



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 17 September 2007

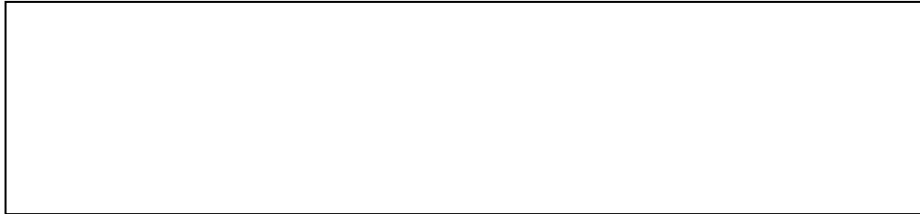
Commencing at 7:30pm for the purpose of considering items included on the Agenda.

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*

Seating Arrangements for Meetings

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Deputy Mayor

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

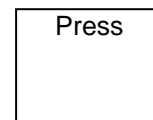
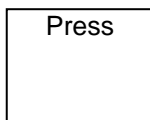
Clr Adele Heasman

Clr Dr Judy Lambert
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public
Addresses

Public Gallery

Chairperson: The Mayor, Dr Peter Macdonald
Deputy Chairperson: Deputy Mayor Clr Brad Pedersen

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QUESTIONS WITHOUT NOTICE

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

CLOSED SESSION

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

TO: Ordinary Meeting - 17 September 2007
REPORT: General Managers Division Report No. 29
SUBJECT: Election of Deputy Mayor
FILE NO:

SUMMARY

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of the Mayor.

The election for Deputy Mayor will be held at the Ordinary Meeting of Council on 17 September 2007.

REPORT

The term of the current Deputy Mayor is up to September 2007. The Council is required to conduct an election to fill this position for a further term.

Procedure

Clause 394 of the Local Government (General) Regulation 2005 provides that the Deputy Mayor is to be elected in accordance with Schedule 7 of the Regulation. The provisions of the Schedule are summarised as follows:-

1. A nomination for the Office of Deputy Mayor is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is **not valid unless** the nominee has indicated consent to the nomination **in writing**.

There is no prescribed form of "nomination paper". However, for convenience, "nomination papers" have been prepared and **distributed**.

2. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:-
 - (a) Preferential Ballot.
 - (b) Ordinary Ballot.
 - (c) Open Voting.

(Note: It has been Manly Council long-standing practice to have Open Voting.)

3. If the method is by Preferential or Ordinary Ballot, it shall be by secret vote.
4. The General Manager (or a person appointed by the General Manager) is the Returning Officer.

The primary difference between Ordinary Ballot/Open Voting and Preferential Ballot is:-

- (i) Preferential Ballot - **Only one ballot is taken** and Councillors are to mark their votes by placing the numbers "1", "2", "3" and so on, against the various names so as to

General Managers Division Report No. 29 (Cont'd)

indicate the order of their preference for the candidates. Preferences must be shown for all candidates (Clause 9 of Schedule 7).

The formality of a ballot paper under this part is to be determined in accordance with Clause 345 (1) (b) and (c) and (5) of the Local Government (General) Regulation, 2005. In essence, the ballot paper must:-

- (a) Be completed in accordance with the directions for the showing of preferences.
- (b) Be initialled by the Returning Officer or an Electoral Officer.
- (c) Not contain a mark or writing which would enable the voter to be identified.

If a candidate has an absolute majority of first preference votes (i.e. more than one half of the number of formal ballot papers), that candidate is elected.

If not, the candidate with the lowest number of first preference votes is excluded and that candidate's votes transferred to that candidates' second preferences. This procedure continues until a candidate receives an absolute majority.

- (ii) Ordinary Ballot/Open Voting - Separate and continuing ballots/votes are taken to exclude the candidate with the lowest vote.

When there are two candidates remaining, a ballot/vote is taken **to elect** the candidate with the higher number of votes.

Tied Candidates (Choosing by Lot)

If, on any count of votes, the number of votes cast for two candidates are equal and:-

- (a) those candidates are the only candidates in, or remaining in the Election - the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected; or
- (b) those candidates are the ones with the lowest number of votes on the count of the votes - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

If on any count the number of votes cast for three or more candidates are equal and the lowest number of votes on the count of the vote - the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Summary of Procedure

A summary of the procedure is as follows:-

- (a) Councillors will be called upon by the Returning Officer to submit their nomination papers (in writing signed by two or more Councillors and with nominees written consent) **before 7pm on Monday, 17 September 2007**.
- (b) Nominations received will be read to the Meeting by the Returning Officer and he will ask if any of the candidates so nominated wish to withdraw.
- (c) If there are more candidates than one, an election will be carried out in accordance with the provisions of Schedule 7 of the Local Government (General) Regulation 2005 as outlined above, and Councillors will be requested to resolve whether the election is to proceed by Preferential Ballot, by Ordinary Ballot or by Open Voting.

General Managers Division Report No. 29 (Cont'd)

- (d) (i) If a Preferential or Ordinary ballot is required, ballot papers will be prepared and distributed to Councillors for marking:-
- Upon completion of marking of the ballot papers by Councillors, the ballot papers will be collected on behalf of the Returning Officer and the votes will be counted.
 - When the ballot or ballots, as required pursuant to the provisions of Schedule 7, have been completed and a result obtained, the Returning Officer will announce the result to the meeting.
- (ii) If the election is by Open Voting, then votes **to exclude candidates (if more than two)** and, where there are two candidates, votes to elect a candidate will be taken by show of hands.

When one candidate has a majority of votes the Returning Officer will declare this Councillor duly elected.

Term

Section 231(2) of the *Local Government Act, 1993* states that the person may be elected for the Mayoral term or a shorter term.

As Council is aware the current Mayoral term at Manly Council will be for 4 ½ years. However, the practice has been to elect the Deputy Mayor for a one year term only.

