

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 20 April 2009

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 20 April 2009. The meeting commenced at 7:40 PM.

PRESENT

Councillor A Heasman, Deputy Mayor, who presided
Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Le Surf
Councillor Dr P Macdonald
Councillor D Murphy, arrived at 7.45pm
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Amanda Spalding, Deputy General Manager, Strategy and Strategic Projects
Ross Fleming, Divisional Manager Corporate Services
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. Bruce Clarke.

APOLOGIES

Apologies were tendered on behalf of the Mayor, Councillor Hay and Councillors Morrison and Norek for non-attendance.

MOTION (Elder / LeSurf)

That the apologies received from the Mayor, Councillor Hay and Councillors Morrison and Norek, be accepted and leave be granted.

37/09 RESOLVED: (Elder / LeSurf)

That the apologies received from the Mayor, Councillor Hay and Councillors Morrison and Norek, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 March 2009, 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.

38/09 **RESOLVED: (Griffin / Whitting)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 March 2009, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

Councillor Murphy entered the Chamber at 7.45pm.

NOTICES OF MOTION

Notice of Motion Report No. 10

Council Support for the Making of a Section 79 Complaint to the Director of the Department of Liquor Gaming and Racing

Councillor Peter Macdonald moved:

That Manly Council formally resolves to support the current Section 79 complaint lodged by Manly Police to the Director and that the Community Safety Officer prepares a submission.

Background

Alcohol related violence and anti-social behaviour has a long and sad history in Manly. It affects many individuals; it results in property damage and personal injury, and reflects adversely on the reputation of our area. It is related to the number of, and to the extended licensing hours of, the hotels and pubs in our CBD area. This was recognised by the previous Council and the *Manly After Midnight Policy* was developed and implemented with limited results; the main failure was to formally curtail the licensing hours of the large establishments (despite clear evidence by survey that the community wished earlier closing).

A separate initiative by the local police, the Venue Management Plan, was introduced in the middle of 2008. Some of the measures are still in place such as ranger/police cooperation, late night transport services, improved security and CCTV and alternative entertainment. However, the key agreement between police and licensees to close earlier has collapsed. Pubs are trading late, the improvements seen with earlier closing has evaporated and the police are reporting increasing violence and anti-social behaviour. This has led to the police announcing that they will be taking action under the new section 79 of the *Liquor Act 2007*.

Under that Act, in sub section 3(c), the local consent authority may make a complaint that the quiet and good order of the neighbourhood of licensed premises are being unduly disturbed; I urge Council to do so in support of the police submission. The General Manager has already prepared a document for the police which has not yet been sighted but could be included in the Council submission along with a contribution from the Community Safety Officer.

PUBLIC ADDRESSES

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

In Support of the Recommendation: John Partridge

MOTION (Macdonald / Aird)

That Manly Council under subsection 3 (c) of section 79 of the Liquor Act 2007 resolves to formally make a complaint that the quiet and good order of the neighbourhood of licensed premises are being unduly disturbed. This be made in conjunction with the current Section 79 complaint lodged by Manly Police to the Director. This submission is to be prepared by the Community Safety Officer and include recommendations that all licensed premises be closed by 2am and that there is strict enforcement of Responsible Service of Alcohol (RSA).

AMENDMENT (Murphy / LeSurf)

That Manly Council under subsection 3 (c) of section 79 of the Liquor Act 2007 resolves to formally make a complaint that the quiet and good order of the neighbourhood of licensed premises are being unduly disturbed. This be made in conjunction with the current Section 79 complaint lodged by Manly Police to the Director. This submission is to be prepared by the Community Safety Officer and include a recommendation that there is strict enforcement of Responsible Service of Alcohol (RSA).

For the Amendment: Councillors Heasman, Murphy and LeSurf

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

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

39/09 **RESOLVED: (Macdonald / Aird)**

That Manly Council under subsection 3 (c) of section 79 of the Liquor Act 2007 resolves to formally make a complaint that the quiet and good order of the neighbourhood of licensed premises are being unduly disturbed. This be made in conjunction with the current Section 79 complaint lodged by Manly Police to the Director. This submission is to be prepared by the Community Safety Officer and include recommendations that all licensed premises be closed by 2am and that there is strict enforcement of Responsible Service of Alcohol (RSA).

