



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 14 February 2011

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 14 February 2011. The meeting commenced at 7.40pm.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
 Councillor B Aird
 Councillor H Burns
 Councillor L Elder
 Councillor C Griffin
 Councillor A Heasman
 Councillor A Le Surf
 Councillor Dr P Macdonald
 Councillor R Morrison, Deputy Mayor
 Councillor D Murphy
 Councillor M Norek (arrived 7.44pm)
 Councillor C Whitting

ALSO PRESENT

General Manager
 Deputy General Manager, Executive Manager, Environmental Services
 Deputy General Manager, People, Place & Infrastructure
 Secretariat Services

OPENING PRAYER

The Opening Prayer was presented by Councillor Robin Kinstead of Manly Vale and Allambie Heights Anglican Church.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Cllr Cathy Griffin	Planning & Strategy Division Report No.5 – Draft Manly Comprehensive LEP 2011 – Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly	Non pecuniary interest – resides on Stuart Street
Cllr Richard Morrison	General Managers Division Report No.1 – Code of Conduct Complaints	Conflict of Interest - Report refers to Cllr Morrison
Cllr David Murphy	General Managers Division Report No.1 – Code of Conduct Complaints	Conflict of Interest - Report refers to Cllr Murphy

CONFIRMATION OF MINUTES**MOTION (Burns / Whitting)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 December 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.

1/11 RESOLVED: (Burns / Whitting)

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 December 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, LeSurf, Griffin, Aird, Burns and Macdonald

Against the Resolution: Councillors Murphy, Morrison and Norek

SUSPENSION OF STANDING ORDERS (Griffin / Aird)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.2 – Public Toilet Facilities, Planning & Strategy Division Report No.5 – Draft Comprehensive LEP 2011 – Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly, Items for Brief Mention – Notice of Motion Status Report – Item 173/10 Road Reserve Lease for 4 Peronne Avenue, Clontarf and Human Services & Facilities Division Report No.2 – Review of Manly Market Operations.

2/11 RESOLVED: (Griffin / Aird)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.2 – Public Toilet Facilities, Planning & Strategy Division Report No.5 – Draft Comprehensive LEP 2011 – Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly, Items for Brief Mention – Notice of Motion Status Report – Item 173/10 Road Reserve Lease for 4 Peronne Avenue, Clontarf and Human Services & Facilities Division Report No.2 – Review of Manly Market Operations.

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

Against the Resolution: Nil

NOTICES OF MOTION

Notice of Motion Report No. 2

Public Toilet Facilities

Councillor Craig Whitting moved:

That the General Manager provide a report to Council on the following Public Toilet Facilities detailing:

1. Their current operational hours; and
2. To include a rated system relative to high, medium or low visitor attractiveness, use and signage.

PUBLIC TOILETS ACCESSIBLE FOR WHEELCHAIR USERS

1. Market Lane, Manly Entrance through Library Door Opening hours same as Library MLAK Key
2. Rialto Square Near entrance to Wentworth Street Car park
3. Manly Wharf Upper level accessible—Lower level signs indicate direction
4. Lagoon Park Corner North Steyne and Cameron Avenue Manly
5. Queenscliff Surf Pavilion End of North Steyne, near Lagoon Bridge
6. South Steyne Surf Pavilion Corner South Steyne and Ashburner Street
7. Marine Parade Half way between Bower Lane and Shelley Beach
8. Shelley Beach Near Le Kiosk Restaurant
9. East Esplanade Corner Ashburner Street
16. Gilbert Park Corner of Gilbert and Belgrave Streets
17. Ocean Beach Under the former Visitors Information Centre (now the Manly Ocean Beach Cafe)
19. Little Manly Beach Corner Stuart Street and Marshall Street

PUBLIC TOILETS NOT ACCESSIBLE FOR WHEELCHAIR USERS MANLY

15. Whistler Street Car Park At the Entrance of Whistler Street Car Park
18. West Esplanade At Rear of Manly Art Gallery and Museum
19. Little Manly Beach Corner Stuart Street and Craig Avenue
20. North Steyne Surf Pavilion Corner North Steyne and Pine Street

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Raymond Mathieson

MOTION (Whitting / Norek)

That Council:

1. Bring back a detailed report on the current operational hours of the toilets, likely cost of operating for longer hours and implications if the hours are extended.
2. To include a rated system relative to high, medium or low visitor attractiveness, use and signage.
3. Investigate the use of an identification system to operate the toilet facilities.

AMENDMENT (Aird / Le Surf)

That Council:

1. Bring back a detailed report on the current operational hours of the toilets, likely cost of operating for longer hours and implications if the hours are extended.
2. To include a rated system relative to high, medium or low visitor attractiveness, use and signage.

For the Amendment: Councillors Elder, Le Surf, Griffin, Aird, Macdonald and Hay

Against the Amendment: Councillors Heasman, Whitting, Morrison, Norek, Murphy and Burns

With voting being equal the Chair exercised her casting vote for the **Amendment** and declared it **Carried**.

3/11 **RESOLVED:** (Aird / LeSurf)

That Council:

1. Bring back a detailed report on the current operational hours of the toilets, likely cost of operating for longer hours and implications if the hours are extended.
2. To include a rated system relative to high, medium or low visitor attractiveness, use and signage.

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

Against the Resolution: Nil

Councillor Griffin left the Chamber having previously declared a non pecuniary interest in Planning and Strategy Division Report No.5.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 5

Draft Manly Comprehensive LEP 2011 - Rezoning Options for 34, 36, 38 and 40 Stuart Street, Manly

SUMMARY

The purpose of this report is to respond to Council Resolution 236/10 of the Ordinary Meeting of Council on 13 December 2010:

'That a full report be brought back to Council on the first Ordinary Meeting in 2011 on rezoning options for 34, 36, 38 and 40 Stuart Street so that Council can make a decision on these properties for the comprehensive LEP.'