RECOMMENDATION

1. That Council elect a Deputy Mayor for the period to **September 2008**.
2. That Council determine the method of voting for the election of Deputy Mayor for the 2007/2008 term.

ATTACHMENTS

There are no attachments for this report.

OM170907GMO_1.doc

***** End of General Managers Division Report No. 29 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: General Managers Division Report No. 30
SUBJECT: Appointment of Chairperson and Deputy Chairperson for it's Principal Committees
FILE NO:

SUMMARY

The purpose of this report is to appoint the Chairperson and Deputy Chairperson for the Principal Committees of Land Use Management and Planning and Strategy.

REPORT

The Council has two Principal Committees. These are the Land Use Management Committee and the Planning and Strategy Committee which are Principal Committees. They meet in Committees-of-the-Whole (membership consists of all councillors) and on a monthly cycle.

Under the *Local Government Act*, the Mayor is ex-officio Chairperson of all committees established by Council.

However it is the practice of Manly Council for the roles of Chair and Deputy Chair to be delegated to other Councillors.

Principal Committees

Council's Code of Meeting Practice established (2) Principal Committees:-

- Planning and Strategy Committee
- Land Use Management Committee

The functions and responsibilities of the Principal Committees are as follows:-

1. Planning and Strategy Committee

Functions and Responsibilities:

To consider and resolve on all matters pertaining to the Planning and Commissioning of facilities, works and services, and in particular:-

- (i) Forward planning (Local Environmental studies)
- (ii) Statutory planning (Local Environmental Plans and Development Control Plans)
- (iii) Management Plans (Reserves)
- (iv) Special Planning Projects
- (v) Urban Design Guidelines
- (vi) Special Design Projects
- (vii) Specification of Services
- (viii) Commissioning and Contracting of Work

General Managers Division Report No. 30 (Cont'd)

- (ix) Monitoring of construction works
- (x) Monitoring of the Annual Works Programme
- (xi) Traffic Management - Works Implementation
- (xii) Waste Management and Recycling
- (xiii) Public Place Cleansing
- (xiv) Road Safety
- (xv) Flood Plain and Estuary Management
- (xvi) Asset Management

2. Land Use Management Committee***Functions and Responsibilities:***

To consider and resolve on matters pertaining to:-

- (i) Development Control (Processing of development applications)
- (ii) Associated Land Use Matters (fire safety, compliance, etc.)
- (iii) Strata Subdivision Applications
- (iv) Land Subdivision Applications
- (v) Advertising Signs

Each Principal Committee presently comprises the whole of the Council with a **quorum of seven**.

RECOMMENDATION

1. That Council establish a Planning & Strategy Committee and Land Use Management Committee as its Principal Committees with the Functions & Responsibilities outlined in this report.
2. That Council proceed to elect Chairpersons and Deputy Chairpersons for its Principal Committees of Land Use Management and Planning and Strategy for the period to September 2008.
3. That Council determine the method of voting as applied to the election of the Deputy Mayor.
4. That in accordance with s377 of the Local Government Act Council delegate to the two (2) Principal Committees of Land Use Management and Planning and Strategy the power to resolve on matters properly before each Principal Committee.

ATTACHMENTS

There are no attachments for this report.

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***** End of General Managers Division Report No. 30 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: Mayoral Minute Report No. 21
SUBJECT: 150 years of Public School Education in Manly
FILE NO:

Background

My fellow Councillors may be aware that 2008 will mark the Sesquicentenary of the Manly Village Public School. For 150 years, this educational institution has been a lifeblood of our community. It has provided quality education to generations of Manly residents from the time our area was no more than an isolated coastal village with a scattering of rural properties. The staff and students at the school have seen our society grow and change; indeed they have had an integral part in shaping that society. Sir Roden Cutler, Nancy Bird Walton and Andrew Boy Charlton are just some of the more famous faces that have emerged from the school but all former students will have fond memories of the old stone buildings or the playground lined with Norfolk pines.

In 150 years, through three very different centuries, the school has undergone many changes in both structure and organisation. When the school was first opened as Manly Beach National School on September 28th, only eight children turned up. Pupil numbers at first only increased gradually as education in the colony was not yet compulsory. At this stage the school was housed in Swiss Cottage, a small stone building on the western hill of Manly owned by Manly's founding father Henry Gilbert Smith.

On July 16th 1859, twenty three students and their teacher and his family moved into a newly built National School with an attached residence on Carlton Street adjacent to Belgrave Street near the ocean beach. They were almost directly below the famous Kangaroo Statue on the cliff above, erected by Henry Gilbert Smith in 1856. It officially became Manly Public School under the 1866 Public Schools Act of New South Wales and the School was to be eventually overcrowded with children by the 1870s.

By 1882 the school was shifted to its present site on Darley Road between Wentworth Street and Victoria Parade with the pupils moving into the new one storey brick building. Other buildings were later constructed and a second floor eventually added to the original main building. By mid 1886 there were 284 children on the school roll, including many new arrivals to Manly. From then on the School population continued to grow and has constantly adapted to its location.

The Sesquicentenary promises to be a wonderful celebration for not just the School community but the broader community at large. Some of the events already planned for next year include:

- The launch of Professor John Ramsland's book *"The Brave and the Bold, Manly Village Public School"*
- A Sesquicentenary logo design competition for students
- A Historic Exhibition
- A Series of morning teas for past alumni, principals, teachers and school captains
- Sports carnivals to include significant alumni
- Series of regular guest speakers at school assemblies
- Student prepared "Sesqui Update" in school newsletter

The organising committee have budgeted that the event will cost approximately \$25 000 and they have invited Manly Council to contribute \$10 000.

