

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 9 February 2009

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TABLE OF CONTENTS

Item	Page No.
PRESENT	3
APOLOGIES / LEAVE OF ABSENCE	3
DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST	3
CONFIRMATION OF MINUTES	4
Ordinary Meeting - 8/12/2008	4
NOTICES OF MOTION.....	4
Notice of Motion Report No. 5	
More bubblers in high visitation locations	4
MAYORAL MINUTES.....	6
NOTICES OF MOTION.....	7
Notice of Motion Report No. 1	
Manly Jetcats.....	7
Notice of Motion Report No. 2	
Pontoon	8
Notice of Motion Report No. 3	
Sunset Program.....	9
Notice of Motion Report No. 4	
Jump Rock.....	11
GENERAL MANAGERS DIVISION.....	13
General Managers Division Report No. 2	
Kimbriki Recycling and Waste Disposal Centre.....	13
CORPORATE SERVICES DIVISION	13
Corporate Services Division Report No. 1	
Report on Council Investments as at 31 December 2008	13
Corporate Services Division Report No. 2	
General Valuation - Base Date 1 July 2008.....	14
Corporate Services Division Report No. 3	
Councillor Information Seminars and Induction	14
Corporate Services Division Report No. 1	
Report on Council Investments as at 31 December 2008	15
Corporate Services Division Report No. 4	
Financial Review for the Period Ending 31 December 2008	16
PLANNING AND STRATEGY DIVISION	16
Planning And Strategy Division Report No. 5	
Quarterly Update Report on the Management Plan 2008 - 2011 for the period 30th September to 31 December 2008.....	16
HUMAN SERVICES AND FACILITIES DIVISION	17

Human Services And Facilities Division Report No. 1
Manly Council Childcare Facilities 17

QUESTIONS WITHOUT NOTICE 18

CONFIDENTIAL COMMITTEE OF THE WHOLE 21

General Managers Division Report No. 1
Appointment of Community Representatives to Committees and Working Groups 21

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 9 February 2009. The meeting commenced at 7:42pm.

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, Deputy Mayor
Councillor A Le Surf
Councillor R Morrison
Councillor D Murphy
Councillor M Norek
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. Ian Freestone.

APOLOGIES / LEAVE OF ABSENCE

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

MOTION (Whitting / Burns)

That the apology received from Councillor Macdonald be accepted and leave be granted.

1/09 **RESOLVED: (Whitting / Burns)**

That the apology received from Councillor Macdonald be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Murphy	Human Services and Facilities Division Report No.1, Manly Council Childcare Facilities	Partner is involved in Childcare industry.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 December 2008, 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.

2/09 **RESOLVED: (Whitting / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 December 2008, 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, Norek, Griffin, Aird and Burns

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Murphy / Whitting)

That Standing Orders be suspended to allow for consideration of an item of public interest, being Notice of Motion Report No.5, More bubblers in high visitation locations.

3/09 **RESOLVED: (Murphy / Whitting)**

That Standing Orders be suspended to allow for consideration of an item of public interest, being Notice of Motion Report No.5, More bubblers in high visitation locations.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 5

More bubblers in high visitation locations

Councillor Barbara Aird moved:

Building on Council's resolution of 10/12/07 that Manly Council implements a program of installing more bubblers for public usage to encourage the drinking of tap water, and in light of the great success of the filtered water bubblers in The Corso (Council staff described as "absolutely sensational") that Council installs more bubblers (similar to those in The Corso) at all high visitation locations, e.g. Clontarf Reserve, Shelly Beach, Ocean Beach front, etc.

Note: It is at high visitation locations that the significant adverse environmental impacts of the purchase of bottled water can be most effectively addressed, especially through the reduction of vast amounts of plastic bottle waste and litter, and the considerable costs to Council and the community of disposal. The less obvious, but greatly significant adverse environmental impacts such as energy consumption during production and transportation, pollution caused by transportation will also be reduced. There is also wonderful opportunity for environmental education which in the face of climate change is critical.

