



## Minutes

### Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 11 October 2010**

*All minutes are subject to confirmation at a subsequent meeting.*

*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)*

---

**TABLE OF CONTENTS**

Item	Page No.
<b>PRESENT</b> .....	<b>3</b>
<b>APOLOGIES</b> .....	<b>3</b>
<b>DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST</b> .....	<b>3</b>
<b>CONFIRMATION OF MINUTES</b> .....	<b>3</b>
Ordinary Meeting - 13/09/2010 .....	3
<b>CONFIRMATION OF MINUTES</b> .....	<b>4</b>
Planning and Strategy Meeting - 6/09/2010 .....	4
<b>PUBLIC FORUM</b> .....	<b>4</b>
<b>MAYORAL MINUTES</b> .....	<b>4</b>
<b>Mayoral Minute Report No. 12</b>	
Ombudsman’s Final Report – Council’s handling of complaints from two complainants.....	4
<b>Notice of Motion Report No. 47</b>	
Proposed review of the Code of Practice for Personal Trainers .....	5
<b>Notice of Motion Report No. 49</b>	
Road Reserve Lease for 4 Peronne Avenue Clontarf .....	6
<b>Notice of Rescission Report No. 4</b>	
Notice of Motion 45 - Introduction of Late Night Rangers to ensure compliance to better protect public amenity .....	7
<b>Mayoral Minute Report No. 11</b>	
Surf Life Saving – Australian Championships 2013 – 2014.....	8
<b>NOTICES OF MOTION</b> .....	<b>8</b>
<b>Notice of Motion Report No. 48</b>	
Report on Fair Market Value for Footpath Leases in Manly CBD .....	8
<b>Corporate Services Division Report No. 34</b>	
Draft Complaints Management Policy .....	9
<b>NOTICES OF RESCISSION</b> .....	<b>10</b>
<b>Notice of Rescission Report No. 5</b>	
Notice of Motion 39 - Manly Council Interim Tier 3 Complaint review procedure.....	10
<b>GENERAL MANAGERS DIVISION</b> .....	<b>10</b>
<b>General Managers Division Report No. 19</b>	
Selection of a JRPP Representative .....	10
<b>ITEMS FOR BRIEF MENTION</b> .....	<b>11</b>
<b>Item For Brief Mention Report No. 6</b>	
Items For Brief Mention .....	11
<b>REPORTS OF COMMITTEES</b> .....	<b>13</b>
<b>Report Of Committees Report No. 40</b>	

Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature .....	13
<b>Report Of Committees Report No. 41</b>	
Minutes for adoption by Council - Sports Facilities Committee - 3 September 2010.....	14
<b>Report Of Committees Report No. 42</b>	
Minutes for adoption by Council - Manly Scenic Walkway Committee - 7 September 2010	15
<b>Report Of Committees Report No. 43</b>	
Minutes for adoption by Council - Community Safety Committee - 9 September 2010.....	16
<b>CORPORATE SERVICES DIVISION.....</b>	<b>17</b>
<b>Corporate Services Division Report No. 31</b>	
Report on Council Investments as at 31 August 2010.....	17
<b>ENVIRONMENTAL SERVICES DIVISION .....</b>	<b>18</b>
<b>Environmental Services Division Report No. 26</b>	
Response to Notice of Motion 38 - Enhancements and Confirmation of Aspects of Council Records Management Policy .....	18
<b>Environmental Services Division Report No. 27</b>	
Development Applications Being Processed During October 2010.....	19
<b>Environmental Services Division Report No. 28</b>	
List of Appeals Relating to Development Applications During October 2010.....	19
<b>HUMAN SERVICES AND FACILITIES DIVISION .....</b>	<b>19</b>
<b>Human Services And Facilities Division Report No. 13</b>	
Proposed Extension to the Alcohol Free Zone in Manly CBD .....	19
<b>Human Services And Facilities Division Report No. 14</b>	
Event - Broadcast of Ashes Cricket Test on Manly Beach reserve December 2010.....	21
<b>Human Services And Facilities Division Report No. 15</b>	
Community and Cultural Group Subsidies Allocation of 2010/11 Grants.....	22
<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>22</b>
<b>CONFIDENTIAL COMMITTEE OF THE WHOLE .....</b>	<b>25</b>
<b>Environmental Services Division Report No. 30</b>	
Tender T2011/03 for the Supply and Delivery of Two Garbage Compactor Vehicles .....	26
<b>Corporate Services Division Report No. 33</b>	
Tender for Cash Handling Services T2011/12 .....	27



168/10     **RESOLVED:**     **(Whitting / Griffin)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 September 2010, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**CONFIRMATION OF MINUTES****MOTION**

That copies of the Minutes of the Planning and Strategy Meeting held on Monday, 6 September 2010, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

169/10     **RESOLVED:**     **(Whitting / Elder)**

That copies of the Minutes of the Planning and Strategy Meeting held on Monday, 6 September 2010, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
Amanda Smart	The detrimental effect of Council's new Friday night food markets on local shop owners.

