



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 14 March 2011

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 INTEREST / CONFLICT OF INTEREST	3
CONFIRMATION OF MINUTES	3
Ordinary Meeting - 14/02/2011	3
LATE ITEM	4
Mayoral Minute Report No. 4 Disaster in Japan.....	5
NOTICES OF MOTION	5
Notice of Motion Report No. 7 Seahorse Habitat.....	5
CIVIC AND URBAN SERVICES DIVISION	6
Civic and Urban Services Division Report No. 4 4 Peronne Avenue, Clontarf – Modification of fence to improve sight distance	6
RESUMPTION OF STANDING ORDERS	8
Notice of Motion Report No. 9 Poll of Residents as to preferred location of local Manly Hospital	8
Notice of Motion Report No. 10 Manly Ferry Forward Fleet Planning	9
Item For Brief Mention Report No. 4 Items for Brief Mention.....	10
REPORTS OF COMMITTEES	14
Report Of Committees Report No. 8 Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature.	14
Report Of Committees Report No. 9 Minutes for Adoption by Council - Traffic Committee - 14 February 2011	15
CORPORATE SERVICES DIVISION	15
Corporate Services Division Report No. 4 Constitutional Recognition of Local Government - A Role for Councils	15
Corporate Services Division Report No. 5 Report on Council Investments as at 31 January 2011	16
Corporate Services Division Report No. 6 Revenue Policy – Application for Special Rate Variation	17
QUESTIONS WITHOUT NOTICE	17

CONFIDENTIAL COMMITTEE OF THE WHOLE 19

Planning And Strategy Division Report No. 8

Tender T2011/21 - Stormwater harvesting basin and associated hydraulic works, in
Balgowlah Golf Course 19

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 14 March 2011. The meeting commenced at 7:37 PM.

PRESENT

Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf
Councillor R Morrison – Deputy Mayor, who presided
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

General Manager
Deputy General Manager, Land Use & Sustainability
Deputy General Manager, People, Place & Infrastructure
Divisional Manager, Civic and Urban Services
Secretariat Services

APOLOGIES

Apologies were tendered on behalf of the Mayor, Councillor Hay, Councillor Macdonald and Councillor Whitting for non-attendance.

33/11 **RESOLVED:** (Burns / Elder)

That the apologies received from the Mayor, Councillor Hay, Councillor Macdonald and Councillor Whitting, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Burns / LeSurf)

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 February 2011, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of Mayoral Minute Report No.1 – Staff Matter, voting to be amended to show Councillor Norek as voting against the item.

34/11 **RESOLVED:** (Burns / LeSurf)

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 February 2011, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of Mayoral Minute Report No.1 –

Staff Matter, voting to be amended to show Councillor Norek as voting against the item.

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

Against the Resolution: Nil.

LATE ITEM

MAYORAL MINUTE

Mayoral Minute Report No. 4 – Disaster in Japan

I am sure I speak for everyone here tonight in expressing our immense sadness on learning of the terrible events presently underway in Japan.

For many years, now, the community of Manly has had strong, developing relationships with two communities in Japan, both situated on the Eastern seaboard of Japan's main island of Honshu.

Manly and Taito Ku, one of the 23 wards of Japan's capital city Tokyo, formed a 'Sister City' relationship in 1982.

In August 2010 Manly Council celebrated the twentieth anniversary of our 'Friendship City' relationship with Odawara City in Japan's Kanagawa Prefecture.

The relationships between Manly and the two communities in Japan have been from the outset characterized by genuine warmth and deepening bonds of friendship. Visits by children, students, bands, choirs, orchestras, welfare groups and community groups between Manly and Taito Ku have all been part of the relationship.

Students from Odawara and Manly have participated in some 19 Annual Student Exchanges between the two communities, the Manly students representing local schools and their Japanese counterparts representing The Tokimeki International School of Odawara City. In the course of time, many, many friendships have developed between residents of our community, and those of Taito Ku and Odawara City.

So, it was with immense concern and great sadness we learned of the terrible disasters unfolding this last week in Japan and of the great suffering there.

Odawara herself is no stranger to earthquakes. The Great Kantō earthquake of 1923 resulted in ninety percent of the buildings in Odawara collapsing immediately, and fires burned the rubble along with anything else left standing. And yet, Odawara was rebuilt and is today a thriving, beautiful city.