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

Against the Resolution: Councillors Heasman, Murphy and LeSurf

Notice of Motion Report No. 11

Implementation of a maintenance program for Manly Lagoon/Queenscliff Lagoon

Councillor Craig Whitting moved:

That Manly Council, with the support of Warringah Council, implements a maintenance program for Manly Lagoon/Queenscliff Lagoon ASAP.

Background

Maintenance is urgently needed to improve Manly/Queenscliff Lagoon's tidal flow and remove sand build-up.

Several specially designed concrete blocks were placed at the Ocean Beach end in front of low flow pipes to prevent seaweed being forced into the pipes and to slow down the tidal flow.

Unfortunately these blocks are no longer in place and seaweed is now blocking the pipes, stopping the tidal flow and contributing to sand build-up under and west of the Stuart Somerville Bridge.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Barry Miles

MOTION (Whitting / LeSurf)

That:

1. Manly Council, with the support of Warringah Council, implements a maintenance program for Manly Lagoon/Queenscliff Lagoon as soon as possible.
2. Council staff and the Manly Lagoon Committee produce a report on the actions expected at Manly Lagoon within the next 12 months.
3. Council review the current sand bulldozing contract at Queenscliff, to ensure the best outcome to prevent the flooding of the lagoon.

40/09 **RESOLVED: (Whitting / LeSurf)**

That:

1. Manly Council, with the support of Warringah Council, implements a maintenance program for Manly Lagoon/Queenscliff Lagoon as soon as possible.
2. Council staff and the Manly Lagoon Committee produce a report on the actions expected at Manly Lagoon within the next 12 months.
3. Council review the current sand bulldozing contract at Queenscliff, to ensure the best outcome to prevent the flooding of the lagoon.

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

Against the Resolution: Nil.

Notice of Motion Report No. 12

Surf Life Saving Flags at North Steyne Surf Club

Councillor Craig Whitting moved:

That Manly Council initiate using Surf Life Saving Flags at North Steyne Surf Club every Monday to Friday as per Manly and Queenscliff Surf Clubs.

Background

Presently North Steyne Surf Club Members, visitors and residents are unable to swim at North Steyne every Monday to Friday outside of Christmas School Holidays and Public Holidays.

The Manly Surf Club Liaison Working Group recently met and discussed operating flags at North Steyne. The motion was unanimously supported by the committee.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Damian O'Shannassy

MOTION (Whitting / Macdonald)

That Manly Council initiate using Surf Life Saving Flags at North Steyne Surf Club every Monday to Friday as per Queenscliff Surf Club.

41/09 **RESOLVED: (Whitting / Macdonald)**

That Manly Council initiate using Surf Life Saving Flags at North Steyne Surf Club every Monday to Friday as per Queenscliff Surf Club.

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

Against the Resolution: Nil.

Notice of Motion Report No. 13

Manly Council Solar Energy Conversion Plan - Stage 1

Councillor Hugh Burns moved:

That to promptly reduce Council's carbon (CO₂) emissions:

1. That Council undertake an urgent investigation to audit all hot water heaters in its premises (including but not limited to the Town Hall, Art Gallery, Libraries, depot, childcare centres, reserve kiosks, public toilets, surf clubs etc.)
2. That Council identify the energy used, energy cost and estimated CO₂ emission annually from each such hot water unit (tabulated separately in report for each unit).
3. Council identify the feasibility and capital cost of changing every Council electric water heater to a solar panel storage water unit of sufficient capacity to provide 95% of the heating energy from the sun annually. That the feasibility and cost of converting each of the premises to have Natural Gas backup energy source for hot water is also to be looked at (i.e. so electricity is not used for heating water other than incidentally - e.g. for controls and circulating pumps etc.).
4. The above report to be provided within one month so as any works can be included in this year's Council budget.
5. That, notwithstanding the above, Council conduct an Energy Audit on each of its premises (if any already done in last 12 months re-present these). (The Audits are to identify what measures can be taken to reduce energy consumption on the premises.)
6. All Audits be presented to Council within 3 months.
7. That Council examine the cost and feasibility of constructing and commissioning a trial Concentrated Photo Voltaic (PV) solar electric power generator array, located on Council premises in a prominent public location. The size of the array should be sufficient to generate 100kW of electrical output (max).
8. A university (suggest UNSW) be engaged in partnership to independently record and report on the results of the installation.
9. The report on the Concentrated PV proposal be presented to Council in 2 months.