PUBLIC ADDRESSES

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

In Support of the Recommendation: John Dee

MOTION (Aird / Hay)

1. Building on Council's resolution of 10/12/07 that Manly Council implements a program of installing more water stations for public usage to encourage the drinking of tap water, and in light of the great success of the filtered water stations in The Corso (Council staff described as "absolutely sensational") that Council installs more water stations (similar to those in The Corso) at all high visitation locations, e.g. Clontarf Reserve and Shelly Beach. Eight stations are to be included along Manly's Ocean beach front.
2. The 5,000 reuseable bottles to be donated to Council be given to Manly surf clubs to be used at future surf carnivals/events.
3. That council investigate minimising the spillage of water when filling from the stations.

AMENDMENT (Norek / Morrison)

1. Building on Council's resolution of 10/12/07 that Manly Council implements a program of installing more water stations for public usage to encourage the drinking of tap water, and in light of the great success of the filtered water stations in The Corso (Council staff described as "absolutely sensational") that Council installs more water stations (similar to those in The Corso) at all high visitation locations, e.g. Clontarf Reserve and Shelly Beach. Eight stations are to be included along Manly's Ocean beach front.
2. The 5,000 reuseable bottles to be donated to Council be given to Manly surf clubs to be used at future surf carnivals.
3. That the Chamber of Commerce be consulted on the initiative.

For the Amendment: Councillors Murphy, Morrison and Norek

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

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

4/09 RESOLVED: (Aird / Hay)

1. Building on Council's resolution of 10/12/07 that Manly Council implements a program of installing more water stations for public usage to encourage the drinking of tap water, and in light of the great success of the filtered water stations in The Corso (Council staff described as "absolutely sensational") that Council installs more water stations (similar to those in The Corso) at all high visitation locations, e.g. Clontarf Reserve, Shelly Beach, Ocean Beach front, etc. (8 stations to be included along Manly beach front).
2. The 5,000 reuseable bottles to be donated to Council be given to Manly surf clubs to be used at future surf carnivals/events.
3. That council investigate minimising the spillage of water when filling from the stations.

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

Against the Resolution: Councillors Morrison and Norek

RESUMPTION OF STANDING ORDERS (Murphy / Whitting)

That Standing Orders be resumed.

5/09 RESOLVED: (Murphy / Whitting)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

MAYORAL MINUTES

The Mayor submitted a late Mayoral Minute as follows:

Mayoral Minute Report No. 3

The Devastating Victorian Bushfires**MOTION (Hay)**

That Council:

1. Dispatch a message expressing our deep sadness and sympathy to the Victorian Mayors whose communities have been devastated by the weekend's bushfires. In that message, we offer our hand of friendship and practical assistance.
2. Offer heavy plant and equipment to assist affected Councils in the recovery process
3. Call on engineers and building inspectors from among the community and staff to volunteer their time and experience
4. Make a donation of \$5,000 through the local Salvation Army towards its national appeal, and
5. Appeal to the community at large to give generously to any one of the Victorian Bushfire appeals.

6/09 RESOLVED: (Hay)

That Council:

1. Dispatch a message expressing our deep sadness and sympathy to the Victorian Mayors whose communities have been devastated by the weekend's bushfires. In that message, we offer our hand of friendship and practical assistance.
2. Offer heavy plant and equipment to assist affected Councils in the recovery process

3. Call on engineers and building inspectors from among the community and staff to volunteer their time and experience
4. Make a donation of \$5,000 through the local Salvation Army towards its national appeal, and

5. Appeal to the community at large to give generously to any one of the Victorian Bushfire appeals.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 1

Manly Jetcats

Councillor Hugh Burns moved:

1. That Councillor Burns' report on the Manly Jetcats 1990-2008, as detailed in the Agenda, be noted.
2. That Manly Council write to Sydney Ferries to request that the patronage, revenue, number of service cancellations, ticketing mix, staff hours (in boat operation, wharf support, ticketing, maintenance (detailed)), and detailed operating costs for the Manly Ferry Service (only) are provided to Council as a report for tabling every month.
3. That Manly Council request a visit by a delegation of Councillors and senior engineering staff to the Balmain Dockyard and other operational areas of Sydney Ferries with the ability to inspect the operations, reasonably request information and freely talk to technical and managerial staff.