**MAYORAL MINUTES**

Mayoral Minute Report No. 12

**Ombudsman's Final Report – Council's handling of complaints from two complainants**

**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Recommendation:               Mr & Mrs Humphreys

Partially for and against                               Gerard McMahon

**MOTION (Hay)**

That Council:

1. Receive and note the report from the Ombudsman;
2. Acknowledge that Council processes have, can, and will be improved;
3. Note that many of the recommendations have already been fully, or partially completed;
4. Obtain independent legal advice on the ex-gratia payment and apology recommendations;



In Support of the Recommendation: Stephen Jones

**MOTION (Whitting / Burns)**

That Manly Council review the Code of Practice for Personal Trainers with the intention of amending it to reduce the noise problem local residents are experiencing during the early mornings and evenings. All amendments to be enforced by Council and the review be reported back to Council and include the following:

- Hours of operation for boxing exercise be restricted to between 7.00am and 8.30pm.
- No activity is to be conducted within 50 metres of a residential property.

172/10 **RESOLVED: (Whitting / Burns)**

That Manly Council review the Code of Practice for Personal Trainers with the intention of amending it to reduce the noise problem local residents are experiencing during the early mornings and evenings. All amendments to be enforced by Council and the review be reported back to Council and include the following:

- Hours of operation for boxing exercise be restricted to between 7.00am and 8.30pm.
- No activity is to be conducted within 50 metres of a residential property.

**For the Resolution:** Councillors Hay, Whitting, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Councillors Elder, Murphy and LeSurf

\*\*\*\*\*

Notice of Motion Report No. 49

**Road Reserve Lease for 4 Peronne Avenue Clontarf**

**Councillor Richard Morrison moved:**

Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the existing unauthorised fence.

**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Recommendation: Silvano D'Ambriso

**MOTION (Morrison / Murphy)**

**That:**

1. Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence and the proposed layback alteration to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence.
2. Council write to Mr D'Ambriso to outline the statutory processes.

3. The Order on 4 Peronne Avenue Clontarf be put on hold pending formalising of the Road Reserve Lease.

173/10      **RESOLVED:**      **(Morrison / Murphy)**

**That:**

1. Subject to statutory provisions and the Manly Traffic Committee approval, and modifications to the front fence and the proposed layback alteration to improve visibility and sight lines that a 5 year road reserve lease be granted to 4 Peronne Avenue, Clontarf for an area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence.
2. Council write to Mr D'Ambriso to outline the statutory processes.
3. The Order on 4 Peronne Avenue Clontarf be put on hold pending formalising of the Road Reserve Lease.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Rescission Report No. 4

**Notice of Motion 45 - Introduction of Late Night Rangers to ensure compliance to better protect public amenity**

**Councillor Hugh Burns, Councillor Peter Macdonald, and Councillor Barbara Aird moved:**

“That the Council’s decision of 13 September 2010 being Notice of Motion No 45 in respect of Introduction of Late Night Council Rangers to ensure compliance to better protect public amenity be and is hereby rescinded.”

**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Recommendation:      Mr John Partridge

**MOTION    Burns / Macdonald**

“That the Council’s decision of 13 September 2010 being Notice of Motion No 45 in respect of Introduction of Late Night Council Rangers to ensure compliance to better protect public amenity be and is hereby rescinded.”

**For the Motion:**      Councillors Whitting, Norek, Griffin, Burns and Macdonald

**Against the Motion:**      Councillors Hay, Elder, Murphy, LeSurf and Morrison

With the voting being equal the Mayor exercised her casting vote against the **Motion** and declared it **LOST**.

\*\*\*\*\*



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

That Standing Orders be resumed.

**174/10 RESOLVED: (Morrison / LeSurf)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Mayoral Minute Report No. 11

**Surf Life Saving – Australian Championships 2013 – 2014****MOTION (Hay)**

That Council provide whatever support that is needed to assist our local SLS Clubs in their bid to secure the hosting of the 2013/14 Surf Life Saving Australian Championships for the Northern Beaches, and in concert with Warringah and Pittwater, lobby the organizing committee to select our beaches to host this major and culturally significant event.

**175/10 RESOLVED: (Hay)**

That Council provide whatever support that is needed to assist our local SLS Clubs in their bid to secure the hosting of the 2013/14 Surf Life Saving Australian Championships for the Northern Beaches, and in concert with Warringah and Pittwater, lobby the organizing committee to select our beaches to host this major and culturally significant event.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**NOTICES OF MOTION**

Councillors Morrison and Norek left the Chamber.

