



## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 4 April 2011**

*All minutes are subject to confirmation at a subsequent meeting.*

*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:  
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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 4 April 2011. The meeting commenced at 7:45 PM.

## PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided  
Councillor B Aird  
Councillor H Burns  
Councillor L Elder  
Councillor C Griffin  
Councillor A Heasman  
Councillor A Le Surf  
Councillor Dr P Macdonald  
Councillor R Morrison  
Councillor D Murphy  
Councillor M Norek  
Councillor C Whitting

## ALSO PRESENT

General Manager  
Deputy General Manager, Executive Manager, Environmental Services  
Deputy General Manager, People, Place and Infrastructure  
Head of Strategy  
Divisional Manager Civic and Urban Services  
Risk Manager  
Secretariat Services

## OPENING PRAYER

The Opening Prayer was presented by Bruce Clarke, of St Matthews Anglican Church.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

## CONFIRMATION OF MINUTES

### MOTION (Burns / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 March 2011, and Minutes of Planning and Strategy meeting held on 7 March 2011 having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

50/11 **RESOLVED:** (Burns / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 March 2011, and Minutes of Planning and Strategy meeting held on 7 March 2011 having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**PUBLIC FORUM**

<b>NAME</b>	<b>SUBJECT/PUBLIC SPEAKERS</b>
Denise Keen	Dogs on leash area - Manly Scenic Walkway.
Candie Tancred	Dogs should be allowed on grass at East Esplanade and Federation Walkways.
Katherine Smith	Dogs on leash area.

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**SUSPENSION OF STANDING ORDERS (Griffin / Aird)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Rescission Report No 1 – Civic & Urban Services Division Report No. 4 – 4 Peronne Avenue, Clontarf.

**51/11 RESOLVED: (Griffin / Aird)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Rescission Report No 1 – Civic & Urban Services Division Report No. 4 – 4 Peronne Avenue, Clontarf.

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

**Against the Resolution:** Nil.

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Notice of Rescission Report No. 1

**Civic & Urban Services Division Report No. 4 - 4 Peronne Avenue, Clontarf  
Councillor Aird, Councillor Burns, and Councillor Griffin moved:**

That the Council's decision of 14 March 2011 being Item C&US Reports No. 4 in respect of 4 Peronne Avenue, Clontarf be and is hereby rescinded.

**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Recission: Steve Schinagel  
Phil Young

Against the Recission: Silvano D'Ambrosio

**RESCISSION MOTION (Aird / Burns)**

That the Council's decision of 14 March 2011 being Item C&US Reports No. 4 in respect of 4 Peronne Avenue, Clontarf be and is hereby rescinded.

**52/11 RESOLVED: (Aird / Burns)**

That the Council's decision of 14 March 2011 being Item C&US Reports No. 4 in respect of 4 Peronne Avenue, Clontarf be and is hereby rescinded.

**For the Resolution:** Councillors Hay, Elder, Heasman, Griffin, Aird, Burns, LeSurf and Macdonald

**Against the Resolution:** Councillors Whitting, Murphy, Morrison and Norek

**MOTION (Aird / Burns)****Councillor Aird moved that:**

That the fence line of 4 Peronne Avenue Clontarf be urgently modified, so that a practical maximum forward visibility as close to 45m is achieved for vehicles exiting Number 2 Peronne Avenue Clontarf and sufficient space is provided for the resident of Number 2 Peronne Avenue Clontarf to turn and exit onto Peronne Avenue in a forward direction and further, any portion of the fence that is on public land that is not leased or licensed be removed.

**AMENDMENT (Morrison / Murphy)**

That this item go back to Clontarf Precinct for consideration.

**For the Amendment:** Councillors Whitting, Murphy, Morrison and Norek

**Against the Amendment:** Councillors Hay, Elder, Heasman, LeSurf, Griffin, Aird, Burns and Macdonald

The **Amendment** was declared **Lost**.

