



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 19 April 2010

All minutes are subject to confirmation at a subsequent meeting.

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www.manly.nsw.gov.au*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 April 2010. The meeting commenced at 7:43:00 PM.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf
Councillor Dr P Macdonald
Councillor R Morrison
Councillor D Murphy
Councillor M Norek (arrived at 8.25pm)
Councillor C Whitting

ALSO PRESENT

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

OPENING PRAYER

The Opening Prayer was presented by Captain Ian Freestone - Ruach Neighbourhood Church

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor LeSurf	Report of Committees Report 12	Chair of Sister Cities Committee – due to committee minutes recommending that the Chair of the Committee go to Odawara.
Councillor Murphy	Environmental Services Report 7	DA 24/2010, 39 Kangaroo Street, Manly (a relative lives in the street)

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

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

35/10 RESOLVED: (Burns / Whitting)

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 March 2010, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Chris Fletcher	Closure to traffic on Esplanade Park and Bolingbroke Parade Fairlight

SUSPENSION OF STANDING ORDERS (Elder / Whitting)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion, Parking Restrictions around Manly CBD and Report of Committees, Report 15 – Community Environment Committee, 10 March 2010 – Penguin Report and Penguin nest under Bathers' Pavilion Walkway and Australian Institute of Police Management and Development.

36/10 RESOLVED: (Elder / Whitting)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion, Parking Restrictions around Manly CBD and Report of Committees, Report 15 – Community Environment Committee, 10 March 2010 – Penguin Report and Penguin nest under Bathers' Pavilion Walkway and Australian Institute of Police Management and Development.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 15

Parking restrictions around Manly CBD

Councillor **Craig Whitting** moved:

1. That Manly Council instruct the General Manager to withdraw all the half hour on-street parking restrictions recently introduced by the General Manager and revert to the former one hour parking restrictions around the Manly CBD that have provided for some years reasonable and appropriate parking for businesses, community and visitors.
2. That the General Manager also report to Council on the process followed by Council staff when they reviewed these parking controls; the extent of community consultation efforts undertaken, and how the decision was made to change the previous long term Manly CBD on-street 1 hour parking with half hour parking restrictions; and what process has been followed when Council has received complaints about the new restrictions and fines issued.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Rocky Carlino

MOTION (Whitting / Burns)

1. That Manly Council instruct the General Manager to withdraw all the half hour on-street parking restrictions recently introduced by the General Manager and revert to the former one hour parking restrictions around the Manly CBD that have provided for some years reasonable and appropriate parking for businesses, community and visitors.
2. That the General Manager also report to Council on the process followed by Council staff when they reviewed these parking controls; the extent of community consultation efforts undertaken, and how the decision was made to change the previous long term Manly CBD on-street 1 hour parking with half hour parking restrictions; and what process has been followed when Council has received complaints about the new restrictions and fines issued.

Councillor Norek entered the Chamber.

AMENDMENT (Heasman / Murphy)

That the results of the survey by the Manly Chamber of Commerce be considered at an urgent meeting of the CBD Parking Working Group.

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

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

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

37/10 RESOLVED: (Heasman / Murphy)

That the results of the survey by the Manly Chamber of Commerce be considered at an urgent meeting of the CBD Parking Working Group.

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

Against the Resolution: Councillors Whitting, Morrison, Norek and Burns

REPORTS OF COMMITTEES

Report Of Committees Report No. 15

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

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

1. ITEM 5.1 Penguin Report (c) Penguin nest under Bathers' Pavilion walkway

The committee discussed the boardwalk currently leased by Council from the western side of the Pavilion boardwalk to the steps at Federation Point. This area is not in designated critical

habitat, however the Penguins nesting there are still considered part of the endangered colony and are therefore protected under the NSW Threatened Species Act.

The boardwalk forms part of the penguin nest 'roof' and a solution to avoid damage to this nest is required. A suggestion has been made that a new boardwalk be constructed over the current boardwalk leaving it intact. This of course would require a plan and funding.

2. ITEM 5.3 Australian Institute of Police Management Development

A significant rockfall has taken place on the foreshore and it is believed that a geotechnical study will now be carried out prior to construction commencing. Concern is expressed about potential impacts from construction on nearby rockshelters containing items of aboriginal heritage and penguin nests.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Angelika Treichler

MOTION (Griffin / Aird)

1. ITEM 5.1 Penguin Report (c) Penguin nest under Bathers' Pavilion walkway

That Council prepare a plan and estimate of the cost to construct a new boardwalk over the existing boardwalk for consideration in the upcoming budget, in conjunction with the Penguin Recovery Team and Manly Scenic Walkway Committee.

38/10 **RESOLVED: (Griffin / Aird)**

That Council prepare a plan and estimate of the cost to construct a new boardwalk over the existing boardwalk for consideration in the upcoming budget, in conjunction with the Penguin Recovery Team and Manly Scenic Walkway Committee.

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

Against the Resolution: Nil.

MOTION (Griffin / Macdonald)

2. ITEM 5.3 Australian Institute of Police Management Development

i) The Committee requests Council to:

- a) inform the Aboriginal Heritage Office of the rockfall and seek further advice as to the impact and potential loss of heritage significance
- b) Review the 1986 Heritage Study against the DECC Site Register to ensure that all known places are identified for protection
- c) Seek advice regarding the potential hazard risk on the foreshore when construction of the approved redevelopment of the site commences shortly.
- d) Work has started on the site but there is no indication on the gate of the name and contact details of the Private Certifier.

ii) The Committee requests that Council write to the Department of Planning to ensure that the equivalent of the PCA be advertised on the Australian Institute of Police Management (**AIPM**) gate together with contact details.

Council write to the AFP and confirm when the Community Consultation will take place and who will represent Council at these meetings.

39/10 **RESOLVED:** (Griffin / Macdonald)

2. ITEM 5.3 Australian Institute of Police Management Development

i) The Committee requests Council to:

- a) inform the Aboriginal Heritage Office of the rockfall and seek further advice as to the impact and potential loss of heritage significance
- b) Review the 1986 Heritage Study against the DECC Site Register to ensure that all known places are identified for protection
- c) Seek advice regarding the potential hazard risk on the foreshore when construction of the approved redevelopment of the site commences shortly.
- d) Work has started on the site but there is no indication on the gate of the name and contact details of the Private Certifier.

ii) The Committee requests that Council write to the Department of Planning to ensure that the equivalent of the PCA be advertised on the Australian Institute of Police Management (**AIPM**) gate together with contact details.