In Manly LEP 1988, the subject site at numbers 34 and 36 Stuart Street is currently zoned 6. Open space in figure 1 and 38 and 40 Stuart Street is zoned 6.b (i) Open space to be acquired by Council.

Options are discussed to assist Council to reach a decision for inclusion of preferred zoning of the subject site in the draft Manly (Comprehensive) LEP, which is expected to be on public exhibition in 2011.

PUBLIC ADDRESSES

The following people addressed the meeting on this item:

In Support of the Recommendation: Nicolas Ewald

Against the Recommendation: Raymond Mathieson

MOTION (Le Surf / Heasman)

1. That properties listed at 34-40 Stuart Street be zoned E4 Environmental Living; and
2. That the owners of properties 38-40 be approached to dedicate a strip of land to the rear of the property to connect Craig Avenue and Little Manly Reserve.

AMENDMENT (Aird / Burns)

1. That Council maintains the reservation for acquisition by Council for local open space and zone the properties 34-40 RE1 Public Recreation.
2. That Council recommits to its previous resolution to demolish No.36 Stuart Street.
3. That Council prepares a Management Plan for No.34 Stuart Street with a view to restoration and opening the property for community use.
4. That Council moves to compulsory acquisition of a 1.5metre strip behind the seawall to enable public access along the foreshore.

For the Amendment: Councillors Whitting, Murphy, Aird, Burns and Macdonald

Against the Amendment: Councillors Elder, Heasman, Le Surf, Morrison, Norek and Hay

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

4/11 RESOLVED: (LeSurf / Heasman)

1. That properties listed at 34-40 Stuart Street be zoned E4 Environmental Living; and
2. That the owners of properties 38-40 be approached to dedicate a strip of land to the rear of the property to connect Craig Avenue and Little Manly Reserve.

For the Resolution: Councillors Elder, Heasman, Le Surf, Morrison, Norek and Hay

Against the Resolution: Councillors Whitting, Murphy, Aird, Burns and Macdonald

Councillor Griffin returned to the Chamber.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

Items for Brief Mention**1. Reports:**

Council at its Ordinary Meeting on 13 December 2010, resolved:

“That Manly Council to call on both the Premier and leaders of the Opposition and The Greens in NSW to support and implement legislation to ban the use of non-bio-degradable plastic bags, in line with South Australia, the ACT, Northern Territory and recent all-party support in Tasmania (a legislated ban is expected in Tasmania within a year). Further, that Council also calls on the Minister and shadow minister for the Environment, The Greens and Independents in Federal Parliament to implement a ban at the national level.”

In response to the above the following items of correspondence have now been received and are attached

- Department of Sustainability, Environment, Water, Population and Communities
- Premier & Cabinet
- Hon Frank Sartor MP, Minister for Climate Change and the Environment

2. Complaints made to the General Manager

Received	Nature of complaint	Outcom <input type="checkbox"/>	Status
October	Alleged misuse of resources and conflict of interests	Review in progress	Pending
October	Misconduct in relation to a council meeting	Review in progress	Pending
November	Misrepresentations / misinformation at a council meeting	Referred to conduct reviewer. Report submitted to Council on 14 February 2011.	Finalised
November	Misrepresentations / misinformation at council meetings	Referred to conduct reviewer. Report submitted to Council on 14 February 2011.	Finalised
December	Complaint re compliance matter	Review in progress	Pending
December	Complaint re compliance matter	No breach of Code of Conduct. No further action.	Finalised
December	Complaint re compliance matter	Raising same issues as a previous complaint. No further action.	Finalised
December	Complaint re compliance matter	Review in progress	Pending

3. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
251/10	13 Dec	Options to improve planning controls applicable to late night trading premises in Manly	That staff bring back a report to Council on the feasibility of strengthening Manly's existing Late Night DCP to incorporate the trial licensing features and other improvements contained in the current City of Sydney Late Night plan.	Report going to March OM.
250/10	13 Dec	Investigation of Feasibility of Tri-generation for Manly Council	That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.	Report from Kinesis is pending.
246/10	13 Dec	Promotion of Sustainable Tourism	In view of the high visitation to Manly (estimated between 6 and 8 million persons p.a.) and the resulting opportunity this presents to Council for promotion of sustainable tourism and environmental education, that Council markets its "Enjoy Manly" re-usable carry-bag and refillable water bottles. Also, in line with our "Towards Zero Waste" Policy Council works towards marketing a re-usable take-away coffee cup with similar environmental messages, as soon as possible.	Program on agenda for Waste Committee.
231/10	13 Dec	Tree Policy	1. That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the	A draft document is being prepared.

			number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.	
230/ 10	13 Dec	Little Penguins	4. Fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.	Fence will be installed in March after the repairs on the Boardwalk.
			6. Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.	Being programmed.
			8. Dogs be prohibited from entering upon the public reserve including the Federation steps.	Proclamation being prepared.
202/ 10	8 Nov	Manly Council's Website	That the General Manager provide a report to Council which includes but is not limited to a timeline and budget proposal for consideration in the next financial year to upgrade and improve the Manly Council website.	Completion should be by March 2011.
196/ 10	8 Nov	Bike racks in Balgowlah Heights Precinct	To encourage sustainable transport and provide a bike storage option, Council: 1. Install bike racks in an appropriate location in the Balgowlah Heights shopping precinct through consultation with the Balgowlah Heights Precinct Committee and store owners for a minimum of 10 bikes.	Awaiting Precincts response.
			2. Bring back a report on potential bike racks within the Manly LGA.	Report to February OM.
173/ 10	11 Oct	Road Reserve Lease for 4 Peronne Avenue, Clontarf	1. Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence and the proposed layback alteration to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence.	To Traffic Committee on 14/02/11.
44/ 10	19 April	Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs or savings from taking over these assets over say a 20 year term. - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas	Awaiting response from Energy Australia.