This local school has been a vibrant part of our community for 150 years. It existed even before the Council did. Their 150th Anniversary presents us with a unique opportunity to not only congratulate the school community on achieving this wonderful milestone but to demonstrate how much we

Mayoral Minute Report No. 21 (Cont'd)

value public education and to show our appreciation for how much the school community - past and present - has done for our local area.

RECOMMENDATION

I therefore move that Council:

1. Accept the invitation of the organising committee to provide funding of \$10 000 to the Manly Village Public School Sesquicentenary project with all expenditures to be appropriately receipted and documented
2. Provide practical support wherever possible such as the provision of Council facilities for specific sesquicentenary events.
3. That Council produce a commemorative plaque on behalf of the community acknowledging the 150th Anniversary of the school to be appropriately unveiled during their Sesquicentenary.

ATTACHMENTS

There are no attachments for this report.

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***** End of Mayoral Minute Report No. 21 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: Mayoral Minute Report No. 22
SUBJECT: Amendment to the Schedule of Fees and Charges at the Manly Boy Charlton Swim Centre
FILE NO:

Background

Here in Manly, we take pride in our healthy, active outdoor lifestyle. As a Council, we have consistently provided facilities and opportunities for our local residents and ratepayers to engage in healthy exercise and take part in recreational sport.

Facilities such as the Manly Boy Charlton Swim Centre are popular with individuals and with larger groups actively pursuing physical fitness. However, it has come to my attention that this year, the fee for groups hiring the facility in a bulk booking has increased by 66% - from \$42 per hour to \$70 per hour. This fee is levied in addition to the regular entrance fee paid by the group members for using the facility.

I acknowledge that there should be a fee paid for effectively 'monopolising' the facility but this substantial increase represents an unsustainable financial burden for any not-for-profit community sporting club.

As an example, the Breakers Water Polo club are a regular user of the facility as they train and compete there four nights a week for nearly eleven months of the year. Through their activities, the Club provides its members with an opportunity to develop their skills, build on their fitness and learn about teamwork. The diversity in ages and backgrounds also provides the members with a unique network, with older members mentoring younger players and providing them with positive role models who present a generally healthy approach to life. The increase in hiring fees would essentially mean the club would have to cut back their involvement and the subsequent opportunities they provide.

I firmly believe that regular, consistent users of the Swim Centre should not be penalised financially or be lumped with a disincentive to continue using this wonderful facility. In previous years arrangements have been made for the hiring fee to be discounted to \$42 for anyone taking out a bulk booking and I encourage my fellow Councillors to support me in asking that some consistency and fairness be displayed.

RECOMMENDATION

That the current Schedule of Fees and Charges be amended to include a block booking discount for regular repeat users of the Manly Boy Charlton Swim Centre. This amendment should constitute a reduction in the hire fee from \$70 per hour to \$42 per hour (consistent with charges from previous years).

ATTACHMENTS

There are no attachments for this report.

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***** End of Mayoral Minute Report No. 22 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: Notice of Motion Report No. 16
SUBJECT: "Zero Tolerance" on workplace Bullying
FILE NO:

Councillor Norek will move that Manly Council:

- Establish and circulate a policy making bullying clearly unacceptable by Manly Council adopting a "Zero Tolerance to Bullying" policy.
- Identify unacceptable behaviour and explain why it is unacceptable.
- Nominate a staff member who is trained in counselling and encourage anyone who feels they have been bullied to talk to them.
- Actively encourage employees and elected members of council who are being bullied to lodge a complaint.
- Guarantee confidentiality of any complaints and investigate them promptly.
- Ensure a fair hearing to the person being bullied and provide support.
- If the problem continues encourage victims to make a complaint to the Office of NSW Industrial relations.
- Monitor the work environment to ensure that it is bullying-free, especially where there has been restructuring or a change in personnel
- Provide ongoing training for all staff to cover bullying awareness, harassment and discrimination, assertiveness, interpersonal skills and confidence building.
- Ask the Local Government to act on behalf of all councillor's in NSW to not tolerate Bullying as a councillor.

Background:

It is vital to act promptly to eliminate bullying in local Government. Ongoing bullying can be costly in terms of increased sick leave, absenteeism and turnover. By creating a work environment which does not tolerate bullying, you can substantially improve staff commitment and productivity.

Bullying is a largely hidden problem in the workplace and local Government, often taking place behind closed doors and without witnesses. The effects of bullying can be devastating to the health and well-being of those exposed to it and the cost to organisations in terms of lost productivity and staff turnover can be substantial.

What is bullying at work?

A bully is defined in the Concise Oxford Dictionary as "a person who uses strength or power to coerce others by fear" and that to bully is to "oppress, persecute, physically or morally by (threat of) superior force."

Examples of bullying behaviour include unfair and excessive criticism, publicly insulting victims, ignoring their point of view, constantly changing or setting unrealistic work targets and undervaluing

Notice of Motion Report No. 16 (Cont'd)

their efforts at work.

Scope of the problem

A 1996 survey of over 1,000 workers by the Institute of Personnel and Development in the UK found that one in eight people had been bullied at work in the previous five years.

The majority had been bullied by more senior staff. Almost one third of victims said that the bully was their head of department or section while 16% said it was their chief executive or managing director.

A survey of 1,137 employees in 1994 by Staffordshire University Business School found that one in two employees were being or had been bullied at some time in their working life.

Impact on workplace productivity

A 1997 survey by the South Australian Working Women's Centre found that 70.2 per cent of respondents reported taking time off as a result of being bullied at work. The majority of these used sick leave (75%) while 27.9% used workers compensation. Some respondents used a combination of leave types.

The survey found that some commonly reported effects of bullying included:

- stress, anxiety and tension
- feelings of social isolation at work
- loss of confidence and self esteem
- loss or deterioration of personal relationships, headaches, backaches, stomach cramps and depression.