Council write to the AFP and confirm when the Community Consultation will take place and who will represent Council at these meetings.

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 (Elder / Whitting)

That Standing Orders be resumed.

40/10 **RESOLVED:** (Elder / Whitting)

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. 12

Support for Emergency Service Workers re Alcohol Abuse
Councillor Barbara Aird moved:

Manly Council calls on both Premier Keneally and Opposition Leader O'Farrell to:

1. Support the recent pleas of a coalition of emergency service workers (the Police Association of NSW, Australia Medical Association (NSW), NSW Nurses Association and The Health Service Union (HSU) for tough new restrictions on the sale of alcohol at pubs and clubs

across NSW.

2. Reject donations to their parties from hotels, clubs and the alcohol industry.

MOTION (Aird / Heasman)

Manly Council calls on both Premier Keneally and Opposition Leader O'Farrell to:

1. Support the recent pleas of a coalition of emergency service workers (the Police Association of NSW, Australia Medical Association (NSW), NSW Nurses Association and The Health Service Union (HSU) for tough new restrictions on the sale of alcohol at pubs and clubs across NSW.
2. Reject donations to their parties from hotels, clubs and the alcohol industry.

41/10 RESOLVED: (Aird / Heasman)

Manly Council calls on both Premier Keneally and Opposition Leader O'Farrell to:

1. Support the recent pleas of a coalition of emergency service workers (the Police Association of NSW, Australia Medical Association (NSW), NSW Nurses Association and The Health Service Union (HSU) for tough new restrictions on the sale of alcohol at pubs and clubs across NSW.
2. Reject donations to their parties from hotels, clubs and the alcohol industry.

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

Against the Resolution: Councillor Morrison

Notice of Motion Report No. 13

**Preserving the curtilage of the Manly Cemetery
Councillor Adele Heasman moved:**

That Council investigate a solution to preserving the curtilage of the Manly Cemetery, specifically on the Harland Street side from the caretaker's cottage west to Hill Street. This solution to be a combination of immediate (such as stone blocks) and long term (kerb and guttering with some off-street parking)."

Background

Recently a number of vehicles (cars and boats on trailers) have been found to be parked extremely close to the north-west side of the Manly Cemetery. After investigation by Council Rangers and staff, it was found that the vehicles were not in fact encroaching onto the site of the Cemetery and therefore no action could be taken for removal of the vehicles (bar one which was unregistered).

As a heritage listed site, it should be of concern to Council that the graves of former members of our community not be intruded upon. We have a moral responsibility to ensure that our Cemetery's integrity is maintained.

MOTION (Heasman / Murphy)

1. That Council investigate a solution to preserving the curtilage of the Manly Cemetery, specifically on the Harland Street side from the caretaker's cottage west to Hill Street. This solution to be a combination of immediate (such as stone blocks) and long term (kerb and guttering with some off-street parking)."
2. That Community consultation take place with the Precincts and the surrounding residents.

42/10 RESOLVED: (Heasman / Murphy)

1. That Council investigate a solution to preserving the curtilage of the Manly Cemetery, specifically on the Harland Street side from the caretaker's cottage west to Hill Street. This solution to be a combination of immediate (such as stone blocks) and long term (kerb and guttering with some off-street parking)."
2. That Community consultation take place with the Precincts and the surrounding residents.

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

Against the Resolution: Nil.

Notice of Motion Report No. 14

Development Approval Policy Issues

Councillor Hugh Burns moved:

- A) That Council revise its DA lodgement check-list and DA lodgement policy and procedures to make it mandatory for any applicant, including in leased premises or in a strata plan, to provide signed owner's consent (via a Council template document) for any proposed works for which Council approval is sought, at the time the application is lodged.

That Council not consider or commence to process any development application where such owners consent is not provided at the time of application.

That any application for work to or within an existing strata development is not considered, further processed or is rejected by Council, if it becomes apparent to staff during the assessment that the application requires, or appears likely to require in the reasonable opinion of Council staff, related or associated works on common property or in/through another strata unit that has not been included/detailed in the submitted plans and/or for which owners consent has not been provided with the application.

That as part of the development approval process Council verify by means of site inspection and minuted direct telephone or correspondence contact, that owners consent provided is valid and such access is correctly and clearly indicated on the drawings submitted for Council approval.

- B) That Council enforce Development Application related issues, involving adjacent property owners, in the case of complaints of non-complying, or non approved or illegal building works or illegal access being carried out :-
- (a) on or onto adjacent premises to an approved development or
 - (b) onto or through adjacent strata units or common areas to an approved development in existing strata developments.

MOTION (Burns / Murphy)

- A) That Council revise its DA lodgement check-list and DA lodgement policy and procedures to make it mandatory for any applicant, including in leased premises or in a strata plan, to provide signed owner's consent (via a Council template document) for any proposed works for which Council approval is sought, at the time the application is lodged.

That Council not consider or commence to process any development application where such owners consent is not provided at the time of application.

That any application for work to or within an existing strata development is not considered, further processed or is rejected by Council, if it becomes apparent to staff during the assessment that the application requires, or appears likely to require in the reasonable opinion of Council staff, related or associated works on common property or in/through another strata unit that has not been included/detailed in the submitted plans and/or for which owners consent has not been provided with the application.

That as part of the development approval process Council verify by means of site inspection and minuted direct telephone or correspondence contact, that owners consent provided is valid and such access is correctly and clearly indicated on the drawings submitted for Council approval.

- B) That Council enforce Development Application related issues, involving adjacent property owners, in the case of complaints of non-complying, or non approved or illegal building works or illegal access being carried out :-
- (a) on or onto adjacent premises to an approved development or
 - (b) onto or through adjacent strata units or common areas to an approved development in existing strata developments.

43/10 RESOLVED: (Burns / Murphy)

- A) That Council revise its DA lodgement check-list and DA lodgement policy and procedures to make it mandatory for any applicant, including in leased premises or in a strata plan, to provide signed owner's consent (via a Council template document) for any proposed works for which Council approval is sought, at the time the application is lodged.

That Council not consider or commence to process any development application where such owners consent is not provided at the time of application.