			<p>more attractive and the installations less prone to damage.</p> <p>- Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.</p>	
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PUBLIC ADDRESSES

The following person addressed the meeting on Notice of Motion Status Report - Item 173/10 Road Reserve Lease for 4 Peronne Avenue, Clontarf:

In Support of the Recommendation: Silvano D'Ambrosio

MOTION (Morrison / Murphy)

1. That the correspondence be received and noted.
2. That the information be received and noted.
3. That the report be received and noted.
4. That the resolution of Council on 13 December (Resolution No.235/10) be reiterated to bring a report back to Council on the feasibility to relocate the centre line, sight distance, no stopping, laybacks and other measures regarding 4 Peronne Avenue, Clontarf.

5/11 RESOLVED: (Morrison / Murphy)

1. That the correspondence be received and noted.
2. That the information be received and noted.
3. That the report be received and noted.
4. That the resolution of Council on 13 December (No.235/10) be reiterated to bring a report back to Council on the feasibility to relocate the centre line, sight distance, no stopping, laybacks and other measures regarding 4 Peronne Avenue, Clontarf.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 2

Review of Manly Market Operations

SUMMARY

This report examined options for the future operation and location of the Manly Market.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Laurian Powers, Manly Chamber of Commerce

MOTION (Morrison / Macdonald)

That:

1. Council staff investigate alternative locations to Sydney Road for the Arts and Crafts Markets and bring a report back to Council.
2. Council engage an independent consultant to undertake the investigation of alternative locations, the mix of products and impacts on adjoining businesses.

AMENDMENT (Whitting / Burns)

That:

1. The Arts and Crafts Markets operate in the location of Gilbert Park from 31st August 2011 to 31st August 2016.
2. Expressions of Interest be called for the operation of an Arts & Crafts Market and Farmers' Market prior to the expiration date.

For the Amendment: Councillors Whitting, Burns and Norek

Against the Amendment: Councillors Hay, Elder, Heasman, Murphy, LeSurf, Morrison, Griffin, Aird, and Macdonald

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

AMENDMENT (Aird / Heasman)

That:

1. The Arts & Crafts Markets continue to operate in the location of Sydney Road from Central Avenue intersection and to include Market Lane and Market Place in accordance with Market Hub Precinct Plan from 31st August 2011 to 31st August 2016 as per point 6.5 below.
2. Expressions of Interest be called for the operation of an Arts & Crafts Market and Farmers' Market prior to the expiration date.
3. Back to back configuration of the markets stalls in Sydney Road.
4. Outdoor seating be approved in the market area for cafes/restaurants/bars
5. An official reporting structure be in place for complaints and rectified prior to the following weekend of trade.
6. Councils current 'Rules of Operation' to apply, with additional points / alterations as per below:
 1. No market stall to be operated by a business that wholesales or supplies to Manly retailers.
 2. Australian handmade goods only to be sold.

3. Market stall to be removed from the market following a complaint from a retailer in the area of same / similar product, to the satisfaction of the complainant.
4. Line of complaint lodged by a retailer by the Tuesday after markets trade, is to be actioned by the following weekend by Manly Council, to the satisfaction of the retailer
5. Total number of bay areas (in Sydney Rd & Market Lane) to be limited to 41 (3x3m bay areas) with at least 50% of these in Market Lane. (*This is the same number of bay areas as previous contract (35 + 6) and will ensure cafes and restaurants can have outdoor seating in Sydney Road and move the markets up Market Lane to revitalize the laneway which is currently a dead area.*)
6. Limit capped per category: no more than 25% of exhibitors may be from any one category
 - jewellery/accessories
 - clothing
 - shoes
 - kids clothes
 - arts/crafts
 - photography/art
 - food
 - body/beauty products
7. Any café/bar/restaurant/hotel in the market area to be given first entitlement to use (applications may be made at any given time) the outside dining area in front of their premises every Saturday and Sunday (in conjunction with Manly Councils footpath trading license agreement)
8. No stallholders goods, displays or structures are to block store entrances, be within 3m of shop fronts, or affect customers line of site from the markets to a shop front.
9. The Markets will operate between the hours of 9am – 5pm, with a compulsory extension until 6pm for all stall holders in the daylight savings months from October to April.
10. No stall holders are permitted to set-up or pack-down within the markets operational hours.
11. No vehicles are permitted access onto Sydney Road within the markets operational hours.

For the Amendment: Councillors Elder, Heasman, Murphy, Le Surf, Griffin, Aird, Burns, Hay
Against the Amendment: Councillors Whitting, Morrison, Norek and Macdonald

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

6/11 **RESOLVED:** (Aird / Heasman)

That:

1. The Arts & Crafts Markets continue to operate in the location of Sydney Road from Central Avenue intersection and to include Market Lane and Market Place in accordance with Market Hub Precinct Plan from 31st August 2011 to 31st August 2016 as per point 6.5 below.
2. Expressions of Interest be called for the operation of an Arts & Crafts Market and Farmers' Market prior to the expiration date.
3. Back to back configuration of the markets stalls in Sydney Road.
4. Outdoor seating be approved in the market area for cafes/restaurants/bars
5. An official reporting structure be in place for complaints and rectified prior to the following weekend of trade.

