



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 13 September 2010

All minutes are subject to confirmation at a subsequent meeting.

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TABLE OF CONTENTS

Item	Page No.
PRESENT	3
APOLOGIES	3
DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST	3
CONFIRMATION OF MINUTES	4
Ordinary Meeting - 9/08/2010	4
PUBLIC FORUM	4
Corporate Services Division Report No. 29 Financial Statements for the Year Ended 30 June 2010	4
MAYORAL MINUTES	5
Mayoral Minute Report No. 8 Review of Increased Parking Fees at Council parking stations	5
Mayoral Minute Report No. 9 Manly Amateur Swimming Clubs – Waiver of Pool and Lane hire fees to 2014	6
RESUMPTION OF STANDING ORDERS	7
Mayoral Minute Report No. 7 The election of the Deputy Mayor, and the Chair and Deputy Chair.....	7
Mayoral Minute Report No. 10 Mr Ces Menzies.....	7
Notice of Motion Report No. 41 Manly Lagoon’s Rehabilitation	8
Notice of Motion Report No. 42 Posters on the history of the People of the Guringai Language Country	9
Notice of Motion Report No. 44 East Region JRPP	10
Human Services And Facilities Division Report No. 12 Sydney Road Markets – review on location and operations	10
Civic and Urban Services Division Report No. 9 Balgowlah Permit Parking Scheme (BPPS)	12
RESUMPTION OF STANDING ORDERS	13
NOTICES OF MOTION	13
Notice of Motion Report No. 43 Removal of Storm Water pipes along Manly Beach	13
Notice of Motion Report No. 45 Introduction of Late Night Council Rangers to ensure compliance to better protect public amenity.....	14
Notice of Motion Report No. 46 Ensuring Mechanical Ventilations meet Australian Standards and Code Requirements in the Manly Municipality.....	14

ITEMS FOR BRIEF MENTION	15
Item For Brief Mention Report No. 5	
Items for Brief Mention.....	15
REPORTS OF COMMITTEES	17
Report Of Committees Report No. 37	
Minutes for adoption by Council - LM Graham Working Group 19 August 2010.....	17
Report Of Committees Report No. 38	
Minutes for adoption by Council - Surf Club Liaison Working Group - 17 August 2010	18
Report Of Committees Report No. 39	
Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature	19
CORPORATE SERVICES DIVISION.....	20
Corporate Services Division Report No. 30	
Report on Council Investments as at 30 July 2010	20
PLANNING AND STRATEGY DIVISION.....	20
Planning And Strategy Division Report No. 22	
Manly Local Environmental Plan 1988 – draft Amendment 81	20
Planning And Strategy Division Report No. 23	
Public exhibition of the North Harbour Reserve Landscape Masterplan.....	21
HUMAN SERVICES AND FACILITIES DIVISION	22
Human Services And Facilities Division Report No. 11	
Adoption by Council of the Child Protection Policy.....	22
QUESTIONS WITHOUT NOTICE.....	24

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 13 September 2010. The meeting commenced at 7:30:00 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 R Morrison
 Councillor D Murphy, Deputy Mayor
 Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
 Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
 Ross Fleming, Deputy General Manager, People, Place & Infrastructure
 Lynne Jess, Secretariat Services

OPENING PRAYER

The Opening Prayer was presented by Rev Collin Sheen - St Pauls Anglican Church, Seaforth.

APOLOGIES

Apologies were tendered on behalf of Councillor Dr Peter Macdonald for non-attendance.

140/10 **RESOLVED: (Burns/Whitting)**

That the apology received from Councillor Peter Macdonald for non-attendance, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Heasman	Civic & Urban Services Report No 9 – Balgowlah Permit Parking Scheme	Resident within the Balgowlah Parking Scheme area.
Councillor Morrison	Civic & Urban Services Report No 9 – Balgowlah Permit Parking Scheme	Has a property in the area.

CONFIRMATION OF MINUTES**MOTION**

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 August 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.

141/10 **RESOLVED: (Heasman / Morrison)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 August 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 Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Griffin, Aird and Burns

Against the Resolution: Nil

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Richard Hewitt	Retain parking spaces at Fairlight Shops

SUSPENSION OF STANDING ORDERS (Morrison / LeSurf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e Corporate Services Report 29, Financial Statements for the Year Ended 30 July 2010, Mayoral Minute Report 8 – Review of Increased Parking Fees at Council parking stations, Mayoral Minute Report No. 9 – Manly Amateur Swimming Clubs – Waiver of Pool and Lane hire fees to 2014.