That any application for work to or within an existing strata development is not considered, further processed or is rejected by Council, if it becomes apparent to staff during the assessment that the application requires, or appears likely to require in the reasonable opinion of Council staff, related or associated works on common property or in/through another strata unit that has not been included/detailed in the submitted plans and/or for which owners consent has not been provided with the application.

That as part of the development approval process Council verify by means of site inspection and minuted direct telephone or correspondence contact, that owners consent provided is valid and such access is correctly and clearly indicated on the drawings submitted for Council approval.

- B) That Council enforce Development Application related issues, involving adjacent property owners, in the case of complaints of non-complying, or non approved or illegal building works or illegal access being carried out :-

- (a) on or onto adjacent premises to an approved development or
- (b) onto or through adjacent strata units or common areas to an approved development in existing strata developments.

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

Against the Resolution: Councillor Hay

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

Notice of Motion Report No. 16

Trailer and Boat Parking in Kenneth Road

Councillor **Craig Whitting** moved:

1. That the General Manager report to Council as a matter of urgency on the concerns, potential danger and issues such as loss of temporary parking bays for users of Grahams Reserve and Manly 'Boy Charlton' Swimming Pool, relating to what has become over a period of time significant congestion and unsightliness of permanent or long term parking along Kenneth Road for Trailers, Horse Floats, Boat Trailers, Boats and other "vehicles".
2. That the report includes an assessment of the effectiveness of the existing parking restrictions and method of control and the advisability of replacing the present restrictions with short term parking restrictions along both sides of Kenneth Road. In particular the report is to consider a proposal to create a 10P (10 hour parking Restriction) 8am to 6pm, 7 days a week zone along that stretch of Kenneth Road.
3. That the report also address how Council may best engage a range of community views on this issue.
4. Further, that the General Manager provide a further report addressing the need or otherwise for on-street parking of Trailers, Horse Floats, Boat Trailers, and Boats and whether Council should consider a long term plan to accommodate these types of vehicles.

MOTION (Whitting / Aird)

1. That the General Manager report to Council as a matter of urgency on the concerns, potential danger and issues such as loss of temporary parking bays for users of Grahams Reserve and Manly 'Boy Charlton' Swimming Pool, relating to what has become over a period of time significant congestion and unsightliness of permanent or long term parking along Kenneth Road for Trailers, Horse Floats, Boat Trailers, Boats and other "vehicles".
2. That the report includes an assessment of the effectiveness of the existing parking restrictions and method of control and the advisability of replacing the present restrictions with short term parking restrictions along both sides of Kenneth Road. In particular the report is to consider a proposal to create a 10P (10 hour parking Restriction) 8am to 6pm, 7 days a week zone along that stretch of Kenneth Road.
3. That the report also address how Council may best engage a range of community views on this issue.
4. Further, that the General Manager provide a further report addressing the need or otherwise for on-street parking of Trailers, Horse Floats, Boat Trailers, and Boats and whether Council should consider a long term plan to accommodate these types of vehicles.

This Motion was withdrawn by the mover – Councillor Whitting

Notice of Motion Report No. 17

Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality

Councillor Hugh Burns moved:

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 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.

Background

Previously, from the early part of the 20th Century, Manly Council's role included being the electricity supplier to the residents and businesses of the Manly Municipality.

Manly Council's electricity undertaking eventually ended up in the Mackellar County Council which was absorbed by Sydney Electricity (now Energy Australia) around 1980. The Mackellar County Council was set up to provide electricity to the current Council areas of Manly, Warringah and Pittwater.

In addition to supply of electricity to home and businesses, the County Council was responsible for provision and maintenance of all the electricity supply infrastructure in the in the area. Part of this infrastructure included all the street lighting. This included often shared poles, the light fittings, wires and control equipment, and maintenance of same.

Currently Energy Australia has control over this street lighting infrastructure, and charges local Councils for providing and maintaining this equipment. Currently the electricity itself for the lights is obtained via a contract with another supplier.

Many local Councils have expressed concern at the recent major increases in charges sort by and received by Energy Australia for providing street lighting services to local communities.

Faced with criticism for such action, Energy Australia have recently publicly offered local Councils the ability to conduct their own street lighting if they are of the view they can do it in an improved or in a more cost effective manner. Possible improvements would include updating old light fittings to more energy efficient types (such as high intensity LED technology).

Due to its extensive public reserves and plazas Manly Council has extensive experience in operating and maintaining its own street/public lighting. This experience particularly includes an understanding of the economics involved.

MOTION (Burns / Griffin)

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 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.

44/10 RESOLVED: (Burns / Griffin)

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 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.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

Items for Brief Mention

Report 1 Warringah Bike Plan 2010 - 2015

Manly Council's Sustainable Transport Committee has made a submission to the Warringah Bike Plan 2010-2015 Exhibition. A copy of the Committee's submission is attached for consideration and adoption of this wording as the official Manly Council response.

MOTION (Burns / Elder)

Report 1 Warringah Bike Plan 2010 - 2015

That the submission by the Sustainable Transport committee Manly Council to the Warringah Bike Plan 2010-2015 be adopted as the official Manly Council response.

45/10 **RESOLVED:** (Burns / Elder)

Report 1 Warringah Bike Plan 2010 - 2015

That the submission by the Sustainable Transport committee Manly Council to the Warringah Bike Plan 2010-2015 be adopted as the official Manly Council response.

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

Against the Resolution: Nil.

Report 2. Cabbage Tree Bay Aquatic Reserve: Draft Fisheries Management (Aquatic Reserve) Regulation 2009 – On Public Exhibition

Cabbage Tree Bay Aquatic Reserve was declared on 22 March 2002.

The Department of Environment, Climate Change and Water (DECCW) has released the *Cabbage Tree Bay Aquatic Reserve: draft Fisheries Management (Aquatic Reserve) Regulation 2009 and Implementation Strategy* for public exhibition from 12 March until 30 April 2010 (attached). The draft document can be viewed at DECCW's website and is available for public viewing at the Council Chamber, MEC, and Manly Library. **A bound copy of the draft document will be circulated separately to Councillors.** And can be located at: <http://www.environment.nsw.gov.au/resources/parkmanagement/10088ctbardraftreg.pdf>

Salient features include:

- Will continue ban on taking, or wilfully and recklessly damaging, fish and marine vegetation.
- DECCW will provide moorings for public use.
- NSW Maritime will implement a 4-knot speed limit.
- NSW Maritime will implement a seasonal restriction (closure) on the beaching of motorised vessels on Shelly Beach.
- DECCW will consider introducing licenses for commercial tour operators.
- DECCW and Manly Council will consider to develop a scuba divers' Code of Conduct.
- DECCW will install offshore marker buoys around the perimeter of the reserve to define the external boundary.
- DECCW, I&I NSW and Manly Council will cooperate to provide training in aquatic reserve regulations for Manly Council rangers.