6. Councils current 'Rules of Operation' to apply, with additional points / alterations as per below:
1. No market stall to be operated by a business that wholesales or supplies to Manly retailers.
 2. Australian handmade goods only to be sold.
 3. Market stall to be removed from the market following a complaint from a retailer in the area of same / similar product, to the satisfaction of the complainant.
 4. Line of complaint lodged by a retailer by the Tuesday after markets trade, is to be actioned by the following weekend by Manly Council, to the satisfaction of the retailer
 5. Total number of bay areas (in Sydney Rd & Market Lane) to be limited to 41 (3x3m bay areas) with at least 50% of these in Market Lane. (*This is the same number of bay areas as previous contract (35 + 6) and will ensure cafes and restaurants can have outdoor seating in Sydney Road and move the markets up Market Lane to revitalize the laneway which is currently a dead area.*)
 6. Limit capped per category: no more than 25% of exhibitors may be from any one category
 - jewellery/accessories
 - clothing
 - shoes
 - kids clothes
 - arts/crafts
 - photography/art
 - food
 - body/beauty products
 7. Any café/bar/restaurant/hotel in the market area to be given first entitlement to use (applications may be made at any given time) the outside dining area in front of their premises every Saturday and Sunday (in conjunction with Manly Councils footpath trading license agreement)
 8. No stallholders goods, displays or structures are to block store entrances, be within 3m of shop fronts, or affect customers line of site from the markets to a shop front.
 9. The Markets will operate between the hours of 9am – 5pm, with a compulsory extension until 6pm for all stall holders in the daylight savings months from October to April.
 - 10.No stall holders are permitted to set-up or pack-down within the markets operational hours.
 - 11.No vehicles are permitted access onto Sydney Road within the markets operational hours.

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Griffin / LeSurf)

That Standing Orders be resumed.

7/11 **RESOLVED:** (Griffin / LeSurf)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 1

Masterplan for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne

Councillor Cathy Griffin moved:

That Council prepare a masterplan for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified.

MOTION (Griffin / Aird)

1. That design control guidelines be prepared for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified.
2. That Council call upon the Leader of the opposition of NSW to indicate how if elected to government on 26 March 2011 it intends to amend the EPA Act to provide for community consultation and community concurrence to replace part 3A.

8/11 RESOLVED: (Griffin / Aird)

1. That design control guidelines be prepared for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified.
2. That Council call upon the Leader of the opposition of NSW to indicate how if elected to government on 26 March 2011 it intends to amend the EPA Act to provide for community consultation and community concurrence to replace part 3A.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Aird / Norek)

That Standing Orders be suspended to allow for consideration of urgent Questions Without Notice and Confidential Items.

9/11 RESOLVED: (Aird / Norek)

That Standing Orders be suspended to allow for consideration of items of urgent Questions Without Notice and Confidential Items.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN1/11 Councillor Macdonald - Election Posters**

Is it true that in future a DA will be needed for the erection of an election poster?

At the request of the Mayor the General Manager advised that if it is an A1 size then it is exempt.

QWN2/11 Councillor Heasman - Manly Art Gallery Air-conditioning

Why is the air-conditioning unit at the Art Gallery still not working?

At the request of the Mayor the General Manager advised that he has spoken with the Facilities Manager and Civic and Urban Services Manager and they have undertook to speak to the contractor.

QWN3/11 Councillor Murphy - Letterboxes

The previous Council resolved unanimously to include a condition for the inclusion of A4 sized letterboxes in all DA approvals. Why has this never happened?

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

QWN4/11 Councillor Murphy - Ivanhoe Park Botanic Garden Signage

The previous Council resolved unanimously that Ivanhoe Park Botanic Garden have suitable signage installed on all entrances as well as major plantings to have name plaques installed in front of them.

To date a sign that was vandalized and is currently being rebuilt is the only work done so far. When will this be completed?

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 1

Staff Matter

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

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

Mayoral Minute Report No. 2

Staff Matter

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

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

CLOSED SESSION

MOTION (Aird / Norek)

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 matter being heard in closed Session.

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

10/11 **RESOLVED: (Aird / Norek)**

That the meeting move into Closed Session 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 following decisions made in Closed Session.

Mayoral Minute Report No. 1

Staff Matter

MOTION (Macdonald / Le Surf)

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

11/11 **RESOLVED (Macdonald / Le Surf)**

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

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

Against the Resolution: Councillor Norek

Mayoral Minute Report No. 2

Staff Matter

MOTION (Macdonald / Le Surf)

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

12/11 **RESOLVED (Macdonald / Le Surf)**

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.

RESUMPTION OF STANDING ORDERS (Griffin / Murphy)

That Standing Orders be resumed.

13/11 **RESOLVED: (Griffin / Murphy)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

PROCEDURAL MOTION (Hay / Burns)

That the Ordinary Meeting be adjourned and be reconvened at 7.00pm on Monday 21 February 2011.

14/11 **RESOLVED: (Hay / Burns)**

That the Ordinary Meeting be adjourned and be reconvened at 7.00pm on Monday 21 February 2011.

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

Against the Resolution: Councillors Murphy and Norek

The following items were adjourned to a meeting to be held on Monday 21 February 2011:

1. **Notice of Motion Report No. 3** – Support for Oz Harvest.
2. **Notice of Motion Report No.4** – CCTV Monitoring of Marine Parade Water Dragon colony sites and potentially Cabbage Tree Bay Aquatic Reserve.
3. **Notice of Motion Report No.5** – Dredging project located at Manly Lagoon.
4. **Notice of Motion Report No.6** – Opposition to forced zoning changes which threaten our critical public infrastructure.
5. **Notice of Motion Report No.8** – Manly CBD Tramway Loop
6. **General Managers Division Report No.1** – Code of Conduct Complaints.
7. **General Managers Division Report No.2** – Compliance and Enforcement Policy.
8. **Report of Committees Report No. 5** – Minutes for Adoption by Council – Special Purpose Committees – without recommendations of a substantial nature.
9. **Report of Committees Report No.6** – Minutes for Adoption by Council – Community Safety Committee – 9 December 2010
10. **Corporate Services Division Report No.2** – Report on Council Investments as at 30 November 2010 and 31 December 2010.
11. **Corporate Services Division Report No.3** – December Quarterly Budget Report.
12. **Planning & Strategy Division Report No.3** – Quarterly Update Report on the Management Plan 2010-2013 for the period 1st October to 31st December 2010
13. **Planning & Strategy Division Report No.4** – Public Exhibition of Manly2015 Vision
14. **Civic & Urban Services Division Report No.2** – Federation Point Boardwalk.
15. **Civic & Urban Services Division Report No. 3** – Cycle Parking within Manly
16. **Questions Without Notice**

The meeting adjourned at 12.17am on Tuesday 15 February 2011.

