



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 8 March 2010

All minutes are subject to confirmation at a subsequent meeting.

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 8 March 2010. The meeting commenced at 7:48:00 PM.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, arrived later in the proceedings
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 – Deputy Mayor who presided
Councillor M Norek
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Ross Fleming, Divisional Manager, Corporate Services
Lynne Jess, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Captain Brett Mitchell from the Salvation Army.

APOLOGIES

An apology was tendered on behalf of the Mayor Councillor Jean Hay AM, for late arrival.

MOTION (Heasman / Elder)

That the apology was tendered on behalf of the Mayor Councillor Jean Hay AM, for late arrival be accepted and leave be granted.

19/10RESOLVED: (Heasman / Elder)

That the apology was tendered on behalf of the Mayor Councillor Jean Hay AM, for late arrival be accepted and leave be granted.

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

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION**

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 February 2010, 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.

20/10 **RESOLVED:** (Whitting / Burns)

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 February 2010, 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 Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 5

Grove be Gazetted for recreational purposes

Councillor Craig Whitting moved:

That Manly Council report on the implementation and progress of Resolved Motion 154/09 on 9 November 2009.

"The Grove be Gazetted for recreational purposes."

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: David Musgrave

MOTION (Whitting / Burns)

That Manly Council report on the implementation and progress of Resolved Motion 154/09 on 9 November 2009.

"The Grove be Gazetted for recreational purposes."

21/10 **RESOLVED:** (Whitting / Burns)

That Manly Council report on the implementation and progress of Resolved Motion 154/09 on 9 November 2009.

"The Grove be Gazetted for recreational purposes."

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Burns / Whitting)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Planning & Strategy Division Report No.5, MV Baragoola Ferry – former State Heritage Register listed item.

22/10 RESOLVED: (Burns / Whitting)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Planning & Strategy Division Report No.5, MV Baragoola Ferry – former State Heritage Register listed item.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 5

MV Baragoola Ferry – former State Heritage Register listed item.**SUMMARY**

The purpose of this report is to advise Council on the recent delisting of the former Ferry the MV Baragoola from the NSW State Heritage Register by the Heritage Council and Minister for Planning, and report on the previous resolution of Council regarding this matter.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

In support of the Recommendation: Lance Lyon - President
Baragoola Preservation Association Inc.

MOTION (Burns / Aird)

That:

- a) Manly Council expresses its support for the objectives of the Baragoola Preservation Association (BPA) in its endeavours to stabilise and restore the historic 1922 Manly ferry Baragoola for future generations.

That Council will:

- Assist in communication of details of the project to the local community to raise awareness and encourage volunteers to assist the project.
- Assist with the identification and advise on preparation of grant applications that may assist the project of restoring the ship.
- Write to the relevant minister and ask him to address “minimum standards of maintenance” moveable heritage items to prevent them from falling into a state of repair.

- b) That Manly Council approach the three other Councils with an interest in the Baragoola’s operational area, construction site and current berthing to set up an inter-Council working group to offer advice and constructive support to the Baragoola Preservation Group. The four councils are Manly, City of Sydney, Leichhardt and North Sydney.

- c) The role of the working group will be to involve all stake holders with an interest in the preservation of the vessel. In addition to a staff and councillor representation from each of the four Councils the group should include a representative from NSW maritime, representative from the Baragoola Preservation Association Inc. (BPA) and representative from the Local Member's office (Manly).

The proposed objectives of the group are to:-

- Oversee the preparation of a management plan for the vessel – both interim (stabilisation) and medium term (planning progress to major hull works). The management plan is to address any environmental concerns.
- Communicate details of the project to their local communities to raise awareness and encourage volunteers to assist the project.
- Provide strategic advice and suggestions on fundraising (but with no expectation that councils provide any funds directly to the project)
- Liaise with other organisations that may be able to provide advice or facilities to assist the project such as Sydney Harbour Federation Trust, Sydney Heritage Fleet, NSW Heritage Branch or similar
- Assist with the identification and preparation of grant applications that may assist the project of restoring the ship

22/10 **RESOLVED:** (Burns / Aird)

That:

- a) That Manly Council expresses its support for the objectives of the Baragoola Preservation Association (BPA) in its endeavours to stabilise and restore the historic 1922 Manly ferry Baragoola for future generations.

That Council will:

- Assist in communication of details of the project to the local community to raise awareness and encourage volunteers to assist the project.
 - Assist with the identification and advise on preparation of grant applications that may assist the project of restoring the ship.
 - Write to the relevant minister and ask him to address "minimum standards of maintenance" moveable heritage items to prevent them from falling into a state of repair.
- b) That Manly Council approach the three other Councils with an interest in the Baragoola's operational area, construction site and current berthing to set up an inter-Council working group to offer advice and constructive support to the Baragoola Preservation Group. The four councils are Manly, City of Sydney, Leichhardt and North Sydney.
- c) The role of the working group will be to involve all stake holders with an interest in the preservation of the vessel. In addition to a staff and councillor representation from each of the four Councils the group should include a representative from NSW maritime, representative from the Baragoola Preservation Association Inc. (BPA) and representative from the Local Member's office (Manly).

The proposed objectives of the group are to:-

- Oversee the preparation of a management plan for the vessel – both interim (stabilisation) and medium term (planning progress to major hull works). The management plan is to address any environmental concerns.
- Communicate details of the project to their local communities to raise awareness and encourage volunteers to assist the project.
- Provide strategic advice and suggestions on fundraising (but with no expectation that councils provide any funds directly to the project)
- Liaise with other organisations that may be able to provide advice or facilities to assist the project such as Sydney Harbour Federation Trust, Sydney Heritage Fleet, NSW Heritage

Branch or similar

- Assist with the identification and preparation of grant applications that may assist the project of restoring the ship

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Burns / Aird)

That Standing Orders be resumed.