MOTION (Burns / Griffin)

That the report be received and noted.

AMENDMENT (Griffin / Elder)

That Council request a meeting with representatives of DECCW and Fisheries to further discuss and refine the Draft Cabbage Tree Aquatic Reserve Regulation and Implementation Strategy to take into account any submissions that were addressed at the public meeting on Saturday 24 April 2010.

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

Against the Amendment: Nil.

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

46/10 RESOLVED: (Griffin / Elder)

That Council request a meeting with representatives of DECCW and Fisheries to further discuss and refine the Draft Cabbage Tree Aquatic Reserve Regulation and Implementation Strategy to take into account any submissions that were addressed at the public meeting on Saturday 24 April 2010.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 11

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) Art and Culture Committee – 16 February 2010
- ii) Sustainable Economic Development and Tourism Committee – 18 February 2010
- iii) Human Services Planning Policy Committee – 23 February 2010
- iv) Sustainable Transport Committee – 25 February 2010
- v) Manly Scenic Walkway – 2 March 2010
- vi) Manly Warringah Pittwater Local Emergency Management Committee – 4 March 2010
- vii) Traffic Committee – 8 March 2010
- viii) Meals on Wheels Committee – 10 March 2010
- ix) Community Safety Committee – 11 March 2010
- x) Waste Committee – 17 March 2010

MOTION (LeSurf / Macdonald)**Minutes of Meetings for adoption without recommendations of a substantial nature.**

- i) Art and Culture Committee – 16 February 2010
- ii) Sustainable Economic Development and Tourism Committee – 18 February 2010
- iii) Human Services Planning Policy Committee – 23 February 2010
- iv) Sustainable Transport Committee – 25 February 2010
- v) Manly Scenic Walkway – 2 March 2010
- vi) Manly Warringah Pittwater Local Emergency Management Committee – 4 March 2010
- vii) Traffic Committee – 8 March 2010
- viii) Meals on Wheels Committee – 10 March 2010
- ix) Community Safety Committee – 11 March 2010
- x) Waste Committee – 17 March 2010

47/10 RESOLVED: (LeSurf / Macdonald)

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

- i) Art and Culture Committee – 16 February 2010
- ii) Sustainable Economic Development and Tourism Committee – 18 February 2010
- iii) Human Services Planning Policy Committee – 23 February 2010
- iv) Sustainable Transport Committee – 25 February 2010
- v) Manly Scenic Walkway – 2 March 2010
- vi) Manly Warringah Pittwater Local Emergency Management Committee – 4 March 2010
- vii) Traffic Committee – 8 March 2010
- viii) Meals on Wheels Committee – 10 March 2010
- ix) Community Safety Committee – 11 March 2010
- x) Waste Committee – 17 March 2010

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

Against the Resolution: Nil.

Report Of Committees Report No. 12

Minutes for adoption by Council - Sister Cities Committee - 24 February 2010

This report was dealt with at the Sister Cities meeting of 24 February 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 REPORT – 20TH ANNIVERSARY WITH ODAWARA IN JAPAN

Councillor LeSurf left the Chamber, having declared a Conflict of Interest in the following item.

MOTION (Heasman / Macdonald)

That Council endorse the recommendation of the Committee that the Chairperson, Councillor Le Surf, go to Odawara to assist the student exchange due to the importance of the 20th Anniversary of Manly and Odawara's Friendship City Relationship.

48/10 RESOLVED: (Heasman / Macdonald)

That Council endorse the recommendation of the Committee that the Chairperson, Councillor Le Surf, go to Odawara to assist the student exchange due to the importance of the 20th Anniversary of Manly and Odawara's Friendship City Relationship.

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

Against the Resolution: Nil.

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

Councillor LeSurf returned to the Chamber.

Report Of Committees Report No. 13

Minutes for adoption by Council - Sports Committee - 5 March 2010.

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

1. ITEM 4 Replacement of the lower level Grandstand seating Manly Oval

The existing low level grandstand type seating at Manly oval alongside the bowling green has become degraded and now dangerous. The obvious course of action is to replace the seating, this will of course be based on budget.

The Chair of the Committee, noted the recent proposed development of the Mountie's Club (Licensees of the Diggers on the Park Club) plans to install umbrellas, to enhance the area near the seats, which are the subject of this report. Currently the bowling greens have permanent outdoor umbrellas on two of their greens.

It was suggested by the Committee, that if the Council and Mountie's worked together on this project a better result would be possible. Any new seating would then gain the benefit of afternoon shading from the western sun.

The Committee supports option 1 to replace the seating in its entirety, the seating should be constructed in aluminium material similar to seats in the grandstand. This material disperses the heat, allowing spectators to sit comfortably, even on the hottest of days.

It was also requested that top row of seats have backs again similar to those in the grandstand for people with back issues.

MOTION (Whitting / Heasman)

1. ITEM 4 Replacement of the lower level Grandstand seating Manly Oval

That the Council endorse the Committee's recommendation that:

- i) The existing wooden seating be removed and replaced in its entirety with aluminum seating, with the inclusion of back rest for the back row of seats.
- ii) Council supports any planned proposal from Mountie's Group to enhance the area behind Councils seating. (Possible plans include the installation of permanent umbrellas' similar to the those already located on the greens, to provide shade to bowlers, but could also provide shade from the west to the Council seating discussed in this report).

49/10 RESOLVED: (Whitting / Heasman)

1. ITEM 4 Replacement of the lower level Grandstand seating Manly Oval

That the Council endorse the Committee's recommendation that:

- i) The existing wooden seating be removed and replaced in its entirety with aluminum seating, with the inclusion of back rest for the back row of seats.
- ii) Council supports any planned proposal from Mountie's Group to enhance the area behind Councils seating. (Possible plans include the installation of permanent umbrellas' similar to the those already located on the greens, to provide shade to bowlers, but could also provide shade from the west to the Council seating discussed in this report).