The meeting was reconvened on Monday 21 February 2011 at 7.15pm with the following members present:

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, Deputy Mayor
Councillor D Murphy
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
Christine Bone, Secretariat Services

APOLOGIES

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

15/11 **RESOLVED:** (Burns / Whitting)

That the apology received from Councillor Macdonald 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.

Notice of Motion Report No. 3

Support for Oz Harvest

Councillor Barbara Aird moved:

In view of the great opportunity to tackle the problems of food waste from businesses and at the same time help those in need in our community, that Manly Council promotes the work of Oz Harvest to businesses in our LGA.

MOTION (Aird / Whitting)

In view of the great opportunity to tackle the problems of food waste from businesses and at the same time help those in need in our community, that Manly Council promotes the work of Oz Harvest to businesses in our LGA.

16/11 **RESOLVED:** (Aird / Whitting)

In view of the great opportunity to tackle the problems of food waste from businesses and at the

same time help those in need in our community, that Manly Council promotes the work of Oz Harvest to businesses in our LGA.

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

Against the Resolution: Nil.

Notice of Motion Report No. 4

CCTV Monitoring of Marine Parade Water Dragon colony sites and potentially Cabbage Tree Bay Aquatic Reserve

Councillor Hugh Burns moved:

1. That Council install CCTV cameras sufficient to cover all the known Water Dragon colony locations in the vicinity of Marine Parade and the Bower/Reddall steps to enable these sites to be monitored remotely and recorded.
2. That Council also consider installing CCTV cameras to monitor the boats in Cabbage Tree Bay to assist enforcement of the aquatic reserve regulations, as regards entry of boats and particularly reported illegal entry of fishing boats at night.

MOTION (Burns / Morrison)

1. That Council install CCTV cameras sufficient to cover all the known Water Dragon colony locations in the vicinity of Marine Parade and the Bower/Reddall steps to enable these sites to be monitored remotely and recorded.
2. That Council also consider installing CCTV cameras to monitor the boats in Cabbage Tree Bay to assist enforcement of the Aquatic Reserve regulations, as regards entry of boats and particularly reported illegal entry of fishing boats at night.

AMENDMENT (Griffin / Elder)

That:

1. Council acknowledge the seriousness of the theft from the Water Dragon colony locations in the vicinity of Marine Parade and the Bower/Reddall steps.
2. The issue is referred to the Natural Resources staff to discuss with National Parks and Wildlife and Fisheries who are currently engaged in discussions regarding the Cabbage Tree Bay, Aquatic Reserve and surrounding area and report back to Council on how they propose to protect the Water Dragons and assist in enforcement of Aquatic Reserve regulations.

For the Amendment: Councillors Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Griffin and Hay

Against the Amendment: Councillors Aird and Burns

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

17/11 **RESOLVED:** (Griffin / Elder)

That:

1. Council acknowledge the seriousness of the theft from the Water Dragon colony locations in

the vicinity of Marine Parade and the Bower/Reddall steps.

2. The issue is referred to the Natural Resources staff to discuss with National Parks and Wildlife and Fisheries who are currently engaged in discussions regarding the Cabbage Tree Bay, Aquatic Reserve and surrounding area and report back to Council on how they propose to protect the Water Dragons and assist in enforcement of Aquatic Reserve regulations.

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

Against the Resolution: Nil.

Notice of Motion Report No. 5

Dredging project located at Manly Lagoon

Councillor Craig Whitting moved:

That the General Manager provide a report to Council on the dredging project located at Manly Lagoon detailing:

1. The proposed completion date;
2. How much debris has been removed to date, commenting on how council checks and records the amount and where it is discarded;
3. How much sediment has been removed to date, commenting on how council checks and records the amount and where it is discarded;
4. If the exposed sediment island located near Riverview Parade will be removed/dredged by the project's completion; and
5. When will Manly's Lagoon Website be active for residents to follow the project's progress on line;

MOTION (Whitting / Aird)

That the General Manager provide a report to Council on the dredging project located at Manly Lagoon detailing:

1. The proposed completion date;
2. How much debris has been removed to date, commenting on how council checks and records the amount and where it is discarded;
3. How much sediment has been removed to date, commenting on how council checks and records the amount and where it is discarded;
4. If the exposed sediment island located near Riverview Parade will be removed/dredged by the project's completion; and
5. When will Manly's Lagoon Website be active for residents to follow the project's progress on line;

18/11 RESOLVED: (Whitting / Aird)

That the General Manager provide a report to Council on the dredging project located at Manly Lagoon detailing:

1. The proposed completion date;
2. How much debris has been removed to date, commenting on how council checks and records the amount and where it is discarded;
3. How much sediment has been removed to date, commenting on how council checks and records the amount and where it is discarded;
4. If the exposed sediment island located near Riverview Parade will be removed/dredged by the project's completion; and
5. When will Manly's Lagoon Website be active for residents to follow the project's progress on line;

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

Against the Resolution: Nil.

Notice of Motion Report No. 6

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

Councillor Barbara Aird moved:

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

MOTION (Aird / Burns)

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

19/11 RESOLVED: (Aird / Burns)

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

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

Against the Resolution: Nil.

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

Notice of Motion Report No. 8

Manly CBD Tramway Loop

Councillor Hugh Burns moved:

That Council proceed to detailed planning for the proposed construction of the Manly CBD Tramway Loop. This is to include:

1. Preparation of a Business Plan including identification of the costs of construction of the line including the use of volunteers and the costs of operation similarly including use of volunteers.
2. The plan is to include the sources of funding that would be available to Council for the project, the time frame for completion of the project given the available funding, and the benefits to Manly as regards transport and tourism of constructing the line.
3. Detailed design of the line is to be completed so the project becomes "shovel ready" so as to be available for any grant application that may come up. The early construction of a demonstration section of tram line to allow test tram operation is to be included as part of this design.
4. That the project be supervised by Council's Sustainable Transport Committee and that a local volunteer support group be set up for the tramway project to widely encourage interested and skilled people to come forward to assist the project.