MOTION (Burns / Aird)

1. That Councillor Burns' report on the Manly Jetcats 1990-2008, as detailed in the Agenda, be noted.
2. That Manly Council write to Sydney Ferries to request that the patronage, revenue, number of service cancellations, ticketing mix, staff hours (in boat operation, wharf support, ticketing, maintenance (detailed)), and detailed operating costs for the Manly Ferry Service (only) are provided to Council as a report for tabling every month.
3. That Manly Council request a visit by a delegation of Councillors and senior engineering staff to the Balmain Dockyard and other operational areas of Sydney Ferries with the ability to inspect the operations, reasonably request information and freely talk to technical and managerial staff.
4. That Manly Council ask Sydney Ferries what their strategic long-term plan is for the Manly Ferry Service.
5. That Local Member for Manly Mr Mike Baird be involved with Council in assisting Council and the community in seeking information and providing assistance as required.

7/09 **RESOLVED: (Burns / Aird)**

1. That Councillor Burns' report on the Manly Jetcats 1990-2008, as detailed in the Agenda, be noted.
2. That Manly Council write to Sydney Ferries to request that the patronage, revenue, number of service cancellations, ticketing mix, staff hours (in boat operation, wharf support, ticketing, maintenance (detailed)), and detailed operating costs for the Manly Ferry Service (only) are provided to Council as a report for tabling every month.
3. That Manly Council request a visit by a delegation of Councillors and senior engineering staff to the Balmain Dockyard and other operational areas of Sydney Ferries with the ability to inspect the operations, reasonably request information and freely talk to technical and managerial staff.
4. That Manly Council ask Sydney Ferries what their strategic long-term plan is for the Manly Ferry Service.
5. That Local Member for Manly Mr Mike Baird be involved with Council in assisting Council and the community in seeking information and providing assistance as required.

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

Against the Resolution: Whitting.

Notice of Motion Report No. 2

Pontoon

Councillor Cathy Griffin moved:

That Council constructs 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.

On deciding to construct this pontoon or platform Council complete the requisite community consultation, examination of environmental impacts, design, determine the cost and submit a DA.

MOTION (Griffin / Norek)

That Council bring back 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. The report to include:

- i) risk assessment,
- ii) examination of environmental impacts,
- iii) design,
- iv) determination of the cost

AMENDMENT (LeSurf / Whitting)

That the proposal to bring back a report on the construction of a pontoon/platform be **DEFERRED** before an appropriate Plan of Management has been developed for Manly Cove.

For the Amendment: Councillors Hay, Murphy, LeSurf and Aird

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

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

8/09 RESOLVED: (Griffin / Norek)

That Council bring back 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. The report to include:

- i) risk assessment,
- ii) examination of environmental impacts,
- iii) design,
- iv) determination of the cost

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

Against the Resolution: Councillors Hay, LeSurf and Aird

Notice of Motion Report No. 3

Sunset Program**Councillor Cathy Griffin moved:**

That a report addressing the following questions be provided to Council:

1. What was the stated aim or goal of the Manly Council Saturdays at Sunset series of events?
2. Did the events meet/achieve the stated aim?
3. How was the success of the event/s measured?
4. Was this event run in-house or by an external events management company?
5. What was the cost of the events
 - a. Direct costs (including promotional material and advertising) to Council – total and individual event
 - b. Indirect cost to Council – total and individual event
6. What were the contributions from Local businesses
 - a. Direct cash contributions (fees or otherwise) – for total events and individual events
 - b. In-kind or indirect contributions to the events – for total events and individual events
7. Were the businesses that participated satisfied with the outcome of the events they were involved in?
8. How was this measured?
9. What lessons were learned from the conduct of this programme of events?
10. Will the program be repeated next summer?