Why people bully others at work

Like bullying at school or other places, people who bully others at work often have low self-esteem or have been a victim of violence themselves. They use bullying as a way of making themselves feel more powerful.

- If you are experiencing bullying it may help to remember that bullies are often not as tough as they make out. Often bullying can become their way of dealing with their own problems. Bullies can also be motivated by jealousy, lack of knowledge, fear or misunderstanding.

This source of information was provided by the Office of NSW Industrial relations Policy on Workplace Bullying.

RECOMMENDATION

That Manly Council:

- Establish and circulate a policy making bullying clearly unacceptable by Manly Council adopting a "Zero Tolerance to Bullying" policy.
- Identify unacceptable behaviour and explain why it is unacceptable.
- Nominate a staff member who is trained in counselling and encourage anyone who feels

Notice of Motion Report No. 16 (Cont'd)

they have been bullied to talk to them.

- Actively encourage employees and elected members of council who are being bullied to lodge a complaint.
- Guarantee confidentiality of any complaints and investigate them promptly.
- Ensure a fair hearing to the person being bullied and provide support.
- If the problem continues encourage victims to make a complaint to the Office of NSW Industrial relations.
- Monitor the work environment to ensure that it is bullying-free, especially where there has been restructuring or a change in personnel
- Provide ongoing training for all staff to cover bullying awareness, harassment and discrimination, assertiveness, interpersonal skills and confidence building.
- Ask the Local Government to act on behalf of all councillor's in NSW to not tolerate Bullying as a councillor.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 16 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: Notice of Motion Report No. 17
SUBJECT: Review of Manly B-Squad fees at the Andrew Boy Charlton Swim Centre
FILE NO:

Councillor Hay will move:

That Council review the increased hire fees payable by Manly B-Squad at the Andrew Boy Charlton Swim Centre.

Note

Manly B-Squad is a not-for-profit & recreational swim group that promotes a healthy lifestyle through its activity. Many of the members are very disappointed by the fee increase which has risen by 300%. Council has increased pool entry by 10% which is accepted as fair and reasonable.

The group feel a similar increase in their hire charge should also apply as they pay both the entrance fee and the hire fee for the 3 lanes they use. In all this would equate to an increase of 20% in charges for B-Squad members.

RECOMMENDATION

That Council review the increased hire fees payable by Manly B-Squad at the Andrew Boy Charlton Swim Centre.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 17 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: Notice of Rescission Report No. 8
SUBJECT: Notice of Rescission for Corporate Services Division Report No. 29
FILE NO:

Councillor Norek, Councillor Morrison, and Councillor Murphy will move:

“That the Council’s decision of 10 September 2007 being Item 29 in respect of Annual Report to the Community 2006/2007 be and is hereby rescinded.”

The resolution passed on 10 September 2007 was in the terms of:

“That the Annual Report to the Community 2006/07 and the website include membership, number of meetings and attendance of Council’s Principal and Special Committees by Councillors (as per separately circulated attachment).”

If the above Notice of Rescission Motion is carried, it is proposed to move the following alternate motion:

That the status quo remain in terms of reporting of committees in the Annual Report to the Community.

RECOMMENDATION

That the Council’s decision of 10 September 2007 being Item 29 in respect of Annual Report to the Community 2006/2007 be and is hereby rescinded.

ATTACHMENTS

AT- 1 Notice of Rescission - Corporate Services Division Report No. 29 1 Page

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***** End of Notice of Rescission Report No. 8 *****



NOTICE OF RESCISSION

This notice should be signed by three (3) Councillors dated and delivered to the General Manager during the meeting at which the resolution to be rescinded is carried.

That the Council's decision of: 29 10/9/07

being Item No. 6/3/29 in respect of Annual Report.

be and is hereby rescinded.

Date: 10/9/07

Councillor:

Signature:

- 1. Cr Novek [Signature]
- 2. Cr Macrossan [Signature]
- 3. Cr Murphy [Signature]

If the above Notice of Rescission is carried, it is proposed to move the following alternate motion -

That the status quo remain.

To
OM 17/9/07
Approved by General Manager, Manly Council

10/9/7
Date

TO: Ordinary Meeting - 17 September 2007
REPORT: Item For Brief Mention Report No. 10
SUBJECT: Item for Brief Mention
FILE NO:

1. Reports:

i) Update Report on State Government Planning Reforms

The Department of Planning held a one-day forum 'New Ideas for Planning' at the Australian Technology Park in Sydney on 14 August 2007. Speakers included the NSW Planning Minister, Frank Sartor; NSW Local Government Association President, Genia McCaffery; NSW Department of Planning Director-General Sam Haddad; University of Sydney Graduate School of Government Director, Dr Geoff Gallop (former Western Australian Premier); Property Council of Australia NSW Executive Director, Ken Morrison; and Queensland Department of Local Government, Planning, Sport and Recreation Smart eDA Project Director, Catherine Anderson.

Interactive sessions were held on development assessment, strategic planning, plan-making, e-planning, and exempt and complying development.

NSW Planning Minister Frank Sartor outlined his own nine point reform agenda that comprised:

1. Increasing the number of exempt and complying developments by 50 per cent over two years.
2. Strengthening and improving the private certification system.
3. Faster and cheaper section 82A reviews.
4. Expansion of e-Planning initiatives.
5. Improving the time taken by state agency referrals, possibly by implementing a system of deemed approval after 15 days.
6. Improving DA consent models – possibly the establishment of a state wide Planning Commission. The Minister stated, during questioning, that he has not made up his mind on planning consent panels for councils (the South Australian model).
7. Plan making – strategic and LEP plan making process.
8. Reviewing development levies so there is a common base between the State and Local Government.
9. Review of the NSW heritage legislation.

