



## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 13 December 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:  
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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 13 December 2010. The meeting commenced at 7.30pm.

### **PRESENT**

Her Worship, The Mayor, Councillor Jean Hay AM, who presided  
Councillor B Aird  
Councillor H Burns  
Councillor L Elder  
Councillor C Griffin  
Councillor A Heasman  
Councillor A Le Surf  
Councillor Dr P Macdonald  
Councillor R Morrison, Deputy Mayor  
Councillor D Murphy  
Councillor M Norek (arrived 7.43pm)  
Councillor C Whitting

### **ALSO PRESENT**

Henry Wong, General Manager  
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services  
Ross Fleming, Deputy General Manager, People, Place & Infrastructure  
Anthony Hewton, Head of Strategy, and Staff in Charge, GMU  
Beth Lawsen, Divisional Manager, Human Services and Facilities  
Mary Rawlings, Risk Manager  
Christine Bone, Secretariat Services

### **OPENING PRAYER**

The Opening Prayer was presented by Rev Graham Perry from Balgowlah Uniting Church.

### **APOLOGIES**

Nil.

### **DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

Nil.

Councillor Norek entered the chamber at 7.43pm.

### **CONFIRMATION OF MINUTES**

#### **MOTION (Heasman / Elder)**

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

223/10      **RESOLVED:      (Heasman / Elder)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 November 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, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Nil.

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## CONFIRMATION OF MINUTES

### MOTION (Heasman / Elder)

That copies of the Minutes of the Planning and Strategy Meeting held on Monday, 06 December 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.

224/10 **RESOLVED:** (Heasman / Elder)

That copies of the Minutes of the Planning and Strategy Meeting held on Monday, 06 December 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, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Nil.

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## MATTER OF URGENCY

Councillor Morrison requested that he be allowed to introduce a Matter of Urgency in accordance with the provisions of Clause 6.6(3)(a) of Council's Code of Meeting Practice.

### MOTION (Morrison / )

Council staff failed over a three year period to resolve the DA issue at 4 Peronne Avenue, Clontarf, despite having a direct submission from the General Manager and a resolution by Council on the matter.

That Council urgently as a matter of policy, amend the delegation of the development applications of the General Manager as such from now on, that any three councilors may call up any development application for the next Ordinary Meeting for Council to determine.

**The Chairperson ruled that the item was not a Matter of Urgency and ruled it out of order.**

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## SUSPENSION OF STANDING ORDERS (Morrison / Murphy)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Mayoral Minute Report No.16, Late Night Transport Solutions for Manly.

225/10     **RESOLVED:**     **(Morrison / Murphy)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Mayoral Minute Report No.16, Late Night Transport Solutions for Manly.

**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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## MAYORAL MINUTES

Mayoral Minute Report No. 16

### Late Night Transport Solutions for Manly

#### SUMMARY

This Mayoral Minute informs Council on the recommendation of matters from the Community Safety Committee meeting of 9<sup>th</sup> December 2010 for action to be taken on Late Night Transport Solutions for Manly.

#### PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation:               Superintendent Darcy, Local Commander

#### MOTION (Hay)

That Council adopts the following late night transport solution for a trial period of 3 months with an evaluation plan to be developed and conducted every 4 weeks:

1. That a late night transport hub be located at Belgrave Street, specifically:
  - That the existing departure point of the daytime 'HS&J' bus on Belgrave Street (in front of the Belgrave Street taxi rank) be used as a **departure point by the Manly Night Shuttle** to collect patrons between midnight and 4am on Saturday and Sunday mornings.
  - That late night STA bus route numbers 151 to Mona Vale and the 155 to Dee Why operating after midnight **be moved from the current departure point** of the corner of Belgrave and Raglan Street to **commence departures from the Gilbert Park bus stop** along Belgrave Street across from The Court House.
2. That a late night transport hub also be located at the junction of Raglan Street and North Steyne in the current bus bay. This hub will allow for a departure point for the **Manly Night Shuttle** to be **positioned adjoining the existing Taxi rank** at the current and marked layback bus/taxi location for use on Friday, Saturday night/ Sunday morning from 7.00pm until 7.00am.
3. That signage be installed at both transport hub locations to advise late night patrons of the transport options
4. That a media release and art work for posters be prepared by Council to promote the newly formed late night transport hubs and the transport options in the licensed premises and to be utilized in the local media and on relevant websites.
5. That a banner showing 'no parking' be produced for use at the combined late night taxi rank

and Manly Night Shuttle departure point at the junction of Raglan Street and North Steyne