Notice of Motion Report No. 48

**Report on Fair Market Value for Footpath Leases in Manly CBD  
Councillor Hugh Burns moved:**

That Council prepare a report on the current and future leasing of footpath space to adjacent premises within the Manly CBD area to be brought back to Council to assist determining future policy in this area.

**MOTION (Burns / Macdonald)**

That Council prepare a report on the current and future leasing of footpath space to adjacent premises within the Manly CBD area to be brought back to Council to assist determining future

policy in this area.

**For the Resolution:** Councillors Hay, Burns and Macdonald

**Against the Resolution:** Councillors Elder, Whitting, Murphy, LeSurf and Griffin

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

Councillors Morrison and Norek were not in the chamber at the time of voting.

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

176/10 **RESOLVED: (Griffin / LeSurf)**

That Standing Orders be suspended to allow for consideration of Corporate Services Division Report No. 34 – Draft Complaints Management Policy

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Corporate Services Division Report No. 34

#### **Draft Complaints Management Policy**

##### **SUMMARY**

This report makes recommendation that Council's gives public notice of its intention to adopt the draft Complaints Management Policy.

#### **MOTION (Griffin / LeSurf)**

That:

1. The draft Complaints Management Policy be endorsed.
2. The draft policy be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.

177/10 **RESOLVED: (Griffin / LeSurf)**

That:

1. The draft Complaints Management Policy be endorsed.
2. The draft policy be placed on public exhibition for a period of 28 days in accordance with the Local Government Act, 1993.

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

**Against the Resolution:** Councillors Burns and Macdonald

\*\*\*\*\*

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

That Standing Orders be resumed.

**178/10 RESOLVED: (Morrison / LeSurf)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**NOTICES OF RESCISSION**

Notice of Rescission Report No. 5

**Notice of Motion 39 - Manly Council Interim Tier 3 Complaint review procedure  
Councillor Hugh Burns, Councillor Peter Macdonald, and Councillor Barbara Aird moved:**

“That the Council’s decision of 9 August 2010 being Notice of Motion 30, in respect of Manly Council Interim Tier 3 Complaint review procedure be and is hereby rescinded.”

**MOTION (Burns / Griffin)**

That:

Council’s decision of 9 August 2010 being Notice of Motion 30 in respect of Manly Council Interim Tier 3 Complaint review procedure be and is hereby rescinded.

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

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

\*\*\*\*\*

**GENERAL MANAGERS DIVISION**

General Managers Division Report No. 19

**Selection of a JRPP Representative****REPORT**

Council resolved on the Motion of Crs Griffin and Le Surf for a report on the nomination of a JRPP member to replace Deputy General Manager, Mr Clements, who resigned from the position on the Panel.

**MOTION (LeSurf / Griffin)**

That Council, subject to the agreement of the nominee, submit for the Minister for Planning’s consideration and approval, the Chair of MIAP, the Hon. Paul Stein, QC,AO, as Council’s

representative on the JRPP.

179/10 **RESOLVED: (LeSurf / Griffin)**

That Council, subject to the agreement of the nominee, submit for the Minister for Planning's consideration and approval, the Chair of MIAP, the Hon. Paul Stein, QC, AO, as Council's representative on the JRPP.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

## ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 6

### Items For Brief Mention

#### 1. Consequential Amendment to the s94 Plan

As a consequence of legislative changes to Complying Developments, Council's s94 Plan needs to be amended to include the following section:

#### Complying Development Applications

Where an application is made to an accredited certifier for a complying development certificate;

- (a) The accredited certifier must impose a condition under section 94 requiring the making of a contribution in accordance with this plan;
- (b) The contribution must be only a monetary contribution
- (c) The amount of contribution shall be determined in accordance with the quantum specified in "Combined Section 94 Contributions" tables.

#### 2. Complaints made to the General Manager

In the month of September and October 2010, the General Manager finalised the following complaint:

Received	Nature of complaint	Outcome	Finalised
June	Alleged misconduct by staff	Internal investigation in progress	October

#### 3. Notice of Motions status report for the month of October 2010.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
---------	--------------	---------	------------	--------

