

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 10 November 2008**

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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**Planning And Strategy Division Report No. 40**

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 10 November 2008. The meeting commenced at 7:40pm.

## PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided  
Councillor A Heasman, Deputy Mayor  
Councillor B Aird  
Councillor H Burns  
Councillor L Elder  
Councillor C Griffin  
Councillor A Le Surf  
Councillor Dr P Macdonald  
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  
Jenny Nascimento, Manager Finance Operations  
Liz Rich, Minute Taker

## OPENING PRAYER

The Opening Prayer was presented by Father John Hannon.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Murphy	Notice of Motion No.21, Manly Council Childcare Facilities	Partner is involved in Childcare industry.
Councillor Heasman	QWN 57/08, Procedures in place to ensure compliance with DA conditions at Manly Pacific Hotel	Family members live near property in question.

## CONFIRMATION OF MINUTES

### MOTION (Macdonald / Heasman)

That copies of the Minutes of the Land Use Management Committee meeting, held on Monday, 1

September 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.

168/08 **RESOLVED: (Macdonald / Heasman)**

That copies of the Minutes of the Land Use Management Committee meeting, held on Monday, 1 September 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, Burns and Macdonald

**Against the Resolution:** Nil.

### **CONFIRMATION OF MINUTES (Extraordinary Meeting)**

#### **MOTION (Morrison / LeSurf)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 20 October 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.

169/08 **RESOLVED: (Morrison / LeSurf)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 20 October 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, Burns and Macdonald

**Against the Resolution:** Nil.

### **PUBLIC FORUM**

<b>NAME</b>	<b>SUBJECT/PUBLIC SPEAKERS</b>
Doug Price	Update on Save Seaforth TAFE Group

#### **SUSPENSION OF STANDING ORDERS (Morrison / LeSurf)**

That Standing Orders be suspended to consider items of public interest being: Notice of Motion No.19 – Manly Cemetery – other options to curb vandalism; Notice of Motion Report No.20 – Re-installation of The Grove Bike Track in Seaforth North; and Corporate Services Division Report No.23 – Financial Statements for the Year Ended 30 June 2008.

170/08 **RESOLVED: (Morrison / LeSurf)**

That Standing Orders be suspended to consider items of public interest being: Notice of Motion No.19 – Manly Cemetery – other options to curb vandalism; Notice of Motion Report No.20 – Re-installation of The Grove Bike Track in Seaforth North; and Corporate Services Division Report No.23 – Financial Statements for the Year Ended 30 June 2008.

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

**Against the Resolution:** Nil.

**NOTICES OF MOTION**

Notice of Motion Report No. 19

**Manly Cemetery - other options to curb vandalism**

**Councillor Mark Norek moved:**

1. Council to withdraw the proposed DA for the erection of a fence surrounding Manly Cemetery.
2. Council to bring back a report to Council, after consultation with surrounding residents and Council's Cemetery Working Group, to investigate other options to address the issue of vandalism in Manly Cemetery.

**PUBLIC ADDRESSES**

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

Against the Recommendation: Denise Keen

In Support of the Recommendation: Simon Westaway

**MOTION (Norek / Burns)**

That:

1. Council withdraw the proposed DA for the erection of a fence surrounding Manly Cemetery.
2. Council bring back a report to Council, after consultation with surrounding residents and Council's Cemetery Working Group, to investigate other options to address the issue of vandalism in Manly Cemetery.

**AMENDMENT (Macdonald / Murphy)**

That:

1. Council acknowledge the contribution of the Ivanhoe Park Precinct and the Manly Council Cemetery Working Group in their efforts over the last 5 years in attempting to preserve Manly Cemetery
2. Council progress the DA process.

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

**Against the Amendment:** Councillor Norek

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

171/08 **RESOLVED: (Macdonald / Murphy)**

That:

1. Council acknowledge the contribution of the Ivanhoe Park Precinct and the Manly Council Cemetery Working Group in their efforts over the last 5 years in attempting to preserve Manly Cemetery

2. Council progress the DA process.

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

**Against the Resolution:** Councillor Norek

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Notice of Motion Report No. 20

**Re-installation of The Grove Bike Track in Seaforth North  
Councillor Mark Norek moved:**

Council to immediately work with a working group of local bike riders and Seaforth North Precinct Committee members to professionally design and construct a bicycle dirt jump trail which will comply with Council's risk management controls.