We are reminded, too, of the terrible destruction that was visited on the city of Kobe by an earthquake in 1995. And yet, Kobe was rebuilt, and today stands as one of the leading commercial and industrial cities of the world.

The whole world is mindful of the extraordinary resilience, ingenuity and determination of the Japanese nation. There is no doubt that Japan will transcend the terrible misfortunes which presently visit her and I am sure the entire community of Manly will join with me in expressing our deepest condolences to the people of Japan, and in sending to the communities of Taito Ku and Odawara City in particular, our very best wishes.

MOTION (Morrison / Heasman)**That:**

Council express to the communities of Taito Ku and Odawara City its great sadness for the unspeakable pain of all its citizens after last Friday's earthquake and tsunami that devastated a large part of its North Eastern coastal communities.

The community of Manly, indeed all the people of Australia, feels your nation's pain and share in your nation's unspeakable grief at this time.

Manly citizens pledge its support for the relief and recovery effort of the Australian National Government. And Council wishes you well.

35/11 RESOLVED: (Morrison / Heasman)**That:**

Council express to the communities of Taito Ku and Odawara City its great sadness for the unspeakable pain of all its citizens after last Friday's earthquake and tsunami that devastated a large part of its North Eastern coastal communities.

The community of Manly, indeed all the people of Australia, feels your nation's pain and share in your nation's unspeakable grief at this time.

Manly citizens pledge its support for the relief and recovery effort of the Australian National Government. And Council wishes you well.

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

Against the Resolution: Nil.

MATTERS OF URGENCY

Councillor Norek sought leave of the meeting to raise a matter of urgency. The Chair ruled that the matter was not a matter of urgency.

NOTICES OF MOTION

Notice of Motion Report No. 7

Seahorse Habitat**Councillor Cathy Griffin moved:**

That Council investigate and report on a viable seahorse habitat friendly and sustainable replacement for the suspended netting currently used for the swimming enclosure at Manly Cove.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Mr Dave Thomas – Eco Divers

MOTION (Griffin / Burns)

That Council investigate and report on a viable seahorse habitat friendly and sustainable replacement for the suspended netting currently used for the swimming enclosure at Manly Cove.

36/11 RESOLVED: (Griffin / Burns)

That Council investigate and report on a viable seahorse habitat friendly and sustainable replacement for the suspended netting currently used for the swimming enclosure at Manly Cove.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Heasman / Griffin)

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

37/11 RESOLVED: (Heasman / Griffin)

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

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

Against the Resolution: Nil.

CIVIC AND URBAN SERVICES DIVISION

Civic and Urban Services Division Report No. 4

4 Peronne Avenue, Clontarf – Modification of fence to improve sight distance

SUMMARY

For Council to determine the appropriate action to address the safety concerns of the residents of number 2 Peronne Avenue Clontarf.

PUBLIC ADDRESSES

The following people addressed the meeting on this item:

In Support of the Recommendation: Stephen Schinagel

Against the Recommendation: Silvano D'Ambrosio

MOTION (Murphy / Morrison)

That in respect of the fence located at 4 Peronne Avenue, Clontarf, Council consult the Precinct on the following matters.

- i. Relocate the centreline to the west.
- ii. Relocate the parking from the west to the east
- iii Provide a no stopping zone to the north of the driveway.

As per centre line and parking relocation figure 2.

AMENDMENT (Heasman / Aird)

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

For the Amendment: Councillors Heasman, Griffin, Aird and Burns

Against the Amendment: Councillors Elder, Murphy, LeSurf, Morrison and Norek

The **amendment** was declared **Lost**.

MOTION (Murphy / Morrison)

That in respect of the fence located at 4 Peronne Avenue, Clontarf, Council consult the Precinct on the following matters.

- i. Relocate the centreline to the west.
- ii. Relocate the parking from the west to the east
- iii Provide a no stopping zone to the north of the driveway.

As per centre line and parking relocation figure 2.

38/11 RESOLVED: (Murphy / Morrison)

That in respect of the fence located at 4 Peronne Avenue, Clontarf, Council consult the Precinct on the following matters.