**53/11 RESOLVED: (Aird / Burns)**

That the fence line of 4 Peronne Avenue Clontarf be urgently modified, so that a practical maximum forward visibility as close to 45m is achieved for vehicles exiting Number 2 Peronne Avenue Clontarf and sufficient space is provided for the resident of Number 2 Peronne Avenue Clontarf to turn and exit onto Peronne Avenue in a forward direction and further, any portion of the fence that is on public land that is not leased or licensed be removed.

The **Motion** was put and declared **carried**.

**For the Resolution:** Councillors Hay, Elder, Heasman, LeSurf, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Councillors Whitting, Murphy, Morrison and Norek

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**RESUMPTION OF STANDING ORDERS (Griffin / Aird)**

That Standing Orders be resumed.

**54/11 RESOLVED: (Griffin / Aird)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

## NOTICES OF MOTION

Notice of Motion Report No. 11

### **Broadcast of Council Meeting Proceedings Live over the Internet Councillor Hugh Burns moved:**

That Council bring back a report on installing video and audio equipment to permit the automatic broadcasting of meeting proceedings to residents and the public via its internet web site.

#### **Background**

The report is to include but not be limited to:

- Any requirements and limitations under the NSW Local Government Act.
- Considering the use of appropriate technical methods of streaming the data so as to be fully accessible across all computer platforms, including mobiles. (For example audio only, audio and low resolution video and audio and high resolution (broadcast quality) video (e.g. like ABC's iView).
- Considering whether all or part of meeting proceedings should also be available on line for later non-real-time viewing.
- Considering the whether such broadcasting will increase residents interest and participation in local government (suggest refer to Precincts for comment)
- Considering likely impact of broadcasting on conduct of meetings and conduct of Councillors. Considering whether open meetings will need to be more formal and whether this will enhance or detract from meeting operation and our current style.
- Considering whether broadcasting will result in more matters being needed to be considered in closed (non broadcast) sessions.
- Considering defamation risks and liability as regards fair/reasonable comment made during proceedings by Councillors and staff, if streamed live, and identifying who bears the risk, particularly for any vexatious litigation.
- Considering use of ten second delay to broadcast feed, to be able to safety cut transmission before broadcast and who should have control to activate this - i.e. protection against possible defamation, breach of confidentially, personal information accidentally disclosed, swearing etc. (consider public speaking/in gallery as well as staff and Councillors)
- Considering the use of a trial broadcast with comment and review by community, Councillors and staff.

#### **MOTION (Burns / Aird)**

- i) That Council bring back a report on installing video and audio equipment to permit the automatic broadcasting of meeting proceedings to residents and the public via its internet web site.
- ii) That the report includes costing.

**For the Motion:** Councillors Heasman, Whitting, Norek, Aird, Burns and Macdonald  
**Against the Motion:** Councillors Hay, Elder, Murphy, LeSurf, Morrison and Griffin

With the voting being equal the Mayor exercised her casting vote **against** the **Motion** and declared it **LOST**.

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**NOTICES OF RESCISSION**

Notice of Rescission Report No. 2

**Complaints Management Policy  
Councillor Hugh Burns moved:**

In relation to Council's decisions of 9 August 2010 (NOM 39), 11 October 2010 (CS 34), and 13 December 2010 (CS 47), I move that so much of the Council's decisions made in respect of the handling of Tier 3 complaints be rescinded.

**RESCISSION MOTION (Burns / Aird)**

In relation to Council's decisions of 9 August 2010 (NOM 39), 11 October 2010 (CS 34), and 13 December 2010 (CS 47), I move that so much of the Council's decisions made in respect of the handling of Tier 3 complaints be rescinded.

**For the Rescission Motion:** Councillors Norek, Whitting, and Burns  
**Against the Rescission Motion:** Councillors Hay, Elder, Heasman, Murphy, LeSurf, Morrison, Griffin and Macdonald

The **Rescission Motion** was **Lost**.

Councillor Aird was not in the Chamber at the time of voting.

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 5

**Items for Brief Mention****1. Part 3A Kimbriki Resource Recovery Centre**

Correspondence received from Kimbriki Environmental Enterprises Pty Ltd providing Council with an update on the Part 3A Development Application for the Kimbriki Resource Recovery Centre (attachment 1).