The Minister indicated that the review process would be completed by mid-2008 and would include:

- The release of discussion papers in October/November 2007.
- An exposure draft Bill by February 2008.
- Legislation to be introduced into Parliament by May/June 2008.
- Commencement date of 1 July 2008.

A summary of the forum proceedings, including an audio summary of the keynote presentations, will be made available on the Department's website shortly.

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

ii) Political Donations – Motion 137 Local Government Association Annual Conference – 2006

The Council submitted a motion to the 2006 LGSA Annual Conference in the following terms:

Item For Brief Mention Report No. 10 (Cont'd)

"That the Local Government and Shires Association calls upon the Federal Government to convene a National Summit to develop a national strategy to fundamentally reform, in a coordinated manner, all the financial donations legislation for all 3 levels of Australian government, ie federal, all state governments and all local councils."

Council has now received a letter from the LGSA enclosing a response to the Motion from the Hon. Gary Nairn MP, Special Minister of State, which is attached.

iii) Response from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08

Council resolved at the Extraordinary Meeting of Land Use Management Committee held on Tuesday 7 August 2007 under Mayoral Minute Report No.15 to make an application to the Minister for Local Government under S545(1) of the Local Government Act for authority to alter the Manly Business Rate which was adopted by Council on 18 June 2007.

Council has now received a formal response to its letter dated 20 August 2007 which is separately circulated.

2. Minutes of Meetings without recommendations of a substantial nature:

- i) Manly Arts Festival Committee - 1 August 2007
- ii) Manly Art Gallery and Museum Liaison Committee – 15 August 2007
- iii) Access Committee – 16 August 2007
- iii) Manly Community Safety Committee – 16 August 2007
- iv) Public Art Committee – 22 August 2007

RECOMMENDATION

1. That Council:
 - i) Note the update report on State Government Planning Reforms.
 - ii) receive and note the letter from the LGSA regarding political donations.
 - iii) receive and note the letter from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08
2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i) to iv)**, be **adopted**.

ATTACHMENTS

- AT- 1** Response from DLG 270807 re Political Donations 3 Pages
AT- 2 Letter from Dept Local Government 050907 1 Page Circulated Separately

OM170907IBM_1.doc

***** End of Item For Brief Mention Report No. 10 *****

ATTACHMENT 1

Item For Brief Mention Report No. 10 - Item for Brief Mention
Response from DLG 270807 re Political Donations

Local Government
Association of NSW



Our ref: R90/0675 Out-15283

27 August 2007

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

Dear Mr Wong

Manly Council
3 SEP 2007
Distribution
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Political Donations
Motion 137 at the 2006 Local Government Association Annual Conference

I have pleasure in attaching a response dated 13 August 2007 from the Hon Gary Nairn MP, Special Minister of State.

The response sets out the views of the Australian Government about council's motion that there be a national summit on political donations.

Any enquiries that you have may be referred to Mr Warren Taylor, Manager Special Policy Projects, by phone 9242 4120 or email warren.taylor@lgsa.org.au.

Yours sincerely


Ryan Fletcher
Director - Policy and Research

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ATTACHMENT 1

Item For Brief Mention Report No. 10 - Item for Brief Mention
Response from DLG 270807 re Political Donations



THE HON GARY NAIRN MP
Special Minister of State
Federal Member for Eden-Monaro

13 AUG 2007

Mr Bill Gillooly AM
Secretary General
Local Government Association of NSW
GPO Box 7003
SYDNEY NSW 2001

Local Government Association of NSW Shires Association of NSW	
15 AUG 2007	
SGU.....	CORP.....
POLICY.....	WT.
WPLACE.....	NO ACTION.....
FILE No.	RO6/0044. OUT:15043

Dear Mr Gillooly

Thank you for your letter of 29 May 2007 concerning your Association's resolution calling for the Federal Government to convene a national summit to develop a national strategy to reform financial donations legislation at all levels of government. I apologise for the delay in responding.

You may wish to provide the following information to your Association.

The Government is firmly committed to supporting the integrity and rigour of the electoral system, and recognises that political donations offer an opportunity for individuals and organisations to support the party or candidate of their choice. This is an important part of the democratic process, as adequate funding for political parties and candidates supports the functioning of a sustainable, representative democracy.

At the federal level, the system for regulating donations to political parties is based on the philosophy that there is nothing intrinsically wrong with donating to political parties. Reflecting this approach, there are no barriers to who may donate to an Australian political party or candidate.

The Government understands however, that in preserving the integrity of the electoral system, the public needs to be aware of the major sources of parties' and candidates' funds. Accordingly, political parties, donors and other participants in the political process are required to disclose to the public how much they have received, spent or donated. Public disclosure of donations, and other expenditure, helps provide transparency.

In particular, Australian political parties are required to disclose the name, address and other details of all people or organisations, including foreign entities, which donate more than the disclosure threshold annually. Donors are also required to disclose the political parties (or

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ATTACHMENT 1

Item For Brief Mention Report No. 10 - Item for Brief Mention Response from DLG 270807 re Political Donations

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other participants in the political process) to which they donated, if the total of their donations for a financial year is above the disclosure threshold. The disclosure threshold is currently \$10,500 and is indexed to the Consumer Price Index (CPI) annually.

Turning to your Association's resolution calling for a national summit be held to develop a strategy to reform financial donations legislation, you may wish to note that the Parliament regularly appoints a Joint Standing Committee on Electoral Matters (JSCEM), which considers a range of electoral and administrative matters. JSCEM considered the issue of political donations, and related funding and disclosure, in its report on the 2004 federal election, and again in a later report in 2006. A copy of both reports can be found on the Committee's website at: www.aph.gov.au/house/committee/em/reports/htm

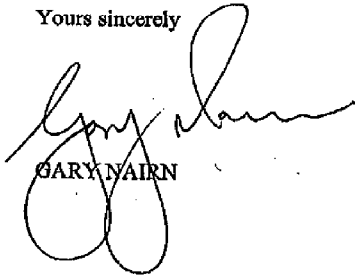
In its report on the 2004 federal election, JSCEM made a number of recommendations on political donations which the Government supported. Appropriate measures were included in the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*, which was passed by the Parliament in June 2006.