142/10 **RESOLVED: (Morrison / LeSurf)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e Corporate Services Report 29, Financial Statements for the Year Ended 30 July 2010, Mayoral Minute Report 8 – Review of Increased Parking Fees at Council parking stations, Mayoral Minute Report No. 9 – Manly Amateur Swimming Clubs – Waiver of Pool and Lane hire fees to 2014.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 29

Financial Statements for the Year Ended 30 June 2010

The Local Government Act, 1993, requires a Council to present its Audited Financial Statements for the financial year ended 30 June 2010, together with the Auditor's Report, at a meeting of Council within 5 weeks of receipt of the Auditor's Report.

MOTION (Griffin / Burns)

1. That the Annual Financial Report for the Year ended 30 June 2010 together with the Auditors

Report be received;

2. That Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

143/10 **RESOLVED: (Burns / Griffin)**

1. That the Annual Financial Report for the Year ended 30 June 2010 together with the Auditors Report be received;
2. That Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 8

Review of Increased Parking Fees at Council parking stations

PUBLIC ADDRESSES

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

Against the Recommendation: Richard Hewitt

MOTION (Hay)

That Council vary the following adopted Fees and Charges in the Management Plan and advertise the proposed changes under the Local Government Act.

7.00am – 7.00 pm

1. 0-2 hours free
2. 2-3 hours \$7.00
3. 3-4 hours \$14.00
4. 4-5 hours \$21.00
5. 5+ hours \$30.00
6. \$15 for Early Bird Parking (at the Manly National only)

144/10 **RESOLVED: (Hay)**

That Council vary the following adopted Fees and Charges in the Management Plan and advertise the proposed changes under the Local Government Act.

7.00am – 7.00 pm

1. 0-2 hours free
2. 2-3 hours \$7.00
3. 3-4 hours \$14.00

4. 4-5 hours \$21.00
5. 5+ hours \$30.00
6. \$15 for Early Bird Parking (at the Manly National only)

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

Mayoral Minute Report No. 9

Manly Amateur Swimming Clubs – Waiver of Pool and Lane hire fees to 2014

PUBLIC ADDRESSES

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

In support of the Recommendation: Robert Carlon – Manly Amateur Swimming Club

MOTION (Hay)

1. That the pool/lane hire fees for the three Manly amateur swimming clubs (Manly Amateur Swimming Club, Manly Ladies Swimming Club and Manly Diggers Club) are waived for a period of three years.
2. That the three clubs develop their membership numbers to increase their ability to pay the 50% discounted fees, as adopted by Council for schools, registered sporting and swimming clubs, from the commencement of the swimming season in 2014.
3. That the three Manly Amateur swimming clubs (Manly Amateur Swimming Club, Manly Ladies Swimming Club and Manly Diggers Club) are advised in writing that Council has resolved to waive the fees for the clubs until the commencement of the swimming season in 2014.

145/10 RESOLVED: (Hay)

1. That the pool/lane hire fees for the three Manly amateur swimming clubs (Manly Amateur Swimming Club, Manly Ladies Swimming Club and Manly Diggers Club) are waived for a period of three years.
2. That the three clubs develop their membership numbers to increase their ability to pay the 50% discounted fees, as adopted by Council for schools, registered sporting and swimming clubs, from the commencement of the swimming season in 2014.
3. That the three Manly Amateur swimming clubs (Manly Amateur Swimming Club, Manly Ladies Swimming Club and Manly Diggers Club) are advised in writing that Council has resolved to waive the fees for the clubs until the commencement of the swimming season in 2014.

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

RESUMPTION OF STANDING ORDERS (Morrison / LeSurf)

That Standing Orders be resumed.

146/10 **RESOLVED: (Morrison / LeSurf)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 7

The election of the Deputy Mayor, and the Chair and Deputy Chair

I Move the election of the Deputy Mayor, and the chair and Deputy Chair of the Planning and Strategy Committee be held at the Ordinary Meeting of Council on the 8th November 2010.

MOTION (Hay)

That the election of the Deputy Mayor, and the Chair and Deputy Chair of the Planning and Strategy Committee be held at the Planning and Strategy Meeting of Council on the 1st November 2010.