The proposal was on public exhibition until 30<sup>th</sup> March 2011 and following a review of all submissions the determination will be made by the Minister of Planning or by the Deputy Director General of the Department of Planning.

It is anticipated that the tenders for the project will be released in May or June 2011.

**2. EOI to purchase compost products from Kimbriki**

Correspondence has been received by Kimbriki Environmental Enterprises Pty Ltd requesting Council to express an intention to purchase a range of compost materials on an annual basis from the new Resource Recovery Centre (attachment 2).

It is stated that the range of compost materials produced by the facility will be suitable for our use in parks, gardens, sporting fields and other public areas.



**3. Independent Pricing and Regulatory Tribunal (IPART)**

Letter from Independent Pricing and Regulatory Tribunal (IPART) responding to Council's request for an extension to make an application for special rate variation (attachment 3).

**4. Opposition to forced zoning changes which threaten our critical public infrastructure**

In response to the Notice of Motion Report No. 6 at Ordinary meeting of Council on 14 February 2011, it was resolved that:

"19/11 RESOLVED:

1. That Council urgently expresses its strong opposition to the directive of the NSW State Govt. to force Council to change the zoning of our schools, hospitals and public facilities from the protective zoning of "Special Use" or "Special Purpose" to new zonings that match the surrounding area.
2. That Council urgently writes to all major political parties in NSW calling on them to commit to removing this requirement when a new parliament is formed after the election on 26/3/11.
3. That until the State Government determines to allow Council to retain the protective "Special Use" and "Special Purpose" zoning on its critical public infrastructure, Council takes no further steps to process the standard instrument LEP."

In accordance with the Resolution, letters were sent to all major political parties in NSW. Responses have now been received and are attached.

**5. Notices of Motion status report.**

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
250/10	13 Dec	Investigation of Feasibility of Tri-generation for Manly Council	That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.	In progress.
246/10	13 Dec	Tree Policy	That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an	In progress.

			asset in Manly.	
230/ 10	13 Dec	Little Penguins	6. Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.	In progress.
44/ 10	19 April	Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	<p>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.</p> <p>That such a report include but not be limited to the following items:</p> <ul style="list-style-type: none"> <li>- Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria,</li> <li>- Identification of any additional costs or savings from taking over these assets over say a 20 year term.</li> <li>- 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.</li> <li>- 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.</li> <li>- Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.</li> </ul>	Following up with Energy Australia.
40/ 11	14 Mar	Poll of Residents as to preferred location of local Manly Hospital	<p>That Council conducts a survey of residence as part of its community engagement process to ask eligible voters to indicate their preferred location for a new or upgraded hospital. Being:</p> <p>a) a substantially knocked down and reused for aged care and or mental health it remain in the public hands (modernised) Manly Hospital at the existing location on Darley Road North Head (retaining only the original 1929 heritage building).</p>	Discussion to be held to determine survey methodology.
			<p>b) a newly-built hospital at Frenchs Forest.</p> <p>That fair and impartial "for" and "against" cases be prepared by Council staff for the two locations and development of facilities proposed above.</p>	As above.

36/ 11	14 Mar	Seahorse Habitat	That Council investigate and report on a viable seahorse habitat friendly and sustainable replacement for the suspended netting currently used for the swimming enclosure at Manly Cove.	Councils Manager to investigate and produce a report for Management.
20/ 11	14 Feb	Manly <b>CBD</b> Tramway Loop	That subject to the <i>Manly2015</i> progressing, the Council support the proposed Tram Loop for an initial comprehensive feasibility study as part of the Manly2015 vision.	Meeting held 30 March 2011.
08/ 11	14 Feb	Masterplan for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne	1. That design control guidelines be prepared for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified.	In progress.

## 6. Documents to be tabled

Date	Author	Subject
9 March 2011	Letter from Bernard Carlon, Department of Environment, Climate Change and Water	Plastic bags
17 March 2011	Barry O'Farrell, NSW Liberal Leader	Far West Childrens' Centre Manly Part 3A Development Proposal.

## MOTION (Heasman / Macdonald)

1. That the information be received and noted.
2. That the item be submitted for consideration.
3. That the information be received and noted.
4. That the information be received and noted.
5. That the information be received and noted.
6. That the information be received and noted.