Given the recent extensive parliamentary inquiries on the issue of political donations, including related funding and disclosure, the Government considers that a national summit on these issues is not warranted. Noting that each State, Territory and local government has responsibility for their own donations arrangements, the current Commonwealth scheme strikes the appropriate balance between encouraging donations to sustain democratic activity and providing safeguards against the misuse of donations.

You may also wish to know that JSCEM has noted the absence of any evidence of corruption or undue influence and considered that Australia's funding and disclosure scheme was achieving its major goals.

Thank you for bringing your Association's views to the attention of the Government.

Yours sincerely



GARY NAIRN

TO: Ordinary Meeting - 17 September 2007
REPORT: Corporate Services Division Report No. 30
SUBJECT: Report on Council Investments as at 31 August 2007
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 August 2007.

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 a combined Bank Balance of \$2,453,941 and Investment Holdings of \$5,746,090 (directly managed) and \$4,659,378 (externally managed).

Directly managed investments overall performed better than 90 day USBWA index for the month providing a return of **6.85%** (*Council Benchmark = 6.68% - benchmark is 90 day UBS Warburg Bank Bill Index plus 0.25%pa*)

Return on Grange Managed Funds since inception was 11.33%, less than the benchmark UBSWA Index of 6.43% (for the month of August 2007 the monthly return was 0.71% above the benchmark UBSWA Index) This is due to the poor return on these managed funds which had a 3.8% exposure to the US Sub prime mortgage assets market.

Whilst the current market to market value of these investments (included in the report for information) shows a reduction in the value and the returns reported by Grange Securities 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 are continuing to pay their full coupon value and provide an interest return greater than the benchmark.

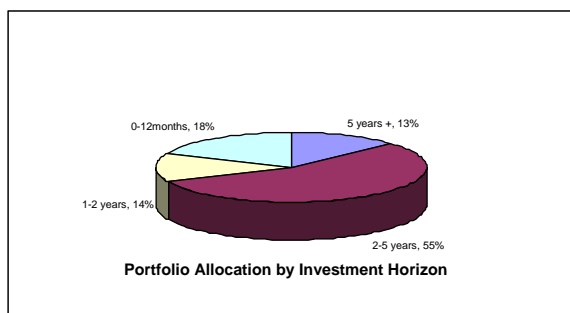
Corporate Services Division Report No. 30 (Cont'd)

MANLY COUNCIL INVESTMENT PORTFOLIO as at 31 August 2007								
	Form of Investment	Investment in AUSS	Percentage of Portfolio	S & P Rating	Date Invested	Call/Maturity Date	Investment Returns Interest Rate	
Directly Managed Funds								
Trading Account								
CBA Trading Account	Cash	2,453,941	19.08%	AA-			5.25% ⁽⁴⁾	
Others								
NM Rothschild & Son (Aust)	Floating Rate Note	700,000	5.44%	BBB-	3/12/2004	3/12/2009	7.40%	
Emu Note - Dresdner Bank	Structured Note	500,000	3.89%	AAA	25/10/2005	25/10/2007	7.03%	
WBC PP Ethical Note	Structured Note	500,000	3.89%	AA-	5/07/2006	5/07/2012	8.08%	
Credit Suisse - Aquaduct Note	Structured Note	500,000	3.89%	AA-	22/12/2006	21/06/2010	7.00%	
Illawarra Mutual Building Society	Term Deposit	121,936	0.95%	BBB	22/05/2007	22/11/2007	6.57%	
Elders Rural Bank	Term Deposit	719,877	5.60%	AA-	4/06/2007	4/06/2008	6.80%	
LGFS Ethical Fund	@ Call	118,387	0.92%	A	At call	At call	6.50%	
Illawarra Mutual Building Society	@ Call	5,000	0.04%	AA-	At call	At call	6.50%	
Commonwealth Bank	@ Call	2,580,891	20.07%	AA-	At call	At call	6.45%	
	Total	5,746,090	44.68%					
Total Directly Managed Funds		8,200,031						
Grange Managed Funds (All in AUSS)								
Approved Deposit Institutions (Bank)								
			<i>Market Val (Note 1)</i>					
HSBC	Floating Rate Note	500,000	498,985	3.89%	AA-	20/03/2007	22/09/2011	BBSW + 0.28%
Australian Central Credit Union	Floating Rate Note	1,000,000	1,009,440	7.78%	Cr Union	15/12/2004	15/12/2014	BBSW + 1.19%
ANZ Principle Protected Note	Euro Bond	50,000	47,840	0.39%	AA	17/07/2007	17/07/2008	8.25%
	Total	1,550,000	1,556,265	12.05%				
Interest Bearing Securities (Non Bank)								
Magnolia (Flinders)	Floating Rate CDO	300,000	256,683	2.33%	AA	20/03/2007	20/03/2009	BBSW + 1.50%
MAS6-7 (Parkes IIA)	Floating Rate CDO	500,000	460,250	3.89%	AA-	20/03/2007	20/12/2009	BBSW + 2.00%
Heli0308 (Scarborough)	Floating Rate CDO	250,000	226,790	1.94%	AA	21/06/2007	23/06/2009	BBSW + 1.30%
Corsair (Torquay)	Floating Rate CDO	500,000	452,310	3.89%	AA	20/03/2007	20/06/2009	BBSW + 1.20%
Zircon (Coolangatta)	Floating Rate CDO	500,000	416,310	3.89%	AA	20/03/2007	20/03/2011	BBSW + 1.30%
Beryl (Global Bank Note)	Floating Rate Note	500,000	470,315	3.89%	AAA	3/04/2007	20/03/2010	BBSW + 0.60%
SPRC (Federation)	Floating Rate Note	500,000	172,310	3.89%	AAA	9/05/2007	9/05/2010	BBSW + 1.00%
	Total	3,050,000	2,454,968	23.72%				August BBSW average 6.76%
Macquarie Cash Management Account	@ Call	59,378	59,378	0.46%	AAA	At call	At call	5.44%
Total Grange Managed Funds		4,659,378	4,070,611	36.23%				
TOTAL PORTFOLIO		12,859,409	100.00%				7.18%	
BENCHMARK⁽²⁾							6.68%	