- i. Relocate the centreline to the west.
- ii. Relocate the parking from the west to the east
- iii Provide a no stopping zone to the north of the driveway.

As per centre line and parking relocation figure 2.

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

For the Resolution: Councillors Elder, Murphy, LeSurf, Morrison and Norek

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

NOTE: A **Recission Motion** has been received on this Resolution.

RESUMPTION OF STANDING ORDERS (Heasman / Griffin)

That Standing Orders be resumed.

39/11 RESOLVED: (Heasman / Griffin)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Notice of Motion Report No. 9

**Poll of Residents as to preferred location of local Manly Hospital
Councillor Hugh Burns moved:**

That at the State Election on Saturday 26th March a poll also be carried out in the State Seat of Manly to ask eligible voters to indicate their preferred location for a new or upgraded hospital.

Being:

- a) a substantially knocked down and rebuilt (modernised) Manly Hospital at the existing location on Darley Road North Head (retaining only the original 1929 heritage building)
- b) a newly-built hospital at Frenchs Forest.

That fair and impartial "for" and "against" cases be prepared by Council staff for the two locations and development of facilities proposed above.

MOTION (Burns / Aird)

That Council conduct a survey of residents as part of its community engagement process to ask residents to indicate their preferred location for a new or upgraded hospital.

Being:

- a) a substantially knocked down and reused for aged care and or mental health it remain in the public hands (modernised) Manly Hospital at the existing location on Darley Road North Head (retaining only the original 1929 heritage building).
- b) a newly-built hospital at Frenchs Forest.

That fair and impartial "for" and "against" cases be prepared by Council staff for the two locations and development of facilities proposed above.

40/11 RESOLVED: (Burns / Aird)

That Council conduct a survey of residents as part of its community engagement process to ask residents to indicate their preferred location for a new or upgraded hospital.

Being:

- a) a substantially knocked down and reused for aged care and or mental health it remain in the public hands (modernised) Manly Hospital at the existing location on Darley Road North

Head (retaining only the original 1929 heritage building).

- b) a newly-built hospital at Frenchs Forest.

That fair and impartial "for" and "against" cases be prepared by Council staff for the two locations and development of facilities proposed above.

For the Resolution: Councillors Morrison, Norek, Griffin, Aird and Burns

Against the Resolution: Councillors Elder, Heasman, Murphy and LeSurf

Notice of Motion Report No. 10

Manly Ferry Forward Fleet Planning

Councillor Hugh Burns moved:

- 1) That Manly Council seeks a firm commitment from Transport NSW and the present government and opposition that a conventional ferry service between Manly and the city of Sydney will be operated and maintained indefinitely.
- 2) That Manly Council calls on the management of Sydney Ferries and Transport NSW to fully outline plans over the next 10 years for continuing to providing suitable vessels to service the Manly to Circular Quay Route.

Such plans are to include but not be limited to details of:

- a) proposed replacement ferries including hull configuration, size, passenger capacity, sea keeping ability, construction cost, funding source and projected purchase timeframes
 - b) life extension investment in the existing four Manly ferries for a further 10 to 20 years service including expected budget, indicative works and timeframe.
- 3) That Manly Council be formally included as a stakeholder representing local residents in all departmental planning meetings for the Manly Ferry Service, including any planned changes as regards operation of the service, including any proposed privatisation of the existing operating franchise (currently held by government run Sydney Ferries).

MOTION (Burns / Aird)

- 1) That Manly Council seeks a firm commitment from Transport NSW and the present government and opposition to ensure the ferries are properly maintained and that a conventional ferry service between Manly and the city of Sydney will be operated and maintained indefinitely.
- 2) That Manly Council calls on the management of Sydney Ferries and Transport NSW to fully outline plans over the next 10 years for continuing to providing suitable vessels to service the Manly to Circular Quay Route.

Such plans are to include but not be limited to details of:

- a) proposed replacement ferries including hull configuration, size, passenger capacity, sea keeping ability, construction cost, funding source and projected purchase timeframes
- b) life extension investment in the existing four Manly ferries for a further 10 to 20 years service including expected budget, indicative works and timeframe.