23/10 **RESOLVED:** (Burns / Aird)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

The Mayor Cllr Jean Hay AM, entered the Council Chambers.

Notice of Motion Report No. 6

Alcohol advertising on public transport

Councillor Barbara Aird moved:

In view of the enormous problems of alcohol abuse in our society, and the clear evidence that alcohol advertising has a significant impact on young people, that Manly Council:

1. Request the Premier, Minister of Health, Minister of Transport, Minister of Local Government and the Minister for Community Services to reject the practice of promoting the consumption of alcohol through advertising on public transport. Also, Council requests a response from the Leader of the Opposition and each of the shadow ministers.
2. Request the General Manager to negotiate with JC Decaux to exclude alcohol advertising on bus shelters.

MOTION (Aird / Heasman)

That:

In view of the enormous problems of alcohol abuse in our society, and the clear evidence that alcohol advertising has a significant impact on young people, that Manly Council:

1. Request the Premier, Minister of Health, Minister of Transport, Minister of Local Government and the Minister for Community Services to reject the practice of promoting the consumption of alcohol through advertising on public transport. Also, Council requests a response from the Leader of the Opposition and each of the shadow ministers.
2. Request the General Manager to negotiate with JC Decaux to exclude alcohol advertising on bus shelters.

AMENDMENT (Norek / Morrison)

That:

The General Manager negotiate to ensure that there be no alcohol advertising on bus shelters that is offensive or seen to be targeting youth.

For the Amendment: Councillors Murphy, Morrison and Norek

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

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

24/10 **RESOLVED:** (Aird / Heasman)

That:

In view of the enormous problems of alcohol abuse in our society, and the clear evidence that alcohol advertising has a significant impact on young people, that Manly Council:

1. Request the Premier, Minister of Health, Minister of Transport, Minister of Local Government and the Minister for Community Services to reject the practice of promoting the consumption of alcohol through advertising on public transport. Also, Council requests a response from the Leader of the Opposition and each of the shadow ministers.
2. Request the General Manager to negotiate with JC Decaux to exclude alcohol advertising on bus shelters.

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

Against the Resolution: Norek, Morrison and Murphy.

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

The Chair, Deputy Mayor David Murphy congratulated Mayor Cllr Jean Hay AM, for her achievement in winning the award of Metropolitan Women of the Year in Local Government.

At 9.20pm the Deputy Mayor Cllr David Murphy vacated the chair and the Mayor Cllr Jean Hay AM, assumed the chair.

Notice of Motion Report No. 7

Manly Boy Charlton Centre Season Pass

Councillor Craig Whitting moved:

That Manly Council report on the implementation and progress of Resolved Motion 171/09 on Monday 14 December 2009.

“Manly Council consider offering one Manly Boy Charlton Centre Season Pass to each of the Manly Local Area Swimming Clubs on a yearly basis.”

MOTION (Whitting)

That Manly Council report on the implementation and progress of Resolved Motion 171/09 on Monday 14 December 2009.

"Manly Council consider offering one Manly Boy Charlton Centre Season Pass to each of the Manly Local Area Swimming Clubs on a yearly basis."

The **Motion** lapsed for want of a **Seconder**.

Notice of Motion Report No. 8

Promotion of Council's Hop Skip and Jump Tourist Service "Manly Sightseeing Bus Tours"

Councillor Hugh Burns move:

That Council prepare a comprehensive marketing and promotion plan for its new Tourist Bus service to maximise patronage.

Background

The marketing plan is to be developed by a suitably qualified professional, either in-house, from the Visitors Information Centre or from a reputable firm with expertise in tourist promotion.

Such a plan is to include but not be limited to:

- Developing the Tourist Service as a readily recognisable high profile quality brand of Manly Council.
- Putting prominent self-promotional material on the side of the bus(es) used such as "Manly Tourist Sightseeing Tours" or similar. (Such material may need to be removable for normal bus operations.)
- Producing attractive informative cost-efficient promotional literature for the service including timetable and highlights (including web site material)
- Providing passengers with a quality souvenir handout/memento of the trip to assist self-promotion by word of mouth. (e.g. marked up route map and notes/recommendations)
- Developing a co-promotion with Sydney Ferries to capture tourist day trippers, including placing advertising and brochures on board all Manly Ferries.
- Promoting the Sightseeing service to locals, community groups and schools in the off-season as a fun and informative trip. (Whether on scheduled trips or as extra special charter services)
- Developing and trialling an on-line internet booking service for the operation. (The graphic loading time and page size on the Council web site also needs to be reviewed.)
- Looking at involving local businesses in combined tour packages such as tour and morning/afternoon tea or lunch or similar.
- Placement of promotional material in all local hotels e.g. to reach the major Manly hotel,

guest house and Q-station guests.

- Engage in active reciprocal cross-promotion of similar tourist tour services run by local Manly businesses and currently promoted in the Visitor's Information Centre (VIC) e.g. with operators of bike and walking tours. (eg include specific mention/promotion of others on material handed to passengers on board)
- Consider obtaining carbon offsets for the Tourist Bus services so these services can be promoted as Carbon Neutral to eco-tourists.
- Placement of larger more prominent Manly Council logos on the bus(es)

MOTION (Burns / Griffin)

That:

Council prepare a comprehensive marketing and promotion plan for its new Tourist Bus service to maximise patronage.

25/10 **RESOLVED: (Burns / Griffin)**

That:

Council prepare a comprehensive marketing and promotion plan for its new Tourist Bus service to maximise patronage.

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

Against the Resolution: Norek.