156/10	13 Sep	Notice of Motion - Removal of Storm Water pipes along Manly Beach	That the General Manager provide an updated report on Council's earlier proposal to remove the storm water pipes along Manly Beach, including an analysis of economic and environmental effects.	In progress
152/10	13 Sep	Notice of Motion - East Region JRPP	A report be prepared on the options available for Manly Council's nominations for the East Region JRPP.	October OM
149/10	13 Sep	Notice of Motion - Manly Lagoon Rehabilitation	That Manly Council consider writing to the residents living in close proximity of Manly Lagoon to inform them of the commencement date of the sediment dredging. In addition to the letter, Manly Council initiates an interactive website that can provide the community with regular updates on Manly Lagoon's rehabilitation.	In progress with Warringah council. Website under construction.
132/10	9 Aug	Notice of Motion - Drinking Fountains for Dogs	That Council investigate the practicalities and cost of installing Dog Drinking Fountains in relevant areas in the Manly Local Government Area.	In progress.
131/10	9 Aug	Notice of Motion - Enhancements and Confirmation of Aspects of Council Records Management Policy	That Council bring back a report on the process and flowchart currently in place for record keeping by rangers and compliance staff.	October OM.
94/10	21 June	Notice of Motion - Membership of Sustainable Choice Program	5. Establishing a tracking system to monitor the scope and level of purchasing activity.	In progress.
			6. Council participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable procurement taking place in NSW local government.	In progress.
			7. Staff participation in peer education forums, (workshops, etc) to facilitate increased levels of awareness of the benefits of sustainable procurement.	Training took place 29/09/10.
44/10	19 Apr	Notice of Motion - Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs or savings from taking over these assets over say a 20 year term. - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a	In progress. Awaiting response from Energy Australia.

			transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.	
--	--	--	--	--

#### 4. Register of Disclosures by Councillors and Designated Persons Returns

In accordance with Section 450A(2)(b) of the Local Government Act, 1993, the Register of Disclosures by Councillors and Designated Persons Returns was tabled as required.

#### MOTION (Macdonald / Burns)

That:

1. The S94 Plan be amended as outlined.
2. The Report be received and noted.
3. The Report be received and noted.
4. The Register of Disclosures by Councillors and Designated Persons Returns is tabled.

180/10 **RESOLVED: (Macdonald / Burns)**

That:

1. The S94 Plan be amended as outlined.
2. The Report be received and noted.
3. The Report be received and noted.
4. The Register of Disclosures by Councillors and Designated Persons Returns is tabled.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

## REPORTS OF COMMITTEES

Report Of Committees Report No. 40

### Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature

The minutes of the following Special Purpose Committee meetings are tabled at this meeting.

### Minutes of Meetings for adoption without recommendations of a substantial nature.

- i) Sustainable Transport Committee – 29 July 2010
- ii) Human Services Planning and Policy Committee – 24 August 2010
- iii) Sister Cities Committee – 25 August 2010
- iv) Meals on Wheels Committee – 8 September 2010
- v) Manly Traffic Committee – 13 September 2010
- vi) Waste Committee – 15 September 2010
- vii) Sustainable and Economic Development and Tourism Committee – 16 September 2010

viii) Art and Culture Committee – 21 September 2010

**MOTION (Macdonald / LeSurf)**

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

- i) Sustainable Transport Committee – 29 July 2010
- ii) Human Services Planning and Policy Committee – 24 August 2010
- iii) Sister Cities Committee – 25 August 2010
- iv) Meals on Wheels Committee – 8 September 2010
- v) Manly Traffic Committee – 13 September 2010
- vi) Waste Committee – 15 September 2010
- vii) Sustainable and Economic Development and Tourism Committee – 16 September 2010
- viii) Art and Culture Committee – 21 September 2010

181/10 **RESOLVED: (Macdonald / LeSurf)**

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

- i) Sustainable Transport Committee – 29 July 2010
- ii) Human Services Planning and Policy Committee – 24 August 2010
- iii) Sister Cities Committee – 25 August 2010
- iv) Meals on Wheels Committee – 8 September 2010
- v) Manly Traffic Committee – 13 September 2010
- vi) Waste Committee – 15 September 2010
- vii) Sustainable and Economic Development and Tourism Committee – 16 September 2010
- viii) Art and Culture Committee – 21 September 2010

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Report Of Committees Report No. 41

**Minutes for adoption by Council - Sports Facilities Committee - 3 September 2010**

This report was dealt with at the Sports Facilities Committee meeting of 3 September 2010 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**MOTION (Macdonald / LeSurf)**

**1. ITEM 6 REPORT: North Head Plan Of Management Update**

That:

1. The Committee request the General Manager to seek further negotiations with the Sydney Harbour Federation Trust in order to open communication lines with the Trust to facilitate a more versatile approach to use of the area for the community.
2. An onsite meeting be requested with the Trust to inspect the site and discuss the proposed plan.

**182/10 RESOLVED: (Macdonald / Murphy)**

That the minutes of the Sports Facilities Committee meeting on 3 September 2010 be adopted including the following item:

**1. ITEM 6 REPORT: North Head Plan Of Management Update**

That:

1. The Committee request the General Manager to seek further negotiations with the Sydney Harbour Federation Trust in order to open communication lines with the Trust to facilitate a more versatile approach to use of the area for the community.
2. An onsite meeting be requested with the Trust to inspect the site and discuss the proposed plan.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Report Of Committees Report No. 42

**Minutes for adoption by Council - Manly Scenic Walkway Committee - 7 September 2010**

These reports were dealt with at the Manly Scenic Walkway Committee meeting of 7 September 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**MOTION (Macdonald / Hay)**

That the minutes of the Manly Scenic Walkway Committee meeting on 7 September 2010 be adopted including the following items:

**ITEM 4 REPORT: Ellery's Punt Reserve Landscape Masterplan**

The Committee recommended to the General Manager that the following suggestions be considered for inclusion in the plan:

1. The informal path is incorporated into the design plan.
2. Continue the path to the steps below the bridge.
3. Link in pathways from Avona Crescent and Battle Boulevard.
4. Incorporate interpretive signage.
5. Look at the bigger picture of the surrounding area for a more holistic project.
6. Look at other seating possibilities.
7. Break the plan down into stages so project can be funded.