147/10 **RESOLVED: (Hay)**

That the election of the Deputy Mayor, and the Chair and Deputy Chair of the Planning and Strategy Committee be held at the Planning and Strategy Meeting of Council on the 1st November 2010.

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

Against the Resolution: Councillors Whitting, Griffin, Aird and Burns

Mayoral Minute Report No. 10

Ces Menzies

It is with sadness that I advise Council of the passing of Cec Menzies who passed away in Barraba, NSW late last night aged 85.

Cec served as Town Clerk at Manly Council from 1972 to 1989. He had served on a number of country Councils including Wellington Shire Council 1957 to 1971 before coming to Manly. Cec was one of "nature's gentlemen" in every way.

Cec was on the management Committee of the Town Clerk's Society of NSW and Institute of Municipal Management for 31 years from 1956 to 1988. He held the positions of Vice President

from 1977 to 1980 and President 1981 to 1982.

Mr Menzies retired as Town Clerk of Manly Council on 31st January 1989, aged 63. He was awarded the framed Certificate of Merit, the highest award given by the Institute of Management. Mr Menzies is survived by his wife Joan and children Meg and Angus.

I would ask the Council to express condolences to his family.

MOTION (Hay)

That the Council express its condolences to the Menzies family.

148/10 **RESOLVED: (Hay)**

That the Council express its condolences to the Menzies family.

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

Against the Resolution: Nil.

Notice of Motion Report No. 41

Manly Lagoon's Rehabilitation

Councillor Craig Whitting moved:

That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.

PUBLIC ADDRESSES

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

In support of the Recommendation: Mark Roberts – Manly Lagoon Committee

MOTION (Whitting / Aird)

That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.

149/10 **RESOLVED: (Whitting / Aird)**

That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.

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

Against the Resolution: Nil.

Notice of Motion Report No. 42

Posters on the history of the People of the Guringai Language Country

Councillor Cathy Griffin moved:

That the series of three posters developed by the Department of History, University of Sydney on the History of the People of the Guringai Language Country be framed and displayed in selected Manly Council buildings. In addition a set of these posters be accessioned into the Local Studies section of Manly Library.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Julie Janson – Department of History University of Sydney

MOTION (Griffin / Aird)

That the series of three posters developed by the Department of History, University of Sydney on the History of the People of the Guringai Language Country be framed and displayed in selected Manly Council buildings. In addition a set of these posters be accessioned into the Local Studies section of Manly Library.

150/10 **RESOLVED: (Griffin / Aird)**

That the series of three posters developed by the Department of History, University of Sydney on the History of the People of the Guringai Language Country be framed and displayed in selected Manly Council buildings. In addition a set of these posters be accessioned into the Local Studies section of Manly Library.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Morrison / LeSurf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e Notice of Motion Report No. 44 – East Region JRPP, Human Services And Facilities Division Report No. 12 – Sydney Road Markets – review on location and operations, Civic and Urban Services Division Report No. 9 – Balgowlah Permit Parking Scheme (BPPS).

151/10 **RESOLVED: (Morrison / LeSurf)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e Notice of Motion Report No. 44 – East Region JRPP, Human Services And Facilities Division Report No. 12 – Sydney Road Markets – review on location and operations, Civic and Urban Services Division Report No. 9 – Balgowlah Permit Parking Scheme (BPPS).

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

Notice of Motion Report No. 44

East Region JRPP

Councillor Cathy Griffin moved:

A report be prepared on the options available for Manly Council's nominations for the East Region JRPP.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Richard Hewitt

MOTION (Griffin / Heasman)

A report be prepared on the options available for Manly Council's nominations for the East Region JRPP.

152/10 **RESOLVED: (Morrison / LeSurf)**

A report be prepared on the options available for Manly Council's nominations for the East Region JRPP.

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

Human Services And Facilities Division Report No. 12

Sydney Road Markets – review on location and operations

At the Ordinary meeting of Council on 9th August 2010, Council resolved:

That:

- 1. Council urgently investigate possible options under clause 8 (vi) to relocate the markets to Market Lane and Short Street as soon as possible. If it is not legally possible then the General Manager to bring back an urgent report on the possible options on the future of the markets.*
- 2. Rules of Operation be altered to read "Items for sale must be handmade quality goods produced in Australia".*
- 3. Council enforce strict compliance with the conditions of the licence agreement.*

This report seeks to address each of the above issues.