10. The original plans of our 1937 Manly Council Chambers (in Belgrave Street) be sourced from Council records (or the archives) to identify the design of the original internal natural lighting arrangement. (Original internal photos will be provided for brief display at the Meeting).
11. That the feasibility and cost of restoring this arrangement and the annual energy and CO₂ savings resulting be identified.
12. The results of this investigation be brought back to Council in one month so any works can be included in this year's budget.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Marc Elkins

MOTION (Burns / Aird)

That to promptly reduce Council's carbon (CO₂) emissions:

1. Council undertake an urgent investigation to audit all hot water heaters in its premises (including but not limited to the Town Hall, Art Gallery, Libraries, depot, childcare centres, reserve kiosks, public toilets, surf clubs etc.)
2. Council identify the energy used, energy cost and estimated CO₂ emission annually from each such hot water unit (tabulated separately in report for each unit).
3. Council identify the feasibility and capital cost of changing every Council electric water heater to a solar panel storage water unit of sufficient capacity to provide 95% of the heating energy from the sun annually. That the feasibility and cost of converting each of the premises to have Natural Gas backup energy source for hot water is also to be looked at (i.e. so electricity is not used for heating water other than incidentally - e.g. for controls and circulating pumps etc.).
4. The above report to be provided within one month so as any works can be included in this year's Council budget.
5. That, notwithstanding the above, Council conduct an Energy Audit on each of its premises (if any already done in last 12 months re-present these). (The Audits are to identify what measures can be taken to reduce energy consumption on the premises.)
6. All Audits be presented to Council within 3 months.
7. Council examine the cost and feasibility of constructing and commissioning a trial Concentrated Photo Voltaic (PV) solar electric power generator array, located on Council premises in a prominent public location. The size of the array should be sufficient to generate 100kW of electrical output (max).
8. A university (suggest UNSW) be engaged in partnership to independently record and report on the results of the installation.
9. The report on the Concentrated PV proposal be presented to Council in 2 months.
10. The original plans of our 1937 Manly Council Chambers (in Belgrave Street) be sourced from Council records (or the archives) to identify the design of the original internal natural

lighting arrangement. (Original internal photos will be provided for brief display at the Meeting).

11. The feasibility and cost of restoring this arrangement and the annual energy and CO2 savings resulting be identified.
12. The results of this investigation be brought back to Council in one month so any works can be included in this year's budget.

For the Motion: Councillors Griffin, Aird, Burns and Macdonald
Against the Motion: Councillors Elder, Heasman, Whitting, Murphy and LeSurf

The Motion was declared **LOST**.

Notice of Motion Report No. 15

Residents experiencing problems with On-Road Boat/Trailer Parking

Councillor Adele Heasman moved:

That Council, in conjunction with the Traffic Management Unit, compile a report regarding the problems and conflicts for Manly residents with regards to On-Road Boat/Trailer Parking.

That the report to be submitted by way of a delegation by the Mayor to the appropriate Minister or his/her representative.

That the report be also forwarded to the Member for Manly, Mike Baird MP.

That the State Government be asked by Manly Council in the submission of the report that we are keen to work with the State Government to provide a whole of community solution.

MOTION (Heasman / LeSurf)

1. That Council, in conjunction with the Traffic Management Unit, compile a report regarding the problems and conflicts for Manly residents with regards to On-Road Boat/Trailer Parking. The report be brought back to Council for discussion before being submitted by way of a delegation by the Mayor to the appropriate Minister or his/her representative, and that the Local Member be invited to attend this meeting.
2. That the report be also forwarded to the Member for Manly, Mike Baird MP.
3. That the State Government be asked by Manly Council in the submission of the report that we are keen to work with the State Government to provide a whole of community solution.

