



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 9 November 2009

All minutes are subject to confirmation at a subsequent meeting.

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TABLE OF CONTENTS

Item	Page No.
PRESENT	3
APOLOGIES	3
DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST	3
CONFIRMATION OF MINUTES	4
Ordinary Meeting - 19/10/2009	4
PUBLIC FORUM	4
NOTICES OF MOTION	4
Notice of Motion Report No. 35 The Grove be Gazetted for recreational purposes	4
Notice of Motion Report No. 36 Midnight Basketball Competition	5
Notice of Motion Report No. 37 Call for Deposit Legislation on Shopping Trolleys	5
CORPORATE SERVICES DIVISION	6
Corporate Services Division Report No. 27 Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors	6
Corporate Services Division Report No. 28 Report on Council Investments as at 30 September 2009	7
Corporate Services Division Report No. 29 Financial Review for the Period Ending 30 September 2009	7
PLANNING AND STRATEGY DIVISION	8
Planning And Strategy Division Report No. 42 Quarterly Update Report on the Management Plan 2009-2012 for the period 1st July to 30th September 2009	8
QUESTIONS WITHOUT NOTICE	8
CONFIDENTIAL COMMITTEE OF THE WHOLE	10
Civic and Urban Services Division Report No. 11 Tenders for supply of various mowing contracts	12
Civic and Urban Services Division Report No. 12 Tender T2009/09 Manly Ocean Beach Promenade Stage 4	12
Planning And Strategy Division Report No. 43 Tender T2009/16 Dredging of Manly Lagoon Site 1 and 2 only	12
Environmental Services Division Report No. 28 2009 Sustainable Schools Grant Program	13

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 9 November 2009. The meeting commenced at 7:45pm.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf
Councillor R Morrison
Councillor D Murphy (Deputy Mayor)
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, Christine Bone and Lynne Jess, Minute Takers

OPENING PRAYER

The Opening Prayer was presented by Rev. Cliff McDonnell.

APOLOGIES

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

MOTION (Burns / Whitting)

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

152/09 **RESOLVED: (Burns / Whitting)**

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

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 19 October 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.

153/09 **RESOLVED: (Heasman / Whitting)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 19 October 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 Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird and Burns

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
James van Rooyen	Hop, Skip & Jump Tourist Bus - Concerned about the impact on local tourist operators.

NOTICES OF MOTION

Notice of Motion Report No. 35

The Grove be Gazetted for recreational purposes**Councillor Whitting moved:**

That Manly Council write to the NSW Minister for Lands and propose to the Land Property Management Authority that the Crown Reserve along Baranbali Avenue and Fromelles Avenue Seaforth, known as The Grove be Gazetted for recreational purposes including bike riding, with Council as the Reserve Trust Manager.

MOTION (Whitting / Heasman)

That Manly Council write to the NSW Minister for Lands and propose to the Land Property Management Authority that the Crown Reserve along Baranbali Avenue and Fromelles Avenue Seaforth, known as The Grove be Gazetted for recreational purposes including bike riding, with Council as the Reserve Trust Manager.

154/09 **RESOLVED: (Whitting / Heasman)**

That Manly Council write to the NSW Minister for Lands and propose to the Land Property Management Authority that the Crown Reserve along Baranbali Avenue and Fromelles Avenue Seaforth, known as The Grove be Gazetted for recreational purposes including bike riding, with Council as the Reserve Trust Manager.

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

Against the Resolution: Nil.

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

Notice of Motion Report No. 36

Midnight Basketball Competition

Councillor Norek moved:

That Council investigate the opportunity to participate in the Midnight Basketball Competition which is a national social inclusion program to help youth identify and choose positive opportunities.

MOTION (Norek / Burns)

That Council investigate the opportunity to participate in the Midnight Basketball Competition which is a national social inclusion program to help youth identify and choose positive opportunities.

155/09 **RESOLVED: (Norek / Burns)**

That Council investigate the opportunity to participate in the Midnight Basketball Competition which is a national social inclusion program to help youth identify and choose positive opportunities.

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

Against the Resolution: Nil.

Notice of Motion Report No. 37

Call for Deposit Legislation on Shopping Trolleys

Councillor Aird moved:

In view of the significant burden on local councils and communities relating to abandoned shopping trolleys, and the recent move by Coles away from the coin-operated trolleys which have been so successful in relieving that burden,

That Manly Council:

1. Calls on the relevant State Government Ministers to mandate a deposit/refund system on shopping trolleys.
2. Requests the LGSA to re-activate its campaign and call on relevant State Government Ministers to legislate for deposit/refund system (which has been LGSA position for many, many years).

MOTION (Aird / Elder)

That Manly Council:

1. Calls on the relevant State Government Ministers to mandate a deposit/refund system on shopping trolleys.
2. Requests the LGSA to re-activate its campaign and call on relevant State Government Ministers to legislate for deposit/refund system (which has been LGSA position for many, many years).

