



Agenda

Ordinary Meeting

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

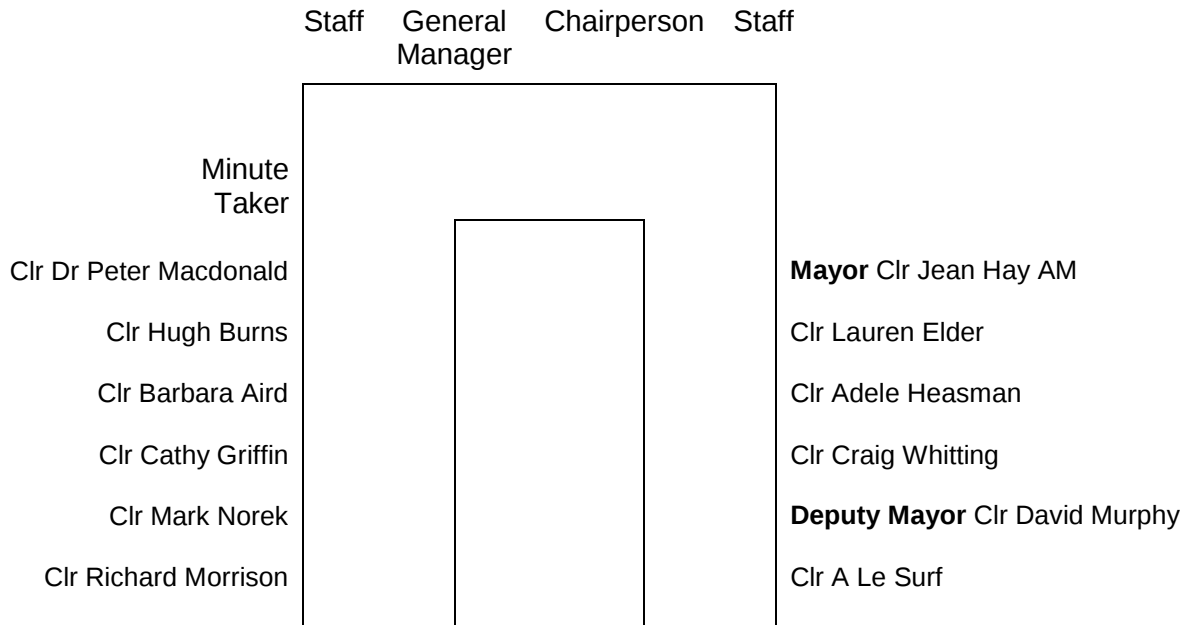
Monday 9 August 2010

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 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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QUESTIONS WITHOUT NOTICE**MATTERS OF URGENCY**

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

CLOSED SESSION**CONFIDENTIAL COMMITTEE OF THE WHOLE****General Managers Division Report No. 17**

Property Matter It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

General Managers Division Report No. 18

Federation Point Boardwalk - Maritime Lease It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

TO: Ordinary Meeting - 9 August 2010
REPORT: Notice of Motion Report No. 36
SUBJECT: Towards Zero Waste....a clearer message needed on recycling
FILE NO:

Councillor Barbara Aird will move:

In order to overcome the significant difficulty in differentiating between waste and recycling bins in our public place timber bin housings, and to achieve greater recycling and less waste and contamination, that Manly Council enhances the signage by painting the etched words "recycle here" yellow.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM090810NM_1

***** End of Notice of Motion Report No. 36 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Notice of Motion Report No. 37
SUBJECT: Extension of Existing Alcohol Free Zone
FILE NO:

Councillor Craig Whitting will move:

That Manly Council develops a proposal to extend the existing Alcohol Free Zone as a component of a broader campaign to reduce anti-social activities that are caused by the consumption of alcohol.

Streets to be incorporated by the extension will include:

- West Esplanade to the Art Gallery;
- West Promenade;
- Eustace Street;
- Belgrave Street to Sydney Road; and
- East Esplanade up to Stuart Street.

That Council seeks the support of the State Government through its Hassle Free Nights program when developing the proposal."

BACKGROUND

Section 644 of the Local Government Act, 1993 provides for Council, by resolution, to adopt a proposal to establish Alcohol Free Zones. Alcohol Free Zones relate specifically to public roads and car parks. The Act and associated guidelines provide a specific procedure that must be followed in relation to declaring Alcohol Free Zones, and this includes a requirement to seek Council's endorsement.

Once an Alcohol Free Zone has been established, it applies twenty four hours per day. An Alcohol Free Zone is essentially a short-term measure but may be re-established following the cessation of the existing zone or at a future time.

The legislation states that Alcohol Free Zones are a temporary measure and that in the period of their existence the anti-social problem they seek to address should be resolved. If it is not, the control authority should consider other or additional measures to address the anti-social problems before renewing existing Alcohol Free Zones.

Sections 644(5) and 644B(4) – establishment of alcohol free zones extended to a maximum period of 4 years for newly established zones.

Should there be a request for an event to be held that includes the consumption of alcohol in the areas prescribed as Alcohol Free Zones, the Department of Local Government Guidelines require that Council pass a resolution to suspend or cancel a particular Alcohol Free Zone. Such action may be taken as a result of a request received from the community or at Council's initiative. Should this occur, all matters relating to alcohol during the event are subject to the direction of the NSW Police Force.

What is an Alcohol Free Zone

The Local Government Act provides the legislative powers for local councils to establish Alcohol Free Zones to promote the safe use of roads, footpaths and public car parks without inference from anti-social behaviour caused by public drinkers.

Notice of Motion Report No. 37 (Cont'd)

The object of Alcohol Free Zones is as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

Conclusion

Harm associated with the consumption of alcohol costs local communities dearly. The costs associated with the implementation of Alcohol Free Zones within Manly is relatively insignificant in comparison to the benefits of extending our current Alcohol Free Zones.

Alcohol Free Zones in conjunction with other initiatives may play an important role in not only reducing the incidents of harm, violence and anti-social behaviour, but assist in providing a safe and friendly environment.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM090810NM_2

***** End of Notice of Motion Report No. 37 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Notice of Motion Report No. 38
SUBJECT: Enhancements and Confirmation of Aspects of Council Records Management Policy
FILE NO:

Councillor Hugh Burns will move:

That Council's Records Management procedures and policies are to be enhanced to ensure the following records are taken and maintained:-

Ranger Attendance due a complaint or nuisance or incident That Rangers attending premises due to a complaint, nuisance or an incident are to make contemporaneous records of their findings, actions or observations in their official notebook in the presence of the complainant with a verbal outline of what they are recording being given to the complainant as the record is written.