## 55/11 RESOLVED: (Heasman / Macdonald)

1. That the information be received and noted.
2. That the item be submitted for consideration.
3. That the information be received and noted.
4. That the information be received and noted.
5. That the information be received and noted.
6. That the information be received and noted.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

Councillor Aird was not in the Chamber when the voting took place.

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## REPORTS OF COMMITTEES

Report Of Committees Report No. 10

### **Minutes for adoption by Council - Special Purpose Committees - without recommendations of a substantial nature**

The minutes of the following Special Purpose Committee Meetings are tabled at this meeting.

- i) Harbour Foreshore and Coastline Management Committee – 8 February 2011
- ii) Art and Culture Committee – 15 February 2011
- iii) Sustainable Economic Development and Tourism Committee – 17 February 2011
- iv) Human Services Planning and Policy Committee – 22 February 2011
- v) Sister Cities Committee – 23 February 2011
- vi) Manly Traffic Committee – 14 March 2011
- vii) Manly Local Environmental Plan and Development Control Plan Working Group – 15 March 2011
- viii) Audit and Risk Committee – 24 March 2011

### **MOTION (Macdonald / LeSurf)**

The minutes of the following Special Purpose Committee Meetings are tabled at this meeting.

- i) Harbour Foreshore & Coastline Management Committee – 8 February 2011
- ii) Art and Culture Committee – 15 February 2011
- iii) Sustainable Economic Development and Tourism Committee – 17 February 2011
- iv) Human Services Planning and Policy Committee – 22 February 2011
- v) Sister Cities Committee – 23 February 2011
- vi) Manly Traffic Committee – 14 March 2011
- vii) Manly Local Environmental Plan and Development Control Plan Working Group – 15 March 2011
- viii) Audit and Risk Committee – 24 March 2011

### **56/11 RESOLVED: (Macdonald / LeSurf)**

The minutes of the following Special Purpose Committee Meetings are tabled at this meeting.

- i) Harbour Foreshore & Coastline Management Committee – 8 February 2011
- ii) Art and Culture Committee – 15 February 2011
- iii) Sustainable Economic Development and Tourism Committee – 17 February 2011
- iv) Human Services Planning and Policy Committee – 22 February 2011
- v) Sister Cities Committee – 23 February 2011
- vi) Manly Traffic Committee – 14 March 2011
- vii) Manly Local Environmental Plan and Development Control Plan Working Group – 15 March 2011
- viii) Audit and Risk Committee – 24 March 2011

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

Councillor Aird was not in the Chamber when the voting took place.

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Report Of Committees Report No. 11

**Minutes for adoption by Council - Manly Scenic Walkway Committee - 1 March 2011**

These reports were dealt with at the Manly Scenic Walkway Committee meeting of 1 March 2011 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**MOTION (Macdonald / Griffin)**

That the minutes of the Manly Scenic Walkway Committee meeting on 1 March 2011 be adopted including the following items:

**1. ITEM 5. REPORT: North Harbour Reserve Landscape Masterplan (Final design) – feedback from public exhibition.**

That the Final Design of the North Harbour Reserve Landscape Masterplan be adopted subject to the following changes:

1. Fencing around the playground at North Harbour Reserve be rejected and removed from design.
2. The number of seats in the plan at the water edge is agreed.
3. That Rangers contact phone number is put on signage.
4. That the report regarding the fence around the playground be referred to the Playground Committee.

**57/11 RESOLVED: (Macdonald / Griffin)**

That the minutes of the Manly Scenic Walkway Committee meeting on 1 March 2011 be adopted including the following items:

**1. ITEM 5. REPORT: North Harbour Reserve Landscape Masterplan (Final design) – feedback from public exhibition.**

That the Final Design of the North Harbour Reserve Landscape Masterplan be adopted subject to the following changes:

1. Fencing around the playground at North Harbour Reserve be rejected and removed from design.
2. The number of seats in the plan at the water edge is agreed.
3. That Rangers contact phone number is put on signage.
4. That the report regarding the fence around the playground be referred to the Playground Committee.