AMENDMENT (Norek / LeSurf)

That Council take a conciliatory approach to the issue of a deposit refund system on shopping trolleys and open a dialogue with Coles Supermarket to attempt to reinstate the coin-operated trolleys.

For the Amendment: Councillors Whitting, Murphy, LeSurf, Morrison and Norek

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

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

156/09 **RESOLVED: (Aird / Elder)**

That Manly Council:

1. Calls on the relevant State Government Ministers to mandate a deposit/refund system on shopping trolleys.
2. Requests the LGSA to re-activate its campaign and call on relevant State Government Ministers to legislate for deposit/refund system (which has been LGSA position for many, many years).

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 27

Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors**SUMMARY**

Council's policy concerning payment of expenses and the provision of facilities to the Mayor and Councillors has been reviewed following the release of revised Guidelines by the Department of Local Government (DLG).

MOTION (LeSurf / Murphy)

That:

1. The draft *Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors* as amended, be endorsed.
2. The amended policy be placed on public exhibition for a period of 28 days in accordance with Section 253 (1) of the Local Government Act, 1993.
3. At the conclusion of the exhibition period a further report be submitted for adoption, with details of any submissions received, and following adoption, a copy of the adopted policy be forwarded to the Department of Local Government

157/09 **RESOLVED:** **(LeSurf / Murphy)**

That:

1. The draft *Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors* as amended, be endorsed.
2. The amended policy be placed on public exhibition for a period of 28 days in accordance with Section 253 (1) of the Local Government Act, 1993.
3. At the conclusion of the exhibition period a further report be submitted for adoption, with details of any submissions received, and following adoption, a copy of the adopted policy be forwarded to the Department of Local Government

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. 28

Report on Council Investments as at 30 September 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 (Heasman / Elder)

That the statement of Bank Balances and Investment Holdings as at 30 September, 2009 be received and noted.

158/09 **RESOLVED:** **(Heasman / Elder)**

That the statement of Bank Balances and Investment Holdings as at 30 September, 2009 be received and noted.

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. 29

Financial Review for the Period Ending 30 September 2009

SUMMARY

Council's income and expenditure for the quarter 1 July 2009 to 30 September 2009 has been reviewed, together with a projection of Council's Budget as at 30 June 2010, 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 \$65,107 and a forecast deficit at 30 June 2010 of \$327,817.

MOTION (Heasman / LeSurf)

That the 2009/2010 Adopted Budget be varied in terms of the Report on the Financial Review for the Period Ending 30 September 2009.

159/09 **RESOLVED: (Heasman / LeSurf)**

That the 2009/2010 Adopted Budget be varied in terms of the Report on the Financial Review for the Period Ending 30 September 2009.

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. 42

**Quarterly Update Report on the Management Plan 2009-2012
for the period 1st July to 30th September 2009**

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2009 – 2012 for the period 1 July 2009 to 30 September 2009, in accordance with the requirements of the *Local Government Act, 1993*.

MOTION (Griffin / Whitting)

That the report on the first quarterly review of the Management Plan 2009-2012 for the period ending 30 September 2009 be received and noted.

160/09 **RESOLVED: (Griffin / Whitting)**

That the report on the first quarterly review of the Management Plan 2009-2012 for the period ending 30 September 2009 be received and noted.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN103/09 Councillor Whitting - Completion Date for Queenscliff Promenade

What is the completion date for the Federal Government Funded Project "Queenscliff Promenade"?

At the request of the Mayor, the General Manager advised that the original timetable for completion of the project was the end of February 2010. Construction work should be finished by early December but the balance of the time will be needed to complete landscaping work and beautification of lawn areas.

QWN104/09 Councillor Whitting - Waste Management

What are Council's waste management improvement methods for a fast food outlet in Queenscliff that presently cannot manage its litter?

At the request of the Mayor, the General Manager advised that Council will investigate the matter. Every commercial premises should have a waste management policy.

QWN105/09 Councillor Murphy - 34 and 36 Stuart Street

As per a previous Manly Council Notice of Motion, when will the reclassification of 34 and 36 Stuart Street to community land be complete, or is it already?

At the request of the Mayor, the General Manager advised that it has already happened.

Councillor Murphy then asked when is it planned for number 36 to be demolished and landscaped?

At the request of the Mayor, the General Manager advised that during a councillor workshop in March 2009 it was agreed to put the whole matter in abeyance.

QWN106/09 Councillor Morrison - Update of Seaforth TAFE

Can the General Manager give Councillors an update on the Seaforth TAFE?

At the request of the Mayor, the General Manager advised that Council wrote to the Minister for Education as per the resolution of Council from 13 July 2009. The Department responded wanting to know what the premises would be used for. A response was returned saying it would be a community facility, and Council is still awaiting a response.

QWN107/09 Councillor Norek - Road Sign and Fence in Seaforth

Does Council have any other input into the issue of the road sign and fence in Sydney Road, Seaforth other than inviting an RTA representative to the Seaforth Precinct Committee?

At the request of the Mayor, the General Manager advised that due to Council briefing and heavy lobbying from the Seaforth community a timeout has been put on the proposal. A Seaforth Precinct Committee meeting was held on the 11 November 2009.