**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Mr Dave Musgrove

**MOTION (Norek / Whitting)**

That Council support the process of the existing Council working group to continue to work with a working group of local bike riders and Seaforth North Precinct Committee members to professionally design and construct a bicycle dirt jump trail which will comply with Council's risk management controls, preferably at The Grove.

**AMENDMENT (Griffin / Burns)**

That Council:

1. Establish ownership of the parcels of land
2. Confirm Manly Council's interest in parts of the land occupied by the Seaforth Community Centre, the Koobilya St tennis courts and the Baranbali playground and the area of remnant bushland bounded by Baringa Ave, Koobilya St, Fromelles Ave and Baringa Ave.
3. Call for expressions of interest from groups interested in utilising the area in Seaforth known as The Grove. Expressions of interest to include but not be limited to:
  - a) Type of activity
  - b) Detailed plans of any works
  - c) Proposed Budget for the works proposed/Capital costs
  - d) Environmental Impact Statement
  - e) Social impact statement
  - f) Funding opportunities
  - g) Ongoing maintenance costs
4. Report back in 3 months

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

**Against the Amendment:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek and Macdonald

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

**172/08 RESOLVED: (Norek / Whitting)**

That Council support the process of the existing Council working group to continue to work with a working group of local bike riders and Seaforth North Precinct Committee members to professionally design and construct a bicycle dirt jump trail which will comply with Council's risk management controls, preferably at The Grove.

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

**Against the Resolution:** Nil.

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 23

**Financial Statements for the Year Ended 30 June 2008****SUMMARY**

The Local Government Act, 1993, requires a Council to present its Audited Financial Reports for the financial year ended 30 June 2008, together with the Auditor's Report, at a meeting of Council within 5 weeks of receipt of the Auditor's Report.

Council's Auditor Mr Norm Mah-Chut, presented the report and was available to answer Councillor's questions.

**MOTION (Macdonald / Heasman)**

1. That the Annual Financial Report for the Year ended 30 June 2008 together with the Auditors Report be received;
2. That Council's Auditors, Spencer Steer Chartered Accountants, be thanked for their attendance.

**173/08 RESOLVED: (Macdonald / Heasman)**

1. That the Annual Financial Report for the Year ended 30 June 2008 together with the Auditors Report be received;
2. That Council's Auditors, Spencer Steer Chartered Accountants, be thanked for their attendance.

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

**Against the Resolution:** Nil.

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**RESUMPTION OF STANDING ORDERS (Macdonald / LeSurf)**

That Standing Orders be resumed.

**174/08 RESOLVED: (Macdonald / LeSurf)**

That Standing Orders be resumed.



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

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## NOTICES OF MOTION

Notice of Motion Report No. 18

### **Scoping of multifaceted project to reduce reduction of carbon emissions Councillor Cathy Griffin moved:**

To assist Manly Council in achieving carbon neutrality by 2010 it is proposed that Council support a three month scoping project to analyse the opportunities available to reduce carbon emissions through the placement of PV solar panels on available roof space in the Manly LGA and investigate the feasibility and cost of such a multifaceted project and report back to Council. This scoping report should take into account but not be limited to:

- Determination of the square meters of roof space available in the LGA able to accommodate pv solar panels
- Determination of the amount of power generated by these pv panels
- Determination of the amount of power required by council infrastructure and operations, including street lighting
- Opportunities for carbon emission trading
- Opportunities for funding, initial and ongoing Capital costs
- Operational costs.

### **MOTION (Griffin / Burns)**

To assist Manly Council in achieving carbon neutrality by 2010, Council support a three month scoping project to analyse the opportunities available to reduce carbon emissions through the placement of PV solar panels on available roof space in the Manly LGA and investigate the feasibility and cost of such a multifaceted project and report back to Council. This scoping report should take into account but not be limited to:

- a) Determination of the square meters of roof space available in the LGA able to accommodate PV solar panels
- b) Determination of the amount of power generated by these PV panels
- c) Determination of the amount of power required by council infrastructure and operations, including street lighting
- d) Opportunities for carbon emission trading
- e) Opportunities for funding, initial and ongoing Capital costs
- f) Operational costs.