226/10      **RESOLVED:      (Hay)**

That Council adopts the following late night transport solution for a trial period of 3 months with an evaluation plan to be developed and conducted every 4 weeks:

1. That a late night transport hub be located at Belgrave Street, specifically:
  - That the existing departure point of the daytime 'HS&J' bus on Belgrave Street (in front of the Belgrave Street taxi rank) be used as a **departure point by the Manly Night Shuttle** to collect patrons between midnight and 4am on Saturday and Sunday mornings.
  - That late night STA bus route numbers 151 to Mona Vale and the 155 to Dee Why operating after midnight **be moved from the current departure point** of the corner of Belgrave and Raglan Street to **commence departures from the Gilbert Park bus stop** along Belgrave Street across from The Court House.
2. That a late night transport hub also be located at the junction of Raglan Street and North Steyne in the current bus bay. This hub will allow for a departure point for the **Manly Night Shuttle** to be **positioned adjoining the existing Taxi rank** at the current and marked layback bus/taxi location for use on Friday, Saturday night/ Sunday morning from 7.00pm until 7.00am.
3. That signage be installed at both transport hub locations to advise late night patrons of the transport options
4. That a media release and art work for posters be prepared by Council to promote the newly formed late night transport hubs and the transport options in the licensed premises and to be utilized in the local media and on relevant websites.
5. That a banner showing 'no parking' be produced for use at the combined late night taxi rank and Manly Night Shuttle departure point at the junction of Raglan Street and North Steyne

**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      (Norek / Aird)**

That Standing Orders be resumed.

227/10      **RESOLVED:      (Norek / Aird)**

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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**MAYORAL MINUTES**

Mayoral Minute Report No. 15

**Joan Menzies**

**SUMMARY**

I would like to inform Council that Joan Menzies died peacefully in Barraba on 3 December. Joan was the wife of Cec Menzies former Town Clerk of Manly who passed away in September this year.

Joan's Requiem Mass was held in Barraba on Friday 10 December.

Joan was a very supportive wife to Cec in his time serving the Manly community and it is with much fondness that they are remembered by the Manly community as a very loving couple.

Joan is survived by her son and daughter Angus and Meg.

**MOTION (Hay)**

That Council express condolences to the late Joan Menzies family.

228/10     **RESOLVED:     (Hay)**

That Council express condolences to the late Joan Menzies family.

**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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**SUSPENSION OF STANDING ORDERS     (Heasman / Murphy)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.62 - Little Penguins, Notice of Motion Report No.58 – Tree Policy, Notice of Rescission Report No.7 – World Food Markets, General Managers Report No.21 – Manly Surf Life Saving Club, Kiosk Sub Lease, Report of Committees Report No.50 – Minutes for adoption by Council – Special Purpose Committees without recommendations of a substantial nature, Planning and Strategy Division Report No.31 – Outcomes of the LEP and DCP Working Group 2010.Item for Brief Mention Report No.9 – Items for brief mention, Report of Committees Report No.51 – Minutes for Adoption by Council – Access Committee – 19 October 2010, Report of Committees Report No.52 – Minutes for Adoption by Council – Playground Committee – 11 November 2010, Report of Committees Report No.53 – Minutes for Adoption by Council – Manly Scenic Walkway Committee –16 November 2010, Report of Committees Report No.54 – Minutes for Adoption by Council – Waste Committee –17 November 2010, Corporate Services Division Report No.46 – Report on Council investments as at 30 September and 31 October 2010, Corporate Services Division Report No.47 – Complaints Management Policy, Planning and Strategy Report No.32 – Adoption of the Sandy Bay Landscape Masterplan, Environmental Services Division Report No.38 – Far West Children's Services Concept Plan and Notice of Motion Report No.59 – Promotion of Sustainable Tourism.