- 3) That Manly Council be formally included as a stakeholder representing local residents in all departmental planning meetings for the Manly Ferry Service, including any planned changes as regards operation of the service, including any proposed privatisation of the existing operating franchise (currently held by government run Sydney Ferries).

41/11 RESOLVED: (Burns / Aird)

- 1) That Manly Council seeks a firm commitment from Transport NSW and the present government and opposition to ensure the ferries are properly maintained and that a conventional ferry service between Manly and the city of Sydney will be operated and maintained indefinitely.
- 2) That Manly Council calls on the management of Sydney Ferries and Transport NSW to fully outline plans over the next 10 years for continuing to providing suitable vessels to service the Manly to Circular Quay Route.

Such plans are to include but not be limited to details of:

- a) proposed replacement ferries including hull configuration, size, passenger capacity, sea keeping ability, construction cost, funding source and projected purchase timeframes
- b) life extension investment in the existing four Manly ferries for a further 10 to 20 years service including expected budget, indicative works and timeframe.
- 3) That Manly Council be formally included as a stakeholder representing local residents in all departmental planning meetings for the Manly Ferry Service, including any planned changes as regards operation of the service, including any proposed privatisation of the existing operating franchise (currently held by government run Sydney Ferries).

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

Against the Resolution: Nil.

Items For Brief Mention

Item For Brief Mention Report No. 4

Items for Brief Mention

1. Complaints made to the General Manager as at March 2011

Matter No.	Received	Nature of complaint	Outcome	Status
COMP2010-10-03; COMP2010-10-04	October	Alleged misuse of resources and conflict of interests	No prima facie evidence of breach of code of conduct. No further action.	Finalised
COMP2010-12-03	December	Complaint re compliance matter	No breach of code of conduct. No further action.	Finalised
COMP2010-12-06	December	Complaint re compliance matter	Issues previously dealt with and no supporting evidence. No further action.	Finalised

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
250/10	13 Dec	Investigation of Feasibility of Tri-generation for Manly Council	That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.	Report has been requested from Kinesis.
231/10	13 Dec	Tree Policy	That Manly Council develops and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.	Meeting programmed and revised version of draft doc distributed to members.
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.	To be completed by Friday 18 March 2011.
			6. Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.	Installation job has been logged with Energy Australia by Council's electrician, we are waiting on a EA reference number to follow up with the inspector.
			8. Dogs be prohibited from entering upon the public reserve including the Federation steps.	Signs being manufactured and installed within 2 weeks.
173/10	11 Oct	Road Reserve Lease for 4 Peronne Avenue, Clontarf	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.	Report to Council 14 March 2011.
44/10	19 April	Manly Council to Investigate Resuming Provision of Street Lighting in the	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	Waiting for response from EA.

		Manly Municipality	<p>Energy Australia at Council's expense.</p> <p>That such a report include but not be limited to the following items:</p> <ul style="list-style-type: none"> - 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 more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale. 	
20/11	14 Feb	Manly CBD Tramway Loop	That subject to the Manly 2015 progressing, the Council support the proposed Tram Loop for an initial comprehensive feasibility study as part of the Manly2015 vision.	Draft project report prepared waiting sign off by GM.
19/11	14 Feb	Opposition to forced zoning changes which threaten our critical public infrastructure.	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.	Letter sent 5 March 2011.
			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.	Letter sent 5 March 2011.
			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.	Letter sent 5 March 2011.
18/11	14 Feb	Dredging project located at Manly Lagoon	<p>That the General Manager provide a report to Council on the dredging project located at Manly Lagoon detailing:</p> <ol style="list-style-type: none"> 1. The proposed completion date; 2. How much debris has been removed to date, commenting on 	Report is being prepared and will be presented to the 4 April 2011 OM.