On returning to their base, a copy of the notebook page is to be submitted signed with any other reports made or submitted and it is to be held in Council's records management system or on file as is the usual record keeping procedure.

Council Expert Staff making a professional assessment All assessments made by staff on any technical, procedural, compliance area to be recorded by means of not less than file note held in Council's records management system (or held on file) outlining details of the assessment made, including but not limited to:- any assumptions or background information used; the staff members observations; any factual evidence obtained or cited; a brief outline of the logical process used in making their assessment; and facts relied upon to reach their conclusions.

Council Staff Making phone calls to owners, objectors, developers consultants and certifiers regarding Development Assessment, Occupation Certificates and related Compliance matters. Council staff are required to always make contemporaneous records in the form of a file note/minute of all phone calls made to owners, objectors, developers, consultants and certifiers. The file notes/minutes are to be held in Council's records management system (or held on file)

Fax Machine records

Council is to retain and place on file inwards fax receipt records for all Council fax machines. These are to cover a period of not less than the preceding 12 months.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM090810NM_3

***** End of Notice of Motion Report No. 38 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Notice of Motion Report No. 39
SUBJECT: Manly Council Interim Tier 3 Complaint Review Procedure
FILE NO:

Councillor Hugh Burns will move:

- 1) Council is to finalise and adopt its Draft 2008 Complaints Management Policy document.
- 2) The policy is to be enhanced to include a new tier 3 Complaints review procedure as follows.
 - a) Council is to set up a Tier 3 Complaints Review Committee comprising two Councillors, the General Manager and a volunteer independent community representative, together with a staff member not involved in the administrative area connected with the complaint to minute any meetings.
 - b) The procedure for referring matters to the Tier 3 Complaints Review Committee is to be automatically activated by a written (email, letter or fax) request to the General Manager for a review of a matter or determination, but only after Tier 1 (face to face staff) and Tier 2 (Council Management staff review) have failed to satisfy the complainant or otherwise resolve the matter.
 - c) The Committee terms of reference are to be developed by the General Manager, senior staff and the Committee, and approved by the Committee.
 - d) At each hearing or meeting one of the Councillors is to Chair the hearing or meeting held, independently without bias or favour toward the complainant or Council staff.
 - e) Meetings are to be fully minuted and minutes are to be signed (certified) by the two Councillors to be an accurate record of the meeting proceedings, data, and agreed outcomes.
 - f) The Committee has the authority of the Councillors to require production of any Council record, file or information or statement that would reasonably, in the opinion of either Councillor, assist the investigation or resolution of the complaint being examined.
 - g) The outcome of the review procedure is to be an efficient and fair resolution of all matters placed before the Manly Council Complaints Review Committee, and at the end of considering each matter the Committee is to report to Council (as a whole) on the outcomes reached and make any recommendations it sees are required to improve the administration of Manly Council.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM090810NM_4

***** End of Notice of Motion Report No. 39 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Notice of Motion Report No. 40
SUBJECT: Drinking Fountains for Dogs
FILE NO:

Councillor Adele Heasman will move:

That Council investigate the practicalities and cost of installing Dog Drinking Fountains in relevant areas in the Manly Local Government Area.

Background Information:

I have been given photographs from a ratepayer who has visited Townsville and seen their dog drinking fountains.

I think it might be a helpful thing for us to investigate for our area in different sites where dogs and their owners are prevalent. I think the benefit is that dogs are not then seen drinking out of the 'human' shower water etc and that as the onus is on the dog owner to provide a bowl, it is not easy to do that when out on a long walk. I have spoken with the Operations Manager in the Parks Department in Townsville this morning. He will forward me some details as to the company involved. He indicated that retro-fitting our current drinking fountains or next to them was not a problem for them - they have 4 or 5 along their strand and others in off-leash areas.

Please see pictures taken of Dog Drinking Fountains in Townsville, Queensland



RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

OM090810NM_5

***** End of Notice of Motion Report No. 40 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Item For Brief Mention Report No. 4
SUBJECT: Items for Brief Mention
FILE NO:

1. Reports:

Council has received a letter from the Mayor, City of Randwick seeking support for campaigns by the LGSA and environment groups for the introduction of Container Deposit Legislation (CDL) in NSW by writing to relevant Federal and State Ministers.

RECOMMENDATION

1. It is recommended that Council receive and note the information.

ATTACHMENTS

AT- 1 Mayor, City of Randwick 2 Pages

OM090810IBM_1

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

**Item For Brief Mention Report No. 4 - Items for Brief Mention
Mayor, City of Randwick**



MAYOR
CITY OF RANDWICK

File No: F2010/06574

21 June 2010

The Mayor
Manly Council
PO Box 82
Manly NSW 1655

Dear Mayor

RE: NSW CONTAINER DEPOSIT LEGISLATION

Randwick City Council is committed to looking after our environment by managing the natural environment, improving marine and terrestrial biodiversity and minimising greenhouse gas emissions, pollution, waste and other resource use.

In assessing the Randwick Council 2010 Waste Management Strategy, it was recognised that a key element of environmental management is to introduce Container Deposit Legislation (CDL) in NSW.

CDL has been introduced in Europe, USA, Canada and South Australia. It is considered that CDL will increase recycling of drink cans and bottles in NSW by more than 20% if a 10 cent refund scheme was introduced.

Councils throughout NSW have long called for the introduction of Container Deposit Legislation to address the problem of roadside litter and support its introduction to reduce the financial burden of operating kerbside collection (waste and recycling) services.

The Local Government and Shires Associations of NSW (LGSA), representing local councils have supported the introduction of CDL since 1990.

The LGSA renewed its efforts in May 2009 prior to the meeting by Federal and NSW government Ministers for the introduction of CDL in NSW.

An Independent Review of Container Deposit Legislation in NSW, dated 11 March 2010, that was conducted by the University of Technology, Sydney, confirms the support of CDL by local government, environment groups and the majority

Administration Centre 30 Frances Street, Randwick NSW 2031. Telephone: (02) 9399 0813 Fax: (02) 9399 9116

**Item For Brief Mention Report No. 4 - Items for Brief Mention
Mayor, City of Randwick**

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support from the community. The review analysed both financial and environmental impacts and found that the benefits significantly exceeded the costs.

Randwick City Council recently resolved that it would in "recognising the need for proper legislation to control the impending waste crisis facing Sydney metropolitan Councils, approach councils across Sydney to request support for a campaign calling for the introduction of container deposit legislation."