42/09 **RESOLVED: (Heasman / LeSurf)**

1. That Council, in conjunction with the Traffic Management Unit, compile a report regarding the problems and conflicts for Manly residents with regards to On-Road Boat/Trailer Parking. The report be brought back to Council for discussion before being submitted by way of a delegation by the Mayor to the appropriate Minister or his/her representative, and that the Local Member be invited to attend this meeting.
2. That the report be also forwarded to the Member for Manly, Mike Baird MP.
3. That the State Government be asked by Manly Council in the submission of the report that we are keen to work with the State Government to provide a whole of community solution.

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

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 5

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees

1. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:

i) **Sister Cities Committee – 25 March 2009**

a) **Item 3 Terms of Reference – Quorum for Meetings**

The adoption of the Terms of Reference were referred back to the Committee by the General Manager to resolve an issue regarding Quorums and attendance at meetings.

Recommendation

That the Terms of Reference (as tabled) be recommended for adoption subject to the following amendments:

Page 2 – **Membership of Committee** - The Quorum for the Committee is 11 members.

Page 4 – **Meetings** - A Quorum shall comprise one third of members on the Committee plus one.

ii) **Sports Facilities Committee – 27 March 2009**

a) **Item 4 Strategic Framework of the Sports Facilities Committee's 2009-2012 term, Priorities Dates for Future Meetings Report**

A presentation was made concerning the strategic framework for the work of the committee.

This included key outcomes for the committee and sporting users, objectives, opportunities and priorities. Following discussion the Committee decided to finalise its consideration of objectives and priorities at its May meeting, including that consideration of priorities that relate to public risk or related damage be given the highest priority in any Council considerations for funding.

The membership of the Committee was considered. It was felt that even though representatives were from certain sporting areas they represent all sports and the community and previously, representation of all sports has been strong and fair.

The committee outlined that it would be a good idea to invite other sporting reps to

the meeting in the future as observers, this would leave the opportunity open for any future representation.

The committee did feel the need to have the representation of the Sporting Union President Eric Galloway or his representative on the committee.

Recommendation

The Committee recommends to the Council that it considers the Committee's approved strategic framework (tabled).

The Committee recommends to the General Manager and Council the following changes that:

- The Sporting Union President Mr Eric Galloway or his chosen representative be invited to join the Committee.
- That the Committee will meet at 8am on the first Friday of the month.

b) Item 6 Damage to Sports Field Lighting Report

The Committee discussed the report, and the Parks & Reserves Manager emphasised the need for the sporting clubs to use due diligence in making sure that the lights were switched off on ovals when users were finished, and that damage to lighting infrastructure could result in a reduction in usage for clubs.

Council also has a commitment to reduce its carbon footprint and issues such as sports field lighting are a crucial part of that process.

The committee was responsive to this discussion and outlined that they as user groups would consider how they could also help Council meet its commitment.

Recommendation

The Committee recommends to the Council and General Manager that:

- The Committee and user groups are committed to helping Council meet any carbon footprint targets.
- The Committee seeks Councils consideration for improved technologies related to sporting infrastructure that will assist in meeting such target usage.

c) Item 7 General Business

The Volley Ball Storage area on Ocean Beach North Steyne

Item from previous meetings in 2007-2008. The Committee and Chair felt that this was an urgent matter to be considered because it has been raised by the Committee previously.

Recommendation

The Committee recommends for the consideration of the General Manager that:

The Volley Ball storage unit be constructed as previously prescribed given the previous commitment and the grant funding attached to the proposal.

Pathway of Surfing Champions

The Committee discussed the possibility of having a pathway to commemorate the surfing champions of Manly, and would like to form a sub committee of suitable representatives and formalise criteria for selection.

Recommendation

The Committee recommends to the Council and General Manager that:

The pathway project for the commemoration of such champions in Manly, be considered for endorsement by Council.

MOTION (Macdonald / Elder)

1 i) That the minutes of the **Sister Cities Committee -25 March 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 3 Terms of Reference – Quorum for Meetings**

That the Terms of Reference (as tabled) be recommended for adoption subject to the following amendments:

Page 2 – **Membership of Committee-** The Quorum for the Committee is 11 members.