### **175/08 RESOLVED: (Griffin / Burns)**

To assist Manly Council in achieving carbon neutrality by 2010, Council support a three month scoping project to analyse the opportunities available to reduce carbon emissions through the placement of PV solar panels on available roof space in the Manly LGA and investigate the feasibility and cost of such a multifaceted project and report back to Council. This scoping report should take into account but not be limited to:

- a) Determination of the square meters of roof space available in the LGA able to accommodate PV solar panels

- b) Determination of the amount of power generated by these PV panels
- c) Determination of the amount of power required by council infrastructure and operations, including street lighting
- d) Opportunities for carbon emission trading
- e) Opportunities for funding, initial and ongoing Capital costs
- f) Operational costs.

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

**Against the Resolution:** Nil.

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

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At 10.57pm, Councillor Murphy declared a Conflict of Interest in Councillor Burn's Notice of Motion No.21, Manly Council Childcare Facilities and left the Chamber.

Notice of Motion Report No. 21

**Manly Council Childcare Facilities  
Councillor Hugh Burns moved:**

That Council prepare a comprehensive report on existing Manly Council Childcare operations covering:

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

**MOTION (Burns / Aird)**

1. That Council prepare a comprehensive report on existing Manly Council Childcare operations covering:
  - a. overall childcare places and number of children in all forms of child care in the LGA
  - b. number of places at each Council facility

- c. number of staff at each Council facility
  - d. accommodation arrangements at each facility, council premises (value) or other owner etc.
  - 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
  - g. any assessment of existing or planned capacity of private sector childcare facilities within the Manly LGA.
  - 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
- 2.. That subject to the report, Council also examine the feasibility of purchasing the recently completed ABC Learning Centre in Balgowlah Road at Fairlight to run as a not-for-profit centre for 134 places.

176/08     **RESOLVED:     (Burns / Aird)**

1. That Council prepare a comprehensive report on existing Manly Council Childcare operations covering:
  - a. overall childcare places and number of children in all forms of child care in the LGA
  - b. number of places at each Council facility
  - c. number of staff at each Council facility
  - d. accommodation arrangements at each facility, council premises (value) or other owner etc.
  - 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
  - g. any assessment of existing or planned capacity of private sector childcare facilities within the Manly LGA.
  - 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
2. That subject to the report, Council also examine the feasibility of purchasing the recently completed ABC Learning Centre in Balgowlah Road at Fairlight to run as a not-for-profit centre for 134 places.

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

**Against the Resolution:** Nil.

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

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Councillor Murphy returned to the chamber at 11.10pm.

## GENERAL MANAGERS DIVISION

General Managers Division Report No. 28

### Draft Access to Information Policy

#### SUMMARY

The Department of Local Government has issued a draft model policy to all NSW Councils, resulting in the need for Council to review existing policies on public access to information.

Therefore this report recommends the revoking of the current Open File Policy, and the adoption of a new policy based on the DLG model policy in order to meet statutory compliance.

#### MOTION (Morrison / Macdonald)

That Council adopt the Draft Access to Information Policy as the model policy to replace the existing Open File Policy.

177/08 **RESOLVED:** (Morrison / Macdonald)

That Council adopt the Draft Access to Information Policy as the model policy to replace the existing Open File Policy.