I therefore urge you to support the campaigns by the LGSA and environment groups for the introduction of CDL in NSW by writing to relevant Federal and State Ministers.

Yours sincerely



Cr John Procopiadis
Mayor

TO: Ordinary Meeting - 9 August 2010
REPORT: Corporate Services Division Report No. 27
SUBJECT: Report on Council Investments as at 30 June 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 June 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 \$17,370,163, comprising a combined Bank Balance of \$2,131,469; and Investment Holdings of \$12,188,694 directly managed and \$3,050,000 externally managed.

Investments overall performed above the 90 day average Bank Bill Swap Rate (BBSW) for the month providing a return of 4.95% (*Council Benchmark =4.90% - benchmark is 90 day average BBSW*)

The reduced interest returns for June 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, Westpac Principal Protected Ethical Note, 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 6.95%, less than the benchmark UBSWA Index of 5.66% (for the month of June 2010 the monthly return was 0.74% 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. 27 (Cont'd)

Movements in Investments for the Month of June 2010

Investments Made

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>
Community CPS Credit Union	Term Deposit	\$500,000.00
Community CPS Credit Union	Term Deposit	\$500,000.00
Suncorp Metway Ltd	Term Deposit	\$500,000.00
Bank of Queensland	Term Deposit	\$500,000.00
Police & Nurses Credit Union	Term Deposit	\$500,000.00
Credit Union Australia	Term Deposit	\$500,000.00
Credit Union Australia	Term Deposit	\$500,000.00

Investments Matured

<u>Issuer</u>	<u>Particulars</u>	<u>Face Value</u>	<u>Redeemed Value</u>
Credit Suisse – Aquaduct Note	Structured Note	\$500,000.00	\$500,000.00
Suncorp Metway Ltd	Term Deposit	\$1,000,000.00	\$1,000,000.00
Macquarie Bank	Term Deposit	\$506,856.17	\$506,856.17
Commonwealth Bank	Term Deposit	\$2,600,000.00	\$2,600,000.00
Police & Nurses Credit Union	Term Deposit	\$500,000.00	\$500,000.00
Credit Union Australia	Term Deposit	\$500,000.00	\$500,000.00
Macquarie Bank	Term Deposit	\$500,000.00	\$500,000.00
Credit Union Australia	Term Deposit	\$719,877.16	\$719,877.16
Bank of Western Australia	Term Deposit	\$1,000,000.00	\$1,000,000.00
Bank of Queensland	Term Deposit	\$1,000,000.00	\$1,000,000.00
Savings & Loans Credit Union	Term Deposit	\$1,000,000.00	\$1,000,000.00

RECOMMENDATION

That: the statement of Bank Balances and Investment Holdings as at 30 June, 2010 be received and noted.

ATTACHMENTS

AT- 1 Investment Report June 2010 2 Pages

OM090810CSD_2

***** End of Corporate Services Division Report No. 27 *****

ATTACHMENT 1

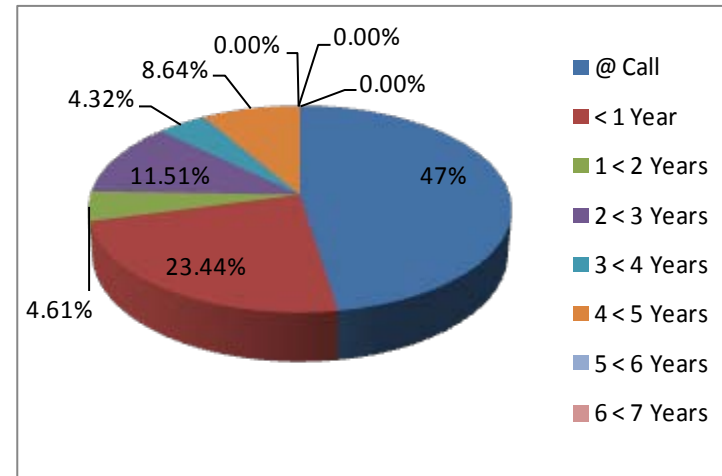
Corporate Services Division Report No. 27 - Report on Council Investments as at 30 June 2010 Investment Report June 2010