PUBLIC ADDRESSES

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

Against the Recommendation: Bob Smith – Manly Chamber of Commerce

In Support of the Recommendation: Ross Alexander – Blue Sky Events

MOTION (Griffin / LeSurf)

That:

1. The report be received and noted;
2. The market operations remain in Sydney Road, Manly until the current Licence Agreement terminates, that is 31st August 2011.
3. The Council determines the future uses of Sydney Road, Short Street, Market Lane and Library Place as hubs for markets and community engagement venues.
4. Prior to issuing the tender documents Council review the Manly Market lease contract six months before the 31 August 2011.

AMENDMENT (Morrison / Whitting)

That:

1. The report be received and noted;
2. The market operations remain in Sydney Road, Manly until the current Licence Agreement terminates, that is 31st August 2011.
3. The Council determines the future uses of Short Street, Market Lane and Library Place as hubs for markets and community engagement venues.
4. Prior to issuing the tender documents Council review the Manly Market lease contract six months before the 31 August 2011.

For the Amendment: Councillor Aird, Morrison, and Whitting

Against the Amendment: Councillors Hay, Elder, Heasman, Murphy, LeSurf, Griffin and Burns

The **Amendment** was declared **LOST**.

153/10 RESOLVED: (Griffin / LeSurf)

That:

1. The report be received and noted;
2. The market operations remain in Sydney Road, Manly until the current Licence Agreement terminates, that is 31st August 2011.
3. The Council determines the future uses of Sydney Road, Short Street, Market Lane and Library Place as hubs for markets and community engagement venues.

4. Prior to issuing the tender documents Council review the Manly Market lease contract six months before the 31 August 2011.

The **Motion** was put and declared **CARRIED**

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

Against the Resolution: Nil.

Councillors Heasman and Morrison left the Chamber having declared an interest in this matter.

Civic and Urban Services Division Report No. 9

Balgowlah Permit Parking Scheme (BPPS)

SUMMARY

This report outlines the work undertaken on the proposed Balgowlah Permit Parking Scheme (BPPS) within the Balgowlah precinct, and proposes the introduction of the scheme into three streets, being Cormack Street, Learmont Ave and Condamine Street, for a length of one block between White Street and Sydney Road.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Dorian Porecki and Lyn Geen

MOTION (LeSurf / Burns)

That:

1. That the proposed Balgowlah Permit Parking Scheme as outlined in this report be implemented ; and
2. The Balgowlah Permit Parking Scheme be reviewed after a trial period of 6 months, to assess the impacts of the BPPS and the Balgowlah (Village) Shopping Centre Staff Parking Scheme, and consider those impacts in conjunction with any additional or ongoing feedback provided.

154/10 **RESOLVED: (LeSurf / Burns)**

That:

1. That the proposed Balgowlah Permit Parking Scheme as outlined in this report be implemented ; and
2. The Balgowlah Permit Parking Scheme be reviewed after a trial period of 6 months, to assess the impacts of the BPPS and the Balgowlah (Village) Shopping Centre Staff Parking Scheme, and consider those impacts in conjunction with any additional or ongoing feedback provided.

For the Resolution: Councillors Hay, Elder, Whitting, Murphy, LeSurf, Griffin, Aird and Burns
Against the Resolution: Nil.

Councillors Heasman and Morrison were not in the Chamber at the time of voting.

Councillors Heasman and Morrison returned to the Chamber.

RESUMPTION OF STANDING ORDERS (Morrison / LeSurf)

That Standing Orders be resumed.

155/10 **RESOLVED: (Morrison / LeSurf)**

That Standing Orders be resumed.

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

NOTICES OF MOTION

Notice of Motion Report No. 43

Removal of Storm Water pipes along Manly Beach Councillor Barbara Aird moved:

That the General Manager provide an update report on Council's earlier proposal to remove the storm water pipes along Manly Beach, including an analysis of economic and environmental effects.

MOTION (Aird / Griffin)

That the General Manager provide an update report on Council's earlier proposal to remove the storm water pipes along Manly Beach, including an analysis of economic and environmental effects.

156/10 **RESOLVED: (Aird / Griffin)**

That the General Manager provide an update report on Council's earlier proposal to remove the storm water pipes along Manly Beach, including an analysis of economic and environmental effects.