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

**Against the Resolution:** Nil.

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Report Of Committees Report No. 12

**Minutes for adoption by Council - Heritage Committee - 2 March 2011**

This report was dealt with at the Heritage Committee meeting of 2 March 2011 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**1. ITEM 3. CONFIRMATION OF MINUTES**

**Approval of the matters raised in the notes of the inquorate meetings of 6 October 2010 and 1 December 2010.**

**MOTION (Heasman / Macdonald)**

That the minutes of the Heritage Committee meeting on 2 March 2011 be adopted including the following items:

**1. ITEM 3. CONFIRMATION OF MINUTES**

The Committee approves the attached notes of the inquorate Heritage Committee meetings held 6 October and 1 December 2010 and now refers them to Council as part of the minutes of the meeting held on 2 March 2011.

**58/11 RESOLVED: (Heasman / Macdonald)**

That the minutes of the Heritage Committee meeting on 2 March 2011 be adopted including the following items:

**1. ITEM 3. CONFIRMATION OF MINUTES**

The Committee approves the attached notes of the inquorate Heritage Committee meetings held 6 October and 1 December 2010 and now refers them to Council as part of the minutes of the meeting held on 2 March 2011.

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

**Against the Resolution:** Nil.

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Report Of Committees Report No. 14

**Minutes for adoption by Council - Community Environment Committee - 9 March 2011**

This report was dealt with at the Community Environment Committee meeting of 9 March 2011 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**1. ITEM 4 MEC and CURRENT LOCAL ENVIRONMENTAL ISSUES REPORT**

The report was accepted.

**MOTION (Macdonald / Heasman)**

That the minutes of the Community Environment Committee meeting on 9 March 2011 be adopted including the following items:

**1. ITEM 4 MEC and CURRENT LOCAL ENVIRONMENTAL ISSUES REPORT**

This item is included as an Item For Brief Mention to Planning and Strategy Committee.

**59/11 RESOLVED: (Macdonald / Heasman)**

That the minutes of the Community Environment Committee meeting on 9 March 2011 be adopted including the following items:

**1. ITEM 4 MEC and CURRENT LOCAL ENVIRONMENTAL ISSUES REPORT**

This item is included as an Item For Brief Mention to Planning and Strategy Committee.

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

**Against the Resolution:** Nil.

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Report Of Committees Report No. 13

**Minutes for adoption by Council - Community Safety Committee - 10 March 2011**

This report was dealt with at the Community Safety Committee meeting of 10 March 2011 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**1. ITEM 8 RANGERS REPORT**

The Manager Compliance and Regulatory Services reported that:

- Rangers have increased their graffiti tracking, and that 300 entries have been made on a Council graffiti register. Two Rangers have been assigned as responsible for identifying graffiti tags in order to liaise with Manly Police in a joint initiative to track offenders.

- Council is currently in the process of recruiting two Night Rangers. Their skill set differs from Council Rangers, as Night Rangers require specific skills to undertake their duties.
- Night Rangers and day time rangers working into the early evening will endeavour to report lighting in need of repair.
- Council continues to monitor and enforce noise regulations at The Shore Club.
- Unlike Police, Council Rangers cannot issue fines for bike riders without helmets.

Rangers were thanked for their intervention at Little Manly with illegal spearfishing.

**MOTION (Heasman / Macdonald)**

That the minutes of the Community Safety Committee meeting on 10 March 2011 be adopted including the following items:

**1. ITEM 8 RANGERS REPORT**

That Council requests the NSW State Government commence a state-wide campaign to educate bicycle riders of the importance of wearing helmets.

**60/11 RESOLVED: (Heasman / Macdonald)**

That the minutes of the Community Safety Committee meeting on 10 March 2011 be adopted including the following items:

**1. ITEM 8 RANGERS REPORT**

That Council requests the NSW State Government commence a state-wide campaign to educate bicycle riders of the importance of wearing helmets.

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

**Against the Resolution:** Nil.

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 7

**Approval to Write-off of Rates and Charges**

**SUMMARY**

The purpose of this report is to obtain approval to write off rates and charges in accordance with Clause 131(2) of the Local Government (General) Regulation 2005.