MANLY COUNCIL INVESTMENT PORTFOLIO as at 30 June 2010										
	Form of Investment	Investment in AUS\$	Market Val	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Investment Returns Interest Rate	Interest YTD	Accrual June 10
Directly Managed Funds										
Trading Account										
CBA Trading Account	Cash	2,131,469	2,131,469	12.27%	AA-		.	3% ⁽³⁾	\$ 30,782	\$ 2,067
Others										
Emu Note - Dresdner Bank	Structered Note	500,000	379,100	2.88%	AAA	25/10/2005	13/12/2012	0.00%	\$ -	\$ -
WBC PP Ethical Note	Structered Note	500,000	453,004	2.88%	AA-	5/07/2006	5/07/2012	0.00%	\$ -	\$ -
Longreach - Socially Responsible Note	Structured Note	500,000	452,450	2.88%	AA	19/12/2007	11/12/2012	0.00%	\$ -	\$ -
ANZ Climate Change Trust	Structured Note	500,000	412,850 ⁽⁴⁾	2.88%	AA	21/12/2007	21/12/2013	0.00%	\$ -	\$ -
Greater Building Society	Term Deposit	571,268	571,268	3.29%	BBB+	7/03/2010	3/09/2010	6.00%	\$ 10,799	\$ 2,817
Community CPS Credit Union	Term Deposit	500,000	500,000	2.88%	Cr Union	2/06/2010	31/08/2010	6.15%	\$ 2,359	\$ 2,359
Community CPS Credit Union	Term Deposit	500,000	500,000	2.88%	Cr Union	29/06/2010	28/09/2010	6.08%	\$ 83	\$ 83
Suncorp Metway Ltd	Term Deposit	500,000	500,000	2.88%	AA	29/06/2010	29/07/2010	5.65%	\$ 77	\$ 77
Bank of Queensland	Term Deposit	500,000	500,000	2.88%	BBB+	29/06/2010	22/12/2010	6.21%	\$ 85	\$ 85
Police and Nurses Credit Union	Term Deposit	500,000	500,000	2.88%	Cr Union	29/06/2010	27/09/2010	5.94%	\$ 81	\$ 81
Credit Union Australia	Term Deposit	500,000	500,000	2.88%	Cr Union	30/06/2010	30/07/2010	5.75%	\$ -	\$ -
Credit Union Australia	Term Deposit	500,000	500,000	2.88%	Cr Union	30/06/2010	28/10/2010	6.00%	\$ -	\$ -
LGFS Fixed Out-Performance Cash Fund	@ Call	56,472	56,472	0.33%	AA-	At call	At call	5.41%	\$ 2,340	\$ 244
LGFS Ethical Fund	@ Call	31,245	31,245	0.18%	A	At call	At call	5.23%	\$ 1,614	\$ 131
Macquarie Cash Management Account	@ Call	1,020,825	1,020,825	5.88%	AAA	At call	At call	2.81%	\$ -	\$ -
Commonwealth Bank	@ Call	5,008,884	5,008,884	28.84%	AA-	At call	At call	4.00%	\$ 77,805	\$ 251
	Total	12,188,694	11,886,098	70.17%						
Total Directly Managed Funds		14,320,163	14,017,567							
Lehman Brothers Australia (Grange) Managed Funds (All in AUS\$)										
Approved Deposit Institutions (Bank)										
HSBC	Floating Rate Note	500,000	489,875	2.88%	AA	20/03/2007	22/09/2011	5.18%	\$ 20,170	\$ 1,978
	Total	500,000	489,875	2.88%						
Interest Bearing Securities (Non Bank)										
Magnolia (Flinders)	Floating Rate CDO	300,000	269,574	1.73%	BB	20/03/2007	20/03/2012	6.40%	\$ 15,709	\$ 1,459
MAS6-7 (Parkes IIA)	Floating Rate CDO	500,000	16,010	2.88%	CCC-	20/03/2007	20/06/2015	6.95%	\$ 22,072	\$ 49
Heli0308 (Scarborough)	Floating Rate CDO	250,000	22,073	1.44%	CCC-	21/06/2007	23/06/2014	6.74%	\$ 17,793	\$ 1,350
Corsair (Torquay)	Floating Rate CDO	500,000	810	2.88%	CCC-	20/03/2007	20/06/2013	6.55%	\$ 25,614	\$ 1,011
Zirccon (Coolangatta)	Floating Rate CDO	500,000	380,000	2.88%	B+	20/03/2007	20/09/2014	0.00%	\$ -	\$ -
Beryl (Global Bank Note)	Floating Rate Note	500,000	470,000	2.88%	B-	3/04/2007	20/09/2014	0.00%	\$ -	\$ -
	Total	2,550,000	1,158,467	14.68%						
Total Grange Managed Funds		3,050,000	1,648,342	17.56%						
Retired Investments									\$ 331,577	\$ 31,269
TOTAL PORTFOLIO		17,370,163	15,665,909	100.00%				4.95%	\$ 558,960	\$ 43,289
BENCHMARK								4.90%		
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%										
4 Market Value as at 30/5/2010										
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. 27 - Report on Council Investments as at 30 June 2010 Investment Report June 2010

Summary by Credit Rating		No.
AAA	8.76%	2
AA	11.51%	4
A	0.18%	1
AA-	44.31%	4
BBB+	6.17%	2
BBB-	0.00%	0
BB	1.73%	1
B+	2.88%	1
B-	2.88%	1
CCC-	7.20%	3
Credit Union	14.39%	5
	100.00%	24



TO: Ordinary Meeting - 9 August 2010
REPORT: Corporate Services Division Report No. 26
SUBJECT: Financial Statements for the Year Ended 30 June 2010
FILE NO:

SUMMARY

Audit Statement pursuant to Section 413(2)(c) of the Local Government Act 1993.

REPORT

Council's Annual Financial Reports for the year ended 30 June 2010 are presented for referral to audit. A statement is required in respect of the accounts from Council and Management in relation to the accuracy of the accounts. It is recommended Council sign the statement and refer the accounts for audit.

Council's Annual Financial Reports for the year ended 30 June 2010 have been prepared and are ready to proceed for Audit. The general purpose financial reports, special purpose financial reports and special schedules are required to be completed and ready for audit by 31 October following the financial year end. In accordance with Section 413(2)(c) of the Local Government Act, Council is required to include with the Annual Financial Reports a "Statement by Councillors and Management" signed under resolution of Council, by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer, which will allow Council's Auditor to complete the audit. A similar "Statement by Councillors and Management" is also required for the Special Purpose Financial Reports.

Following completion of the Audit, the Annual Financial Reports will then be presented to Council in September, with the Auditors Report. The "Reports" to be signed plus a draft of the Annual Financial Reports for the Year ended 30 June 2010, are tabled. In order for Council's Annual Financial Reports for 2009/2010 to go forward for Audit the following resolution of Council is now required.

RECOMMENDATION

That:-

1. In respect to Council's General Purpose Financial Reports the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2010

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended).

The attached General Purpose Financial Report for the year ended 30 June 2010, has been prepared in accordance with:-

- The Local Government Act 1993 (as amended) and the Regulations made there under;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;

To the best of Council's knowledge and belief, this Report:

Error! Unknown document property name. (Cont'd)

- Presents fairly the Council's operating result and financial position for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of matter that would render this Report for the twelve months ending 30 June 2010, false or misleading in any way.

2. In respect to Council's Special Purpose Financial Reports, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2010

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The attached Special Purpose Annual Financial Reports for the year ended 30 June 2010, have been prepared in accordance with:-

- The Local Government Code of Accounting Practice and Financial Reporting; the
- NSW Government Policy Statement "*Application of National Competition Policy to Local Government*"; and
- Department of Local Government guidelines "*Pricing & Costing for Council Businesses: Guide to Competitive Neutrality*".

To the best of Council's knowledge and belief, this report:-

- Present fairly the Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render the Council's reports for the twelve months ending 30 June 2010, false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2010 be referred for audit by Council's Auditors.

ATTACHMENTS

There are no attachments for this report.

OM090810CSD_1

***** End of Corporate Services Division Report No. 26 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Corporate Services Division Report No. 28
SUBJECT: Notice of Motion Status Report - August 2010
FILE NO:

SUMMARY

Notice of Motions status report for the month of August 2010.

REPORT

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Action Taken
106/10	19 July	Notice of Motion - Provision of Information to Councillors	3. Tier 3 complaints handling procedure	September OM
			4. That at each ordinary meeting a report is included in the agenda for information:- (a) Outlining any matter or item where a complaint has been made to the General Manager; (b) Outlining similarly where there have been 12 or more items of correspondence received by Council in a period of 3 months on any an item or matter, or closely related items or matters.	September OM
94/10	21 June	Notice of Motion - Membership of Sustainable Choice Program	2. Establishing a team with responsibility to co-ordinate sustainable procurement in council.	Training booked.
			3. Developing, adopting and implementing sustainable purchasing policy principles, as set out in Appendix 1	In progress.
			4. Integrating sustainable procurement principles into council's purchasing processes.	See point 2 comment above.
			5. Establishing a tracking system to monitor the scope and level of purchasing activity.	See point 2 comment 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.