**ITEM 10 General Business**

That:

- i) The Committee extend their thanks to the General Manager and Council for the Clontarf Pool dredging project and outline that it has made a major difference to users of the pool.



- ii) The Committee request that the General Manager consider the change of the next meeting date from the 2<sup>nd</sup> November 2010 to the 16<sup>th</sup> November 2010 because of the conflict of commitments for the Mayor.

**183/10 RESOLVED: (Macdonald / Hay)**

That the minutes of the Manly Scenic Walkway Committee meeting on 7 September 2010 be adopted including the following items:

**ITEM 4 REPORT: Ellery's Punt Reserve Landscape Masterplan**

The Committee recommended to the General Manager that the following suggestions be considered for inclusion in the plan:

1. The informal path is incorporated into the design plan.
2. Continue the path to the steps below the bridge.
3. Link in pathways from Avona Crescent and Battle Boulevard.
4. Incorporate interpretive signage.
5. Look at the bigger picture of the surrounding area for a more holistic project.
6. Look at other seating possibilities.
7. Break the plan down into stages so project can be funded.

**ITEM 10 General Business**

That:

- i) The Committee extend their thanks to the General Manager and Council for the Clontarf Pool dredging project and outline that it has made a major difference to users of the pool.
- ii) The Committee request that the General Manager consider the change of the next meeting date from the 2<sup>nd</sup> November 2010 to the 16<sup>th</sup> November 2010 because of the conflict of commitments for the Mayor.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Report Of Committees Report No. 43

**Minutes for adoption by Council - Community Safety Committee - 9 September 2010**

These reports were dealt with at the Community Safety Committee meeting of 9 September 2010 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**MOTION (LeSurf / Macdonald)**

That the minutes of the Community Safety Committee meeting on 9 September 2010 be adopted including the following items:

**1. ITEM 4 Report – Section 79 Disturbance Complaint**

That Council write to NSW OLGR supporting the proposal by Superintendent Darcy of Manly Police to collect evidence from 1 September 2010 until 31 January 2011 in support of the Manly Police Section 79 Disturbance Complaint.

**2. ITEM 5 Report – Manly Precinct Liquor Accord**

That Council advise the Director General of Communities NSW that the Community Safety Committee recommends Ray Mathieson (with Richard Wallace as a substitute on the unavailability of Mr Mathieson) for consideration as a community representative on the Manly Precinct Liquor Accord.

**3. ITEM 12.3 General Business – Beach Lockers**

That the General Manager consider seeking Expressions of Interest for a beach locker service to operate on the Ocean Beachfront for the 2010/2011 summer season.

184/10 **RESOLVED: (LeSurf / Macdonald)**

That the minutes of the Community Safety Committee meeting on 9 September 2010 be adopted including the following items:

**1. ITEM 4 Report – Section 79 Disturbance Complaint**

That Council write to NSW OLGR supporting the proposal by Superintendent Darcy of Manly Police to collect evidence from 1 September 2010 until 31 January 2011 in support of the Manly Police Section 79 Disturbance Complaint.

**2. ITEM 5 Report – Manly Precinct Liquor Accord**

That Council advise the Director General of Communities NSW that the Community Safety Committee recommends Ray Mathieson (with Richard Wallace as a substitute on the unavailability of Mr Mathieson) for consideration as a community representative on the Manly Precinct Liquor Accord.

**3. ITEM 12.3 General Business – Beach Lockers**

That the General Manager consider seeking Expressions of Interest for a beach locker service to operate on the Ocean Beachfront for the 2010/2011 summer season.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

## **CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 31

**Report on Council Investments as at 31 August 2010**

### **SUMMARY**

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

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

**MOTION (Macdonald / LeSurf)**

**That:**

The statement of Bank Balances and Investment Holdings as at 31 August, 2010 be received and noted.

185/10 **RESOLVED: (Macdonald / LeSurf)**

**That:**

The statement of Bank Balances and Investment Holdings as at 31 August, 2010 be received and noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 26

**Response to Notice of Motion 38 - Enhancements and Confirmation of Aspects of Council Records Management Policy**

**SUMMARY**

This report is a response to a Notice of Motion No.38 of the Ordinary meeting on Monday August 9, 2010. It seeks to provide Council with information pertaining to record keeping by rangers and compliance staff.