229/10     **RESOLVED:     (Heasman / Murphy)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice



of Motion Report No.62 - Little Penguins, Notice of Motion Report No.58 – Tree Policy, Notice of Rescission Report No.7 – World Food Markets, General Managers Report No.21 – Manly Surf Life Saving Club, Kiosk Sub Lease, Report of Committees Report No.50 – Minutes for adoption by Council – Special Purpose Committees without recommendations of a substantial nature, Planning and Strategy Division Report No.31 – Outcomes of the LEP and DCP Working Group 2010.Item for Brief Mention Report No.9 – Items for brief mention, Report of Committees Report No.51 – Minutes for Adoption by Council – Access Committee – 19 October 2010, Report of Committees Report No.52 – Minutes for Adoption by Council – Playground Committee – 11 November 2010, Report of Committees Report No.53 – Minutes for Adoption by Council – Manly Scenic Walkway Committee –16 November 2010, Report of Committees Report No.54 – Minutes for Adoption by Council – Waste Committee –17 November 2010, Corporate Services Division Report No.46 – Report on Council investments as at 30 September and 31 October 2010, Corporate Services Division Report No.47 – Complaints Management Policy, Planning and Strategy Report No.32 – Adoption of the Sandy Bay Landscape Masterplan, Environmental Services Division Report No.38 – Far West Children’s Services Concept Plan and Notice of Motion Report No.59 – Promotion of Sustainable Tourism.

**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. 62

### Little Penguins

Councillor Cathy Griffin moved that:

1. Council adopt a consistent approach to regulation of dogs being "on leash" on popular promenades, as is currently the case on Manly Ocean Beach promenade. For ease of communication and public understanding the "on leash" regulations should be consistently applied to East Esplanade, West Esplanade, Federation Point up to and including Delwood Beach. These areas are critical due to the proximity of nesting Little Penguins and the Wildlife Protection Zone.
2. It would assist communication with dog owners and safety of penguins, if a zero tolerance to dog management infringements was adopted in these areas.
3. Out of the ten environmental hot spots needing regular ranger presence, the Committee requests Council prioritise East Esplanade/Federation Point and Manly Wharf/Manly Cove marine areas (to protect seahorses and seagrasses from inappropriate behaviour).
4. That fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.
5. The protocols for notifying and handling dead penguins be reviewed in consultation with National Parks and Wildlife Service.
6. That Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.

## PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Angelika Treichler

**MOTION (Griffin / Burns)**

That:

1. Council adopt a consistent approach to regulation of dogs being "on leash" on popular promenades, as is currently the case on Manly Ocean Beach promenade. For ease of communication and public understanding the "on leash" regulations should be consistently applied to East Esplanade, West Esplanade, Federation Point up to and including Delwood Beach. These areas are critical due to the proximity of nesting Little Penguins and the Wildlife Protection Zone.
2. It would assist communication with dog owners and safety of penguins, if a zero tolerance to dog management infringements was adopted in these areas.
3. Out of the ten environmental hot spots needing regular ranger presence, the Committee requests Council prioritise East Esplanade/Federation Point and Manly Wharf/Manly Cove marine areas (to protect seahorses and seagrasses from inappropriate behaviour).
4. Fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.
5. The protocols for notifying and handling dead penguins be reviewed in consultation with National Parks and Wildlife Service.
6. Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.
7. Council write to DECCW and support the inclusion of Federation Point and Manly Wharf as Critical Habitat.
8. Dogs be prohibited from entering upon the public reserve including the Federation steps.

230/10     **RESOLVED:     (Griffin / Burns)**

That:

1. Council adopt a consistent approach to regulation of dogs being "on leash" on popular promenades, as is currently the case on Manly Ocean Beach promenade. For ease of communication and public understanding the "on leash" regulations should be consistently applied to East Esplanade, West Esplanade, Federation Point up to and including Delwood Beach. These areas are critical due to the proximity of nesting Little Penguins and the Wildlife Protection Zone.
2. It would assist communication with dog owners and safety of penguins, if a zero tolerance to dog management infringements was adopted in these areas.
3. Out of the ten environmental hot spots needing regular ranger presence, the Committee requests Council prioritise East Esplanade/Federation Point and Manly Wharf/Manly Cove marine areas (to protect seahorses and seagrasses from inappropriate behaviour).
4. Fencing on the boardwalk be upgraded to provide an effective barrier to people, fishermen and dogs entering the nesting areas.
5. The protocols for notifying and handling dead penguins be reviewed in consultation with National Parks and Wildlife Service.
6. Council install CCTV to monitor the nesting area on Federation Point, particularly covering public egress to the nesting sites.

7. Council write to DECCW and support the inclusion of Federation Point and Manly Wharf as Critical Habitat.
8. Dogs be prohibited from entering upon the public reserve including the Federation steps.