Corporate Services Division Report No. 28 (Cont'd)

Res No.	Meeting Date	Subject	Resolution	Action Taken
90/10	21 June	Notice of Motion - Sydney Road Markets	4. In the event of a termination Council commission a plan to revitalise the streetscape to bring life and interest to the precinct 7 days a week	August OM
76/10	10 May	Notice of Motion - Maintenance of Council Infrastructure on West Esplanade and North Steyne	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.	September OM.
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 or savings from taking over these assets over say a 20 year term. - 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.	Meetings with Energy Australia held. Report to Council expected for September OM.
24/10	8 March	Notice of Motion - Alcohol advertising on public transport	2. Request the General Manager to negotiate with JC Decaux to exclude alcohol advertising on bus shelters.	New policy adopted August P & S. In progress.

RECOMMENDATION

That the information be received and noted.

ATTACHMENTS

There are no attachments for this report.

OM090810CSD_3

***** End of Corporate Services Division Report No. 28 *****

TO: Ordinary Meeting - 9 August 2010
REPORT: Human Services And Facilities Division Report No. 9
SUBJECT: Sydney Road Markets Origin, Current Operations and Review
FILE NO:

SUMMARY

This report aims to advise the Council of the history, intention and current agreement and issues for markets to operate in the Sydney Road and Market Lane areas. Results of the recent survey of Sydney Road businesses in relation to the Weekend Markets, and a recommendation for the future operations of the Markets are provided.

REPORT

Background

In 1995, Council engaged consultants to undertake an Urban Design Study of the Manly Town Centre. Within the Manly Town Centre study, which covered a wide range of themes for the improvement of the Manly Central Business area, the form and scale of Sydney Road was identified and recommendations made. The report stated:

*Sydney Road was considered well suited to pedestrians and in general, the consultants reported **that the street level activity along the little streets, lanes and arcades north of The Corso should be reinforced by Council.***

The Consultant's report concluded that street markets if held on the weekends, in the areas of Sydney Road and to a lesser extent in Market Lane, will assist in the achievement for activity in the little streets, lanes and arcades.

In February 1997, following a tender process, Council resolved to award the management of a Manly Arts and Craft Market to Rowan McBain, subject to a development application. Development consent was granted and the Markets in Sydney Road and along Market Lane commenced operations. The objective was to continue the intention of the Manly Town Centre study to reinforce activity along the little streets, lanes and arcades north of The Corso, particularly in Sydney Road and to a lesser extent in Market Lane.

At the expiry of the 1997 license agreement in 2005, Council received a report and resolved to continue the Arts and Crafts market for a term of 2 years, with a 1 year option to August 2008.

Following expiry of the 2008 option, Tenders to operate the Markets were invited, with only one application being received. The License agreement was for a term of 2 years (from 1 September 2008 to 31 August 2010), with a one year option (to 31 August 2011). The one year option has been taken up by the current market operator.

Revenue

Council receives significant income per annum from the market operations. The Licence agreement provides for a fixed monthly fee plus a percentage based on the number of stalls.

All income from the Markets helps offset expenditure for other major events produced by Council which are not self funding, such as the Jazz Festival, Christmas Choral Concert, Saturdays at Sunset, and other special programs and entertainment in the Manly Town Centre. These events all provide a benefit to the wider business and resident community.

Human Services And Facilities Division Report No. 9 (Cont'd)**Correspondence**

The Chamber of Commerce wrote to Council in April 2010, advising that the Chamber did not support the continuation of the market operations in its current location in Sydney Road, and recommended that (1) Market configuration revert to "back to back" until lease expiry; (2) operator strictly adhere to terms & conditions of contract regarding sale of merchandise (and Council police the conditions); (3) That the Chamber and Council work together to improve the ambience of the area once the markets have vacated. A copy of the Chamber's letter is Attachment 1 to this Report.

Over the past 2 years, Council has received correspondence on various matters relating to the operations of the Markets, generally these have been via the Chamber from businesses in the vicinity of the markets. These correspondences mainly relate to the need for compliance with the terms and conditions of operations of the Markets regarding the origin of the product being sold and the closing times of the Markets.

To address these issues Council staff have met with the market operator, with Chamber representatives on site, and with affected business operators.

Following on from a request from the Chamber, a trial of a "back to back" stalls was undertaken by the market operator over two (2) successive weekends. Council also requested a trial of an alternative layout of the market stalls, as raised by the Chamber as a possible improvement to the pedestrian flow.

The continuation of "back to back" stalls layout was not supported by both the stall holders as it impacted on their takings, and was also not supported by the Chamber.

Market Operations

The Sydney Road Market operating conditions provides for a minimum passageway for pedestrians to shop fronts of 1m; and a central passageway of 3.5m to allow emergency vehicle access. The Markets can have up to 35 bays (with up to 2 stalls per bay) in Sydney Road and up to 6 bays (with up to 2 stalls per bay) in Market Lane, and operate on both Saturday and Sunday from 9.00am to 5.00pm.

Survey on Impact of Markets on Businesses

Council at the June 2010 Ordinary Meeting resolved to review the operations of the Sydney Road Markets and to undertake a survey of businesses in Sydney Road between The Corso and Whistler Street to ascertain the impacts of the Markets on the businesses on weekends.

The survey was conducted by Council's Strategy Group staff during the week commencing 5th July 2010 with individuals being interviewed face to face and where necessary over the telephone. A total of 33 businesses were surveyed in the area of Sydney Road between The Corso and Whistler Street. Six businesses were either unavailable, or did not respond.

The Survey Findings in Summary

The detailed survey results are provided in Attachment 2. The survey indicates that there is majority support amongst businesses for the Markets to remain as is in Sydney Road trading on a weekly basis. Most respondents indicated that the Markets have a positive impact on the image of Manly and the success of local businesses. The main findings are as follows:

- The majority of respondents (67%) believe the Markets should remain where they are currently located.

Human Services And Facilities Division Report No. 9 (Cont'd)

- In terms of turnover, 82% of respondents indicated that the Weekend Markets either had no impact (45%), or a positive impact (36.4%) from the Markets.
- In terms of market stallholder mix, there were 33% of respondents indicating support for the current mix and 45% that thought it was the wrong mix.
- There is strong support for the Market operation on a weekly weekend basis. There were 55% of respondents who indicated that the Market should continue operating every weekend as it does now.