MOTION (Griffin / Heasman)

That at the conclusion of the Sunset Program, a report addressing the following questions be provided to Council:

1. What was the stated aim or goal of the Manly Council Saturdays at Sunset series of events?
2. Did the events meet/achieve the stated aim?
3. How was the success of the event/s measured?
4. Was this event run in-house or by an external events management company?
5. What was the cost of the events
 - a. Direct costs (including promotional material and advertising) to Council – total and individual event
 - b. Indirect cost to Council – total and individual event
6. What were the contributions from Local businesses
 - a. Direct cash contributions (fees or otherwise) – for total events and individual events
 - b. In-kind or indirect contributions to the events – for total events and individual events
7. Were the businesses that participated satisfied with the outcome of the events they were involved in?
8. How was this measured?
9. What lessons were learned from the conduct of this programme of events?
10. Will the program be repeated next summer?

9/09 **RESOLVED: (Griffin / Heasman)**

That at the conclusion of the Sunset Program, a report addressing the following questions be provided to Council:

1. What was the stated aim or goal of the Manly Council Saturdays at Sunset series of events?
2. Did the events meet/achieve the stated aim?
3. How was the success of the event/s measured?
4. Was this event run in-house or by an external events management company?
5. What was the cost of the events
 - a. Direct costs (including promotional material and advertising) to Council – total and individual event
 - b. Indirect cost to Council – total and individual event
6. What were the contributions from Local businesses
 - a. Direct cash contributions (fees or otherwise) – for total events and individual events

- b. In-kind or indirect contributions to the events – for total events and individual events
7. Were the businesses that participated satisfied with the outcome of the events they were involved in?
 8. How was this measured?
 9. What lessons were learned from the conduct of this programme of events?
 10. Will the program be repeated next summer?

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

Against the Resolution: Councillor Hay

Notice of Motion Report No. 4

Jump Rock

Councillor Adele Heasman moved:

That staff bring back a report regarding the legal and social reasons for installing a fence at the Eastern point of Stuart St Manly known colloquially as 'Jump-Rock'.

That the report would include the following but not be limited to:

1. a brief synopsis of the history behind the installation of the fence;
2. the reasoning that led to the type of fence installed;
3. a response from staff (Rangers etc.), Manly Police and Council's solicitor as to the recent problems that appear to have arisen over this summer period.

Finally, the report would comment on

- a) the legal ramifications of dismantling the fence as well as any alternatives in amending the fence whilst satisfying Manly Council's legal responsibility.
- b) Any alternatives that Council could install at Little Manly Beach or elsewhere in the LGA, that would provide a similar level of 'excitement' for our young people.

MOTION (Heasman / LeSurf)

That staff bring back a report regarding the legal and social reasons for installing a fence at the Eastern point of Stuart St Manly known colloquially as 'Jump-Rock'.

That the report would include the following but not be limited to:

1. a brief synopsis of the history behind the installation of the fence;
2. the reasoning that led to the type of fence installed;
3. a response from staff (Rangers etc.), Manly Police and Council's solicitor as to the recent problems that appear to have arisen over this summer period;
4. costs, including the cost of the fence and continuing maintenance

Finally, the report would comment on

- a) the legal ramifications of dismantling the fence as well as any alternatives in amending the fence whilst satisfying Manly Council's legal responsibility.
- b) Any alternatives that Council could install at Little Manly Beach or elsewhere in the LGA, that would provide a similar level of 'excitement' for our young people.

10/09 **RESOLVED: (Heasman / LeSurf)**

That staff bring back a report regarding the legal and social reasons for installing a fence at the Eastern point of Stuart St Manly known colloquially as 'Jump-Rock'.

That the report would include the following but not be limited to:

1. a brief synopsis of the history behind the installation of the fence;
2. the reasoning that led to the type of fence installed;
3. a response from staff (Rangers etc.), Manly Police and Council's solicitor as to the recent problems that appear to have arisen over this summer period;
4. costs, including the cost of the fence and continuing maintenance

Finally, the report would comment on

- a) the legal ramifications of dismantling the fence as well as any alternatives in amending the fence whilst satisfying Manly Council's legal responsibility.
- b) Any alternatives that Council could install at Little Manly Beach or elsewhere in the LGA, that would provide a similar level of 'excitement' for our young people.

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

Against the Resolution: Nil.