**MOTION (Heasman / Macdonald)**

That in accordance with clause 131(2) of the Local Government (General) Regulation 2005, Council approve the writing-off rates and charges of \$3,382.03 plus accrued interest of \$1,757.21 for rate assessment 200048 as above, due to an error in valuation by the Valuer General.



**61/11 RESOLVED: (Heasman / Macdonald)**

That in accordance with clause 131(2) of the Local Government (General) Regulation 2005, Council approve the writing-off rates and charges of \$3,382.03 plus accrued interest of \$1,757.21 for rate assessment 200048 as above, due to an error in valuation by the Valuer General.

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

**Against the Resolution:** Nil.

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Corporate Services Division Report No. 8

**Report on Council Investments as at 28 February 2011****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.

**MOTION (Macdonald / Burns)**

That the statement of Bank Balances and Investment Holdings as at 28 February 2011 be received and noted.

**62/11 RESOLVED: (Macdonald / Burns)**

That the statement of Bank Balances and Investment Holdings as at 28 February 2011 be received and noted.

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

**Against the Resolution:** Nil.

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Corporate Services Division Report No. 9

**Council Loan Borrowing 2011/2012 – Funding for Seaforth TAFE Site****SUMMARY**

This report considers funding options for the acquisition by Council of the Seaforth TAFE site.

**MOTION (Norek / Aird)**

That Council include in its Revenue Policy, as part of the Delivery Plan for 2011/2012, a proposal to borrow \$5.5 million for the acquisition of the Seaforth TAFE site, subject to normal DLG loan borrowing requirements.

**63/11 RESOLVED: (Norek / Aird)**

That Council include in its Revenue Policy, as part of the Delivery Plan for 2011/2012, a proposal to borrow \$5.5 million for the acquisition of the Seaforth TAFE site, subject to normal DLG loan borrowing requirements.

**For the Resolution:** Councillors Hay, Elder, Heasman, Murphy, LeSurf, Norek, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Councillors Whitting and Morrison

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Corporate Services Division Report No. 10

**Adoption of draft Recruitment & Selection Policy  
Adoption of draft Performance Management Policy**

**SUMMARY**

This report presents to Council (1) the draft Recruitment & Selection Policy , and (2) the draft Performance Management Policy for adoption.

**MOTION (LeSurf / Whitting)**

1. That the draft Recruitment and Selection Policy be adopted, and
2. That the draft Performance Management Policy be adopted.

**64/11 RESOLVED: (LeSurf / Whitting)**

1. The draft Recruitment and Selection Policy be adopted, and
2. The draft Performance Management Policy be adopted.

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

**Against the Resolution:** Nil.

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**PLANNING AND STRATEGY DIVISION**

Planning And Strategy Division Report No. 9

**Report on North Harbour Reserve Landscape Masterplan for adoption**

**SUMMARY**

The North Harbour Reserve Landscape Masterplan (Final Design) was placed on public exhibition following Council's resolution [165/10], and a total of seven submissions were received.

The Landscape Masterplan & Urban Design (LMUD) Committee, at its meeting on 16 February 2011, reviewed all submissions and staff responses. The Masterplan has also been endorsed by the Harbour Foreshores & Coastline Management, Access, and Manly Scenic Walkway Committees. The Plan is now presented to Council for adoption.

**MOTION (Heasman / LeSurf)**

That Council adopts the North Harbour Reserve Landscape Masterplan.

**65/11 RESOLVED: (Heasman / LeSurf)**

That Council adopts the North Harbour Reserve Landscape Masterplan.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin and Burns

**Against the Resolution:** Councillors Aird and Macdonald

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**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 5

**Community Gardens Policy****Introduction**

Council at its meeting of 8 March 2010 resolved that:

Manly Council draft for comment by the Precinct a proposal on Community Gardens and Verge Gardens in suitable sustainable streets.