Notice of Motion Report No. 9

Policy on Community Gardens and Verge Gardens in Sustainable Streets

Councillor Cathy Griffin moved:

Manly Council develop and promulgate a Policy on Community Gardens and Verge Gardens in Sustainable Streets

The objectives of this 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.
7. Promote access to fresh, organic and locally produced fruit and vegetables.

MOTION (Griffin/Aird)

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 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.
7. Promote access to fresh, organic and locally produced fruit and vegetables.

AMENDMENT (LeSurf / Murphy)

That:

Manly Council develop and promulgate a Draft proposal on Community Gardens in Sustainable Streets for distribution to the Precincts for comment.

1. Promote the development of community gardens in suitable 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 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 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.
7. Promote access to fresh, organic and locally produced fruit and vegetables.

For the Amendment: Councillors Morrison, LeSurf and Murphy.

Against the Amendment: Councillors Hay, Elder, Whitting, Norek, Griffin, Aird, Burns and Macdonald.

Cllr Heasman was not in the room when voting took place.

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

26/10 **RESOLVED:** (Griffin / Aird)

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 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.

7. Promote access to fresh, organic and locally produced fruit and vegetables.

For the Resolution: Councillors Hay, Elder, Whitting, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Councillors Murphy, LeSurf and Morrison

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

Councillor Heasman was not in the room for the voting took place.

Notice of Motion Report No. 10

Town Hall Energy Audit to reduce energy consumption in Manly Council Chambers

Councillor Hugh Burns moved:

That Council conduct an Energy Audit of the Council Chambers to identify ways to reduce energy consumption within the building to save electricity, reduce costs and reduce Council Carbon Dioxide emissions from this location.

The audit is to be undertaken by a suitably qualified professional, either in-house, or from a reputable firm of consultants specialising in energy management.

The report is to be provided to Council for consideration with action recommendations and an implementation budget for these recommendations.

The audit is to include but not be limited to:

- Identification and reporting on of the major uses of energy within the building such as lighting, office equipment, air conditioning, hot water and similar. Energy consumption reporting is to be based on measurement of actual equipment power consumption (including sampling where many similar items are in use).
- Considering and reviewing energy saving measures such as :-
 - restoring internal skylights to replace day time electric lighting,
 - restoring cord mechanisms in all external windows to enable them to be used for ventilation when conditions are suitable in lieu of air conditioning - particularly in small offices and meeting rooms etc.
 - installing insulation above the ceilings within the roof of the building to reduce the air conditioning thermal load,
 - fitting time clocks to all boiling water units,
 - positively ensuring unused computer and office equipment is turned off overnight
 - fitting controls to enable the turning off unused internal fridge lighting in the main kitchen when not in use
 - reducing the use of small, less energy-efficient, fridges around the building
 - changing the design of the air conditioning to be able to use all outside air (economy cycle) when external conditions are suitable (e.g. winter and night time use of the

building)

- upgrading the lighting in the building to be more energy efficient (noting high intensity Light Emitting Diode (LED) lights are currently being trialled in the ground level foyer and public counter area)
- fitting solar collectors to the roof to provide hot water for the building
- Reviewing the purchasing specification for office and network equipment to ensure the most energy efficient equipment is being sought.

The report is to be brought back to Council within 3 months.

MOTION (Burns / Aird)

That Council conduct an Energy Audit of the Council Chambers to identify ways to reduce energy consumption within the building to save electricity, reduce costs and reduce Council Carbon Dioxide emissions from this location.

The audit is to be undertaken by a suitably qualified professional, either in-house, or from a reputable firm of consultants specialising in energy management.

The report is to be provided to Council for consideration with action recommendations and an implementation budget for these recommendations.

The audit is to include but not be limited to:

- Identification and reporting on of the major uses of energy within the building such as lighting, office equipment, air conditioning, hot water and similar. Energy consumption reporting is to be based on measurement of actual equipment power consumption (including sampling where many similar items are in use).
- Considering and reviewing energy saving measures such as :-
 - restoring internal skylights to replace day time electric lighting,
 - restoring cord mechanisms in all external windows to enable them to be used for ventilation when conditions are suitable in lieu of air conditioning - particularly in small offices and meeting rooms etc.
 - installing insulation above the ceilings within the roof of the building to reduce the air conditioning thermal load,
 - fitting time clocks to all boiling water units,
 - positively ensuring unused computer and office equipment is turned off overnight
 - fitting controls to enable the turning off unused internal fridge lighting in the main kitchen when not in use
 - reducing the use of small, less energy-efficient, fridges around the building
 - changing the design of the air conditioning to be able to use all outside air (economy cycle) when external conditions are suitable (e.g. winter and night time use of the building)
 - upgrading the lighting in the building to be more energy efficient (noting high intensity

Light Emitting Diode (LED) lights are currently being trialled in the ground level foyer and public counter area)

- fitting solar collectors to the roof to provide hot water for the building
- Reviewing the purchasing specification for office and network equipment to ensure the most energy efficient equipment is being sought.

That the General Manager investigate the existing air conditioning unit in the first floor ladies toilet and seek to find a more energy efficient system.

The report is to be brought back to Council within 3 months.

27/10 RESOLVED: (Burns / Aird)

That Council conduct an Energy Audit of the Council Chambers to identify ways to reduce energy consumption within the building to save electricity, reduce costs and reduce Council Carbon Dioxide emissions from this location.

The audit is to be undertaken by a suitably qualified professional, either in-house, or from a reputable firm of consultants specialising in energy management.

The report is to be provided to Council for consideration with action recommendations and an implementation budget for these recommendations.