PROCEDURAL MOTION (Hay / Burns)

That General Managers Division Report No.1, Appointment of Community Representatives to Committees and Working Groups, be considered at the end of the meeting in Closed Session, due to privacy laws regarding the naming of individuals.

11/09 **RESOLVED: (Hay / Burns)**

That General Managers Division Report No.1, Appointment of Community Representatives to Committees and Working Groups, be considered at the end of the meeting in Closed Session, due to privacy laws regarding the naming of individuals.

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

Against the Resolution: Nil.

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

GENERAL MANAGERS DIVISION

General Managers Division Report No. 2

Kimbriki Recycling and Waste Disposal Centre**SUMMARY**

Update report on Ministerial approval for Council to invest in new company and to seek further delegations to the General Manager.

MOTION (Burns / Elder)

That:

- A. Pursuant to Section 377(1) of the Local Government Act, (1993) Council delegates to the General Manager from time to time, the authority to exercise all powers of the Council as a registered holder of shares in the company, all the powers of Council as a party to the Shareholder's Agreement and authority to execute any documents necessary for the winding up of the Joint Services Committee and the establishment of the new company.
- B. The Mayor and General Manager be authorised to execute any necessary documentation referred to in A. under the Common Seal of Council.

12/09 **RESOLVED: (Burns / Elder)**

That:

- A. Pursuant to Section 377(1) of the Local Government Act, (1993) Council delegates to the General Manager from time to time, the authority to exercise all powers of the Council as a registered holder of shares in the company, all the powers of Council as a party to the Shareholder's Agreement and authority to execute any documents necessary for the winding up of the Joint Services Committee and the establishment of the new company.
- B. The Mayor and General Manager be authorised to execute any necessary documentation referred to in A. under the Common Seal of Council.

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

Against the Resolution: Nil.

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

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 1

Report on Council Investments as at 31 December 2008**SUMMARY**

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

The report must also include certification as to whether or not the Investments have been made in

accordance with the Act, the Regulations and Council's Investment Policy.

MOTION (Burns / Heasman)

That the statement of Bank Balances and Investment Holdings as at 31 December, 2008 be received and noted.

13/09 **RESOLVED: (Burns / Heasman)**

That the statement of Bank Balances and Investment Holdings as at 31 December, 2008 be received and noted.

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

Against the Resolution: Nil.

Councillor Le Surf was not in the Chamber when the voting took place.

Corporate Services Division Report No. 2

General Valuation - Base Date 1 July 2008

SUMMARY

Council has received from the Valuer General's Office, the General Valuation for Manly at base date 1 July 2008.

MOTION (Whitting / Burns)

That the report from the Valuer General's Office be received and noted.

14/09 **RESOLVED: (Whitting / Burns)**

That the report from the Valuer General's Office be received and noted.

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

Against the Resolution: Nil.

Councillor Le Surf was not in the Chamber when the voting took place.

Corporate Services Division Report No. 3

Councillor Information Seminars and Induction

SUMMARY

The Director General advised Council by Circular dated 9 September 2008, that the Department of Local Government would be running a number of Councillor Information Seminars, following the local government elections, and that all councillors, both new and experienced, were expected to attend a seminar.

The General Manager is required to report to the first meeting of council in 2009 on which seminar each of council's councillors attended.

MOTION (Burns / Heasman)

1. That the information be noted, and
2. Councillors who were not able to attend the previous Department of Local Government Information Seminars, to attend the training in March.

15/09 **RESOLVED: (Burns / Heasman)**

1. That the information be noted, and
2. Councillors who were not able to attend the previous Department of Local Government Information Seminars, to attend the training in March.

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

Against the Resolution: Nil.

Councillor Le Surf was not in the Chamber when the voting took place.

PROCEDURAL MOTION (Aird / Burns)

That Corporate Services Division Report No.1, Report on Council Investments as at 31 December 2008, be recommitted for further consideration.

16/09 **RESOLVED: (Aird / Burns)**

That Corporate Services Division Report No.1, Report on Council Investments as at 31 December 2008, be recommitted for further consideration.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 1

Report on Council Investments as at 31 December 2008**SUMMARY**

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

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

MOTION (Burns / Heasman)

That the statement of Bank Balances and Investment Holdings as at 31 December, 2008 be received and noted.