Page 4 – **Meetings-** A Quorum shall comprise one third of members on the Committee plus one.

ii) That the minutes of the **Sports Facilities Committee -27 March 2009** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4 Strategic Framework of the Sports Facilities Committee's 2009-2012 term, Priorities Dates for Future Meetings Report**

The Committee recommends to the Council that it considers the Committee's approved strategic framework (tabled).

The Committee recommends to the General Manager and Council the following changes, that:

- The Sporting Union President Mr Eric Galloway or his chosen representative be invited to join the Committee.
- The Committee will meet at 8am on the first Friday of the month.

b) **Item 6 Damage to Sports Field Lighting Report**

The Committee recommends to the Council and General Manager that:

- The Committee and user groups are committed to helping Council meet any carbon footprint targets.

- The Committee seeks Councils consideration for improved technologies related to sporting infrastructure that will assist in meeting such target usage.
- Council writes to the user groups re community concerns over the appalling state of the grounds re waste/litter following sporting fixtures.

c) Item 7 General Business

The Volley Ball Storage area on Ocean Beach North Steyne

The report be referred to the LMUD Committee for their advice.

Pathway of Surfing Champions

The Committee recommends for the consideration of the General Manager that:

The pathway project for the commemoration of such champions in Manly be considered for endorsement by Council.

43/09 **RESOLVED: (Macdonald / Elder)**

1 i) That the minutes of the **Sister Cities Committee -25 March 2009** be **adopted**, including the following recommendations of a substantial nature:

a) Item 3 Terms of Reference – Quorum for Meetings

That the Terms of Reference (as tabled) be recommended for adoption subject to the following amendments:

Page 2 – **Membership of Committee-** The Quorum for the Committee is 11 members.

Page 4 – **Meetings-** A Quorum shall comprise one third of members on the Committee plus one.

ii) That the minutes of the **Sports Facilities Committee -27 March 2009** be **adopted**, including the following recommendations of a substantial nature:

a) Item 4 Strategic Framework of the Sports Facilities Committee's 2009-2012 term, Priorities Dates for Future Meetings Report

The Committee recommends to the Council that it considers the Committee's approved strategic framework (tabled).

The Committee recommends to the General Manager and Council the following changes, that:

- The Sporting Union President Mr Eric Galloway or his chosen representative be invited to join the Committee.
- The Committee will meet at 8am on the first Friday of the month.

b) Item 6 Damage to Sports Field Lighting Report

The Committee recommends to the Council and General Manager that:

- The Committee and user groups are committed to helping Council meet any carbon footprint targets.
- The Committee seeks Councils consideration for improved technologies related to sporting infrastructure that will assist in meeting such target usage.
- Council writes to the user groups re community concerns over the appalling state of the grounds re waste/litter following sporting fixtures.

c) Item 7 General Business**The Volley Ball Storage area on Ocean Beach North Steyne**

The report be referred to the LMUD Committee for their advice.

Pathway of Surfing Champions

The Committee recommends for the consideration of the General Manager that:

The pathway project for the commemoration of such champions in Manly be considered for endorsement by Council.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 7

Report on Council Investments as at 28 February 2009**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 / Elder)

That the statement of Bank Balances and Investment Holdings as at 28 February, 2009 be received and noted.

44/09 **RESOLVED: (Macdonald / Elder)**

That the statement of Bank Balances and Investment Holdings as at 28 February, 2009 be received and noted.

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

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 15

Manly Development Control Plan 2011 - Preparation of a new Comprehensive DCP

SUMMARY

The NSW Government requires that once councils have prepared their new principal Local Environmental Plan that only one Development Control Plan (DCP) may apply to the same land. A DCP must also remain consistent with the provisions of an LEP applying to the same land. These NSW Government provisions require Council to consolidate its existing fourteen (14) DCPs and to review this DCP policy to ensure that it is consistent with the LEP. The new Comprehensive DCP is required to be adopted by Council when the LEP is gazetted i.e. before March 2011.