The audit is to include but not be limited to:

- Identification and reporting on of the major uses of energy within the building such as lighting, office equipment, air conditioning, hot water and similar. Energy consumption reporting is to be based on measurement of actual equipment power consumption (including sampling where many similar items are in use).
- Considering and reviewing energy saving measures such as :-
 - restoring internal skylights to replace day time electric lighting,
 - restoring cord mechanisms in all external windows to enable them to be used for ventilation when conditions are suitable in lieu of air conditioning - particularly in small offices and meeting rooms etc.
 - installing insulation above the ceilings within the roof of the building to reduce the air conditioning thermal load,
 - fitting time clocks to all boiling water units,
 - positively ensuring unused computer and office equipment is turned off overnight
 - fitting controls to enable the turning off unused internal fridge lighting in the main kitchen when not in use
 - reducing the use of small, less energy-efficient, fridges around the building
 - changing the design of the air conditioning to be able to use all outside air (economy cycle) when external conditions are suitable (e.g. winter and night time use of the building)
 - upgrading the lighting in the building to be more energy efficient (noting high intensity

Light Emitting Diode (LED) lights are currently being trialled in the ground level foyer and public counter area)

- fitting solar collectors to the roof to provide hot water for the building
- Reviewing the purchasing specification for office and network equipment to ensure the most energy efficient equipment is being sought.

That the General Manager investigate the existing air conditioning unit in the first floor ladies toilet and seek to find a more energy efficient system.

The report is to be brought back to Council within 3 months.

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

Against the Resolution: Nil.

Notice of Motion Report No. 11

Recreational Fishing

Councillor Lauren Elder moved:

The Legislative Council has called for an Inquiry into Recreational Fishing with the terms of reference as attached.

That Council submit the draft submission below addressing each of the terms of reference as below and submits the submission to The Director, Select Committee on Recreational Fishing.

The purpose of a submission from Manly Council is to reinforce Manly Council's support for improved management of Sydney's marine waters through the creation of a multiple use Sydney Marine park and to contribute towards more sustainable management of recreational fishing in the Manly LGA.

Draft Submission: Inquiry into Recreational Fishing 2010.

Introduction.

- To protect our oceans for future generations we need to improve our marine management and ensure our fishing practices are environmentally sustainable. This will help ensure we have healthy and thriving NSW oceans for us all to enjoy.
- Fishing is an important part of the social and economic lives of communities in NSW, and with proper management this can be balanced with environmental needs.

A. The current suite of existing regulatory, policy and decision-making processes in relations to the management of recreational fisheries in NSW, including the process for the creation of Marine Protected Areas and Marine parks and the efficacy of existing Marine Protected areas and Marine Parks.

- Manly Council publicly supports the creation of a multiple use Sydney Marine Park with increased sanctuary areas for Manly's marine waters.
- The various forms of marine protected areas (MPAs) are confusing for community

members. There is a perception that marine parks aren't multiple use and there is much confusion over what activities are permitted in other MPAs. Better communication from government agencies is needed about what MPAs are and the benefits for fishers and other community members.

- All zoning types of marine parks should be standardised so they can be more easily interpreted by community members
- The staged process of marine park creation currently works well, with public consultation on zoning options enabling stakeholders to input to marine park zoning once the park is announced.
- During MPA processes, significantly more effort needs to be made to communicate to the NSW community the benefits of marine parks and the science behind them. In particular, there needs to be an increased effort to communicate positive examples of marine parks to recreational fishers. Currently certain lobby groups have spread misinformation amongst local communities and this hinders community-based MPA processes by negatively influencing community views on MPAs, therefore potentially affecting MPA outcomes.

B. The effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities,

- Some of the current information arising from these sources is misrepresented and at odds with scientific opinion, economic statistics and community opinion. Efforts should be made to eliminate bias from these committees.

C. The value of recreational fisheries to the economy in NSW

- Recreational fishing, along with other marine-based recreational activities is good for the economy and holds an important place in the social and economic future of NSW. Multiple use marine parks and fisheries management tools can be compatible with ongoing recreational fishing businesses, together with a more sustainable future for all marine based industries in NSW.

D. The gaps in existing recreational fisheries programs, including the number and location of Recreational Fishing havens

- Recreational fishing programs need to include MPA educational information to help gain widespread understanding and support from the recreational fishing community, for the establishment and management of MPAs. A statewide recreational fisher targeted educational program would enable unbiased, accurate and relevant MPA information to be provided to this group. This will enable more informed debate and participation in government MPA processes by more educational audiences and would enable less arduous creation and management of NSW's MPA system.

E. Ecologically sustainable development issues related to improving recreational fisheries

- An Environmental Impact Statement (EIS) must be immediately undertaken for the recreational sector in NSW and catch and effort data collated for all NSW recreational species. Without these measures, effective management and the goal of ESD are impossible.
- While the general perception is that commercial fisheries have a larger footprint on the environment due to methods used and overall catch levels, in some cases, the total recreational catch is equal to or sometimes significantly greater than the total commercial catch, as illustrated in table 1 below.

Table 1. Comparison of total annual catch by NSW commercial and recreational fisheries.
Source: Status of Fisheries Resources in NSW 2006/07.