Notes:

- 1 Market to Market Valuation as provided by Issuer. Note that Council records Securities at Face Value
- 2 Benchmark is 90 day USB Warburg Bank Bill Index plus 0.25% pa
- 3 CDO - Collateralised Debt Obligation
- 4 Balances less than \$250,000 earn 5.25%, \$250,000 to \$499,999 earn 5.5%, \$500,000 to \$750,000 earn 5.75% & greater \$750,000 earn 6%

Summary by Credit Rating		No.
AAA	12.13%	4
AA	12.44%	5
AA-	60.34%	8
A	0.92%	1
A-	0.00%	
BBB+	0.00%	
BBB	0.95%	1
BBB-	5.44%	1
Credit Union	7.78%	1
	100.00%	21



Corporate Services Division Report No. 30 (Cont'd)**Credit Market Update****5th September 2007**

Credit markets remained remarkably stable last night in Europe and the U.S., despite the consistent, strong performance put in by equity markets globally. Deutsche Bank made some comments that they felt that stability & some degree of liquidity was returning, and it certainly feels as though "the healing has begun".

Clearing levels are being found for most form of credit risk in the markets, which suggests that some relative degree of confidence and liquidity is returning. The clearing levels are now at yields much wider than where we were in June though and it does feel as though it will be some months before we see a material improvement in credit spreads...and even then I think most market participants would be uncomfortable to see cheap liquidity return in the same manner it existed prior to June 2007. Such a situation would likely only illustrate that no lessons had been learnt and could be the harbinger of worse to come. But that would be a worst case scenario and for the time being, it seems as though the credit markets have learnt and that we're likely to see credit spreads stabilise around current levels for the near~medium term.

Sub-prime indices (the ABX indices) sustained a strong rally last night as short covering was seen particularly in the 'A' and 'AA' tranches...and even in the 'BBB' tranches of some of the 2005 vintage deals. As we've mentioned in the past, some of the technicals which have caused the extreme sell-off in the sub-prime markets, seem to be unwinding. That's not to say that we should expect a rally back to 100%, as some significant fundamental problems in the sub-prime market have been identified in the last 2 months...but as has been highlighted by many market participants, the feeling was that the fundamental value of many sub-prime assets was above (is maybe still above) the current market prices.

RECOMMENDATION

That the statement of Bank Balances and Investment Holdings as at 31 August, 2007 be received and noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Corporate Services Division Report No. 30 *****

TO: Ordinary Meeting - 17 September 2007
REPORT: Corporate Services Division Report No. 31
SUBJECT: Financial Statements for the Year Ended 30 June 2007
FILE NO:

SUMMARY

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

REPORT

Council's Annual Financial Reports for the year ended 30 June 2007 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 2007 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 October, with the Auditors Report. The "Reports" to be signed plus a copy of the Annual Financial Reports for the Year ended 30 June 2007, are tabled. In order for Council's Annual Financial Reports for 2006/2007 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 REPORTS FOR THE YEAR ENDED 30 JUNE 2007

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 Reports for the year ended 30 June 2007, have been drawn up in accordance with:-

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

Corporate Services Division Report No. 31 (Cont'd)

To the best of our knowledge and belief, this Report:-

- presents fairly the Council's operating result and financial position for the year; and
- accords with Council's accounting and other records.

We are not aware of matter that would render this Report 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 2007

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 2007, have been drawn up in accordance with:-

- 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".
- The Local Government Code of Accounting Practice and Financial Reporting

To the best of our knowledge and belief, this report:-

- Presents fairly the Council's operating result and financial position for each of Council's
- declared Business Activities for the year; and
- accord with Council's Accounting and other records.

We are not aware of any matter that is false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2007 be referred for audit by Council's Auditors.

ATTACHMENTS

There are no attachments for this report.

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

TO: Ordinary Meeting - 17 September 2007
REPORT: Human Services And Facilities Division Report No. 6
SUBJECT: Commercial Outdoor Cinema proposal at Manly Oval
FILE NO:

SUMMARY

High as a Kyte Pty Ltd seeks approval for the commercial operation of the Starlight (open air) Cinema for a season at Manly Oval in January 2008.

The open air cinema proposes to use the Manly Oval grounds and Oval Hall for a period of 11 days, giving the community the opportunity to attend over nine screenings.

REPORT

The event is proposed for set up on Wednesday 2nd January and to pack down on Monday 14th January 2008. The proposal will use the Oval surface and surrounds for a period of 11 days, aiming to attract up to 800 people per screening.

Following staff refusal of the application in November 2006, due to the reasons contained in the body of this report, Ms Keyte has lodged a second application in July 2007 and has held several discussions and meetings with Council staff regarding this application for a commercial Open Air cinema screening.

Background

Starlight Cinema has operated on the north shore since 2004 at North Sydney Oval and at Pittwater Rugby Park in 2007. As a review of the commercial activity of an Open Air cinema, late in 2006, staff attended a Pittwater screening and found the management of the event was streamlined, enjoyable and well managed, with security on the venue provided by the commercial operator.