1/10 **RESOLVED: (Griffin / Morrison)**

That Council bring back a report on the process and flowchart currently in place for record keeping by rangers and compliance staff.

**MOTION (LeSurf / Elder)**

THAT the report be received and noted.

186/10 **RESOLVED: (LeSurf / Elder)**

THAT the report be received and noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 27

**Development Applications Being Processed During October 2010.**

**SUMMARY**

DEVELOPMENT APPLICATIONS BEING PROCESSED DURING OCTOBER 2010.

**MOTION (Macdonald / Elder)**

THAT the information be noted.

187/10 **RESOLVED: (Macdonald / Elder)**

THAT the information be noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 28

**List of Appeals Relating to Development Applications During October 2010**

**SUMMARY**

Appeals relating to Development Applications during October 2010.

**MOTION (Macdonald / Burns)**

THAT the information be noted.

188/10 **RESOLVED: (Macdonald / Burns)**

THAT the information be noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**HUMAN SERVICES AND FACILITIES DIVISION**

Human Services And Facilities Division Report No. 13

**Proposed Extension to the Alcohol Free Zone in Manly CBD**

**SUMMARY**

This report details the proposal to extend the existing Alcohol Free Zone (AFZ) following the resolution of Council from the Ordinary Meeting of 9 August 2010 as identified in the attached Map (see Attachment 1).

Three submissions have been received regarding this extension (see Attachments 2 and 3). It is

recommended that the boundary of the Alcohol Free Zone be extended as shown in the map at Attachment 1.

**MOTION (Burns / Elder)**

1. That Council resolves to extend the Alcohol Free Zone in the Manly CBD for a period of four years until 11 July 2014, in line with the period of the existing Alcohol Free Zone covering the public roads, footpaths, and car parks, in the locations of:
  - a. West Esplanade to the Art Gallery at the intersection of Commonwealth Parade;
  - b. West Promenade;
  - c. Eustace Street;
  - d. From Belgrave Street intersection along Sydney Road to the Eustace Street intersection and
  - e. East Esplanade to Stuart Street intersection.
2. That the Alcohol Free Zone does not apply to any premises that are the subject of an outdoor eating area approval issued by Council within the hours specified by an approved license where such license permits the consumption of alcohol.
3. That Council informs all those who made a submission, and all licensees and key stakeholders who were notified in the public notice period of the extension of the Alcohol Free Zone.
4. That Council publicly advertises the extension of the Alcohol Free Zone by notice in the Manly Daily.
5. That Council establishes standardized signage on the public roads and footpaths to be incorporated into the Alcohol Free Zone for the period of four years until 11 July 2014 in line with the existing Alcohol Free Zone.
6. That Council commences a community education campaign to raise awareness of the location and restrictions of the Alcohol Free Zone which covers public roads, footpaths and carparks in the Manly CBD.
7. That Council commences a community education campaign to raise awareness of the location and restrictions of the Alcohol Consumption Prohibited Zones in the parks, on beaches, ovals and reserves signposted as Alcohol Consumption Prohibited Zones in accordance with Section 632 of the *Local Government Act 1993*.

189/10 **RESOLVED: (Burns / Elder)**

1. That Council resolves to extend the Alcohol Free Zone in the Manly CBD for a period of four years until 11 July 2014, in line with the period of the existing Alcohol Free Zone covering the public roads, footpaths, and car parks, in the locations of:
  - a. West Esplanade to the Art Gallery at the intersection of Commonwealth Parade;
  - b. West Promenade;
  - c. Eustace Street;
  - d. From Belgrave Street intersection along Sydney Road to the Eustace Street intersection and
  - e. East Esplanade to Stuart Street intersection.

2. That the Alcohol Free Zone does not apply to any premises that are the subject of an outdoor eating area approval issued by Council within the hours specified by an approved license where such license permits the consumption of alcohol.
3. That Council informs all those who made a submission, and all licensees and key stakeholders who were notified in the public notice period of the extension of the Alcohol Free Zone.
4. That Council publicly advertises the extension of the Alcohol Free Zone by notice in the Manly Daily.
5. That Council establishes standardized signage on the public roads and footpaths to be incorporated into the Alcohol Free Zone for the period of four years until 11 July 2014 in line with the existing Alcohol Free Zone.
6. That Council commences a community education campaign to raise awareness of the location and restrictions of the Alcohol Free Zone which covers public roads, footpaths and carparks in the Manly CBD.
7. That Council commences a community education campaign to raise awareness of the location and restrictions of the Alcohol Consumption Prohibited Zones in the parks, on beaches, ovals and reserves signposted as Alcohol Consumption Prohibited Zones in accordance with Section 632 of the *Local Government Act 1993*.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Human Services And Facilities Division Report No. 14

### **Event - Broadcast of Ashes Cricket Test on Manly Beach reserve December 2010**

#### **SUMMARY**

An Events company, Nvisage Media International Pty Ltd has applied to Council for approval to install an LED screen on the grass promenade at North Steyne Beach from 16 – 20 December and 26 – 30 December 2010 to broadcast the Ashes Cricket Tests.