Discussion

The survey findings are at odds with the position described by the Manly Chamber of Commerce that the Markets were having negative effects on retailers in Sydney Road. However despite majority support from the survey for the Markets to continue some retailers nevertheless remain strongly opposed and adamant that the Markets should be at the very least moved to another location. It is important Council balances the needs of all businesses, and its local community, to resolve this difference of opinions.

There are positive economic and community benefits from the Weekend Markets operations. These benefits relate to turnover and passing trade for existing businesses in Sydney Road and Whistler Street, as well as drawing people into the outer reaches of the Manly Town Centre away from The Corso, thus activating these public places.

The results of the survey were shared with the Manly Chamber of Commerce in a confidential briefing.

Council's Response

There are four main options Council could pursue in relation to this matter:

- Option 1 Existing operations continue (no changes).
- Option 2 Continue market operations while addressing more strongly the compliance issues of vehicle access, stall holder numbers and layout and mix of goods sold (so as to minimise competition with existing retailing businesses yet still honour the conditions specified in the license agreement).
- Option 3 Relocate the Weekend Markets to an alternative location which is not in close proximity to other retail businesses within the Manly CBD (further analysis would need to be undertaken).
- Option 4 Cease operations of Market.

On the basis of the strong support from the businesses along Sydney Road as expressed in the Survey and in consideration of the community and economic benefits of the Markets, it is recommended that Council support Option 2 above.

RECOMMENDATION

It is recommended that Council:

1. Receives this report;
2. Pursues Option 2 as outlined in this report ie continue market operations while addressing more

Human Services And Facilities Division Report No. 9 (Cont'd)

strongly the compliance issues of vehicle access, stall holder set up and numbers and layout, and mix of goods sold (so as to minimise competition with existing retailing businesses yet still honour the conditions specified in the license agreement); and

3. Advises the Manly Chamber of Commerce of its decision in this regard, and also works in liaison with the Chamber to improve the working relationship between the Market operations and businesses in Sydney Road.

ATTACHMENTS

- AT- 1** Manly Chamber of Commerce letter dated 9 April 2010 1 Page
AT- 2 Sydney Road Survey Results Graphs 5 Pages

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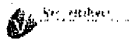
***** End of Human Services And Facilities Division Report No. 9 *****

ATTACHMENT 1

Human Services And Facilities Division Report No. 9 - Sydney Road Markets Origin, Current Operations and Review

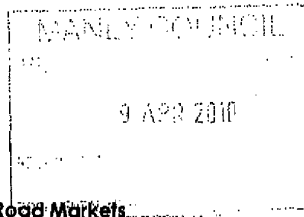
Manly Chamber of Commerce letter dated 9 April 2010

Corporate Members of the Chamber:



9th April 2010

Mr Henry Wong
General Manager
Manly Council



Dear Henry,

RE: Sydney Road Markets

It was a pleasure meeting with you last Tuesday and being given the opportunity to put the Chambers position on the Sydney Road Markets before you and, as requested I detail that position below.

We have over the last 6 months been meeting with Council, the Market operator and the Sydney Road retailers to ascertain the most appropriate course for the future.

As a result of this process, the Chambers position has now changed from supporting the markets in principle subject to improvement of stall layout and great policing of product mix to now being one of that we no longer wish the markets to be situated in Sydney Road.

The fundamental reason for this is that retailers in this area are having trade taken away from them on the two busiest days of the week and that when the markets aren't there due to rain or other reasons that their trade is materially improved.

I think it is fair to say that when the markets were initially established some 10 years ago it did serve to enliven the area. However, since then the ambience and product mix has substantially changed and therefore the markets are no longer appropriate and now actively compete against our established businesses in the area.

It is our understanding (and I would like clarification on this) that the operators lease expires in September 2010 with a one year option, and that the merchandise sold has to be quality arts and craft that is Australian made. If this is so our recommendations are as follows:

1. That the market configuration reverts to 'back to back' until lease expiry. (The two week trial of back to back substantially improved our retailers trade).
2. That the operator strictly adhere to the terms and condition of the contract regarding sale of merchandise and that this is actively policed by Council until lease expires.
3. That we work together to look at ways to improve the ambience of the area once the markets have vacated. I would expect that this would be in keeping with the future laneway development strategy and would involve more public seating and outside dining.

I am very happy to discuss this with you and your staff once you have looked into the matter.

I look forward to hearing from you.

Yours sincerely,

John Kellerer

President

Gold Members of the Chamber:

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

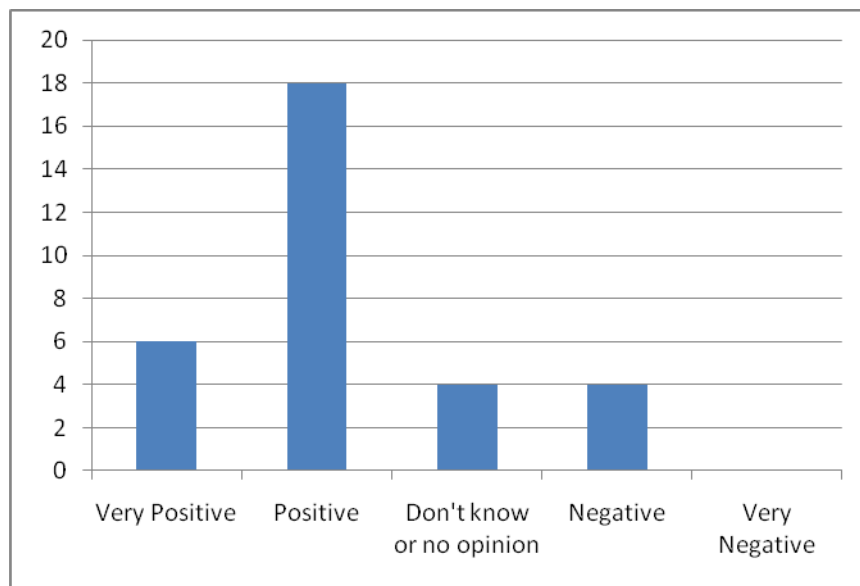
**Human Services And Facilities Division Report No. 9 - Sydney Road Markets Origin,
Current Operations and Review**

