accord with a view to making Manly the safest after-hours venue in Sydney.

**Item For Brief Mention Report No. 7 (Cont'd)**

iii) That the minutes of the **Landscape Management and Urban Design Committee – 29<sup>th</sup> April 2008** be **adopted**, including the following recommendations of a substantial nature:

**a) Item 5.1 Fairlight Shops Urban Improvements Proposal**

That the relevant Council officers incorporate the proposed bus stop island into the preferred scheme for the upgrade of Fairlight Shops Urban Design Scheme. Once these changes are made the new scheme would then be presented to the Traffic Committee, the Precinct and Shop Owners in parallel.

**b) Item 5.2 North Steyne footpath Widening**

The committee supports the proposed widening of north Steyne footpath immediately north of The Corso (to complement widening works on the southern side), however careful management should ensure that pedestrian amenity and heritage values of buildings in this specific area are protected when and if abutting private businesses make application to use this widened area.

**c) Item 5.3 Land bound by Market Lane/ Whistler Street and Multi-storey carpark Design Competition**

- i. The project brief be endorsed.
- ii. Relevant Council staff notify the competitors as to the new enlarged project site to include the whole triangle site bounded by Market Lane and Whistler Street and the lane to the north side of the library.
- iii. To ensure that the urban design enhancement of this area (as it abuts the private domain) can be enhanced into the future, it was resolved that Council's Environmental Services and Strategic Planning staff work together with developers at the appropriate time, when and if any property that fronts or backs onto this project site is proposing redevelopment.

**ATTACHMENTS**

**AT- 1** Goods and Services Tax Certificate

**AT- 2** Response from City of Odawara 1 Page

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\*\*\*\*\* End of Item For Brief Mention Report No. 7 \*\*\*\*\*

**ATTACHMENT 1**

**Item For Brief Mention Report No. 7 - Items for Brief Mention  
Goods and Services Tax Certificate**

**MANLY COUNCIL**

**GOODS AND SERVICES TAX CERTIFICATE  
FOR THE YEAR ENDED 30 June 2008**

**Payment of Voluntary GST 1 May 2007 to 30 April 2008**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Manly Council for the period 1 May 2007 to 30 April 2008.
- Adequate management arrangements and internal controls were in place to enable Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

**Signed in accordance with a resolution of Council made on 19th May 2008.**

.....  
**MAYOR**

Dr Peter Macdonald

.....  
**GENERAL MANAGER**

Henry Wong

.....  
**COUNCILLOR**

Councillor

.....  
**RESPONSIBLE ACCOUNTING OFFICER**

Ross Fleming

ATTACHMENT 2

Item For Brief Mention Report No. 7 - Items for Brief Mention  
Response from City of Odawara

CITY OF ODAWARA

April 17<sup>th</sup>, 2008

Mr Henry T Wong  
General Manager  
Council Offices  
1 Belgrave Street  
Manly NSW 2095  
Australia

Manly Council  
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Dear Mr. Henry T Wong,  
General Manager

I received your letter about research whaling the other day. I hope to find the way to solve this problem, however it's very sensitive problem for us too. Therefore, it is very difficult for us to take action to the Japanese Government on this issue. I hope you understand our present situation.

Our exchanges have become for 18 years, and the participated students reached over one thousand from both cities. They have grown up through various experiences, like meeting lots of people, being amazed by different life style, culture, nature or history. I am very pleased to establish the friendship through this wonderful program.

I deeply appreciate your effort and hope the long-lasting friendship will strengthen further. Best wishes for good health of you and all of our friends of Manly and the prosperity of the city.

Sincerely yours,



Yoshiaki Ozawa  
Mayor of Odawara  
YO/sh

300 Ogikubo, Odawara, 250-8555 Japan.

**TO:** Ordinary Meeting - 19 May 2008  
**REPORT:** Corporate Services Division Report No. 15  
**SUBJECT:** Report on Council Investments as at 30 April 2008  
**FILE NO:**

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## 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 April 2008.

### 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 \$14,368,801, comprising a combined Bank Balance of \$469,897; and Investment Holdings of \$9,291,773 directly managed and \$4,607,131 externally managed.

Investments overall performed better than 90 day USBWA index for the month providing a return of **7.94%** (*Council Benchmark =7.10% - benchmark is 90 day UBS Warburg Bank Bill Index*)

### Lehman Brothers Australia (Grange) Portfolio Performance

Return on Lehman Brothers Australia Limited (Grange) Managed Funds since inception was 28.61%, less than the benchmark UBSWA Index of 7.10% (for the month of April 2008 the monthly return was 4.84% above the benchmark UBSWA Index) This is due to the poor return on these managed funds which had a 3.48% exposure to the US Sub prime mortgage assets market. 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 call. In the mean time the securities continue to pay their full coupon value and provide an interest return greater than the benchmark.

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**Corporate Services Division Report No. 15 (Cont'd)****Movements in Investments for the Month of April 2008****Investments Made**

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

**Investments Matured**

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

**RECOMMENDATION**

**That:** the statement of Bank Balances and Investment Holdings as at 30 April, 2008 be received and noted.

**ATTACHMENTS**

AT- 1 Investment Report April 08.pdf

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\*\*\*\*\* End of Corporate Services Division Report No. 15 \*\*\*\*\*