Species	Exploitation status	Commercial catch (tonnes)	Recreational catch (tonnes)
Bluespotted Flathead	Fully Fished	125	320-450
Dart	Undefined	<5	15-50
Dusky Flathead	Fully Fished	120	570-830
Flounders	Undefined	<20	10-20
Grey Morwong	Overfished	40	130-210
Hammerhead Shark	Undefined (IUCN Vulnerable/Endangered)	<5	10-50
Luderick	Fully Fished	350	270-550
Mackerel Tuna	Undefined	15	<50
Mahi Mahi	Undefined	<5	100
Mako Shark	Undefined (IUCN Vulnerable)	6	30-140
Mulloway	Overfished	40	100-500
Pearl Perch	Uncertain	13	<30
Sand Whiting	Fully Fished	14	230-460
Snapper	Growth Overfished	200	180-250
Spanish Mackerel	Fully Fished	5	10-100
Spotted Mackerel	Fully Fished	25	10-100
Sweep	Fully Fished	40	30-60
Tarwhine	Fully Fished	75	130-210
Teraglin	Fully Fished	10	70-110
Tiger Shark	Undefined (IUCN Near Threatened)	5	10
Yellowfin Bream	Fully Fished	360	820-1070
Yellowtail Kingfish	Growth Overfished	125	120-340

- The higher catch rates and, importantly, the uncertainty in the total recreational catch for many species demonstrates the need for significant improvements in research if ESD principles are to be met.
- Waste, in the form of lost gear, bait bags and other litter, either lost accidentally or left behind through carelessness, has an impact on the environment but that impact needs to be quantified and efforts made to reduce it. Once again, an EIS accompanied by further research are the obvious tools to start this process. There have clearly been positive steps taken to reduce damage in this area with the invention of biodegradable line and the use of non stainless steel hooks and circle hooks.
- An EIS and targeted research might also determine any negative effects of selectively removing larger fish and highlight instances where maximum, as well as minimum, size limits might be appropriate.
- Measuring cryptic mortality of fish that have either escaped before capture or have been released post capture is also important in any ESD assessment.
- An EIS should also look at the scientific basis for setting size and bag limits. The minimum size limit for mulloway, for example, stands out as being inappropriate as it is well below the size at maturity. The precarious state of mulloway stocks indicates a need for a radical reassessment of this minimum size limit.
- It is hard to reconcile the policy of fish stocking with ESD principles. Fish stocking should only be used as a last resort as it merely serves to temporarily mask the real causes of fish decline and can hamper stock and ecosystem recovery efforts. Stocking of non-native fish, such as trout, in freshwater systems, damages the natural environment and is harmful to

native species and we do not support this.

MOTION (Elder / Griffin)

The Legislative Council has called for an Inquiry into Recreational Fishing with the terms of reference as attached.

That Council submit the submission below addressing each of the terms of reference as below and submits the submission to The Director, Select Committee on Recreational Fishing.

The purpose of a submission from Manly Council is to reinforce Manly Council's support for improved management of Sydney's marine waters through the creation of a multiple use Sydney Marine park and to contribute towards more sustainable management of recreational fishing in the Manly LGA.

Submission: Inquiry into Recreational Fishing 2010.

Introduction.

- To protect our oceans for future generations we need to improve our marine management and ensure our fishing practices are environmentally sustainable. This will help ensure we have healthy and thriving NSW oceans for us all to enjoy.
- Fishing is an important part of the social and economic lives of communities in NSW, and with proper management this can be balanced with environmental needs.

A. The current suite of existing regulatory, policy and decision-making processes in relations to the management of recreational fisheries in NSW, including the process for the creation of Marine Protected Areas and Marine parks and the efficacy of existing Marine Protected areas and Marine Parks.

- Manly Council publicly supports the creation of a multiple use Sydney Marine Park with increased sanctuary areas for Manly's marine waters.
- The various forms of marine protected areas (MPAs) are confusing for community members. There is a perception that marine parks aren't multiple use and there is much confusion over what activities are permitted in other MPAs. Better communication from government agencies is needed about what MPAs are and the benefits for fishers and other community members.
- All zoning types of marine parks should be standardised so they can be more easily interpreted by community members
- The staged process of marine park creation currently works well, with public consultation on zoning options enabling stakeholders to input to marine park zoning once the park is announced.
- During MPA processes, significantly more effort needs to be made to communicate to the NSW community the benefits of marine parks and the science behind them. In particular, there needs to be an increased effort to communicate positive examples of marine parks to recreational fishers. Currently certain lobby groups have spread misinformation amongst local communities and this hinders community-based MPA processes by negatively influencing community views on MPAs, therefore potentially affecting MPA outcomes.

B. The effectiveness and efficiency of the current representational system of trusts and

advisory committees that advise government departments and statutory authorities,

- Some of the current information arising from these sources is misrepresented and at odds with scientific opinion, economic statistics and community opinion. Efforts should be made to eliminate bias from these committees.

C. The value of recreational fisheries to the economy in NSW

- Recreational fishing, along with other marine-based recreational activities is good for the economy and holds an important place in the social and economic future of NSW. Multiple use marine parks and fisheries management tools can be compatible with ongoing recreational fishing businesses, together with a more sustainable future for all marine based industries in NSW.

D. The gaps in existing recreational fisheries programs, including the number and location of Recreational Fishing havens

- Recreational fishing programs need to include MPA educational information to help gain widespread understanding and support from the recreational fishing community, for the establishment and management of MPAs. A statewide recreational fisher targeted educational program would enable unbiased, accurate and relevant MPA information to be provided to this group. This will enable more informed debate and participation in government MPA processes by more educational audiences and would enable less arduous creation and management of NSW's MPA system.

E. Ecologically sustainable development issues related to improving recreational fisheries

- An Environmental Impact Statement (EIS) must be immediately undertaken for the recreational sector in NSW and catch and effort data collated for all NSW recreational species. Without these measures, effective management and the goal of ESD are impossible.
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- The higher catch rates and, importantly, the uncertainty in the total recreational catch for many species demonstrates the need for significant improvements in research if ESD principles are to be met.
- Waste, in the form of lost gear, bait bags and other litter, either lost accidentally or left behind through carelessness, has an impact on the environment but that impact needs to be quantified and efforts made to reduce it. Once again, an EIS accompanied by further research are the obvious tools to start this process. There have clearly been positive steps taken to reduce damage in this area with the invention of biodegradable line and the use of non stainless steel hooks and circle hooks.
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- An EIS should also look at the scientific basis for setting size and bag limits. The minimum size limit for mullock, for example, stands out as being inappropriate as it is well below the size at maturity. The precarious state of mullock stocks indicates a need for a radical reassessment of this minimum size limit.
- It is hard to reconcile the policy of fish stocking with ESD principles. Fish stocking should only be used as a last resort as it merely serves to temporarily mask the real causes of fish decline and can hamper stock and ecosystem recovery efforts. Stocking of non-native fish, such as trout, in freshwater systems, damages the natural environment and is harmful to native species and we do not support this.