Sydney Road Survey Results Graphs

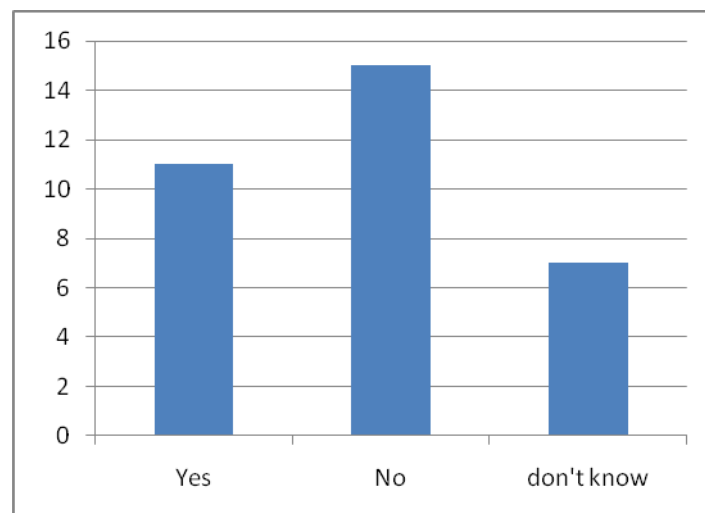
Sydney Road Survey Results – Graphs

33 Businesses along Sydney Road were surveyed. 6 Businesses did not respond to the survey.

- Q1) Currently, if the weather is not raining, the Manly Arts and Crafts Market operates every weekend in Sydney Road, Manly. In your opinion, what impact does this Market have on the image of Manly?



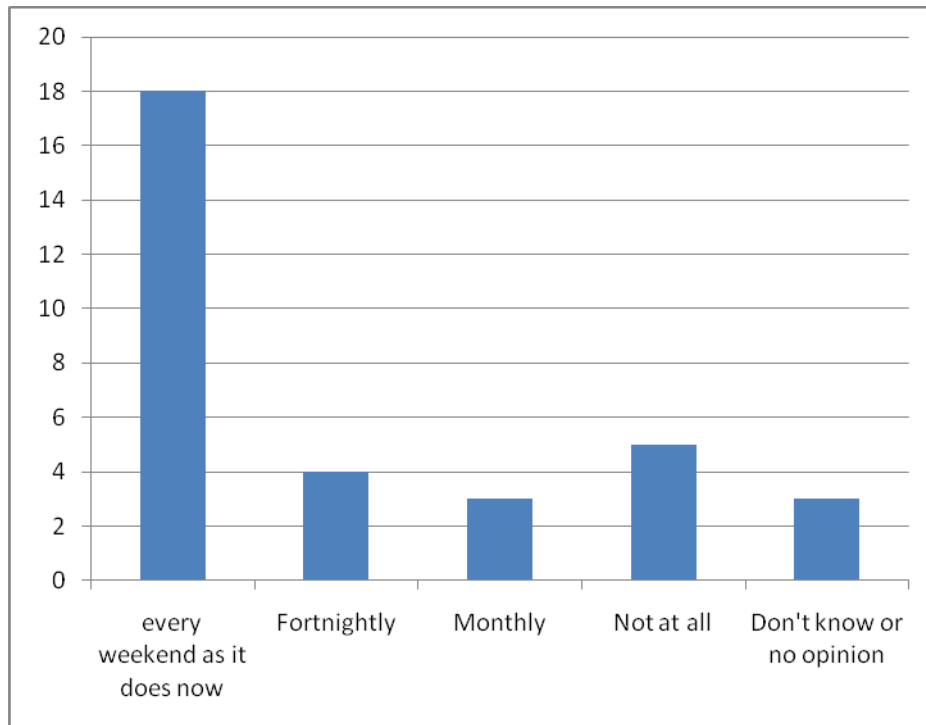
- Q2) In your opinion do you think that the current Market has the right mix of stall holders?



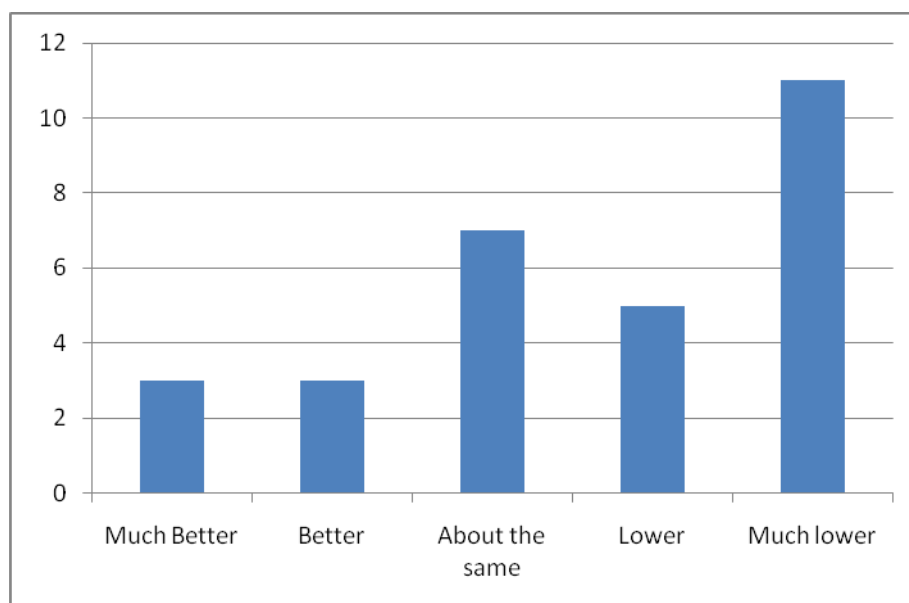
**Human Services And Facilities Division Report No. 9 - Sydney Road Markets Origin,
Current Operations and Review**

Sydney Road Survey Results Graphs

Q3) In your opinion should the Market operate?