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

Notice of Motion Report No. 45

Introduction of Late Night Council Rangers to ensure compliance to better protect public amenity

Councillor Hugh Burns moved:

That Manly Council introduce Late Night Council Rangers to ensure compliance to better protect public amenity.

MOTION (Burns / Aird)

That Manly Council introduce Late Night Council Rangers to ensure compliance to better protect public amenity.

For the Resolution: Councillors Whitting, Griffin, Aird and Burns

Against the Resolution: Councillors Elder, Heasman, Le Surf, Murphy and Morrison

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

Notice of Motion Report No. 46

Ensuring Mechanical Ventilations meet Australian Standards and Code Requirements in the Manly Municipality

Councillor Hugh Burns moved:

That Council action these points list to ensure its administration of Mechanical Services is brought to an appropriate standard.

MOTION (Burns / Aird)

That Council action these points list to ensure its administration of Mechanical Services is brought to an appropriate standard.

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

For the Resolution: Councillor Burns

Against the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Griffin and Aird

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 5

Items for Brief Mention

1. Code of Meeting Practice

On 26 August 2010 Council received a letter from the Chief Executive Local Government concerning limiting the number of Notices of Motion under its Code of Meeting Practice and stating that it is inconsistent with the Local Government Act 1993 and the Local Government (General) Regulation 2005. (Attachment 1). The General Manager's response dated 3rd September (Attachment 2).

Under Clause 6.9(4) of the current Code, the number of Notices of Motion that can be submitted is limited to 12 per year.

Council considered a Report at the Planning & Strategy Committee Meeting held on 7 June 2010 which recommended adoption of the Department's Meetings Practice Note No. 16 which sought to remove the limit on the number of Notices of Motion that could be submitted.

Council resolved "that no action be taken in the amendment of the existing Policy". (Attachment 3).

The correspondence from the Department of Local Government requests Council to reconsider its decision of 7 June, 2010.

2. Summary of complaints made to the General Manager

In the months of July and August 2010, the General Manager finalised the following complaints:

Received	Nature of complaint	Outcome	Finalised
June	Alleged failure by a Councillor to declare a pecuniary interest.	Finding that the councillor did declare and manage a pecuniary interest. No breach of Code of Conduct. No further action taken.	July
June	Conduct complaint against staff.	In progress.	
July	Email difficulties experienced by a customer.	Technical difficulties resolved with customer. No further action taken.	July
August	Conduct complaint against a Councillor.	Resolved through alternative and appropriate strategies.	August

MOTION (Murphy / Morrison)

Item 1

That the status quo remains for reasons that Council's Code serves the purpose of the Council well for some time.

AMENDMENT (Aird / Burns)

1. That the staff recommendation for no limits on the number of Notices of Motion be adopted.
2. That the status quo remains for Questions Without Notice.
3. That the draft Manly Council – Code of Meeting Practice be placed on public exhibition in accordance with the requirements of the Local Government Act.

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

Against the Amendment: Councillors Murphy and Morrison.

The **Amendment** became the **Motion** and was put and declared **Carried**.

157/10 RESOLVED: (Aird / Burns)

1. That the staff recommendation for no limits on the number of Notices of Motion be adopted.
2. That the status quo remains for Questions Without Notice.
3. That the draft Manly Council – Code of Meeting Practice be placed on public exhibition in accordance with the requirements of the Local Government Act.

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

Against the Resolution: Councillors Murphy and Morrison.

Note: The General Manager advised that he had consistently given Council the advice that it should follow the Model Code and again implores Council to amend its Code accordingly.

2. Summary of complaints made to the General Manager**MOTION (Murphy / Morrison)**

That the summary of complaints made to the General Manager be noted.

158/10 RESOLVED: (Murphy / Morrison)

That the summary of complaints made to the General Manager be noted.

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

Against the Resolution: Nil.

3. Notice of Motion Status Report – September 2010**MOTION (Murphy / Morrison)**

That the report be received and noted.

159/10 RESOLVED: (Murphy / Morrison)

That the report be received and noted.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 37

Minutes for adoption by Council - LM Graham Working Group 19 August 2010

This report was dealt with at the LM Graham Working Group meeting of 19 August 2010 and was 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.

1. ITEM 3 Final Draft LM Graham Reserve Masterplan

The Final Draft LM Graham Masterplan, in addition to the supporting Action Plan and Environmental Constraints Report were presented by staff to the Working Group.