#### **RECOMMENDATION**

1. That The Council approve the use of the North Steyne beachfront grass promenade for Nvisage to install its stage and screen.
2. That a stage and screen and associated equipment required for broadcasting the Ashes Cricket Test series from 16 – 20 December 2010 and from 26 – 30 December 2010 is permitted to be placed at the venue from 8.00am to 8.00pm.
3. That Nvisage be charged according to Council's events daily fee and bonds, and to be subject to the environmental and noise regulations for outside event organizers.

**This Report was withdrawn.**

\*\*\*\*\*

Human Services And Facilities Division Report No. 15

### **Community and Cultural Group Subsidies Allocation of 2010/11 Grants**

#### **SUMMARY**

The annual Community and Cultural grants and donations budget for the 2010/11 financial year allocated by Council is \$25,000. The allocation for Community Grants is \$14,000, and for Cultural Grants is \$7,000. Additionally, the sum of \$3,000 in total is allocated between two cultural organisations as a recurrent annual donation with \$1,000 to be held in reserve in anticipation of another application.

#### **MOTION (Burns / LeSurf)**

That Council:

1. Award the 2010/11 Community and Cultural Grants and Donations budget of \$24,000 to the organisations for the recommended grant allocation and donation amounts as identified in Tables 1, 2 and 3 of this report, subject to *Local Government Act, 1993*, Section 356 requirements.
2. Notify all successful awardees in writing of the amount granted by Council.

#### **190/10 RESOLVED: (Burns / LeSurf)**

That Council:

1. Award the 2010/11 Community and Cultural Grants and Donations budget of \$24,000 to the organisations for the recommended grant allocation and donation amounts as identified in Tables 1, 2 and 3 of this report, subject to *Local Government Act, 1993*, Section 356 requirements.
2. Notify all successful awardees in writing of the amount granted by Council.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

### **QUESTIONS WITHOUT NOTICE**

#### **QWN95/10 Councillor Elder - Media Clipping Emails**

Can I please be added to the Mediawatch clipping emails as previously requested?

At the request of the Mayor, the General Manager advised that Council has not renewed its subscription and is looking at other providers.

#### **QWN96/10 Councillor Whitting - Report on Hop Skip and Jump buses patronage**

The General Manager reported on poor patronage on the Hop Skip and Jump buses, due to the wet weather.

Has this downward trend affected Council's Car Park revenue and will Council meet their predicted revenue indicator as forecasted in Manly Council 2010-2011 Budget? If not what measures will be initiated so Council meets the expected revenue?

At the request of the Mayor, the General Manager advised the matter of parking fees were dealt with by the Council last month. He also indicated that the projected income for the whole year irrespective of whether it was from the new fee structure as proposed by the Mayoral Minute or the old fee structure under the adopted budget would not result in any reduction in its total revenue projected to 30 June 2011.

**QWN97/10 Councillor Whitting - Solar PV Uptake Project**

Regarding the popular Solar PV Uptake Project that Council has promoted through the local newspaper.

Has Council explored introducing this project on Council buildings and which Manly Council Buildings have been identified to return energy back to the grid and provide Council with an energy income?

At the request of the Mayor, the General Manager advised that Council has been provided with an extensive report in so far as what roof space is available on our properties. Expressions of Interest were called some 2 or 3 years ago but there was no response and there was no commercial response from owners of buildings that had sufficient height to take advantage of solar capture.

As far as Council buildings are concerned, Council will be presented with a report for its buildings.

Council currently is going to install a 10kw system.

**QWN98/10 Councillor Murphy - Council Publications**

Council has recently produced 2 excellent books.

- Heritage in Manly
- Manly – Freshwater National Surfing Reserve

The staff involved in the production of these books and any volunteers are to be congratulated.

I believe they are both virtually all gone and Council has no more stock for the public. I have secured a few for residents/committee members but there is a need for more.

Is it possible to do another print run of both books?

At the request of the Mayor, the General Manager advised because we accepted copyright holders without a fee basis it would be difficult for Council to justify printing these books in commercial volumes. However, staff are working on ways to overcome this problem.



**QWN99/10**      **Councillor Murphy** - Sydney Road between Fairlight Shops and Balgowlah Road

My question from last month has not been answered. There is water on the road at the "S" bends at Fairlight most days and it is dangerous. If it is the RTA's responsibility why wasn't it fixed when they did all the recent repairs. This problem has been going on for years and is worse after rain or after the townhouses use their garden watering system. Can we have a site meeting?