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

Against the Resolution: Nil.

Report Of Committees Report No. 14

Minutes for adoption by Council - Sustainability & Climate Change Committee - 9 March 2010

This report was dealt with at the Sustainability & Climate Change Committee meeting of 9 March 2010 and was listed as a Recommendation in those minutes. This item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 7 Biodiversity Corridor Brainstorm

The Committee discussed Manly's biodiversity corridors as recommended at the February Working Group of the Committee. This has been identified as the main priority for the preparation of the Manly biodiversity strategy.

Key corridors and stepping stones within the LGA were discussed and were identified and outlined on an aerial photograph provided by staff (preliminary identification).

MOTION (Macdonald / Whitting)**1. ITEM 7 Biodiversity Corridor Brainstorm**

- i) The Council endorse the Committee's recommendation that, Committee members Judy Lambert and Jan Ritchie, on behalf of the Committee, work together to prepare an initial working draft biodiversity strategy for the consideration of Council staff, including the identification of biodiversity corridors.
- ii) The Council endorse the Committee's recommendation that, as an education project, schools within the LGA be approached to prepare a biodiversity strategy as part of their Senior Geography Project, or other, with a prize incentive awarded to the school/school project team for the best strategy.

50/10 RESOLVED: (Macdonald / Whitting)**1. ITEM 7 Biodiversity Corridor Brainstorm**

- i) The Council endorse the Committee's recommendation that, Committee members Judy Lambert and Jan Ritchie, on behalf of the Committee, work together to prepare an initial working draft biodiversity strategy for the consideration of Council staff, including the identification of biodiversity corridors.
- ii) The Council endorse the Committee's recommendation that, as an education project, schools within the LGA be approached to prepare a biodiversity strategy as part of their Senior Geography Project, or other, with a prize incentive awarded to the school/school project team for the best strategy.

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

Against the Resolution: Nil.

Report Of Committees Report No. 16

Minutes for adoption by Council - Access Committee - 16 February 2010

This report was dealt with at the Access Committee meeting of 16 February 2010 and was listed as a Recommendation in those minutes. This item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 5 Proposal for Manly Council Ambassador for People with Disabilities

The Committee considered a proposal for Council to engage a local Ambassador for people with a disability, as have other organisations involved in International Day of People with

Disability. The role would be to promote positive outcomes for people with a disability to the wider community.

MOTION (Macdonald / LeSurf)

1. ITEM 5 Proposal for Manly Council Ambassador for People with Disabilities

That the Council adopt the Committee's recommendation that:

1. The Access Committee supports the proposal for a Manly Council Ambassador for People with a Disability as a volunteer role.
2. Council seek endorsement for a Manly Council Ambassador for People with a Disability, to promote positive outcomes to the wider community.
3. The Access Committee develop a position description for the role of Ambassador, and a Committee member is included in the selection process.

51/10 RESOLVED: (Macdonald / LeSurf)

1. ITEM 5 Proposal for Manly Council Ambassador for People with Disabilities

That the Council adopt the Committee's recommendation that:

1. The Access Committee supports the proposal for a Manly Council Ambassador for People with a Disability as a volunteer role.
2. Council seek endorsement for a Manly Council Ambassador for People with a Disability, to promote positive outcomes to the wider community.
3. The Access Committee develop a position description for the role of Ambassador, and a Committee member is included in the selection process.

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

Against the Resolution: Nil.

Report Of Committees Report No. 17

Minutes for adoption by Council - Playground Committee - 11 March 2010

This report was dealt with at the Playground Committee meeting of 11 March 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

1. ITEM 4 Update on Current Projects Status

The committee visited Sangrado Reserve to see the newly installed playground. Work commenced on the 15th February 2010 the old playground was removed and the installation of the new playground and soft fall is complete. Turfing and landscaping will start as soon as possible.

The committee then visited Nanbaree Reserve to discuss changes to the play equipment locations because of several objections to the relocation. At sight one of the neighbors outlined

to the committee her thoughts on the relocation.

It was decided that further notification and sign in the play area be carried out, outlining three options for Nanbaree:

1. To leave the playground in the same position, refurbish equipment and construct a shade structure.
2. Lower the playground level and plant advanced trees to provide shade, and refurbish the equipment.
3. To refurbish the equipment and relocate the pieces of equipment into existing shaded areas in the park.

It was noted by the committee that repairs to shade sails at Clontarf and Tania Park have been completed, and that North Harbour reserve replacement poles will be completed before Easter weather permitting.

MOTION (Macdonald / Whitting)

1. ITEM 4 Update on Current Projects Status

That:

1. Further notification and consultation to local residents around Nanbaree Reserve be carried out to clarify the options for the play equipment, and that a sign be displayed in the play ground to inform user groups of the possible options.
2. The result of that consultation from Nanbaree Playground is reported back to the next meeting.
3. That a photo opportunity be utilised once the Sangrado playground installation is completed.

52/10 RESOLVED: (Macdonald / Whitting)

1. ITEM 4 Update on Current Projects Status

That:

1. Further notification and consultation to local residents around Nanbaree Reserve be carried out to clarify the options for the play equipment, and that a sign be displayed in the play ground to inform user groups of the possible options.
2. The result of that consultation from Nanbaree Playground is reported back to the next meeting.
3. That a photo opportunity be utilised once the Sangrado playground installation is completed.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 10

Report on Council Investments as at 28 February 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 (Macdonald / LeSurf)

That: the statement of Bank Balances and Investment Holdings as at 28 February, 2010 be received and noted.

53/10 RESOLVED: (Macdonald / LeSurf)

That: the statement of Bank Balances and Investment Holdings as at 28 February, 2010 be received and noted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 11

Amendments to the Manly Council Code of Meeting Practice**SUMMARY**

This report summarises proposed amendments to the current Code of Meeting Practice dated 2 March 2009, following a review to reflect practice standards provided in the Division of Local Government Meeting Practice Note dated August 2009.

MOTION (Macdonald / Heasman)

That:

1. The draft Manly Council - Code of Meeting Practice dated April 2010 as amended, be endorsed.
2. The amended Code be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.
3. At the conclusion of the exhibition period a further report be submitted for adoption of the Code of Meeting Practice, subject to any submissions received.