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

**Against the Resolution:** Nil.

**This Resolution is subject to a Rescission Motion.**

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Notice of Motion Report No. 58

### **Tree Policy**

Councillor Cathy Griffin moved:

That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.

### **PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Recommendation: Evelyn Shervington

### **MOTION (Griffin / Aird)**

1. That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.
2. That Council establish a working group to assist in the drafting of a Tree Policy.

231/10 **RESOLVED: (Griffin / Aird)**

1. That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly.
2. That Council establish a working group to assist in the drafting of a Tree Policy.

**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 RESCISSION

Notice of Rescission Report No. 7

### **World Food Markets**

Councillor Adele Heasman, Councillor David Murphy, and Councillor Alan Le Surf moved:

“That the Council’s decision of Planning & Strategy Meeting of Monday 1 November 2010 being Item 16 in respect of World Food Markets be and is hereby rescinded.”

## PUBLIC ADDRESSES

The following people addressed the meeting on this item:

Against the Rescission Motion: Laurian Powers, Manly Chamber of Commerce

In Support of the Rescission Motion: Dirk Nagel

## RESCISSION MOTION (Heasman)

That the Council’s decision of Planning & Strategy Meeting of Monday 1 November 2010 being Item 16 in respect of World Food Markets be and is hereby rescinded.

**For the Rescission Motion:** Councillors Hay, Elder, Heasman, Murphy, LeSurf and Burns

**Against the Rescission Motion:** Councillors Whitting, Morrison, Norek, Griffin, Aird and Macdonald

With voting being equal the Chair exercised her casting vote in favour of the **Rescission Motion** and declared it **Carried**.

## MOTION (Heasman / Murphy)

That Manly Council reinstate the World Food Markets on the forecourt of the Manly Council Chambers. World Food Markets to be:

1. Held in the months of February and March 2011 (then revert to January through to March each year), and
2. Immediately establish a working party made up of Council staff and interested local food operators with the aim to engage in the markets for February and March 2011 and for future food markets.

## AMENDMENT (Griffin / Aird)

That in regard to the World Food Markets -

- Markets to (including only Manly local business) be held monthly, and survey local businesses to see which night works best for them.
- The location of the markets be referred to the Sustainable Economic Development and Tourism Committee to discuss if the markets should relocate to a different location that does not ‘capture’ customers before they have the opportunity to see what else is on offer.
- Provide alternative activities that would entertain children and allow entertainment, without

food stalls.

- Create alternative income producing initiatives to pay for the entertainment (Council's costs for the admin/operating costs in running these markets would exceed the income generated).

**For the Amendment:** Councillors Whitting, Morrison, Norek, Griffin, Aird and Macdonald

**Against the Amendment:** Councillors Hay, Elder, Heasman, Murphy, LeSurf and Burns

With voting being equal the Chair exercised her casting vote against the **Amendment** and declared it **Lost**.

### **FORESHADOWED MOTION (Whitting / Morrison)**

That in relation to the World Food Markets the cost per stall be increased to \$500.

**For the Foreshadowed Motion:** Councillors Whitting, Morrison, Griffin and Macdonald

**Against the Foreshadowed Motion:** Councillors Hay, Elder, Aird, Heasman, Murphy, Norek, LeSurf and Burns

The **Foreshadowed Motion** was put and declared **Lost**.

232/10 **RESOLVED: (Heasman / Murphy)**

That Manly Council reinstate the World Food Markets on the forecourt of the Manly Council Chambers. World Food Markets to be:

1. Held in the months of February and March 2011 (then revert to January through to March each year), and
2. Immediately establish a working party made up of Council staff and interested local food operators with the aim to engage in the markets for February and March 2011 and for future food markets.

**For the Resolution:** Councillors Hay, Elder, Heasman, Murphy, Le Surf, Burns and Norek

**Against the Resolution:** Councillors Whitting, Morrison, Griffin, Aird and Macdonald

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Councillor Le Surf left the Chamber at 11.00pm.

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### **GENERAL MANAGERS DIVISION**

General Managers Division Report No. 21

**Manly Surf Life Saving Club – Kiosk Sub Lease**

#### **SUMMARY**

Council is in receipt of a letter from Manly Surf Life Saving Club Inc seeking Council's advice as to the current procedure for gaining both Council and the Land and Property Management Authority (Department of Lands) consent as Lessors, to a new Sub Lease of the kiosk at the Club.