MOTION (Burns / Aird)

That subject to the *Manly2015* progressing, the Council support the proposed Tram Loop for an initial comprehensive feasibility study as part of the *Manly2015* vision.

20/11 RESOLVED: (Burns / Aird)

That subject to the *Manly2015* progressing, the Council support the proposed Tram Loop for an initial comprehensive feasibility study as part of the *Manly2015* vision.

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

Against the Resolution: Councillor Whitting

Councillors Morrison and Murphy left the Chamber having previously declared a conflict of interest in General Managers Division Report No.3.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 3

Code of Conduct Complaints**SUMMARY**

This report is submitted under Clause 12 of the Manly Council Code of Conduct.

The purpose of this report is to inform Council of findings and recommendations made by a conduct reviewer regarding code of conduct complaints made by Mrs Sue Humphreys against Councillor Richard Morrison and Councillor David Murphy on 12 November 2010.

MOTION (LeSurf / Burns)

That:

1. Council receive and note the report regarding code of conduct complaints against Cr Morrison and Cr Murphy.
2. Council dismiss the complaints.

21/11 RESOLVED: (LeSurf / Burns)

That:

1. Council receive and note the report regarding code of conduct complaints against Cr Morrison and Cr Murphy.
2. Council dismiss the complaints.

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

Against the Resolution: Nil.

General Managers Division Report No. 4
Compliance and Enforcement Policy

SUMMARY

This report recommends that Council give public notice of its intention to adopt the draft Compliance and Enforcement Policy.

MOTION (Elder / Le Surf)

That:

1. The draft Compliance and Enforcement Policy be endorsed.
2. The draft policy be placed on public exhibition for a period of 28 days in accordance with the *Local Government Act 1993*.

22/11 RESOLVED: (Elder / LeSurf)

That:

1. The draft Compliance and Enforcement Policy be endorsed.
2. The draft policy be placed on public exhibition for a period of 28 days in accordance with the *Local Government Act 1993*.

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

Against the Resolution: Nil.

Councillors Morrison and Murphy were not in the Chamber when the voting took place.

REPORTS OF COMMITTEES

Report Of Committees Report No. 5

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) Manly Traffic Committee – 13 December 2010

MOTION (Heasman / Elder)

That the minutes of the following Special Purpose Committee meeting be adopted:

- i) Manly Traffic Committee – 13 December 2010

23/11 RESOLVED: (Heasman / Elder)

That the minutes of the following Special Purpose Committee meeting be adopted:

- i) Manly Traffic Committee – 13 December 2010

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

Councillors Morrison and Murphy were not in the Chamber when the voting took place.

Councillors Morrison and Murphy returned to the Chamber.

Report Of Committees Report No. 6

Minutes for Adoption by Council - Community Safety Committee - 9 December 2010

These reports were dealt with at the Community Safety Committee meeting of 9 December 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

1. ITEM 6 Report – Manly Precinct Liquor Accord

On 2 December 2010, Council staff attended a meeting hosted by City of Sydney Council to discuss late night trading and Precinct Liquor Accord (PLA) strategies. A comparison of total costs indicated that the different PLA's received:

Wollongong	\$9,950 TOTAL	Summer bus promotion LNT wallet card No excuse postcards 'Take the hint' radio campaign
Parramatta	\$18,880 TOTAL	Develop website and promote
Newcastle/Hamilton	\$30,000 TOTAL	Marketing (6 steps to a Hassle Free Night) – existing Drink Safety Institute
Sydney: Kings Cross	\$798,000 TOTAL	Rapid Response security Shared radio network LNT promotion
Sydney: George St	\$31,800 TOTAL	Precinct ambassadors LNT wallet cards
Manly	\$3,000 TOTAL (approximately - divided by 15 licensees)	LNT wallet cards Manly Night Shuttle magnetic strips for vehicles 'Ask me how to get home' T-shirts for venues

The Committee expressed dismay at the relatively small financial contribution to be committed to Manly, and that the voluntary 3.00am closure, as contained within the 'Manly Liquor Accord Extended Trading Premises – Local Agreement' had been excluded from the Manly PLA strategy document, with Communities NSW suggesting this be resolved outside of the PLA.

2. ITEM 11 Report – Working Party to discuss Development Application and Liquor Licence consent conditions

The Committee discussed the information regarding licensed premises which were emailed through to Committee members by the Secretariat on 3 December 2010. The Working Party explained that this information would be used for enforcement purposes by Council's Compliance & Enforcement Team and also by Council Night Rangers. The Committee supported the inclusion of this information into the monthly report provided to the Committee by the Manager Ranger Services.

MOTION (LeSurf / Hay)

That the minutes of the Community Safety Committee meeting on 9 December 2010 be adopted including the following items:

1. ITEM 6 Report – Manly Precinct Liquor Accord

That Council write to the Director General of Communities NSW, the NSW Minister for Gaming & Racing and the NSW Opposition Minister to make the following representations:

1. That Council strenuously objects to the exclusion of the Manly Liquor Accord Extended Trading Premises – Local Agreement' from the Manly PLA measures as this fails to address Council's persistent call for earlier trading hours for late night licensed premises, and
2. That Council express disappointment at the small financial contribution committed by both late night licensed premises and Communities NSW through the Manly PLA to implement strategies to reduce alcohol-related violence and anti-social behaviour.