54/10 **RESOLVED:** (Macdonald / Heasman)

That:

1. The draft Manly Council - Code of Meeting Practice dated April 2010 as amended, be endorsed.
2. The amended Code be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.
3. At the conclusion of the exhibition period a further report be submitted for adoption of the Code of Meeting Practice, subject to any submissions received.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 9

Metropolitan Strategy Review Sydney Towards 2036

SUMMARY

The NSW Department of Planning released a discussion paper titled *Sydney Towards 2036* in March 2010. It predicts that Sydney's population is expected to reach 6 million by 2036 – an increase of 1.7 million since the last Census in 2006.

This means that there will be a need of 760,000 more jobs and 770,000 more homes than in 2006. The growth has significant implications for transport and infrastructure and the NSW Government is keen to get the correct planning required to deliver advantages for NSW.

This report summarises the major implications likely for Manly, and the issues that it raises for the community as it plans how it can accommodate additional population growth in the next 20 years.

The closing date for submissions in response to the paper is the 30 April 2010, and Manly Council is intending to prepare a submission to this review.

MOTION (Macdonald / Burns)

That the report on Sydney Towards 2036 released by the NSW Department of Planning be received and noted.

55/10 **RESOLVED:** (Macdonald / Burns)

That the report on Sydney Towards 2036 released by the NSW Department of Planning be received and noted.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 10

Draft Coastal Protection Bill 2010 and Review of the Infrastructure SEPP

SUMMARY

The NSW Government last year announced the Coastal Erosion Reform Package and Policy Statement on Sea Level Rise. The Reform Package includes amendments to legislation, new guidelines, and additional support for councils to re-energise their coastal management planning processes. The Sea Level Rise Policy Statement, an element of the Reform package, identifies sea level rise projections of up to 40 cm to 2050, and 90 cm to 2100, for the NSW coastline.

As part of the Reform Package, the NSW Government has now released the 'Coastal Protection and Other Legislation Amendment Bill 2010' on 26 March 2010 for comment until 12 April 2010.

To support the Amendment Bill, the Department of Environment, Climate Change & Water also has released the following two supporting documents for consultation by 7 May 2010.

- *Draft - Minister's Requirements for Temporary Coastal Protection Works*
- *Draft - A Guide to the Statutory Requirements for Temporary Coastal Protection Works*

Simultaneously, the Department of Planning has released a discussion paper 'Review of the Infrastructure SEPP (State Environmental Planning Policy)' also seeking comments by 12 April 2010.

In this report, summary and linkages to the draft Amendment Bill and two supporting documents and draft Infrastructure SEPP are presented. As the submission on the draft Amendment Bill was due on 12 April 2010, Council staff has made a brief submission and is also enclosed herewith for information.

MOTION (Heasman / Griffin)

That the report, including Council's submission be received and noted.

56/10 **RESOLVED:** (Heasman / Griffin)

That the report, including Council's submission be received and noted.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Councillor Murphy left the Chamber having declared a Conflict of Interest with DA 24/2010 – 39 Kangaroo Street, Manly

Environmental Services Division Report No. 7

Development Applications Being Processed During April 2010.

SUMMARY

List of Development Applications Being Processed During April 2010.

MOTION (LeSurf / Burns)

THAT the information be noted.

57/10 **RESOLVED: (Burns / LeSurf)**

THAT the information be noted.

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

Against the Resolution: Nil.

Cllr Murphy was not in the room at the time of voting.

Councillor Murphy returned to the Chamber.

Councillor Aird left the Chamber.

Environmental Services Division Report No. 8

Legal Appeals Relating to Development Applications During April 2010.**SUMMARY**

LIST OF LEGAL APPEALS RELATING TO DEVELOPMENT APPLICATIONS DURING APRIL 2010.

MOTION (Heasman / Whitting)

THAT the information be noted.

58/10 **RESOLVED: (Heasman / Whitting)**

THAT the information be noted.

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

Against the Resolution: Nil.

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

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 2

Guringai Festival Committee Terms of Reference**SUMMARY**

The Guringai Festival Committee's Terms of Reference have recently been reviewed and updated. Once adopted by Council, these Terms of Reference will supersede all others and will be the guide for all future Guringai Festival procedure.

MOTION (Elder / Heasman)

That the Council adopt the new Terms of Reference for the Guringai Festival Committee.

59/10 **RESOLVED:** (Elder / Heasman)

That the Council adopt the new Terms of Reference for the Guringai Festival Committee.

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

Against the Resolution: Nil.

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

Councillor Aird returned to the Chamber.

Human Services And Facilities Division Report No. 3

Midnight Basketball**SUMMARY**

Council resolved at the Planning and Strategy meeting of 9 November 2009 to investigate the opportunity to participate in the Midnight Basketball Australia competition which is a national social inclusion program, to help youth identify and choose positive opportunities.

MOTION (Burns / Griffin)

1. That Council note that the Midnight Basketball program is not appropriate for the Manly LGA due to the set establishment criteria, cost and resource intensiveness and low level of interest from the youth of Manly LGA.
2. That Council continues to consult with Manly Youth Council, students at local high schools and attendees at events to ensure feedback to Council to support a flexible schedule of recreational outreach opportunities for local young people.

60/10 **RESOLVED:** (Burns / Griffin)

1. That Council note that the Midnight Basketball program is not appropriate for the Manly LGA due to the set establishment criteria, cost and resource intensiveness and low level of interest from the youth of Manly LGA.
2. That Council continues to consult with Manly Youth Council, students at local high schools and attendees at events to ensure feedback to Council to support a flexible schedule of recreational outreach opportunities for local young people.

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 Report No. 4

Manly Food, Wine & Sustainability Festival, 5 - 6 June 2010

SUMMARY

Council has been approached by a boutique brewery in Manly requesting for its inclusion in this year's Festival.

This report recommends that Council, subject to the compliance with special conditions, amend its criteria for festival participants to include boutique breweries local to Manly LGA.

MOTION (Heasman / Norek)

That Council, subject to the inclusion of the following conditions and criteria, agree to the participation at the Manly Food and Wine Festival the sale of beers brewed in the Manly LGA and approved by the General Manager.