Council has written to the Club thanking them for their request and advising them of the formal requirements under the *Local Government Act 1993*, the *Crown Lands Act 1989* and for commercial operations on Crown Land that the Club must fully comply with in completing all the necessary steps to finalise any Sub Lease. The Land and Property Management Authority have

also been advised of this request from the Club and are supportive of Council's advice to the Club in moving forward to ensure that all the required procedures for requesting consent are implemented as soon as practicable.

## PUBLIC ADDRESSES

The following person addressed the meeting on this item:

Against the Recommendation: Ben Wotton, Manly Lifesaving Club

## MOTION (Macdonald / Hay)

That:

1. The report be received and noted.
2. Council notes Manly Surf Life Saving Club's intention not to sublease the area the subject of fee DA consent.
3. In the event that Manly Surf Life Saving Club decide to sub lease, an application to Council must be made asking for consent and in turn for the Ministers authorisation.
4. The executive of the Manly Surf Life Saving Club be invited to discuss the contents of the above report with Council.

233/10 **RESOLVED: (Macdonald / Hay)**

That:

1. The report be received and noted.
2. Council notes Manly Surf Life Saving Club's intention not to sublease the area the subject of fee DA consent.
3. In the event that Manly Surf Life Saving Club decide to sub lease, an application to Council must be made asking for consent and in turn for the Ministers authorisation.
4. The executive of the Manly Surf Life Saving Club be invited to discuss the contents of the above report with Council.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, 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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## REPORTS OF COMMITTEES

Report Of Committees Report No. 50

### **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) Manly Traffic Committee – 8 November 2010
- ii) Human Services Planning and Policy Committee – 16 November 2010
- iii) Art and Culture Committee – 16 November 2010
- iv) Manly LEP/DCP Working Group – 22 November 2010
- v) Sister Cities Committee – 24 November 2010

Councillor Aird returned to the Chamber at 11.35pm.

#### PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Silvano D'Ambrosio

#### MOTION (Griffin / Burns)

That the Minutes of the following Special Purpose Committee Meetings be adopted with the exception of the Traffic Committee.

- ii) Human Services Planning and Policy Committee – 16 November 2010
- iii) Art and Culture Committee – 16 November 2010
- iv) Manly LEP/DCP Working Group – 22 November 2010
- vi) Sister Cities Committee – 24 November 2010

#### 234/10 RESOLVED: (Griffin / Burns)

That the Minutes of the following Special Purpose Committee Meetings be adopted with the exception of the Traffic Committee.

- ii) Human Services Planning and Policy Committee – 16 November 2010
- iii) Art and Culture Committee – 16 November 2010
- iv) Manly LEP/DCP Working Group – 22 November 2010
- vi) Sister Cities Committee – 24 November 2010

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

**Against the Resolution:** Nil.

#### MOTION (Murphy / Burns)

1. That the Minutes of the Manly Traffic Committee meeting held 8 November 2010 be adopted with the exception of Item 77/10 , 4 Peronne Avenue, Clontarf to allow the Traffic Engineer to provide further advice to Council on the feasibility to relocate the centre line, sight distance, no stopping, laybacks and other measures.
2. Council take no action to remove the fence in the meantime.

#### 235/10 RESOLVED: (Murphy / Burns)

1. That the Minutes of the Manly Traffic Committee meeting held 8 November 2010 be adopted with the exception of Item 77/10 , 4 Peronne Avenue, Clontarf to allow the Traffic Engineer to provide further advice to Council on the feasibility to relocate the centre line, sight distance, no stopping, laybacks and other measures.
2. Council take no action to remove the fence in the meantime.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, 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. 31

### Outcomes of the LEP and DCP Working Group 2010

#### SUMMARY

The purpose of this report is to provide Council with an update on progress made by the LEP and DCP Working Group in 2010. The drafting process and relevant matters for consideration to progress in 2011 are also outlined.

#### PUBLIC ADDRESSES

The following person addressed the meeting on this item:

Against the Recommendation: John Chapman

#### MOTION (Hay / Norek)

1. That the report be received and noted.
2. That a full report be brought back to Council on the first Ordinary Meeting in 2011 on rezoning options for 34, 36, 38 and 40 Stuart Street so that Council can make a decision on these properties for the comprehensive LEP.