2. ITEM 11 Report – Working Party to discuss Development Application and Liquor Licence consent conditions

The Committee resolved to adopt the information sheet provided by the Working Party which details development consent conditions, and recommends to Council that:

1. This information sheet is to be provided to Council Night Rangers and compliance staff to ensure licensees are compliant with the listed conditions of development consent.
2. The Manly Licensing Police are provided with the listed conditions of development consent to raise awareness and to inform late night enforcement of development condition of consent.
3. A report be provided by the Manager Ranger Services on enforcement activities conducted on licensed premises as a result of the list of conditions of development consent :
 - o As a monthly report by way of Ranger Statistics to the Community Safety Committee, and this report be brought to the attention of Council through provision:
 - o To Council through an Item for Brief Mention at the next available Ordinary Meeting or Planning & Strategy Meeting.

24/11 RESOLVED: (LeSurf / Hay)

That the minutes of the Community Safety Committee meeting on 9 December 2010 be adopted including the following items:

1. ITEM 6 Report – Manly Precinct Liquor Accord

That Council write to the Director General of Communities NSW, the NSW Minister for Gaming & Racing and the NSW Opposition Minister to make the following representations:

1. That Council strenuously objects to the exclusion of the Manly Liquor Accord Extended Trading Premises – Local Agreement' from the Manly PLA measures as this fails to address Council's persistent call for earlier trading hours for late night licensed premises, and
2. That Council express disappointment at the small financial contribution committed by both late night licensed premises and Communities NSW through the Manly PLA to implement

strategies to reduce alcohol-related violence and anti-social behaviour.

2. ITEM 11 Report – Working Party to discuss Development Application and Liquor Licence consent conditions

The Committee resolved to adopt the information sheet provided by the Working Party which details development consent conditions, and recommends to Council that:

1. This information sheet is to be provided to Council Night Rangers and compliance staff to ensure licensees are compliant with the listed conditions of development consent.
2. The Manly Licensing Police are provided with the listed conditions of development consent to raise awareness and to inform late night enforcement of development condition of consent.
3. A report be provided by the Manager Ranger Services on enforcement activities conducted on licensed premises as a result of the list of conditions of development consent :
 - o As a monthly report by way of Ranger Statistics to the Community Safety Committee, and this report be brought to the attention of Council through provision:
 - o To Council through an Item for Brief Mention at the next available Ordinary Meeting or Planning & Strategy Meeting.

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. 2

Report on Council Investments as at 30 November 2010 and 31 December 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 (LeSurf / Elder)

That the statement of Bank Balances and Investment Holdings as at 30 November, 2010 and 31 December, 2010 be received and noted.

25/11 **RESOLVED:** (LeSurf / Elder)

That the statement of Bank Balances and Investment Holdings as at 30 November, 2010 and 31 December, 2010 be received and noted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 3
December Quarterly Budget Report
SUMMARY

Council's income and expenditure for the quarter 1 July 2010 to 31 December 2010 has been reviewed, together with a projection of Council's Budget as at 30 June 2011, and a Statement of Variations which have occurred is submitted.

MOTION (Griffin / Aird)

1. That the 2010/2011 Adopted Budget be varied in terms of this report.
2. That a report be brought back to Council after consideration by the Sustainability and Climate Change Committee regarding the demand management of electricity in the Manly LGA.
3. That Council write to the State Government and Opposition to advise that Council is not happy with the cost shifting of street lighting costs to Local Government.

26/11 RESOLVED: (Griffin / Aird)

1. That the 2010/2011 Adopted Budget be varied in terms of this report.
2. That a report be brought back to Council after consideration by the Sustainability and Climate Change Committee regarding the demand management of electricity in the Manly LGA.
3. That Council write to the State Government and Opposition to advise that Council is not happy with the cost shifting of street lighting costs to Local Government.

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

Against the Resolution: Nil.

RECOMMITTAL MOTION (Morrison / Burns)

That General Managers Report No.4 – Compliance and Enforcement Policy be recommitted to enable further consideration.

27/11 RESOLVED: (Morrison / Burns)

That General Managers Report No.4 – Compliance and Enforcement Policy be recommitted.

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

Against the Resolution: Nil.

General Managers Division Report No. 4

Compliance and Enforcement Policy

The resolution was as follows:

22/11 **RESOLVED:** (Elder / LeSurf)

That:

1. The draft Compliance and Enforcement Policy be endorsed.
2. The draft policy be placed on public exhibition for a period of 28 days in accordance with the *Local Government Act 1993*.

MOTION (Morrison / Burns)

That no changes be made to the above resolution.

28/11 **RESOLVED:** (Morrison / Burns)

That no changes be made to the above resolution.

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. 3

**Quarterly Update Report on the Management Plan 2010-2013
for the period 1st October to 31st December 2010**

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2010 – 2013 for the period 1 October 2010 to 31 December 2010, in accordance with the requirements of the *Local Government Act, 1993*.

MOTION (Heasman / LeSurf)

That the report on the second quarterly review of the Management Plan 2010-2013 for the period ending 31 December 2010 be received and noted.

29/11 **RESOLVED:** (Heasman / LeSurf)

That the report on the second quarterly review of the Management Plan 2010-2013 for the period ending 31 December 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 Report No. 4
Public Exhibition of Manly2015 Vision

SUMMARY

This report provides Council with final draft exhibition material for *Manly2015* a strategic, forward thinking vision to guide the future rejuvenation of the Manly CBD and Village. The proposed exhibition material now incorporates two options for the general public to comment on in relation to the Whistler Street Triangle Site and Public Library building. It also highlights the findings of the independent traffic study on the *Manly2015* vision. The community consultation strategy is outlined. The exhibition period is proposed to run from March through to September 2011. A Community Reference Panel will be established to provide input to Council on the *Manly2015* Vision going forward.

MOTION (Le Surf / Burns)

That:

1. Council receive and note this report on the *Manly2015* vision;
2. Council commence public exhibition of the *Manly2015* Vision as outlined in this report and also be exhibited at Addison Road shops and the Skiff Club or Yacht Club on East Esplanade utilising the material as presented in the attachments to the agenda.
3. The exhibition period of the *Manly2015* Vision be formally launched in March 2011 and continue through until mid September at maximum allowing a report back to Council at its October Ordinary Meeting.