The aim of this report is to provide an overview of the preparation of the new principal draft Development Control Plan for Manly. The delivery of the new DCP is in tandem with the LEP timeline, previously reported to Council (6th April 2009).

MOTION (LeSurf / Murphy)

That Council receive and note the report, Manly Development Control Plan 2011 - Preparation of a new Comprehensive DCP.

45/09 **RESOLVED: (LeSurf / Murphy)**

That Council receive and note the report, Manly Development Control Plan 2011 - Preparation of a new Comprehensive DCP.

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

Against the Resolution: Nil.

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

Planning And Strategy Division Report No. 16

Pontoon or Platform for Recreational Purposes

SUMMARY

At its Ordinary meeting held on 9th February 2009, Council resolved [8/09] that staff provide a report on the "construction of a pontoon or platform, appropriate for jumping off into the water, between the two centre poles that support the fence around the swimming enclosure between the Wharf and Oceanworld."

Council requested that the report included risk assessment, examination of environmental impacts, design and determination of cost. A number of possible structures have been considered within this report in line with the resolution.

The proposed diving pontoon/platform has been proposed as a possible source of entertainment

and excitement for youth that may reduce the need for jumpers to go to Jump Rock. As such, this report provides some analysis about the appropriateness or otherwise of such a facility.

MOTION (Aird / LeSurf)

That Council receive and note the report on a pontoon or platform for recreational purposes, and that no further action be taken.

AMENDMENT (Griffin / Burns)

That the report on a pontoon or platform for recreational purposes be referred to the Harbour Foreshores Committee for further investigation, to provide different solutions, if possible, to the swimming enclosure and the pontoon, and consideration of environmental issues.

For the Amendment: Councillors Heasman, Whitting, Murphy, Griffin and Burns

Against the Amendment: Councillors Elder, LeSurf, Aird and Macdonald

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

46/09 **RESOLVED: (Griffin / Burns)**

That the report on a pontoon or platform for recreational purposes be referred to the Harbour Foreshores Committee for further investigation, to provide different solutions, if possible, to the swimming enclosure and the pontoon, and consideration of environmental issues.

For the Resolution: Councillors Heasman, Whitting, Murphy, Griffin and Burns

Against the Resolution: Councillors Elder, LeSurf, Aird and Macdonald

Planning And Strategy Division Report No. 17

Northern Beaches Storage Project - Update

SUMMARY

This report provides an update of the Sydney Water's Northern Beaches Storage Project.

MOTION (Macdonald / Elder)

1. That the report on Sydney Water's Northern Beaches Storage Project be received and noted.
2. That Council write to Sydney Water to clarify whether the project is to go forward.

47/09 **RESOLVED: (Macdonald / Elder)**

1. That the report on Sydney Water's Northern Beaches Storage Project be received and noted.
2. That Council write to Sydney Water to clarify whether the project is to go forward.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 7

Shop Awnings in the Manly LGA**SUMMARY**

This is an information report on the Council's directive requiring building owners to provide proof of structural adequacy of awnings where erected over public footways.

MOTION (Burns / LeSurf)

1. That the report on Shop Awnings in the Manly LGA be received and noted.
2. That Council write to the State Government asking it to introduce a mandatory inspection program for shop awnings that overhang a public footpath, with the correspondence copied to the Local Member for Manly.
3. That a Notice of Motion on this issue be submitted to the 2009 Local Government and Shires Conference.

48/09 RESOLVED: (Burns / LeSurf)

1. That the report on Shop Awnings in the Manly LGA be received and noted.
2. That Council write to the State Government asking it to introduce a mandatory inspection program for shop awnings that overhang a public footpath, with the correspondence copied to the Local Member for Manly.
3. That a Notice of Motion on this issue be submitted to the 2009 Local Government and Shires Conference.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN28/09 Councillor Whitting - Hygiene courses for Food Outlets**

Can Council advise how many food outlets have completed a basic Hygiene Analysis Critical Control Point (HACCP) Course, and from the findings determine if there is a need to offer a Basic Hygiene Course?