QWN108/09 Councillor Norek - Hop, Skip & Jump Bus Service

The speaker tonight raised the issue with Council in regard to the Hop, Skip and Jump bus service. Does Council plan to run additional routes to Manly tourism areas? Does Council intend to charge for this service? If so, does Council intend to charge a fee from the Visitor Information Centre for tourists using this service?

At the request of the Mayor, the General Manager advised that when Stocklands

withdrew its sponsorship for the Hop, Skip and Jump bus service, Council needed to work out a business model to keep the Hop, Skip and Jump bus viable and one of the options was to use the downtime between peaks to attract tourists, not otherwise able to get around Manly. The pricing is still being worked out and community people will provide the commentary on the buses. The Visitor Information Centre is a council service but is run on an even-handed basis and promotes all businesses in Manly.

QWN109/09 Councillor Aird - Gilbert Park, Manly

A resident has brought to my attention that the situation in Gilbert Park with regards to the homeless is getting worse. What can be done by Council?

At the request of the Mayor, the General Manager advised that the police have assured the Council that the situation is under control and people are being moved on.

QWN110/09 Councillor Burns - List of Public Works Supplied to Councillors

Can Councillors please receive a list of public works every month?

At the request of the Mayor, the General Manager advised that the monthly report provided to Councillors does already have a comprehensive schedule of works within it and he will be happy to draw these out in his summary report.

QWN111/09 Councillor Burns - Council's Policy on Contracting out Services

Can the General Manager specify all services and functions currently performed by contractors and outline the equivalent number of staff that the contractors employ and the cost to Council of these contracts – now, 12 months ago, and 24 months ago?

What is Council's evaluation methodology of determining whether to contract out or to perform the function in house?

Can we have council staff numbers by section over the last 5 years?

At the request of the Mayor, the General Manager advised that Council only contracts out anything it does not have the in-house capability for, and that the market place can provide at a contestable basis. He further advised that Council retains all meaningful, productive and challenging work for its own staff. Council has more staff today than it had 5 years ago.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 11

Tenders for supply of various mowing contracts

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.

Civic and Urban Services Division Report No. 12

Tender T2009/09 Manly Ocean Beach Promenade Stage 4

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.

Planning And Strategy Division Report No. 43

Tender T2009/16 Dredging of Manly Lagoon Site 1 and 2 only

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. 28

2009 Sustainable Schools Grant Program

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 (Morrison / Griffin)

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.

161/09 **RESOLVED: (Morrison / Griffin)**

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

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

Civic and Urban Services Division Report No. 11

Tenders for supply of various mowing contracts

162/09 **RESOLVED: (Heasman / Elder)**

(1) That the following tenders be awarded for the services listed, inclusive of GST.

1. T2009/10 Foreshore Parks Maintenance - Luhrmann Environment Management.
2. T2009/11 Weekly Park Mowing Maintenance-Luhrmann Environment Management.
3. T2009/12 Fortnightly & Three weekly mowing Maintenance -The House with No Steps.
4. T2009/13 Sportsfields maintenance- The Green Horticultural Group.
5. T2009/14 Manly Swim Centre Mowing- The House With No Steps.

(2) The contract term will be a period of two years commencing on the 1 December 2009 with a 2 year extension based on satisfactory supplier performance.

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

Against the Resolution: Nil.

Councillors Aird and Griffin were not in the Chamber when the voting took place.

Civic and Urban Services Division Report No. 12

Tender T2009/09 Manly Ocean Beach Promenade Stage 4

163/09 **RESOLVED: (Burns / Murphy)**

That Council:

1. Award tender T2009/09 "Manly Ocean Beach Seawall Toe Protection Measures" to Frankipile Australia.
2. That the unsuccessful tenderers be informed accordingly.

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

Against the Resolution: Nil.

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

Planning And Strategy Division Report No. 43

Tender T2009/16 Dredging of Manly Lagoon Site 1 and 2 only

164/09 **RESOLVED: (Heasman / Elder)**

That Council:

1. Award Tender 2009/16, for the Dredging of Manly Lagoon (Sites 1 & 2 only), under a

schedule of rates term contract, to Sandpiper Dredging Pty Ltd.

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

Environmental Services Division Report No. 28

2009 Sustainable Schools Grant Program
 165/09 **RESOLVED: (Heasman / Burns)**

THAT funding is granted to all four schools to assist with their education for sustainability projects. Schools play a key role in educating people to live more sustainably and projects such as these are critical in educating students and inspiring them to learn and behave in an environmentally responsible manner with a strong appreciation for nature. Manly Council's role is to promote the development of education for sustainability projects and foster sustainable lifestyles within the whole community.

Sustainable School Grants be allocated to:

Balgowlah Heights Public School	\$2000
Manly Village Public School	\$2000
Manly West Public School	\$1996
Seaforth Public School	\$2000
Total	\$7996

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

CLOSE

The meeting closed at 9.40pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 14 December 2009.

MAYOR

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