1. Beers sold in the Festival must be produced in the Manly LGA by licensed breweries (Breweries).
2. Participating Breweries must apply for their own separate liquor license from the relevant authorities.
3. Council will set aside, at the cost of the Breweries, a designated area (or areas) for beers only sales.
4. The Breweries are solely responsible for the proper control and management of the Council provided designated areas and must manage such areas in strict compliance with the terms and conditions of the Festival and that of their liquor license.
5. Breweries shall at their own expense provide security personnel at all points of entry and exit to and from the Council provided designated areas.
6. All beers sold by the Breweries must be consumed within the Council provided designated areas.
7. That Breweries must designate one staff member who is RSA certified, to specifically monitor RSA of beer sales at all times, and that staff member who is RSA certified is not permitted to sell alcohol.
8. The maximum beer volume per serve permitted sold is 150ml
9. Beer sold must be served in polycarbonate containers only, and must meet the conditions required for "Taste" of beer
10. Beer sold shall be \$5.00 including gst per 150ml serving.
11. The polycarbonate containers used must display the Festival artwork supplied by Council and branded to provide a plimsol line to measure the maximum volume of 150ml
12. Breweries are responsible for the supply of the polycarbonate containers in sufficient quantities to meet anticipated demand
13. A maximum of 4 containers of 150ml servings is permitted for each sale
14. Breweries must comply with the lawful directions of licensing authorities

15. Breweries must attend a compulsory meeting briefing by the Police.
16. This is to be subject to a trial for 12 months and a report has to be brought back to Council if there are any issues.

61/10 RESOLVED: (Heasman / Norek)

That Council, subject to the inclusion of the following conditions and criteria, agree to the participation at the Manly Food and Wine Festival the sale of beers brewed in the Manly LGA and approved by the General Manager.

1. Beers sold in the Festival must be produced in the Manly LGA by licensed breweries (Breweries).
2. Participating Breweries must apply for their own separate liquor license from the relevant authorities.
3. Council will set aside, at the cost of the Breweries, a designated area (or areas) for beers only sales.
4. The Breweries are solely responsible for the proper control and management of the Council provided designated areas and must manage such areas in strict compliance with the terms and conditions of the Festival and that of their liquor license.
5. Breweries shall at their own expense provide security personnel at all points of entry and exit to and from the Council provided designated areas.
6. All beers sold by the Breweries must be consumed within the Council provided designated areas.
7. That Breweries must designate one staff member who is RSA certified, to specifically monitor RSA of beer sales at all times, and that staff member who is RSA certified is not permitted to sell alcohol.
8. The maximum beer volume per serve permitted sold is 150ml
9. Beer sold must be served in polycarbonate containers only, and must meet the conditions required for "Taste" of beer
10. Beer sold shall be \$5.00 including gst per 150ml serving.
11. The polycarbonate containers used must display the Festival artwork supplied by Council and branded to provide a plimsole line to measure the maximum volume of 150ml
12. Breweries are responsible for the supply of the polycarbonate containers in sufficient quantities to meet anticipated demand
13. A maximum of 4 containers of 150ml servings is permitted for each sale
14. Breweries must comply with the lawful directions of licensing authorities
15. Breweries must attend a compulsory meeting briefing by the Police.
16. This is to be subject to a trial for 12 months and a report has to be brought back to Council if there are any issues.

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

QUESTIONS WITHOUT NOTICE

QWN27/10 Councillor Heasman - Noise Issues with Late Night Basket Ball at North Harbour

Is there any possibility of a sign being erected on the back wall of the basket ball courts at North Harbour stating the courts are operational during certain hours?

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

QWN28/10 Councillor Whitting - Dredging of Manly Lagoon

Can the General Manager provide an accurate time when Manly Lagoon will be dredged. I ask this as I have heard that the funding of over four hundred thousand dollars provided from the state government in 2004 could possibly be withdrawn if the dredging does not begin this financial year.

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

QWN29/10 Councillor Whitting - Playground Seating at Manly Lagoon

Can the General Manager provide an accurate time when the recommendation from Manly's Playground Committee to provide more seating at Manly Lagoon Park Reserve will be completed as the mums are sick of sitting on their bums on the grass.

The Mayor advised that this recommendation was for budget purposes only.

QWN30/10 Councillor Murphy - Status of the Replacement Solar Lights

Could the General Manager advise the status of the replacement solar lights at the old gasworks site at the southern end of Stuart Street Manly. It appears that although many lights have been replaced, however there are many that aren't?

At the request of the Mayor, the General Manager advised that the System has not been fully commissioned yet.

QWN31/10 Councillor LeSurf - Family Day Care Levy

Would the General Manager comment on why Council charge family day carer's parents a levy per child to cover the cost of Council staff administering Family Day Care, child care. No administration fee is charged to parents whose children attend Council run child care centres. This makes Family Day Carers less competitive with their competition, including Council run facilities.

If so Council should drop the fee or charge the parents of all children that get child care through council. Please comment.

Is the charging of this fee breaking any competition laws because Council don't charge the same fee to their own centres?

At the request of the Mayor, the General Manager advised that currently all Council Centres are run on a competitive neutral basis. When you look at all the fees and charges associated with child care facilities they work out to be break even.

In so far as Family Day Care Centres are concerned the administration fee is for partial cost recovery to support the staff member who needs to organise children and carers in the provision of the service.

QWN32/10 Councillor Morrison - Appointment of Property Officer

Council resolved in Corporate Services Division Report No 6 Legal Matter a Resolution was passed asking that a Property Officer be appointed.

Has the Property Officer been sought? Has the position been advertised, has an advertisement gone into any Government news paper and when did it go in?

At the request of the Mayor the General Manager advised that the position will be in place in the new financial year.

QWN33/10 Councillor Morrison – Graffiti

Is Council in a position to take action against Graffiti artists if they know their identity?

At the request of the Mayor, the General Manager advised that the resident should take the matter up with the Police advising them of the crime.

QWN34/10 Councillor Norek - Compliance Audit on Non-Smoking Entertainment Venues

Does Council conduct compliance audits on non-smoking entertainment venues if a complaint is made to Council and will Council fine a non-compliant venue if it is found to be non-complying?

At the request of the Mayor the General Manager advised that it would be the responsibility of the State Government to prosecute people not meeting their obligations within their premises. They would need to inform the Health Department and they would follow it through.

QWN35/10 Councillor Norek - Code of Meeting Practice

Would the General Manger explain the meaning of 6.21 (4) of the Code of Meeting practice?

At the request of the Mayor, the General Manager advised, if the Notice of Motion has had a Rescission Motion submitted the matter cannot be brought up for 3 months.