28/10 **RESOLVED:** (Elder / Griffin)

That:

The Legislative Council has called for an Inquiry into Recreational Fishing with the terms of reference as attached.

That Council submit the submission below addressing each of the terms of reference as below and submits the submission to The Director, Select Committee on Recreational Fishing.

The purpose of a submission from Manly Council is to reinforce Manly Council's support for improved management of Sydney's marine waters through the creation of a multiple use Sydney Marine park and to contribute towards more sustainable management of recreational fishing in the Manly LGA.

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A. The current suite of existing regulatory, policy and decision-making processes in relations to the management of recreational fisheries in NSW, including the process for the creation of Marine Protected Areas and Marine parks and the efficacy of existing Marine Protected areas and Marine Parks.

- Manly Council publicly supports the creation of a multiple use Sydney Marine Park with increased sanctuary areas for Manly's marine waters.
- The various forms of marine protected areas (MPAs) are confusing for community members. There is a perception that marine parks aren't multiple use and there is much confusion over what activities are permitted in other MPAs. Better communication from government agencies is needed about what MPAs are and the benefits for fishers and other community members.
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B. The effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities,

- Some of the current information arising from these sources is misrepresented and at odds with scientific opinion, economic statistics and community opinion. Efforts should be made to eliminate bias from these committees.

C. The value of recreational fisheries to the economy in NSW

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establishment and management of MPAs. A statewide recreational fisher targeted educational program would enable unbiased, accurate and relevant MPA information to be provided to this group. This will enable more informed debate and participation in government MPA processes by more educational audiences and would enable less arduous creation and management of NSW's MPA system.

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- The higher catch rates and, importantly, the uncertainty in the total recreational catch for many species demonstrates the need for significant improvements in research if ESD principles are to be met.
- Waste, in the form of lost gear, bait bags and other litter, either lost accidentally or left behind through carelessness, has an impact on the environment but that impact needs to be quantified and efforts made to reduce it. Once again, an EIS accompanied by further

research are the obvious tools to start this process. There have clearly been positive steps taken to reduce damage in this area with the invention of biodegradable line and the use of non stainless steel hooks and circle hooks.

- An EIS and targeted research might also determine any negative effects of selectively removing larger fish and highlight instances where maximum, as well as minimum, size limits might be appropriate.
- Measuring cryptic mortality of fish that have either escaped before capture or have been released post capture is also important in any ESD assessment.
- An EIS should also look at the scientific basis for setting size and bag limits. The minimum size limit for mullock, for example, stands out as being inappropriate as it is well below the size at maturity. The precarious state of mullock stocks indicates a need for a radical reassessment of this minimum size limit.
- It is hard to reconcile the policy of fish stocking with ESD principles. Fish stocking should only be used as a last resort as it merely serves to temporarily mask the real causes of fish decline and can hamper stock and ecosystem recovery efforts. Stocking of non-native fish, such as trout, in freshwater systems, damages the natural environment and is harmful to native species and we do not support this.

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

Against the Resolution: Councillors Murphy, LeSurf, Morrison and Norek

GENERAL MANAGERS DIVISION

General Managers Division Report No. 3

SHOROC Sub-Committee – Kimbriki Resource Recovery Centre

SUMMARY

Council is to appoint a community representative and a Councillor to the Kimbriki Resource Recovery Centre sub-committee, in accordance with the committee's Terms Of Reference as adopted by SHOROC on November 18th 2009.

MOTION (Griffin / Whitting)

That Council:

1. Appoint Councillor Aird to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
2. Appoint **Applicant 3** as the Manly Community Representative to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
3. Invite Applicant 2 to be the "first reserve" for the committee and applicant 1 to be the "second reserve" to serve on the committee.

AMENDMENT (Heasman /Lesurf)

That Council:

1. Appoint Councillor Aird to serve on the Kimbriki Resource Recovery Centre sub-committee

until the next local government elections scheduled for September 2012.

2. Appoint **Applicant 2** as the Manly Community Representative to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
3. Invite Applicant 1 to be the “first reserve” for the committee and applicant 3 to be the “second reserve” to serve on the committee.

FORESHADOWED AMENDMENT (Macdonald)

That Council:

1. Appoint Councillor Aird to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
2. Appoint **Applicant 1** as the Manly Community Representative to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
3. Invite **Applicant 2** to be the “first reserve” for the committee and applicant 3 to be the “second reserve” to serve on the committee.

29/10 RESOLVED: (Macdonald / Burns)

That Council:

1. Appoint Councillor Aird to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
2. That items 2 and 3 of the recommendation be deferred to closed session to determine to appointment of a Community Representative.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 8

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.

Minutes of Meetings for adoption without recommendations of a substantial nature.

- i) Community Safety Committee – 11 February 2010
- ii) Surf Club Liaison Working Group – 16 February 2010

MOTION (LeSurf / Heasman)

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Community Safety Committee – 11 February 2010
- ii) Surf Club Liaison Working Group – 16 February 2010

30/10 RESOLVED: (LeSurf / Heasman)

That the **Minutes of the following Special Purpose Committee Meetings be adopted:**

- i) Community Safety Committee – 11 February 2010
- ii) Surf Club Liaison Working Group – 16 February 2010

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

Against the Resolution: Nil.