A discussion followed, in which the Working Group agreed that the following changes would be beneficial:

- i. That the wording in the Action Plan be amended concerning the two tennis courts to remove reference to futsal and tennis seasons. The replacement wording should identify that the courts may also be hired for 'other compatible uses'.
- ii. The three most western practice cricket nets should be extended further north to enable a longer run up for fast bowlers. The entrance would subsequently need to be moved eastward.
- iii. The most western of the junior soccer fields to be a synthetic grass surface to enable cross and wet-weather training and multi-use. This field will need to be moved southward to be located outside the cricket field.

Subject to these changes, the Working Group indicated that they would endorse the Draft Masterplan and associated documentation, for public exhibition.

Discussion was then held concerning funding opportunities for implementation of the Masterplan.

MOTION (Heasman / Griffin)

That the minutes of the LM Graham Reserve Working Group meeting on 19 August 2010 be adopted including the following items:

1. ITEM 3 Final Draft LM Graham Reserve Masterplan

That:

1. The LM Graham Reserve Working Group endorses the Final Draft LM Graham Reserve Masterplan, subject to the following amendments:

That the wording in the LM Graham Reserve Masterplan - Action Plan be amended concerning the two tennis courts to remove reference to futsal use and tennis seasons. The replacement wording should identify that the courts may also be hired for 'other compatible uses'.

- i. The three most western practice cricket nets should be extended further north to enable a longer run up for fast bowlers. The formalised entrance would subsequently need to be moved eastward.
 - ii. The most western of the junior soccer fields should be changed to be a synthetic grass surface to enable cross and wet-weather training and multi-use. This field will need to be moved southward to be located outside the cricket field.
2. The Final Draft Masterplan (amended as per the above recommended changes) be publically exhibited along with supporting documentation including the LM Graham Reserve Masterplan – Action Plan, the LM Graham Reserve Environmental Constraints Report and the Adopted Plan of Management relevant to LM Graham Reserve.

160/10 **RESOLVED: (Heasman / Griffin)**

That the minutes of the LM Graham Reserve Working Group meeting on 19 August 2010 be adopted including the following items:

1. ITEM 3 Final Draft LM Graham Reserve Masterplan

That:

1. The LM Graham Reserve Working Group endorses the Final Draft LM Graham Reserve Masterplan, subject to the following amendments:

That the wording in the LM Graham Reserve Masterplan - Action Plan be amended concerning the two tennis courts to remove reference to futsal use and tennis seasons. The replacement wording should identify that the courts may also be hired for 'other compatible uses'.

- i. The three most western practice cricket nets should be extended further north to enable a longer run up for fast bowlers. The formalised entrance would subsequently need to be moved eastward.
 - ii. The most western of the junior soccer fields should be changed to be a synthetic grass surface to enable cross and wet-weather training and multi-use. This field will need to be moved southward to be located outside the cricket field.
2. The Final Draft Masterplan (amended as per the above recommended changes) be publically exhibited along with supporting documentation including the LM Graham Reserve Masterplan – Action Plan, the LM Graham Reserve Environmental Constraints Report and the Adopted Plan of Management relevant to LM Graham Reserve.

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

Against the Resolution: Nil.

Report Of Committees Report No. 38

Minutes for adoption by Council - Surf Club Liaison Working Group - 17 August 2010

This report was dealt with at the Surf Club Liaison Working Group meeting of 17 August 2010 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.

ITEM 5 GENERAL BUSINESS

- Surfing Reserve Opening 25 September 2010.
- The Land and Property Management Authority is meeting 25 August 2010, with representatives of Councils, SLS NSW and Northern Beaches to discuss relationship between all parties and to create guidelines as an outcome. The process to develop guidelines is estimated to take up to two years.
- Public Relations for Surf Life Saving Club - It was raised that the Clubs should promote what they do to the community.

MOTION (Whitting / Heasman)

That the minutes of the Surf Club Liaison Working Group meeting on 17 August 2010 be adopted including the following items:

ITEM 5 GENERAL BUSINESS

That Council promotes beach services and prepares a press release prior to the commencement of the season, and that the Mayor's column also features Surf Life Saving.