**For the Resolution:** Councillors Hay, Elder, Heasman, LeSurf, Morrison, Griffin, Burns and Macdonald

**Against the Resolution:** Councillors Whitting, Murphy and Norek

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

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General Managers Division Report No. 29

### Instrument of Delegation

#### MOTION (Macdonald / Elder)

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and

2. The *Environmental Planning and Assessment Act 1979* (NSW); and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

**Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:**

**SCHEDULE**

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Development applications that meet the referral criteria to the Manly Independent Assessment Panel are to be referred by the General Manager to that Panel (see OM 21/07/2008)
7. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
8. Authorisation of:
  - (a) expenditure for goods and services beyond \$300,000,
  - (b) general expenditure, including contract payments beyond the value of \$200,000,
  - (c) investments on behalf of Council beyond \$1,000,000,
  - (d) loan repayments beyond \$500,000, and
  - (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

178/08     **RESOLVED:     (Macdonald / Elder)**

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and
2. The *Environmental Planning and Assessment Act 1979* (NSW); and

3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

**Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:**

**SCHEDULE**

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Development applications that meet the referral criteria to the Manly Independent Assessment Panel are to be referred by the General Manager to that Panel (see OM 21/07/2008)
7. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
8. Authorisation of:
  - (a) expenditure for goods and services beyond \$300,000,
  - (b) general expenditure, including contract payments beyond the value of \$200,000,
  - (c) investments on behalf of Council beyond \$1,000,000,
  - (d) loan repayments beyond \$500,000, and
  - (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

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

**Against the Resolution:** Nil.

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

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 14

**Items for Brief Mention****1. Responses from Federal Ministers relating to the proposed redevelopment of the Australian Institute of Police Management at North Head**

The Council at its Planning and Strategy Committee meeting held on 18 August 2008 resolved (inter alia) to make further representations to the NSW Minister for Environment; the NSW Minister for Planning; and Federal Ministers for Families, Housing, Community Services and Indigenous Affairs; Finance and Deregulation; Environment, Water, Heritage and the Arts; and Home Affairs to request a process of notification and consultation on the revised plans for the redevelopment of the AIPM site (the former Seamen's Isolation Hospital) which is part of the 1833 Quarantine Reserve.

Responses are now to hand from The Hon. Lindsay Tanner, Minister for Finance and Deregulation, and The Hon. Bob Debus, Minister for Home Affairs, and are attached for the information of The Council. Replies have not yet been received from the NSW Minister for Planning, and the Federal Ministers for Housing, Community Services and Indigenous Affairs; and Environment, Water, Heritage and the Arts. Please see attached copies as Attachments One and Two.

It should be noted that in his response Minister Debus advises the Council that the Australian Federal Police (AFP) has not called for tenders for the redevelopment associated with the revised design. The Council had earlier received a copy of a reference to tenders for the proposed redevelopment having been sought and received.

The Minister advises that the revised design seeks to protect the heritage aspects of the site and enhance the natural environment and habitat for the Little Penguin and Long Nosed Bandicoot. The Minister further advises that the Preferred Project Report required under Part 3A of the NSW *Environmental Planning & Assessment Act, 1979*, is in preparation to address the submissions made in February 2008 in response to the Public Exhibition of the Proposed Redevelopment. The Preferred Project Report will include a revised design for proposed redevelopment.

A briefing on the proposal was provided to the Mayor on 30 September 2008 by the AFP. The Minister anticipates that there will be further communications and information sharing on the proposal during preparation of the Preferred Project Report. A copy of the draft revised "masterplan" is attached, along with a related AFP Media Release dated 23 October 2008. See Attachments Three and Four.

The masterplan indicates the removal of the proposed new buildings along the foreshore and the introduction of new two storey buildings on the south-eastern area of the site which was not previously to be developed. No details of the proposed environmental management measures, including the proposed Asset Protection Zone on the site have been provided.

It is recommended that the Council resolve:

- a) that the Minister for Home Affairs be advised that the Council appreciates his response to the concerns of the Council and the Manly community in respect of the AIPM site which is part of the original Quarantine Reserve on North Head; and,
- b) further, that the Council and the community would appreciate the opportunity for information sharing and comment on the revised detailed plans and supporting environmental management documentation for the proposed redevelopment of the site as they are progressed prior to the Preferred Project Report being finalized.

**MOTION (Heasman / LeSurf)**

1. That:
  - a) the Minister for Home Affairs be advised that the Council appreciates his response to the concerns of the Council and the Manly community in respect of the AIPM site which is part of the original Quarantine Reserve on North Head; and,
  - b) further, the Council and the community would appreciate the opportunity for information sharing and comment on the revised detailed plans and supporting environmental management documentation for the proposed redevelopment of the site as they are progressed prior to the Preferred Project Report being finalized.