Report Of Committees Report No. 9

Minutes for adoption by Council - Community Environment Committee - 10 February 2010

These reports were dealt with at the Community Environment Committee meeting of 10 February 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 5.1a) PENGUIN WARDEN REPORT

Manly Wharf and Federation Point:

The 2009/2010 breeding season has been shorter at Manly Wharf and Federation Point with only one clutch. This means that there have only been 5 penguins at the wharf, compared to 7 last year and 6 at Federation Point compared to 8 last year.

As the breeding season has concluded and the adult penguins are now molting there is no need for penguin wardens to attend at the wharf or close the gates to prevent access. Angelika Treichler will continue to monitor.

Crowds watching the penguins continued to grow with up to 500 people at a time during the holiday season.

National Parks are printing a postcard of the penguins at the wharf for the wardens to give away at the wharf. The postcards will include the MEC website link where additional digital pictures of the penguins are available for downloading.

Interpretative penguin signage completed. The location needs to be confirmed to include the

sign and the park bench made by Harbord Public School as requested by the Mayor.

Dog control has improved. Council has approved the dogs on leash stencil will be placed on footpath near Federation Point.

Litter continues to be a problem with 3 dirty nappies a day being dumped under the wharf.

It has been noted that the penguins at the wharf have become shy and there is a concern that people could be accessing the nesting area under the wharf after the penguin wardens have gone. The committee expressed concern about the safety of the public and the fencing under the wharf needs to be kept in good repair by the wharf management. We need to ascertain whether CCTV covers this area to ensure the safety of the penguins.

2. ITEM 5.1c) PENGUIN WARDEN REPORT

Australian Institute of Police Management Development:

Construction is expected to commence in March at the conclusion of the penguin breeding season. Susan Buchan will be the community representative on the AIPM advisory group, with Eira Battaglia as her alternate. Angelika Treichler will represent the Penguin Wardens, on the AIPM advisory group. As yet the committee has not met and the committee requested that Council determine when and where the AIPM proposes to establish and conduct the community advisory committee meeting.

3. ITEM 6 MANLY COVE SEAGRASSES

Council report tabled and discussed. Boats continue to anchor in the seagrass adjoining the swimming enclosure in Manly Cove (West). The Eco Divers have provided a map and photographic evidence of significant damage to the seagrass to Council. NSW Maritime and Fisheries should respond in a more robust way to this evidence.

MOTION (Macdonald / Griffin)

These reports were dealt with at the Community Environment Committee meeting of 10 February 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 5.1a) PENGUIN WARDEN REPORT

Manly Wharf and Federation Point:

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As the breeding season has concluded and the adult penguins are now molting there is no need for penguin wardens to attend at the wharf or close the gates to prevent access. Angelika Treichler will continue to monitor.

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sign and the park bench made by Harbord Public School as requested by the Mayor.

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31/10 RESOLVED: (Macdonald / Griffin)

These reports were dealt with at the Community Environment Committee meeting of 10 February 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

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footpath near Federation Point.

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

Against the Resolution: Nil.

Report Of Committees Report No. 10

Minutes for adoption by Council - Sports Facilities Committee - 5 February 2010

This report was dealt with at the Sports Facilities Committee meeting of 5 February 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 REPORT: Proposed Priorities For 2010

The Committee discussed the list of projects on the priorities list. Projects endorsed by the Committee for 2010 financial year are as follows:

- Seaforth Oval additional topdressing;
- Tania Park purchase of replacement timber goal posts; and
- Keirle Park additional sports fields lighting fields 2&3.

MOTION (Macdonald / Burns)

That:

1. ITEM 4 REPORT: Proposed Priorities For 2010

The Committee recommend to Council to endorse the projects listed as the 2010/11 priorities for

the next financial year.

32/10 **RESOLVED:** (Macdonald / Burns)

That:

1. ITEM 4 REPORT: Proposed Priorities For 2010

The Committee recommend to Council to endorse the projects listed as the 2010/11 priorities for the next financial year.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 8

Report on Council Investments as at 31 January 2010

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 (Elder / Heasman)

That the statement of Bank Balances and Investment Holdings as at 31 January, 2010 be received and noted.

33/10 **RESOLVED:** (Elder / Heasman)

That the statement of Bank Balances and Investment Holdings as at 31 January, 2010 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.

QUESTIONS WITHOUT NOTICE

QWN17/10 Councillor Whitting - Manly Boy Charlton Centre Season Pass

Can the General Manager report on the implementation and progress of resolved Motion 171/09 on Monday 14 December 2009. Manly council consider offering one Boy Charlton Centre Pass to each of the Manly Area Swimming Clubs on a yearly basis.

At the request of the Mayor, the General Manager advised, following the advertising of the proposal to assist the swimming clubs in question the Manager of Human Services and Facilities has advised that the passes are ready to be issued.

QWN18/10 Councillor Whitting - Commencement date for arcade/walkway to Stocklands

Can the General Manager inform the council of the commencement date for the Arcade/walkway access from Stockland to Sydney Road.

At the request of the Mayor, the Deputy General Manager advised there is a condition of consent requiring the walkway to be provided. There is also a time limit on the Sydney road property being used as a display suite until all units have been sold. The PCA has issued the Construction Certificate so we need to follow up with them to determine the current position.

QWN19/10 Councillor Murphy - Manly Council DCP

Our DCP states that the height for a boundary fence from the front boundary to the building line is 1mt high. It then says that from the front building line to the back boundary can be up to 1.8mtrs high.