17/09 **RESOLVED: (Burns / Heasman)**

That the statement of Bank Balances and Investment Holdings as at 31 December, 2008 be

received and noted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 4

Financial Review for the Period Ending 31 December 2008

SUMMARY

Council's Income and Expenditure for the quarter 1 October 2008 to 31 December 2008 has been reviewed, together with a projection of Council's Budget as at 30 June 2009, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$79,246 and a forecast deficit at 30 June 2009 of \$237,848.

MOTION (Heasman / LeSurf)

That the 2008/2009 Adopted Budget be varied in terms of this Report.

18/09 **RESOLVED: (Heasman / LeSurf)**

That the 2008/2009 Adopted Budget be varied in terms of this Report.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 5

Quarterly Update Report on the Management Plan 2008 - 2011 for the period 30th September to 31 December 2008

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2008 – 2011 for the period 30 September to 31 December 2008, in accordance with the requirements of the *Local Government Act, 1993*.

MOTION (Burns / Griffin)

That the report on the second quarterly review of the Management Plan 2008-2011 for the period ending 31 December 2008 be received and noted.

19/09 **RESOLVED: (Burns / Griffin)**

That the report on the second quarterly review of the Management Plan 2008-2011 for the period ending 31 December 2008 be received and noted.

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

Norek, Griffin, Aird and Burns
Against the Resolution: Nil.

At 10.15pm, Councillor Murphy declared an interest in the following item, and left the Chamber.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 1

Manly Council Childcare Facilities

SUMMARY

Council resolved at its Ordinary Meeting of 10th November 2008, inter alia, for a report on the operational status of existing Manly Council childcare facilities.

This report makes certain recommendations on exploring greater access and placement opportunities at all existing council facilities so as to enable the Council and private sectors to better respond to future changes in demographics.

MOTION (Burns / Griffin)

That:

1. Council receive and note the report,
2. The report be augmented by the following information requested from the resolution of 10 November 2008, Notice of Motion Report no.21, Manly Childcare Facilities – c, e, f, h, i, j and k – and this information be provided in a further report to Council to be presented at a later meeting:
 - c. number of staff at each Council facility
 - e. assessment of future demand – e.g. waiting lists
 - f. historical trends – e.g. growth in demand over last 10 years (as applicable) at each facility
 - h. details of the financial costs to Council, including fees charged to parents to attend, for Manly Council's childcare facilities.
 - i. preparation of a summary report for circulation to all precincts for comment for feedback to Council on if there is demand to increase places.
 - j. identification of any capacity constraints as regards expanding existing facilities
 - k. outline of any plans for new premises or expansion works at existing premises

20/09 **RESOLVED: (Burns / Griffin)**

That:

1. Council receive and note the report,
2. The report be augmented by the following information requested from the resolution of 10 November 2008, Notice of Motion Report no.21, Manly Childcare Facilities – c, e, f, h, i, j and

k – and this information be provided in a further report to Council to be presented at a later meeting:

- c. number of staff at each Council facility
- e. assessment of future demand – e.g. waiting lists
- f. historical trends – e.g. growth in demand over last 10 years (as applicable) at each facility
- h. details of the financial costs to Council, including fees charged to parents to attend, for Manly Council's childcare facilities.
- i. preparation of a summary report for circulation to all precincts for comment for feedback to Council on if there is demand to increase places.
- j. identification of any capacity constraints as regards expanding existing facilities
- k. outline of any plans for new premises or expansion works at existing premises

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

Against the Resolution: Nil.

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

Councillor Murphy returned to the Chamber at 10.30pm.

QUESTIONS WITHOUT NOTICE

QWN1/09 Councillor Heasman - Communication Tower Sites on Reserved Crown Land

Has the submission to the Department of Lands been prepared, as per the resolution of Council from the Ordinary Meeting of 10 November 2008 (Corporate Services Division Report No.27, Communication Tower Sites on Reserved Crown Land)? If so, can Councillors be forwarded a copy? Have we had any response or further communication with the Department on this issue?