The objectives of this Draft Policy would be to:

1. Promote the development of community gardens and verge gardens in sustainable street sites in the Manly LGA where people can meet and learn about sustainability.
2. Document and standardise processes and procedures to ensure consistency in the management of all community gardens and verge gardens in sustainable streets within the Manly LGA.
3. Help increase the number of community gardens and sustainable streets, according to Manly LGA capacity, community need and availability of appropriate sites or streets by developing a clear process and allocating appropriate resources to support new and existing community and verge gardens.
4. Clarify the rights and responsibilities of all stakeholders involved in community garden and sustainable street projects including the garden volunteers, Manly Council and partnering organisations with reference to issues such as public liability, maintenance, safety and access.
5. Support community gardens and sustainable streets to be self managed to increase community "ownership".
6. Recommend planning controls to support the development of sustainable streets and community gardens on land established for community use and to be integrated into new development.

**MOTION (Griffin / Heasman)**

That Council adopt the Policy for the introduction of Community Gardens into the Manly LGA.

66/11 **RESOLVED:** (Griffin / Heasman)

That Council adopt the Policy for the introduction of Community Gardens into the Manly LGA.

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

**Against the Resolution:** Nil.

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Cllr Morrison declared a non-pecuniary interest in an item on this report being, DA342/10 360-364 Sydney Road, Balgowlah and left the Chamber.

Environmental Services Division Report No. 6

**Development Applications Being Processed During April 2011.****SUMMARY**

DEVELOPMENT APPLICATIONS BEING PROCESSED DURING APRIL 2011.

**MOTION (Macdonald / Murphy)**

That the information be noted.

67/11 **RESOLVED:** (Macdonald / Murphy)

That the information be noted.

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

**Against the Resolution:** Nil.

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Councillor Morrison returned to the Chamber.

Environmental Services Division Report No. 7

**List of Appeals Relating to Development Applications during April 2011.****SUMMARY**

LIST OF APPEALS RELATING TO DEVELOPMENT APPLICATIONS DURING APRIL 2011.

**MOTION (Macdonald / Murphy)**

THAT the information be noted.

68/11 **RESOLVED:** (Macdonald / Murphy)

THAT the information be noted.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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## QUESTIONS WITHOUT NOTICE

### **QWN23/11 Councillor Heasman - Safety Issue**

Could Council repaint the pedestrian crossing at the intersection of White and Wanganella Streets? and could Council investigate repositioning the angle of the street light, now the former site of the crossing on Condamine Street, near Griffith Street intersection so that the street light directly shines on the current (new) position of the pedestrian crossing.

At the request of the Mayor the General Manager advised that the request will be forwarded to the RTA.

### **QWN24/11 Councillor Heasman - Additional item for Traffic Committee meeting Agenda**

We have a Traffic Committee meeting on Monday – can I ask if the issue of the recent traffic accident in White Street can be put on that Agenda – even for a police briefing?

At the request of the Mayor the General Manager advised that this issue could be added to the Agenda provided we have an accident report from the Police.

### **QWN25/11 Councillor Whitting - Eastern Hill Roundabout**

When will the temporary roundabout located at East Esplanade and Ashburner Street be removed? Has Council investigated erecting a stop sign to assist traffic by reducing the turning traffic problems or has council considered repainting the area in the near future to give motorists clearer signage of the roundabout?

At the request of the Mayor the General Manager advised that the roundabout was installed by Sydney Water as temporary works and they expect to be out of there by June or July provided there is no more bad weather. Once they demobilise from Darley Road all the infrastructure put in for traffic management will be pulled out.

Council will revisit this site and consider if it requires repainting.

### **QWN26/11 Councillor Whitting**

Is Council aware of the poor and dangerous lighting conditions at the Gilbert Park bus shelter. Due to OH&S issues when will Council improve the lighting at Gilbert Park bus shelter to ensure the safety of bus drivers and patrons particularly at night after midnight and on the weekends?

At the request of the Mayor the General Manager advised that standard street lighting measurements are part of the street lighting system and generally read by Energy Australia who are responsible for street lighting and Council will ask them to investigate the lighting in this area.

### **QWN27/11 Councillor Murphy - Change of conditions - Bunnings DA**

Bunnings have claimed a S94 credit worth \$230,000 or so for demolishing the Mansours site, (no idea how, they can justify it as there are other buildings on the site

that they have to demolish. What is the logic behind this reduction?  
(The discount in the S94 is from \$900,642 down to \$665,611.76).