At the request of the Deputy Mayor, the Deputy General Manager advised that as HACCP qualifications were low in the area, Council started its own food hygiene course 18 months ago, which is proving to be very popular. 225 people were accredited last year, and the course is completely booked out until next October.

QWN29/09 Councillor Murphy - Signage at Ivanhoe Park Botanic Gardens

What is the status of the Ivanhoe Park Botanic Gardens signs at the entrances, and the tree identification signage?

At the request of the Deputy Mayor, the General Manager advised that the entrance signs should have been installed last week, and he would take it on notice as to the tree identification signs.

QWN30/09 Councillor Murphy - Drainage problems on Sydney Road

What has been done to get the seepage from the townhouse development off the roads into a drain as required in the DA approval? The property is on the south side of the Sydney Road "S" bends just past the Fairlight shops.

At the request of the Deputy Mayor, the General Manager advised that the property was built in accordance with the plans, but there is a pump-up system that intermittently pumps up water from the collection tank within the building that discharges onto kerbside and spills across Sydney Road. To resolve it the owners have to pipe what they pump out to go into the next pit which is some distance away. Staff would follow up on the issue.

QWN31/09 Councillor Griffin - Council's Grant applications

Is it possible to provide us with a short list of grants that Council is applying for over the next financial year?

At the request of the Deputy Mayor, the General Manager advised that most grant funding is handled through the Planning and Strategy Division, which provides monthly updates. He would ask the Divisional Head to provide such information in a timetable.

QWN32/09 Councillor Aird - Shade cover for playground on Ocean Beach front

Council resolved last year that the Playground Committee examine the possibility of the installation of a shade cover for the playground on the Ocean Beach front near Steinton Street. Has this occurred yet?

At the request of the Deputy Mayor, the General Manager advised that the matter is an item for the Playground Committee but has not been considered yet.

QWN33/09 Councillor Aird - History of Council's problems with Watervue and Cristals before Corso upgrade

Will the General Manager provide a brief written report outlining the history of Council's problems with both Watervue and Cristals prior to the tender and Corso upgrade?

At the request of the Deputy Mayor, the General Manager advised that he would take that question on notice. It may be better addressed as a Notice of Motion, and it can't be assumed that we have the full history of the relationship between the two restaurants.

QWN34/09 Councillor Burns - Early morning access to Council car parks

I continue to receive representation from Manly Wharf workers for early morning access to Council car parks. Is there any progress on this?

At the request of the Deputy Mayor, the General Manager advised that Manly National car park is available for 24 hour access, and he will ensure that people are informed of such.

QWN35/09 Councillor Burns - Community Safety Committee

Due to the resignation of Councillor Elder from the Community Safety Committee, can I apply to replace her?

At the request of the Deputy Mayor, the General Manager advised that yes he could.

QWN36/09 Councillor Macdonald - Locked gates at Clontarf Reserve

Why are the gates not locked to access the Clontarf Reserve at 10pm?

At the request of the Deputy Mayor, the General Manager advised that there has been a change of contractors recently, and since this matter has been brought to Council's attention, the contractor is now directed to lock the gates at 10pm.

QWN37/09 Councillor Macdonald - Lease conditions for Clonny's

Could the General Manager provide Councillors and the Clontarf precinct with the conditions of the lease for Clonny's restaurant?

At the request of the Deputy Mayor, the General Manager advised that he is happy to provide a briefing to Councillors, but not to the precinct without some form of application from them.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Notice of Motion Report No. 14

Bathers' Pavilion (West Esplanade) - Manly Museum Expansion Feasibility Study

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) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

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

The Deputy Mayor, Councillor Heasman 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.

49/09 **RESOLVED:** (Burns / Aird)

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Notice of Motion Report No. 14

Bathers' Pavilion (West Esplanade) - Manly Museum Expansion Feasibility Study

MOTION (Burns / Aird)

That Council proceed as discussed in the Closed Session of Council.

50/09 **RESOLVED:** (Burns / Aird)

That Council proceed as discussed in the Closed Session of Council.

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

Against the Resolution: Councillors Murphy and LeSurf

CLOSE

The meeting closed at 12.25am on 21st April 2009.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 11th May 2009.

MAYOR

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