161/10 RESOLVED: (Whitting / Heasman)

That the minutes of the Surf Club Liaison Working Group meeting on 17 August 2010 be adopted including the following items:

ITEM 5 GENERAL BUSINESS

That Council promotes beach services and prepares a press release prior to the commencement of the season, and that the Mayor's column also features Surf Life Saving.

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

Against the Resolution: Nil.

Report Of Committees Report No. 39

Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature

The Minutes of the following Special Purpose Committee Meeting is tabled at this meeting.

Manly Draft Local Environmental Plan and Development Control Plan Working Group

MOTION (Murphy / Burns)

That the Minutes of the following Special Purpose Committee Meeting as tabled at this meeting be adopted.

- Manly Draft Local Environmental Plan and Development Control Plan Working Group – 23 August 2010

162/10 **RESOLVED:** **(Murphy / Burns)**

That the Minutes of the following Special Purpose Committee Meeting as tabled at this meeting be adopted.

- i) Manly Draft Local Environmental Plan and Development Control Plan Working Group – 23 August 2010

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 30

Report on Council Investments as at 30 July 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 (Burns / Griffin)

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

163/10 **RESOLVED:** **(Burns / Griffin)**

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

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 22

Manly Local Environmental Plan 1988 – draft Amendment 81

SUMMARY

The purpose of this report is to advise Council of consultations and submissions received following the public exhibition of Draft Manly Local Environmental Plan 1988 (Amendment No. 81) (Draft LEP 81) and to make appropriate recommendations in relation to the exhibited Draft Plan for submission to the Minister for Planning in accordance with the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

MOTION (Murphy / Burns)

That:

1. The planning proposal to amend Manly Local Environmental Plan 1988 (Amendment No. 81) be finalised as exhibited without variation to the planning proposal.
2. The Department of Planning be requested to make Draft Manly Local Environmental Plan 1988 (Amendment No. 81).

164/10 **RESOLVED: (Murphy / Burns)**

That:

1. The planning proposal to amend Manly Local Environmental Plan 1988 (Amendment No. 81) be finalised as exhibited without variation to the planning proposal.
2. The Department of Planning be requested to make Draft Manly Local Environmental Plan 1988 (Amendment No. 81).

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 23

Public exhibition of the North Harbour Reserve Landscape Masterplan

SUMMARY

At its Planning and Strategy Meeting dated 6th September 2010 Council considered a report recommending the public exhibition of the North Harbour Reserve Landscape Masterplan. It resolved (PS89/10)... *"That this item be deferred to obtain comments from the North Harbour and Balgowlah Precincts."*

The Draft Masterplan has been amended in consideration of the Precincts comments which were also conveyed to Council in writing (refer to attachment circulated separately).

It is recommended the revised Masterplan be formally exhibited for 28 days when submissions from the public will be welcomed prior to coming back to Council for consideration and final endorsement.

MOTION (Burns / Whitting)

That:

1. The final design of the North Harbour Reserve Landscape Masterplan be placed on public exhibition for a period of four weeks; and
2. A public information field day be organised on site during the exhibition period to receive community feedback.

165/10 **RESOLVED: (Burns / Whitting)**

That:

1. The final design of the North Harbour Reserve Landscape Masterplan be placed on public exhibition for a period of four weeks; and
2. A public information field day be organised on site during the exhibition period to receive community feedback.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 11

Adoption by Council of the Child Protection Policy

Council as a Public Authority and as a provider of Children's Services, is required (under Child Protection legislation) to have a policy that guides the processes required to uphold child protection in service provision, and effectively respond to allegations or convictions of child abuse by employees.

Child protection is a shared responsibility and as such, Council has a role to educate the community in relation to child protection responsibilities, as well as its employees and children's services user families.

MOTION (Burns / Hay)

That:

1. The draft Manly Council Child Protection Policy - August 2010, be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.
2. At the conclusion of the exhibition period a further report be submitted for adoption of the Manly Council Child Protection Policy - August 2010, subject to any submissions received.
3. That Council engage in community education with parents and other users of Council's children's services to raise awareness of the Child Protection Policy.

166/10 **RESOLVED: (Burns / Hay)**

That:

1. The draft Manly Council Child Protection Policy - August 2010, be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.
2. At the conclusion of the exhibition period a further report be submitted for adoption of the Manly Council Child Protection Policy - August 2010, subject to any submissions received.
3. That Council engage in community education with parents and other users of Council's children's services to raise awareness of the Child Protection Policy.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN84/10 Councillor Whitting – Good Will Week 2010**

Is council aware that it is Good Will Week 2010, and is there anything Council can do to encourage our residents to take advantage of events being held locally during Good Will Week 2010 such as informing residents to have a valid Will in place and at the same time provide an opportunity for adults in the community to evaluate their circumstances and make sure their affairs are in order?