30/11 RESOLVED: (LeSurf / Burns)

That:

1. Council receive and note this report on the *Manly2015* vision;
2. Council commence public exhibition of the *Manly2015* Vision as outlined in this report and also be exhibited at Addison Road shops and the Skiff Club or Yacht Club on East Esplanade utilising the material as presented in the attachments to the agenda.
3. The exhibition period of the *Manly2015* Vision be formally launched in March 2011 and continue through until mid September at maximum allowing a report back to Council at its October Ordinary Meeting.

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

Against the Resolution: Councillor Whitting

CIVIC AND URBAN SERVICES DIVISION

Civic and Urban Services Division Report No. 2

Federation Point Boardwalk**SUMMARY**

This report provides an update to Council on the cost to upgrade and make safe the timber boardwalk at Federation Point attached to the Manly Bathers Pavilion of which Council has responsibility for under a lease with NSW Maritime.

MOTION (Griffin / Whitting)

That:

1. The report be received and noted;
2. Council request a 50% contribution from Manly Bathers Pavilion towards the cost of the works.
3. Council seek State funding for the balance.

31/11 RESOLVED: (Griffin / Whitting)

That:

1. The report be received and noted;
2. Council seek a 50% contribution from Manly Bathers Pavilion towards the cost of the works.
3. Council seek State funding for the balance.

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

Against the Resolution: Nil.

Civic and Urban Services Division Report No. 3

Cycle Parking within Manly**SUMMARY**

For Council to consider improvements to the existing cycle parking and additional cycle parking.

MOTION (Aird / Burns)

That Council:

1. Install additional signage to inform the public of the location of cycle parking in Manly, and
2. Over the next budget cycle, increase the number of cycle parking spaces at bus interchanges, along the waterfront, and public open spaces within parks in the CBD.

32/11 **RESOLVED:** (Aird / Burns)

That Council:

1. Install additional signage to inform the public of the location of cycle parking in Manly, and
2. Over the next budget cycle, increase the number of cycle parking spaces at bus interchanges, along the waterfront, and public open spaces within parks in the CBD.

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

Against the Resolution: Councillor Le Surf

QUESTIONS WITHOUT NOTICE

QWN5/11 Councillor Heasman - Access Ramp

The kerb ramp for wheelchair users at the 'kiss and ride' area at the taxi stop outside the Council building was approved to be installed 18 months ago but funding has not been given until the next financial year. As this is a safety issue can this be moved up on the list of priorities?

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

QWN6/11 Councillor Whitting - Kenneth Road Parking

I have read the report in the past Traffic Committee minutes and the report refers to the current 2P parking restrictions along the northern side of Kenneth Road as being too short a time period for swimmers of the pool.

How did the parking change occur, was a survey conducted with all the stakeholders and what was the underpinning reason to initiate the 2P parking restrictions along the northern side of Kenneth Road? Will the Traffic Committee's suggestion be implemented and by what timeframe?

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

QWN7/11 Councillor Whitting - Stocklands DA 342/2010

In relation to the Stocklands DA 342/10 for the property known as 360-364 Sydney Road, Balgowlah which is the pedestrian link between the Stocklands development and Sydney Road shopping strip – is the floor space identified in the amended DA as "Council Facilities" or is Council purchasing the identified space?

If it is to be purchased what is the proposed purchase price and is this market price?

At the request of the Mayor the Deputy General Manager advised that Council is not purchasing the pedestrian link it is being given to us.

QWN8/11 Councillor LeSurf - Seat at Fairlight

During the reconstruction of the Fairlight Shopping Centre, a seat which was located on the south east corner of the intersection of Woods Parade and Hilltop Crescent was removed. Will the seat be returned?

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

QWN9/11 Councillor Morrison - Balgowlah Bowling Club

The Balgowlah Bowling Club advised me they had contacted the General Manager about their financial situation and they haven't had a response.

The Mayor advised that she met with the Bowling Club on 18 February 2011.

QWN10/11 Councillor Griffin - Slab at East Esplanade

There is a slab at East Esplanade (2 slabs away from Manly Wharf Hotel) that keeps popping up causing a tripping hazard. Could it be happening because heavy vehicles are sitting on top and therefore forcing it to come up? Can Council put signage up advising trucks not to stop there?

At the request of the Mayor the Deputy General Manager advised that he would send an engineer to have a look at it.

QWN11/11 Councillor Aird - Corona Promotional Event 19/02/11

On Saturday 19th February there was a major promotion of alcohol during an event on the beach and beach Reserve at the volleyball courts just north of the Corso. Significant structures with the logo "Corona" were used to outline the courts, whilst on the public footpath an announcing booth was set up with sound equipment with continual and loud promotion of "Corona".

This event made a complete mockery of Council's concerns and policies regarding alcohol advertising on our public space. Considering the major event was "Corona" why was the event approved and why was such a large event set up on the day without oversight by Council?

The Mayor advised that the company had no permission for the event. The General Manager instructed Rangers to advise the company to remove their signage.

QWN12/11 Councillor Aird - Air-conditioning at Manly Library

I read an online comment on the Manly Daily website stating "I volunteer at Manly Library each week and on 10th February had to endure extreme temperatures as the air-conditioning was not working on the ground floor or level 1. I was informed that it would not be fixed because according to the General Manager that as it is being demolished he will not spend the money on repairs." Can the General Manager provide Council with his response?

At the request of the Mayor the Deputy General Manager advised that the air-conditioning has now been fixed.

QWN13/11 Councillor Burns - Roads CBD

What is the timeframe for the repair of the roads around Manly CBD following the work by Energy Australia?

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

QWN14/11 Councillor Burns - Cost of Councillors Workshop

What was the breakdown of costs of the Councillors Workshop weekend held at the Q Station?

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

CLOSE

The meeting closed at 9.57pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 14 March 2011.

MAYOR

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