At the request of the Mayor, the General Manager advised that Council has written to the Department of Lands, but no response has yet been received.

QWN2/09 Councillor Whitting - Usage of Manly Oval by sporting clubs and other organisations

The Ivanhoe Precinct Community Forum has asked the Council to provide full details regarding the use and conditions of facilities at Manly Oval by sporting clubs and other organisations/corporations. Its main concern is the rubbish left behind after events.

At the request of the Mayor, the General Manager advised that there have been several instances of crowds leaving rubbish behind, following events in October and December. Council had taken action following the October event, and the club had the contractor remove the rubbish by 8am the next day following the December event. The club has the matter under control, and the General Manager is not concerned at the moment as the club has demonstrated it can self-manage the issue, but Council will monitor rubbish levels.

Councillor Whitting then asked if organisations/schools hire the oval for sports carnivals?

At the request of the Mayor, the General Manager advised that Council manages the pavilion but he would take it on notice as to who manages the grounds.

QWN3/09 Councillor Murphy - DA for Seaforth TAFE site

Has a DA for the Seaforth TAFE site been submitted to Manly Council and if not do we know when one is likely to be submitted?

At the request of the Mayor, the General Manager advised that a DA has not been submitted, and he is not anticipating one in the near future. The next step is for the Department to put the site to auction, and whoever buys it will most likely submit a DA to Council then. Under new planning laws, anything over \$10million will go to a regional panel for determination and Council will have no involvement once an assessment report has been written.

QWN4/09 Councillor Murphy - Clarification on submitting rescission motions and notices of motion

It was my understanding that if you want to change a resolution of Council, you rescind it if it is under 3 months old and you submit a Notice of Motion if it is over 3 months old. Could Council please clarify the process of when it is appropriate to submit a rescission motion and when it is appropriate to submit a Notice of Motion.

At the request of the Mayor, the General Manager advised that there is no 3 month rule. Once Council makes a resolution, it is entrenched until it is rescinded. Such rules are all set out in Council's Code of Meeting Practice.

The Mayor, Councillor Hay, then advised that there is a 3 month rule preventing the reconsideration of a lost Rescission Motion within 3 months of it first being presented.

QWN5/09 Councillor Morrison - Status of Sangrado pool and pontoon project

What is the current status of the Sangrado pool and boat pontoon project?

At the request of the Mayor, the General Manager advised that the design for the pontoon is all but completed, but he will take the question on notice as to when construction will begin. There are some concerns over water quality.

Councillor Morriuson then asked if the pontoon will be constructed independently of the pool?

At the request of the Mayor, the General Manager advised that that is what Council is intending to do, the design is all but complete and tenders will be called for the construction.

QWN6/09 Councillor Morrison - Rules governing opening of Councillor's mail

Is Council legally able to open, copy and stamp Councillor's mail received at Council?

At the request of the Mayor, the General Manager advised that he is legally required to do so under the State Records Act.

Councillor Morrison then asked if the State Records Act has more precedence than the

Federal Mail Act?

At the request of the Mayor, the General Manager advised that anything with the Council's address on it is the legal responsibility of Council. If however a letter to a Councillor is marked personal or confidential, it won't be opened by Council staff.

QWN7/09 Councillor Norek - Enquiry regarding transfer of Seaforth TAFE site to Manly Council

At the Extraordinary Meeting of Council of 20 October 2008, Councillors resolved that 'Council will enquire from the Department of Education and Training as to whether they may be prepared to transfer the Seaforth TAFE site to Manly Council and if so, on what terms.' Has the Department of Education and Training replied to this enquiry?

At the request of the Mayor, the General Manager advised that there has been no response, and he will do a follow-up.

QWN8/09 Councillor Norek - Council's obligations as the consent authority for Seaforth TAFE DA

The NSW Department of Planning advised in its press release of 21 January 2009 that Manly Council will be the 'consent authority' for the Seaforth TAFE DA. How will Council fulfil its obligations as the consent authority? Will the Seaforth TAFE DA go to MIAP for a determination?