What happens when the side boundary fence is a hedge? Can one neighbour insist that it be kept trimmed to the same heights as a fence? Can either neighbour cut the hedge on their land to less than the DCP fence heights.

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

QWN20/10 Councillor Murphy - Neighbouring Trees

If a neighbours plants/trees hang over the boundary fence or vice versa can they be trimmed and if it can be trimmed can it be then thrown back over the fence or is this an urban myth?

At the request of the Mayor the General Manager advised that subject to the Council issuing a Tree Preservation Order allowing the tree to be trimmed any trimming taken off the tree has to be disposed of by the neighbour who is trimming the tree.

QWN21/10 Councillor Morrison - Crack down on Council spending

Has Manly Council received a letter from the Local Government Minister Barbara Perry regarding Councils spending.

At the request of the Mayor the General Manager advised that he had not received a letter from Minister Barbara Perry.

QWN22/10 Councillor Norek - Midnight Basket Ball

What is the current status with the report on midnight Basketball and when is its possible implementation.

At the request of the Mayor the General Manager advised that the Youth Council is looking into the proposal but did not think it likely we will get recommendation to go ahead as we do not have the facilities in Manly. There is a Basketball Court at Narrabeen Lakes that operates well and has been operating for some time. Youth Council are looking into the proposal and they will advise Council if they support it.

QWN23/10 Councillor Norek - Compliance issue on 43 North Steyne Manly

There was an email circulated to all Councillors from Mr Wallace on compliance issues 43 North

Steyne Manly.

At the request of the Mayor the General Manager advise that this is one for the parties to solve as Council does not get involved with civil matters.

QWN24/10 Councillor Griffin - SHOROC Regional Councillors Conference

Why is the SHOROC Regional Councillors Conference scheduled for 24 March being held at the Conference Centre in Ingleside instead of Warringah or Manly.

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

QWN25/10 Councillor Macdonald - Documentation for SHOROC Regional Councillors Conference

Could the General Manager provide those Councillors that are attending the SHOROC Regional Councillors Conference with some background documentation that will assist with their input to the meeting.

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

QWN26/10 Councillor Macdonald - Proposed New Frenchs Forest Hospital

Some time ago I asked that a resolution be passed whereby the Councillors in this area meet with the members of Parliament prior to the next election to discuss the proposed new Frenchs Forest Hospital. Can you report back on any progress.

At the request of the Mayor the General Manager advised that Council has written to all the other three council suggesting that they have a joint meeting with the Government as well as the opposition.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Notice of Rescission Report No. 2

Corporate Services Division Report No. 6 - Legal 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) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Notice of Rescission Report No. 1

**Corporate Services Report No. 6 Tender No. T2009/17
EOI Property Management Services**

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local

Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

Corporate Services Division Report No. 9

Koobilya Street Tennis Courts Seaforth

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

General Manager Division Report No. 3

SHOROC Sub-Committee – Kimbriki Resource Recovery Centre

This Item was deferred from Open Council to closed session with the item and public excluded to allow recommendation on 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 individuals.

CLOSED SESSION

MOTION (LeSurf / Heasman)

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

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

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

34/10RESOLVED: (LeSurf / Heasman)

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

Council Resolved into Closed Session with the press and public excluded at 11.12pm to consider the above items.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Notice of Rescission Report No. 2

Corporate Services Division Report No. 6 - Legal Matter**MOTION (Hay / LeSurf)**

That the matter proceed as per the discussion in the closed session.

35/10 RESOLVED: (Hay / LeSurf)

That the matter proceed as per the discussion in the closed session.

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

Against the Resolution: Nil.

Notice of Rescission Report No. 1

**Corporate Services Report No. 6 Tender No`. T2009/17
EOI Property Management Services**

RECISSION MOTION (LeSurf / Hay)

“That the Council’s decision of 8 February 2010 being Item Corporate Services Report No. 6 Tender No. T2009/17 Expressions of Interest – Property Management Services be and is hereby rescinded.”

For the Resolution: Councillors Hay, Elder, Heasman, Murphy and LeSurf

Against the Resolution: Councillors Whitting, Morrison, Norek, Griffin, Aird, Burns and Macdonald

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

General Managers Division Report No. 3

SHOROC Sub-Committee – Kimbriki Resource Recovery Centre

This Item was deferred from Open Council to closed session with the Press and Public excluded to allow consideration on 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 particular individuals.***

MOTION: (Macdonald / Burns)

That:

1. Appoint **Applicant 1** as the Manly Community Representative to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
2. Invite **Applicant 3** to be the “first reserve” for the committee and **Applicant 2** to be the “second reserve” to serve on the committee.

RESOLVED: (Macdonald / Burns)

That:

1. Appoint **Applicant 1** as the Manly Community Representative to serve on the Kimbriki Resource Recovery Centre sub-committee until the next local government elections scheduled for September 2012.
2. Invite **Applicant 3** to be the "first reserve" for the committee and **Applicant 2** to be the "second reserve" to serve on the committee.

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

Against the Resolution: Griffin and Aird..

Corporate Services Division Report No. 9
Koobilya Street Tennis Courts Seaforth

MOTION (Murphy / Norek)

That in respect of the operation of the two tennis courts at Koobilya Street Seaforth, Council call for Expressions of Interest from interested parties to operate the courts for a period of three years with a three year by three year option (as tennis courts).

RESOLVED: (Murphy / Norek)

That in respect of the operation of the two tennis courts at Koobilya Street Seaforth, Council call for Expressions of Interest from interested parties to operate the courts for a period of three years with a three year by three year option (as tennis courts).

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.13pm

The above minutes were confirmed at the combined **Ordinary Meeting** of Manly Council held on 19 April 2010.

MAYOR

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