			<p>how council checks and records the amount and where it is discarded;</p> <p>3. How much sediment has been removed to date, commenting on how council checks and records the amount and where it is discarded;</p> <p>4. If the exposed sediment island located near Riverview Parade will be removed/dredged by the project's completion; and</p> <p>5. When will Manly's Lagoon Website be active for residents to follow the project's progress on line.</p>	
16/11	14 Feb	Support for Oz Harvest	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.	Letter sent to Oz Harvest. Letters prepared and will be sent to all shop owners by 11 March 2011.
08/11	14 Feb	Masterplan for the site bounded by Wentworth St, Darley Road, Victoria Parade and South Steyne	1. That design control guidelines be prepared for the site bounded by Wentworth Street, Darley Road, Victoria Parade 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.	Design options being prepared by staff. Letter sent 5 March 2011.
			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.	Letter sent 5 March 2011.
05/11	14 Feb	Status report (4 Peronne Avenue, Clontarf)	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.	Report to Council 14 March 2011.
03/11	14 Feb	Public Toilet Facilities	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.	Report to P&S 4 April 2011.

3. Documents to be tabled

Date	Author	Subject
9 March 2011	Bernard Carlon Divisional Director, Sustainability Programs, Climate Change, Policy and Program	Non bio-degradable plastic bags in NSW.

MOTION (Elder / Burns)

1. That the information be received and noted.
2. That the report be received and noted.
3. That the information be received and noted.

42/11 RESOLVED: (Elder / Burns)

1. That the information be received and noted.
2. That the report be received and noted.
3. That the information be received and noted.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 8

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

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

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

- i) Audit and Risk Committee – 23 November 2010
- ii) Meals on Wheels Committee – 9 February 2011

MOTION (LeSurf / Burns)

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

- i) Audit and Risk Committee – 23 November 2010
- ii) Meals on Wheels Committee – 9 February 2011

43/11 RESOLVED: (LeSurf / Burns)

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

- i) Audit and Risk Committee – 23 November 2010
- ii) Meals on Wheels Committee – 9 February 2011

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

Report Of Committees Report No. 9

Minutes for Adoption by Council - Traffic Committee - 14 February 2011

This report was dealt with at the Traffic Committee meeting of 14 February 2011 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

1. ITEM 6/11 4 PERONNE AVENUE, CLONTARF – MODIFICATION OF FENCE TO IMPROVE SIGHT DISTANCE

For Council to determine the appropriate action to address the safety concerns of the residents of Number 2 Peronne Avenue Clontarf.

MOTION (Heasman / Morrison)

That the minutes of the Traffic Committee meeting on 14 March 2011 be adopted excluding the recommendation of Item 6/11 - 4 Peronne Avenue, Clontarf – Modification of Fence to Improve Sight Distance as this item had already been resolved earlier in the meeting.

44/11 **RESOLVED: (Heasman / Morrison)**

That the minutes of the Traffic Committee meeting on 14 March 2011 be adopted excluding the recommendation of Item 6/11 - 4 Peronne Avenue, Clontarf – Modification of Fence to Improve Sight Distance as this item had already been resolved earlier in the meeting.

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

Councillor Norek left the chamber at 10.00pm.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 4

Constitutional Recognition of Local Government - A Role for Councils

SUMMARY

Over the past year the Australian Local Government Association (ALGA) has been running a campaign for a referendum on the constitutional recognition of Local Government and has been providing copies of fact sheets and brochures designed to highlight the importance of local government to local communities. Advice has now been received from ALGA inviting Council to become directly engaged in the campaign for constitutional recognition by passing a resolution endorsing the position that a referendum be held by 2013 to change the constitution.

MOTION (Aird / Heasman)

That Manly Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

45/11 RESOLVED: (Aird / Heasman)

That Manly Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

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

Against the Resolution: Nil.

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

Corporate Services Division Report No. 5

Report on Council Investments as at 31 January 2011**SUMMARY**

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

MOTION (Elder / Burns)

That: the statement of Bank Balances and Investment Holdings as at 31 January 2011 be received and noted.

46/11 RESOLVED: (Elder / Burns)

That: the statement of Bank Balances and Investment Holdings as at 31 January 2011 be received and noted.

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

Against the Resolution: Nil.

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

Councillor Norek returned to the Chamber at 10.06pm.

Corporate Services Division Report No. 6

Revenue Policy – Application for Special Rate Variation

SUMMARY

This report provides information to Council on the process should Council resolve to seek a Special Variation to General Income.

MOTION (Burns / Heasman)

That Council:

Write to IPART advising that Council may wish to submit an application for special rate variation and request an extension of time for the lodgement process.