High as a Kyte Pty Ltd expects up to a maximum of 800 patrons per night with the operations for the staging of Film evenings as follows:

- Large inflatable screen (16m x 8m), (deflated after each session).
- The screen is held by four one tonne concrete counterweights on pallets which secure the guy ropes of the screen.
- The weight of these counterweights can be increased according to wind movements on the evening and are lifted by fork lift equipment on and off each evening.
- The proposal seeks to occupy the Manly Oval Hall for the screen projection.
- If the Hall is unavailable scaffolding and a site projection shed would be installed at the Oval.

The film program is wide ranging and themed on different nights.

- Opening night.
- Wild Wednesdays and Family Fridays, attracting the highest number of people.
- Surf film nights.

The proposal seeks to have a local band play on the Oval, prior to commencement of opening night and the surf film screenings.

Human Services And Facilities Division Report No. 6 (Cont'd)**Proposed event facilities**

Patrons arrive between 7.00pm and 8.15 pm, and would be sitting on deckchairs provided by the company on the Oval grounds or seated in the grandstand. Films will conclude about 11.00 pm. Patrons could either bring their own food or buy food on site at the proposed Starlight Cinema marquee. Patrons are not permitted to bring their own alcohol to the event, and security would provide bag searching to manage this aspect.

The company could apply for a Liquor Licence, but these licences do not usually permit the selling of liquor on a Crown reserve which is also alcohol free due to the Council's regulation of reserves in the Local Government Area. At North Sydney Oval and function centre, the licence for the sale of alcohol is held by North Sydney Council.

Toilet facilities and Waste Management services at Manly Oval would be utilised for the event period, with the waste, cleaning and provisioning as a condition, to be fully funded by High as a Kyte Pty Ltd during the 11 day season.

High as a Kyte Pty Ltd has \$10m public liability insurance, workers' compensation, event and equipment insurance for the season. The company has spoken with Manly Cricket and Rugby Clubs and proposes that the opening night be a media / charity event with some of the profit going to the Clubs or to a local charity.

- The applicant wishes to display banner signage promoting the season dates at Manly Oval and at the Wharf end of The Corso from 17 December to 13 January 2008.
- Install flags at South Steyne beachfront and at Manly Wharf.
- Starlight Cinema's sponsors include Volvo, Tourism Australia, Vibe Hotels, Hungerford Hill Wines, Adshel, Sanyo and GSP Print.
- Negotiating for further sponsorship from Bluetongue Brewery, Ribena Light, Manly Daily, Mosman Daily and the North Shore Times.
- Sponsors have on site promotion which can include car displays, product sampling and pouring rights.
- High as a Kyte is keen to work with the clubs, plus the neighbouring Bowling and Tennis clubs and plans to keep residents informed of the event through the Precinct Community Forums.

Council staff assessment of the application

Council staff has discussed the application on several occasions and has met with High as a Kyte Pty Ltd applicant, Ms Jill Keyte in December 2006 and September 2007 to discuss the proposal, following Council's refusal of the application in November 2006. Ms Keyte was advised that:

- Manly LEP applies to the land which is zoned Open Space Zone No. 6. The zoning does not permit the use of the area for a commercially operated open air theatre.
- Commercial signage is not permitted on Council land.
- Council policies would not permit alcohol sponsorship or the sale of alcohol on a reserve.
- The proposed season clashes with the high usage of the Oval by the 1st Grade Cricket Club which begins to use the ground on 2 January after its Christmas recess.
- A previous application to Council in 2002 for an open air cinema at Manly Oval was unsuccessful for the same reasons and the process required to seek a further determination was not pursued.

Use of the Grounds

Council's Parks Co-ordinator advises that weights in excess of two tonnes, as would be the case for the fork lifts and promotional vehicles, would mean continuous plywood boarding. Creating a floor surface beneath the vehicles would be a necessary requirement to protect the surface of the Oval, and also due to the Cricket high season.

Human Services And Facilities Division Report No. 6 (Cont'd)

The representative of the Manly Cricket Club has expressed his concerns as to the impact on the grounds after nine nights of high patronage, and the move in and out of the equipment. Additionally, the Club would need to relocate their training facilities to another venue during the time of the screenings.

Advice from Council's legal advisor

Council's legal advisor advises that after a perusal of the land use table and the schedules on exempt and complying development in the LEP, that the proposed screenings do not fall within the definition of what is permitted for a "recreation area" within the LEP.

This is due to the fact that the screenings are to be provided by a privately run commercial business that is not associated with "the purposes of the physical, cultural and intellectual welfare of persons within the community". The usage of the Manly Oval as proposed in the application to Council, is therefore impermissible.

Conclusion

Having regard for the issues raised, Council recommends that the proposal by High as a Kyte Pty Ltd be rejected for the following reasons:-

- Councils' legal advice regarding the LEP, that such a series of events is not permissible according to the definitions of what is permitted for a "recreation area" within the LEP.
- A very high potential for damage to the Oval surface/grounds from the large numbers of patrons, equipment and vehicles.
- The need to relocate the Cricket Club's training facilities for the screening period
- Council's policy in regard to alcohol on public reserves, promotion and sponsorship.

However, Council in considering the general public enjoyment and community aspects of this proposal, may consider requiring the applicant to submit a Development Application for a "temporary use" of the Oval for the purposes of the proposal for Council's determination.

Subject to the legal advice and that of staff, Council's policies and zoning governing the use of Open Space, this action is not recommended to Council.

RECOMMENDATION

1. That the application by High as a Kyte Pty Ltd for a season of Starlight commercial (open air) Cinema at Manly Oval be refused.
2. That the applicant is advised of Council's determination and the reasons supporting the decision of the Council.

ATTACHMENTS

There are no attachments for this report.

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***** End of Human Services And Facilities Division Report No. 6 ***** .