Is this public knowledge, is it on Council's website anywhere under the DA and why wasn't it sent to the local Precinct, (I know it said it contained only technical info). Please also note the Precinct was in recess in January 2011 so it can't be said that no comment was received.

At the request of the Mayor the General Manager advised that he would take it on notice.

**QWN28/11 Councillor Murphy - Fairlight ESSES**

Could Council's Risk Manager be asked to look at the considerable amount of water on the road early every morning and much of the day from the town house development on the Fairlight ESSES from a risk management point of view. Happy to have a 6am site meeting on any day because this is when it is worst.

At the request of the Mayor the General Manager advised that it was the responsibility of the RTA.

**QWN29/11 Councillor Aird - New Pine tree in Wentworth Street**

At the end of Wentworth Street on the beach front promenade there is an unsightly remnant of dead pine tree in the designated planter space. When will Council remediate this area and plant a new pine tree?

At the request of the Mayor the General Manager advised that he will take it on notice.

**QWN30/11 Councillor Aird - Re-activating the Periwinkle Fountain**

Given Landscape Management and Urban Design Committee recommendation that the "Periwinkle Fountain" at the wharf be re-activated would the General Manager provide a report on the current status of the matter?

At the request of the Mayor the General Manager advised that he would take it on notice.

**QWN31/11 Councillor Burns - Legal Expenses**

Would the General Manager outline fees paid to Council's internal Legal Advisor and list all matters he has provided advice on over the past term of Council to-date.

At the request of the Mayor the General Manager advised that Council's internal Legal Advisor is not on a fee basis, he is on a retainer basis and works 1 day per week on a fixed cost basis.

**QWN32/11 Councillor Norek - New Signs in Manly**

On East and West Esplanade, Manly new signs have been erected stating that dogs are not allowed off leash, not allowed on the grass, nor allowed on the beach. There is also an alcohol free zone advertised on the same pole.

Why do Manly Council use its discretion when it comes to the consumption of alcohol on the reserve. However when it comes to a well behaved dog will the same discretion be used?

At the request of the Mayor the General Manager advised that he would take it on notice.

**QWN33/11 Councillor Macdonald - Reduce Traffic Noise in Lauderdale Avenue**

In view of complaints from Lauderdale Avenue residents, can the General Manager advise on any remedies to relieve tyre noise from median deflectors?

At the request of the Mayor the General Manager advised if vibrolines were not appropriate he would get the engineers to rectify the problem.

**QWN34/11 Councillor Burns - Sydney Road Lighting**

What is the state of the assessment of the Sydney Road lighting?

At the request of the Mayor the General Manager advised that from November to December last year lighting of Sydney Road in the section between Whistler Street and The Corso, was assessed and as a result guided by our resident landscape architect trees were thinned out.

I understand lighting level is now appropriate. We are trying to obtain 20-30 lux of lighting which is standard for a street like that.

## CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 5

**Staff 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) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual*

*It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.*

## CLOSED SESSION

**MOTION (Macdonald / Burns)**

That the meeting move into Closed Session to consider the above item.

The Chairperson, Councillor Hay asked if any members of the public gallery objected to the matter being heard in closed Session.

It is noted that no representations were received from the public gallery.

**69/11 RESOLVED: (Macdonald / Burns)**

That the meeting move into Closed Session to consider the above item.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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## OPEN COUNCIL RESUMED

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

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Mayoral Minute Report No. 5

### Staff Matter

70/11 **RESOLVED:** (LeSurf / Burns)

The matter proceed as per the discussion in the Closed session.

**For the Resolution:** Councillors Hay, Elder, Heasman, Murphy, LeSurf, Griffin, Aird and Burns  
**Against the Resolution:** Councillors Whitting, Morrison, Norek and Macdonald

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## CLOSE

The meeting closed at [12.55am Tuesday 5 April 2011](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [9 May 2011](#).

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**MAYOR**

\*\*\*\*\* **END OF MINUTES** \*\*\*\*\*