47/11 RESOLVED: (Burns / Heasman)

That Council:

Write to IPART advising that Council may wish to submit an application for special rate variation and request an extension of time for the lodgement process.

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

Against the Resolution: Councillors Murphy and Norek

QUESTIONS WITHOUT NOTICE

QWN15/11 Councillor Heasman - South Condamine Street Council Car Park

Can staff urgently repaint the directional arrows on the ground of the South Condamine Street Council car park?

Could Council re-look at the signage in that car park to ensure vehicular compliance with the directional arrows?

At the request of the Acting Mayor the General Manager advised that he would ask staff through the traffic facilities area to keep it maintained.

QWN16/11 Councillor Norek - Query re Stop Work Notice

- a) Even though Ms Griffin has been issued a Stop Work Notice, nearby residents alleged that works still continue even as late as last week?

To date why is there no DA submitted by Ms Griffin to her home when it is alleged substantial work has been undertaken?

At the request of the Acting Mayor the General Manager advised that he would certainly enquire into the matter given that everyone is entitled to procedural fairness and that the Chamber was not the place to ventilate the matter.

- b) Council has received several complaints about this issue however to date no communication has been received by the complainants. Would the General Manager advise why Council has not responded to the complainants?

At the request of the Acting Mayor the General Manager advised he was aware of the complaints but had not received a direct complaint. Deputy General Manager, Land Use & Sustainability advised he had received several anonymous complaints and was investigating them. He also advised there was a procedure to follow in addressing the complaints and that this procedure was in progress.

QWN17/11 Councillor Burns - Hoarding over Coles redevelopment site

The hoardings at Coles redevelopment site particularly at The Corso end of the redevelopments go half way over the footpath, and if we hadn't widened the footpath there wouldn't be one there. Is this in accordance with the DA?

At the request of the Acting Mayor the Deputy General Manager advised that it was in accordance with the DA and Hoarding approved.

QWN18/11 Councillor Burns - Hop Skip and Jump Bus

Could the General Manager advise where we are up to with the upgrading of the Hop Skip and Jump bus signs?

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

QWN19/11 Councillor Burns - Grass in front of Council

The Grass in front of Council looks very sad. What are our current ways of keeping it under control?

At the request of the Acting Mayor the General Manager advised that the grass was doing well considering the amount of wet weather we have had and the fact that it is completely shaded by the fig leaves which fall onto it. It will be renovated when winter comes around.

QWN20/11 Councillor Aird - Plastic roller doors on shop fronts

Could Council bring back a report on why there has been a proliferation of shopfronts with plastic roller doors in The Corso as it is contrary to Council's DCP?

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

QWN21/11 Councillor Aird - Bicycles causing safety issues

Would Council ensure all Rangers are equipped with and use stickers for bicycles that are increasingly being chained on poles and public furniture and causing safety issues?

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

Planning And Strategy Division Report No. 8

Tender T2011/21 - Stormwater harvesting basin and associated hydraulic works, in Balgowlah Golf Course

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

CLOSED SESSION**MOTION (LeSurf / Burns)**

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

The Chairperson, Councillor Morrison 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.

48/11 RESOLVED: (LeSurf / Burns)

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Planning And Strategy Division Report No. 8

Tender T2011/21 - Stormwater harvesting basin and associated hydraulic works, in Balgowlah Golf Course**MOTION (LeSurf / Burns)**

That :

1. The tender "Burnt Bridge Creek Integrated Restoration Program – Tender for the construction of Stormwater Harvesting Basin in Balgowlah Golf Course" (T2011/21) be awarded to GPM Constructions Pty Ltd.

2. That Councils seal be affixed to the contract documents if required.
3. The unsuccessful tenderers be advised accordingly.

49/11 **RESOLVED:** (LeSurf / Burns)

That :

1. The tender "Burnt Bridge Creek Integrated Restoration Program – Tender for the construction of Stormwater Harvesting Basin in Balgowlah Golf Course" (T2011/21) be awarded to GPM Constructions Pty Ltd.
2. That Councils seal be affixed to the contract documents if required.
3. The unsuccessful tenderers be advised accordingly.

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

CLOSE

The meeting closed at [10.30pm](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [4 April 2011](#).

MAYOR

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