QWN36/10 Councillor Burns - Dog Exercising on Manly Beaches

What beaches are available in the Manly LGA to exercised dogs?

At the request of the Mayor the General Manager advised that dogs could be exercised at Sandy Bay and North Harbour.

QWN37/10 Councillor Burns - Hand Railing

When was the railing of the steps down to the beach on the harbour side last inspected as the are very rusty and eroding?

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

QWN38/10 Councillor Macdonald - Stockland Display Unit

What is the time limit on the Sydney road property being used as a display unit by Stockland and therefore when will the arcade be commenced/constructed.

At the request of the Mayor, the General Manager advised that the Conditions of consent for Stockland were very comprehensive. Stockland are required to demolish of the display unit and commence construction of the link-through building within 6 months of obtaining a final Occupation Certificate. So far they only have been issued with interim certificates. Until they have received their final certificates for the main development they are not obliged to do anything to that link-through.

QWN39/10 Councillor Burns - Maintenance of toilets over Beach House

When were the toilets over the Beach House restaurant last painted?

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

MATTERS OF URGENCY

Cllr Norek moved that the following matter be considered a Matter of Urgency.

Owing to the emotive address in Public Forum and many residents in the gallery and consequently of myself being in possession of a Notice of Recession signed by three (3) Councillors.

I request this council now direct the General Manager to delay the installation of bollards in Bolingbroke Parade.

The Chairperson ruled the Motion out of order.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 2

Tender No. T2010/02 - Plant Hire Rates

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.

Environmental Services Division Report No. 9

Tender No 2009/23 – Mosman and Manly Councils Joint tender for the Supply of twice yearly Kerbside E Waste collection

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

General Managers Division Report No. 4

Property 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) (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 / Heasman)**

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

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

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

62/10RESOLVED: (LeSurf / Heasman)

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

OPEN COUNCIL RESUMED

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

Civic and Urban Services Division Report No. 2

Tender No. T2010/02 - Plant Hire Rates

63/10RESOLVED: (LeSurf / Macdonald)

1. That Council approve the listing for plant hire use as per the following tabulation:

SCHEDULE		ORDER OF LISTING	TENDERER
No.	PLANT		
1	BACKHOE LOADER ERG CLASS BL3: DIG DEPTH >4M ≤5M	1	Tony Falvo's Earthmoving P/L
		2	Len Hughes Earthmoving P/L
2	BACKHOE LOADER ERG CLASS BL3 AND TRUCK COMBINATION	1	Len Hughes Earthmoving P/L
3	CRAWLER MOUNTED BACKHOE EXCAVATOR – ERG CLASS HX4 OPERATING WEIGHT > 6T ≤ 8T	1	Acclaimed Excavations P/L
		2	Bennett Excavations P/L
4	CRAWLER MOUNTED BACKHOE EXCAVATOR – ERG CLASS HX5: OPERATING WEIGHT >8T ≤ 11.5T	1	Bennett Excavations P/L
		2	Acclaimed Excavations P/L
5	CRAWLER MOUNTED BACKHOE EXCAVATOR – ERG CLASS HX6: OPERATING WEIGHT > 11.5T ≤ 16T	1	Charter Contracting P/L
		2	Matthews Contracting P/L
6	CRAWLER MOUNTED BACKHOE EXCAVATOR – ERG CLASS HX7: OPERATING WEIGHT > 16T ≤ 21T	1	Matthews Contracting P/L
		2	Bennett Excavations P/L
7	CRAWLER MOUNTED BACKHOE EXCAVATOR – ERG CLASS HX8: OPERATING WEIGHT > 21T ≤ 26T	1	Matthews Contracting P/L
		2	Kingston Industries
8	SKID STEER LOADER: ERG CLASS SSL4: RATED LOAD > 5000 Kg ≤ 650Kg WITH A 4 IN 1 BUCKET & ATTACHMENTS	1	Ken Coles Excavations P/L
		2	Acclaimed Excavations
9	SKID STEER LOADER: ERG CLASS SSL4: RATED LOAD > 650 Kg ≤ 850Kg WITH A 4 IN 1 BUCKET & ATTACHMENTS	1	Ken Coles Excavations P/L
		2	Matthews Contracting P/L
10	SKID STEER LOADER: ERG	1	Kingston Industries

	CLASS SSL3 OR SSL4 & TRUCK COMBINATION	2	Argyl Excavations P/L
11	SPYDER EXCAVATION (FOR CREEK WORKS): OPERATING WEIGHT > 6T ≤ 8T	1	Ken Coles Excavations P/L
		2	Dredging Systems
12	MOBILE CRANE UPTO 50T CAPACITY	1	Action Recovery Services P/L
13	HIGH PRESSURE WATER JET AND PIPE CLEANING	1	Barry Maloney
		2	Aqua-Assets P/L
14	CCTV PIPELINE INSPECTION SERVICES	1	Barry Maloney
		2	Aqua-Assets P/L

2. That the unsuccessful tenderers be advised accordingly.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 9

Tender No 2009/23 – Mosman and Manly Councils Joint tender for the Supply of twice yearly Kerbside E Waste collection

64/10 **RESOLVED:** (Burns / Griffin)

- 1) That pursuant to clause 178[1][b], of the Local Government (General) Regulation 2005, Council declines to accept any tenders;
- 2) That in accordance with clause 178[4] of the Local Government (General) Regulation 2005, the following reasons for Council declining to invite fresh tenders be noted:
 - a) That in view of the numbers and identities of prospective tenderers who collected tender documents and either tendered or declined to tender, it is considered that a further invitation for tenders would not achieve additional tenders;
- 3) That in accordance with clause 178[3][e] of the Local Government (General) Regulation Council carry out the requirements of the proposed contract itself, as Council has the capacity to undertake the proposed work at a competitive rate; and
- 4) That all tenderers be notified that none of the tenders for the proposed contract for E Waste is accepted.

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

Against the Resolution: Nil.

General Managers Division Report No. 4

Property Matter

65/10 **RESOLVED:** (Aird / Macdonald)

That Council renew the NSW Maritime Lease for the boardwalk adjacent to Manly Bathers Pavilion for a further 5 years.

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

Against the Resolution: Councillors Hay, Murphy and LeSurf

CLOSE

The meeting closed at 12.15 am on 20 April 2010.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 10 May 2010.

MAYOR

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