**179/08 RESOLVED: (Heasman / LeSurf)**

1. That:
  - a) the Minister for Home Affairs be advised that the Council appreciates his response to the concerns of the Council and the Manly community in respect of the AIPM site which is part of the original Quarantine Reserve on North Head; and,
  - b) further, the Council and the community would appreciate the opportunity for information sharing and comment on the revised detailed plans and supporting environmental management documentation for the proposed redevelopment of the site as they are progressed prior to the Preferred Project Report being finalized.

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

**Against the Resolution:** Nil.

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

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 25

**Report on Council Investments as at 30 September 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 (Macdonald / Burns)**

That the statement of Bank Balances and Investment Holdings as at 30 September, 2008 be received and noted.

**180/08 RESOLVED: (Macdonald / Burns)**

That the statement of Bank Balances and Investment Holdings as at 30 September, 2008 be received and noted.



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

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

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Corporate Services Division Report No. 26

**Financial Review for the Period Ending 30 September 2008**

**SUMMARY**

Council's Income and Expenditure for the quarter 1 July 2008 to 30 September 2009 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 \$158,604 and a forecast deficit at 30 June 2009 of \$158,604.

**MOTION (Heasman / LeSurf)**

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

181/08 **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, Burns and Macdonald  
**Against the Resolution:** Nil.

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Corporate Services Division Report No. 27

**Communication Tower Sites on Reserved Crown Land**

**SUMMARY**

Council is the Reserve Trustee for the two Crown Reserves at Seaforth Oval (Reserve 89212) and Tania Park (Reserve 93912), on which Vodafone and Hutchinson operate mobile phone towers under licence to Council.

The Department of Lands has advised Council that it intends to directly licence communication sites under section 34A of the Crown Lands Act 1989.

**MOTION (Macdonald / Burns)**

That Council object in the strongest of terms to the Department of Lands' proposal to take over the direct licensing of communication sites under section 34A of the Crown Lands Act 1989, and that Council also write to the LGA.

182/08 **RESOLVED: (Macdonald / Burns)**

That Council object in the strongest of terms to the Department of Lands' proposal to take over the direct licensing of communication sites under section 34A of the Crown Lands Act 1989, and that Council also write to the LGA.

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

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## PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 40

### **Quarterly Review of the Management Plan 2008 - 2011 from 1st July 2008 to 30th September 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 1<sup>st</sup> July 2008 to 30<sup>th</sup> September 2008, in accordance with the requirements of the *Local Government Act, 1993*.

#### **MOTION (Heasman / Whitting)**

That the report on the first quarterly review of the Management Plan 2008 - 20101 for the period ending 30<sup>th</sup> September 2008 be received and noted.

183/08 **RESOLVED: (Heasman / Whitting)**

That the report on the first quarterly review of the Management Plan 2008 - 20101 for the period ending 30<sup>th</sup> September 2008 be received and noted.

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

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## QUESTIONS WITHOUT NOTICE

### **QWN56/08 Councillor Aird - Maintenance issues at Seaforth/Balgowlah Library**

Following a Councillor's visit to Seaforth/Balgowlah Library last week, the staff expressed concern that there was no wire around the bottom of the building and mice etc, were entering the premises. Also the sign for the Library on Sydney Road needed sprucing up to make it more noticeable.

At the request of the Mayor, the General Manager advised that he would take these issues on board.

At 11.35pm, Councillor Heasman declared a Conflict of Interest in QWN57/08, and left the Chamber.

### **QWN57/08 Councillor Griffin - Procedures in place to ensure compliance with DA conditions at Manly Pacific Hotel**

What are the procedures in place to ensure that the Manly Pacific Hotel complies with the conditions of its DA, with regards to outdoor entertaining, having already received complaints in an e-mail about a breach?

At the request of the Mayor, the General Manager advised that staff had spoken to the Chief Executive of the establishment who had given Council an undertaking that the breach was an isolated incident and the operator was not aware of the conditions of consent. They are on notice that if there are any more breaches, they will be fined.