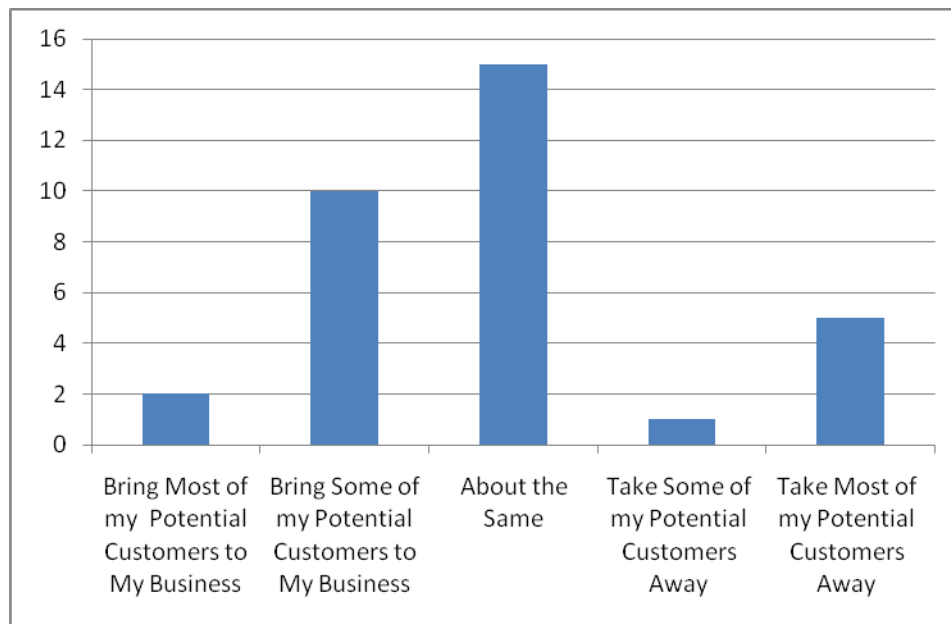
Q4) Thinking about your current situation, how does your turnover on an average weekday compare with your turnover on an average day on the weekend?



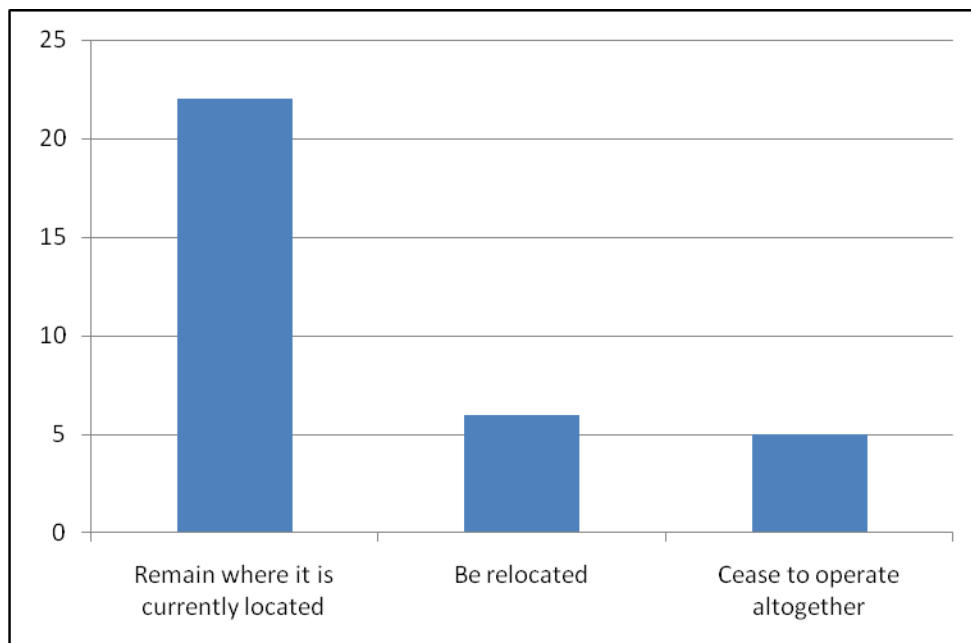
**Human Services And Facilities Division Report No. 9 - Sydney Road Markets Origin,
Current Operations and Review**

Sydney Road Survey Results Graphs

Q5) Thinking about your weekend trade and the Markets, in your opinion, does the Market?



Q6) In your opinion should the Market?



**Human Services And Facilities Division Report No. 9 - Sydney Road Markets Origin,
Current Operations and Review
Sydney Road Survey Results Graphs**

Q7). If you answered [Be Relocated], where should the Market be relocated?

Three respondents who answered 'be relocated' stated "Market Lane". No other locations were suggested.

Summary of extra comments made by retailers

- Maybe change stall type so less competition with the shops.
- Positive addition, especially in summer.
- I fully support the market if it goes back to the original setup of being aussie made arts and crafts. Also the market needs to be extended outside my shop, perhaps a general layout change. I like the farmers market on short street and support and like markets in general as they bring potential customers. However the current market is selling poor products and has a negative impact on the image of Manly.
- Could benefit to have less clothing stalls. More focus on arts and crafts would be better.
- Could be made smaller.
- Perhaps only run on a Saturday.
- Get rid of tents as they obscure views of shops - better to use umbrella style covers.
- Encourage it to continue - we're happy.
- It should only cease operation if it continues to sell the products it does now. However it should continue if it reverts to selling the arts and craft as originally set up for.
- We are concerned about spacing on the street and is aware that the market can take business away from neighbouring business which is unfair.
- The market layout could be reviewed so the flow of people goes past the shops rather than down the middle.
- Parking from the market stalls has an impact on my business.
- We do like the people the market brings but most are 'tyre kickers'.
- There should be more arts and crafts - concentrate on original intention of the market - if market changes back it should remain and in the current location.
- The market layout should be changed to change flow of people.
- The market is part of Manly life and is one of the reasons our business came to the location. We love the atmosphere and fear without the markets Sydney Road will be very quiet.
- Market should be monthly. Should remain only it goes back to original arts and crafts theme.

**Human Services And Facilities Division Report No. 9 - Sydney Road Markets Origin,
Current Operations and Review
Sydney Road Survey Results Graphs**

- Ensure quality products are on sale, decent markets bring more business to the area.
- Markets should be reinvented. It draws people in but doesn't bring customers to our business. Currently set up cuts off traffic to our arcade. Perhaps the layout of the market should be reconsidered.
- The markets should be changed to ensure they are not competing with the retailers.
- Products the same as some shops hence unfair competition as shop.
- Perhaps move to Short Street?
- Generally happy but understands the issues affecting other retailers.
- Trade on weekends of bad weather i.e. no markets is significantly better than when the weather is fair and markets are present. Comparing weekday trade to weekend trade is an unfair comparison.
- Breaches that date back 2.5 years are continually never addressed. Market stalls continue to sell products exactly the same or significantly similar to retail boutiques despite notification to council and the markets.
- The markets do not uplift our area. Sydney road is a boutique dining and retail precinct and the markets detract from that and take \$\$ away from businesses that pay rates and invest heavily and long term in the area.
- Products sold are not all handmade and my suppliers exhibit without any vetting on behalf of the operator. Others could sell the same product as us and from one weekend to the next we would not know who we compete against.