At the request of the Mayor, the General Manager advised that it was too late to consider any form of advertising.

QWN85/10 Councillor Whitting - Resolution 92/10 - Fish Friendly Council

Can the General Manager Report to Council on the implementation of Resolution 92/10 and explain how the resolution has been acted on. That Manly Council becomes a Fish Friendly Council and participates in a program to encourage native fish to return to our local waterways.

At the request of the Mayor, the General Manager advised that all the correspondence has gone out and Council is now waiting on the responses.

QWN86/10 Councillor Murphy - Sydney Road between Fairlight Shops and Balgowlah Road

Sydney Road between Fairlight and Balgowlah has recently had a considerable amount of damaged concrete removed and relaid.

Council has previously been advised that the water from the townhouse development on the 'S' bends, since construction has been leaking over the road, only does so because the road slopes away from the gutter.

How is it that (I assume it was the RTA) about 300m³ of concrete could be replaced without this issue being addressed. If it is not the developer's responsibility and not Council's could we please write to the relevant Government Department advising them of this hazard and asking why they didn't address it over the last month while they carried out night works?

At the request of the Mayor, the General Manager advised that the developer had double checked his drainage system and the remaining issue of water flowing off the gutter is likely to be seepage out of the verge not out of the outlet.

QWN87/10 Councillor LeSurf - Public toilets - Public Reserve

The Public Reserve located on Balgowlah Road and Cross Street Balgowlah used to contain public toilets. They were removed because of concerns about illegal activities taking place in that vicinity.

Can we consider putting them back. The park is frequented by young mothers and their children, and at this time most try to use the tennis courts but this is disruptive to those using the courts and to the mothers and their children using the park?

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

QWN88/10 Councillor Morrison - Corporate Tie

Does council have a corporate tie?

At the request of the Mayor, the General Manager advised that there was no Corporate tie for

Council, only a tie for Sister Cities Committee.

QWN89/10 Councillor Aird - Resident parking with new technology

Would the General Manager bring back an update on the review of resident parking with the introduction of the new technology?

At the request of the Mayor, the General Manager advised that the technology is still being tested, and we think in the next three months or so Council should have the matching vehicle to go with it.

QWN90/10 Councillor Aird - Sydney Coastal Council Group

As a member of the Sydney Coastal Council Group I received an email today requesting me to follow up with the Mayor a letter addressed to Council dated 31 August 2010 requesting a donation of \$2,000 from each of the Council's to contribute to Sydney Water Education Program?

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

QWN91/10 Councillor Burns - Records

If Records Department are sending out notices to residents advising that their message has been deleted why is this occurring, has the message been sent off or hasn't been actioned?

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

QWN92/10 Councillor Burns - Property Portfolio Manager

Would the General Manager report on the progress of the new Property Manager and advise what improvements he had made to our bad debts?

At the request of the Mayor, the General Manager advised that the Property Officer had recovered more than \$120,000 in bad debts and was in the process of renegotiating in relation to another business who unless we were able to facilitate a financial facility, would have gone out of business.

The Property Manager has also rebuilt relations with Manly National Owners Corporation, Peninsular Owners Corporation as well as the Pacific Waves Corporation in respect of maintenance costs associated with their buildings.

QWN94/10 Councillor Heasman - Parking spaces at Fairlight shops

Would the General Manager follow up the Precincts concerns regarding the RTA proposed removal of the 3 parking spots.

At the request of the Mayor, the General Manager advised that the RTA were responsible for these parking spaces, not Council.

QWN93/10 Councillor Elder - Ocean Beach wall at North Steyne

Would the General Manager advise when will the Ocean Beach wall at North Steyne renovation and clean-up will be completed? Can Council ensure the beach is cleaned of rocks and small pebbles so North Steyne SLSC can utilise their sand running track for beach sprints and flags?

At the request of the Mayor, the General Manager advised that the works will be completed by the end of next week.

CLOSE

The meeting closed at 12.43am on 14 September 2010.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 11 October 2010.

MAYOR

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