At 11.37pm, Councillor Heasman returned to the Chamber.

**QWN58/08 Councillor Norek** - One-way system for Alan Avenue

Has there ever been a proposal for Alan Avenue to be made one-way?

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

**QWN59/08 Councillor Norek** - Drainage issues at Malvern Avenue

Has there been a commitment from Council to relieving the flooding problems at Malvern Avenue this financial year?

At the request of the Mayor, the General Manager advised that Council is investigating the matter.

**QWN60/08 Councillor Morrison** - Repairs of Sangrado Baths

Has a tender been put out for the \$95,000 repair of the Sangrado Baths, or is Council doing it in-house?

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

**QWN61/08 Councillor Morrison** - Seaforth plebiscite results and costs missing from Annual Report

Why weren't the costs and results for the Seaforth plebiscite mentioned in Manly Council's Annual Report?

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

**QWN62/08 Councillor LeSurf** - Redevelopment of Fairlight shopping centre

How is the redevelopment of the Fairlight shopping centre progressing?

At the request of the Mayor, the General Manager advised that now the Traffic Committee, the STA and the RTA have agreed to a particular position for the northern alignment, the design for the section between Thornton and William Street should be firmed up and hopefully completed this year.

**QWN63/08 Councillor Murphy** - Signage for Ivanhoe Park Botanic Gardens

When are the Ivanhoe Park Botanic Garden signs and also the plant specific signs that were unanimously supported by the previous Council 4 years ago going to be installed? Surely the Ivanhoe Park Botanic Garden signs could have been installed immediately after the Geographical Names Board had approved them?

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

**QWN64/08 Councillor Murphy** - Whereabouts of Ossie Merrit steel gates

Where are the Ossie Merrit steel gates, and when will they be restored and refitted?

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

**QWN65/08 Councillor Heasman** - Processes for rubbish removal at Manly Council

A ratepayer has written to me to say that our process of rubbish removal is different to other Council's, and they hoped we could take these other processes on board to facilitate quicker removal of rubbish than currently happens in Manly.

At the request of the Mayor, the Deputy General Manager advised that Council has put a policy together with the Waste Committee in relation to taping round the rubbish and putting notices on it to try and get the person who dumped it to remove it. So we wait for a period of time. We have about a 40-55% success rate. If the dumped rubbish is collected straightaway, it encourages people to dump rubbish as they know it will get cleared straightaway.

**QWN66/08 Councillor Burns** - Public toilets at Seaforth

The public toilets at Seaforth are continually attacked by graffiti and look awful. Can we arrange a mural to be painted there to clean them up?

At the request of the Mayor, the General Manager advised that he will request staff to monitor and manage the clean up of the graffiti.

**QWN67/08 Councillor Burns** - Progress on repairs to Fairy Bower pool

Where are we at with repairs to Fairy Bower pool? Are repairs to start in January?

At the request of the Mayor, the General Manager advised that the only works to be completed soon are to replace the piece of dislodged rock, and fix the outlet from the pool that allows the pool to be drained for maintenance. To progress the rest of the works, we need to start from scratch and get the precinct's position into the plan. We are somewhat behind in the design schedule, and major works won't commence until at least next winter.

**QWN68/08 Councillor Griffin** - Multi-user access ramp behind Manly Yacht Club

Is the multi-user access ramp behind Manly Yacht Club still scheduled to be installed before Christmas?

At the request of the Mayor, the General Manager advised that yes, it still is. There have been delays as it is in the Manly Foreshore Protection Area and we needed to go through the necessary approvals before building the structure, and there was also the question of what material to build it in. All these issues have been resolved and we just need to get the approval, finalise the design and then get it built.

**QWN69/08 Councillor Aird - Derelict shop at North Steyne**

There is a derelict shop on Pittwater Road at North Steyne, which is in a disgraceful condition. Is there any action we can take against its owner?

At the request of the Mayor, the General Manager advised that we can issue an Intent to Serve an Order.

**CLOSE**

The meeting closed at 11.59pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 8<sup>th</sup> December 2008.

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**MAYOR**

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