At the request of the Mayor, the General Manager advised that a DA would come to Council for an assessment, but ultimately given the new planning regime, anything over \$10million in value will go to a regional panel and this Council is unlikely to be involved in the determination process.

QWN9/09 Councillor Griffin - Parking controls on Kenneth Road

Would Council consider putting in parking controls on Kenneth Road and investigating other off-road or industrial areas for temporary storage, in particular the proposed Bunnings site on the corner of Rosebery and Condamine Streets?

At the request of the Mayor, the General Manager advised that staff have put in a recommendation to the Traffic Committee to restrict parking in the locality in question and the Traffic Committee did not approve it.

QWN10/09 Councillor Aird - Parking on Kenneth Road

As the trailers are parked on the northern side of Kenneth Road, in the summer, families attending the Swimming Pool have to park all the way up the southern side of Kenneth Road as far as the roundabout at Quirk Road. Can we put in a time limit for parking to try and alleviate this situation?

At the request of the Mayor, the General Manager advised that he is happy to put up another report to the Traffic Committee recommending such controls, but they have rejected it once.

QWN11/09 Councillor Aird - Seaforth library sign

I put a request to Council a few months ago concerning the Seaforth library sign. It is

still dilapidated and needs fixing.

At the request of the Mayor, the General Manager advised that he would attend to the matter.

QWN12/09 Councillor Aird - Graffiti on property at North Steyne

There is a property on the left hand side of Pittwater Road at North Steyne, that is in a run-down condition and has offensive graffiti on it. Can we clean the property up?

At the request of the Mayor, the General Manager advised that we can serve a Notice of Intent to the owner.

QWN13/09 Councillor Burns - Maintenance of timberwork at Little Manly Point

Who is responsible for the maintenance of the timberwork at Little Manly Point, as a lot of it is in very poor shape. Also is there a schedule of cleaning for the BBQs, as they were not clean when I was there today?

At the request of the Mayor, the General Manager advised that there is a schedule for cleaning the BBQs and they are generally got ready for the weekends. Resources are not extensive for this and the ones at Shelly Beach tend to get attended to first. The General Manager then advised he would take the question on notice as to responsibility for maintenance of the timberwork.

QWN14/09 Councillor LeSurf - Precinct committees in recess

It is my understanding that a number of Precinct Committees are in recess due to either a lack of interest or non-participation of local residents. What strategies are in place to remedy this situation? Is there a sunset clause for committees that do not meet on a regular basis? Is it time for a review of the Precinct process?

At the request of the Mayor, the General Manager advised that Council has tried several approaches to generate interest in the Precinct Committee system. A review would need sensitive handling of the issues. The General Manager would be happy to review the system from a resolution of Council, but will not act unilaterally on the issue.

CONFIDENTIAL COMMITTEE OF THE WHOLE

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of the following item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals (other than councillors).

General Managers Division Report No. 1

Appointment of Community Representatives to Committees and Working Groups

CLOSED SESSION

MOTION (Hay / Heasman)

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

The Mayor, 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.

21/09 **RESOLVED: (Hay / Heasman)**

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

GENERAL MANAGERS DIVISION

General Managers Division Report No. 1

Appointment of Community Representatives to Committees and Working Groups

SUMMARY

At the Ordinary Meeting of Council held on 8 December 2008 Council considered the report from the Working Party for Community Engagement on the establishment of advisory Committees and Working Groups, and the appointment of Councillors to them. This report considers the appointment of community representatives to those Committees and Working Groups and reconsiders the issue of the Manly Youth Council.

MOTION (LeSurf / Elder)

That Council

1. Adopt the appointments of community representatives to the Committees/Working Groups detailed and amended in the Confidential Attachment to the General Manager's Division Report No.1.
2. Withdraw the appointment of Councillors to the Youth Council.

22/09 **RESOLVED: (LeSurf / Elder)**

That Council

1. Adopt the appointments of community representatives to the Committees/Working Groups detailed and amended in the Confidential Attachment to the General Manager's Division Report No.1.

2. Withdraw the appointment of Councillors to the Youth Council.

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

Against the Resolution: Nil.

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

CLOSE

The meeting closed at 11.38pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 9th March 2009.

MAYOR

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