At the request of the Mayor, the General Manager advised that he was aware of the problem and that there were a combination of issues. The General Manager has asked the Environmental Health section to investigate the outlet from the property and they will report back. The General Manager also advised that we may need to put in a dish drain.

**QWN100/10**      **Councillor Morrison** - Corporate tie

Can everyone in the Manly District Band be given a corporate tie?

At the request of the Mayor, the General Manager advised that he was advised after the last meeting that there was a Corporate tie. This was the result of a special order for the Sister Cities Committee but we can organise to have more ties made if the band would like to wear a corporate tie.

**QWN101/10**      **Councillor Norek** - New Path

As it is Council policy that all new foot paths in the LGA are to be 1.8 metres wide to provide for shared bikeway, can the General Manager advise why the new path in Grand Parade Seaforth only 1 metre wide?

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

**QWN102/10**      **Councillor Norek** - Media Expenses

Would the General Manager report to Council on monthly Media Expenses for September?

At the request of the Mayor the General Manager advised that there is no direct cost involved

**QWN103/10**      **Councillor Griffin** - Community Gardens

Is Council still working with the Notice of Motion regarding the development of a Policy on Community Gardens. Council has presented a policy on Verge Gardens which did not include Community Gardens?

At the request of the Mayor, the General Manager advised that staff are working on the Community Garden Policy and the Verge Garden Policy was on exhibition and Mr Clements will ensure that information is properly updated.

**QWN104/10 Councillor Burns - Property Portfolio**

Can the General Manager provide a written report on the status of Council's property portfolio particularly;

- Expired leases
- Details of all areas and including outstanding payments
- Valuations required
- When were condition inspections of all significant leased properties last carried out?

At the request of the Mayor, the General Manager advised this should be in the form of a Notice of Motion so it can be captured by Council in the normal process.

**QWN105/10 Councillor Burns - Council's Tourist Bus**

What is the status of Council's Tourist bus service, what are the plans for retaining it and what is the current financial position from initial operations?

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

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Environmental Services Division Report No. 30

**Tender T2011/03 for the Supply and Delivery of Two Garbage Compactor Vehicles**

*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.*

Corporate Services Division Report No. 33

**Tender for Cash Handling Services T2011/12**

*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 (Macdonald / Burns)**

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 matter being heard in closed Session.

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

191/10 **RESOLVED: (Macdonald / Burns)**

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

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

**Against the Resolution:** Nil.

\*\*\*\*\*

## OPEN COUNCIL RESUMED

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

\*\*\*\*\*

Environmental Services Division Report No. 30

### **Tender T2011/03 for the Supply and Delivery of Two Garbage Compactor Vehicles**

**MOTION (Macdonald / LeSurf)**

**That:**

1. Council accept the offer from Iveco Trucks Australia Pty Ltd for the supply and delivery of two garbage compactor vehicles being an International cab chassis for \$196,860.10 (excluding GST) coupled with a Binksie 25 cubic metre compactor unit for \$159,149 (excluding GST), or \$356,009.10 each (excluding GST), for an all up cost of \$712,018.20 (excluding GST).
2. The unsuccessful tenderers be advised accordingly.

192/10 **RESOLVED: (Macdonald / LeSurf)**

**That:**

1. Council accept the offer from Iveco Trucks Australia Pty Ltd for the supply and delivery of two garbage compactor vehicles being an International cab chassis for \$196,860.10 (excluding GST) coupled with a Binksie 25 cubic metre compactor unit for \$159,149 (excluding GST), or \$356,009.10 each (excluding GST), for an all up cost of \$712,018.20 (excluding GST).
2. The unsuccessful tenderers be advised accordingly.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Corporate Services Division Report No. 33

**Tender for Cash Handling Services T2011/12**

**MOTION (Macdonald / Murphy)**

**That:**

1. Council not accept any of the tenders for this service due to the prices submitted in the Tender being in excess of the current rates charged by Council's current contractor.
2. In view of the current contractor's satisfactory services and rates, Council enter into negotiations with the current contractor, Currency Logistics Services Pty Ltd in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005, with a view to entering into a contract in relation to the provision of Cash Handling Services, on the same contract terms and conditions as the advertised tender.

**RESOLVED: (Macdonald / Murphy)**

**That:**

1. Council not accept any of the tenders for this service due to the prices submitted in the Tender being in excess of the current rates charged by Council's current contractor.
2. In view of the current contractor's satisfactory services and rates, Council enter into negotiations with the current contractor, Currency Logistics Services Pty Ltd in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005, with a view to entering into a contract in relation to the provision of Cash Handling Services, on the same contract terms and conditions as the advertised tender.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**CLOSE**

The meeting closed at 12.30am Tuesday 12 October, 2010.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on Monday 8 November 2010.

---

**MAYOR**

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