236/10 **RESOLVED: (Hay / Norek)**

1. That the report be received and noted.
2. That a full report be brought back to Council on the first Ordinary Meeting in 2011 on rezoning options for 34, 36, 38 and 40 Stuart Street so that Council can make a decision on these properties for the comprehensive LEP.

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

**Against the Resolution:** Councillor Burns

Councillor Griffin was not in the chamber when the voting took place.

Councillors Elder and Morrison left the Chamber at 12.45am.

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#### ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 9

#### Items For Brief Mention

##### 1. Reports:

Correspondence has been received from Local Government Remuneration Tribunal advising it is undertaking an annual determination on the fees payable to Councillors and Mayors to take effect from 1 July 2011.



Submissions should be received by the Tribunal no later than 18 February 2011.

## 2. Complaints made to the General Manager

In the month of November 2010, the General Manager finalised the following complaints:

Received	Nature of complaint	Outcome	Status
October	Alleged misuse of resources and conflict of interests	Review in progress	In progress
October	Misconduct in relation to a council meeting	Review in progress	In progress
November	Misrepresentations / misinformation at a council meeting	Review in progress	In progress
November	Misrepresentations / misinformation at council meetings	Review in progress	In progress

## 3. Notices of Motion status report

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
202/10	8 Nov	Notice of Motion - Manly Council's Website	That the General Manager provide a report to Council which includes but is not limited to a timeline and budget proposal for consideration in the next financial year to upgrade and improve the Manly Council website.	In progress
201/10	8 Nov	Notice of Motion - Recommendations from Ombudsman's Report	That the General Manager be requested to publish on the Council website responses that pertain to DA processing and reporting procedures, Complaints Handling, Employee Recruitment, Training and Performance Management policies and procedures and record management.	Webpage is online and has agenda and minutes available for public view.
196/10	8 Nov	Notice of Motion - Bike racks in Balgowlah Heights Precinct	To encourage sustainable transport and provide a bike storage option, Council:	In progress
			1. Install bike racks in an appropriate location in the Balgowlah Heights shopping precinct through consultation with the Balgowlah Heights Precinct Committee and store owners for a minimum of 10 bikes.	
			2. Bring back a report on potential bike racks within the Manly LGA.	Staff are investigating.
173/10	11 Oct	Notice of Motion Report No. 49 - Road Reserve Lease for 4 Peronne Avenue, Clontarf	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	To Traffic Committee meeting on 13/12/10.

			area no bigger than that currently defined by the proposed amendments to the existing unauthorised fence.	
149/10	13 Sept	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.	Warringah Council has distributed letters. Website is being populated by Council's MEC & Natural Resources Teams.
44/10	19 April	Notice of Motion - Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality	<p>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.</p> <p>That such a report include but not be limited to the following items:</p> <ul style="list-style-type: none"> <li>- Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria,</li> <li>- Identification of any additional costs or savings from taking over these assets over say a 20 year term.</li> <li>- 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.</li> <li>- Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage.</li> <li>- Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale.</li> </ul>	Awaiting response from Energy Australia.

#### 4. Documents Tabled at this meeting

Date Received	Author	Subject
9 November 2010	The Hon David Ipp AO QC, Commissioner ICAC	ICAC Annual Report for year ended 30 June 2010.
16 November 2010	ICAC	Report - Investigation into corruption risks involved in lobbying
November 2010	Carol Mills Director-General	Withdrawal of section 79 Disturbance Complaint

**MOTION (Murphy / Burns)**

1. That the correspondence be received and noted.
2. That the information be received and noted.
3. That the report be received and noted.
4. That the documents be received and noted.

237/10 **RESOLVED: (Murphy / Burns)**

1. That the correspondence be received and noted.
2. That the information be received and noted.
3. That the report be received and noted.
4. That the documents be received and noted.

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

**Against the Resolution:** Nil.

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**REPORTS OF COMMITTEES**

Report Of Committees Report No. 51

**Minutes for Adoption by Council - Access Committee - 19 October 2010**

This report was dealt with at the Access Committee meeting of 19 October 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.

**ITEM 7 ACCESS ITEMS FOR UPDATE AND DISCUSSION (Proposed Ramp at Belgrave Street Kiss & Ride Zone to enable safe access to Accessible Taxis)**

The Committee was briefed on the progress of previous access matters discussed in relation to: accessible taxis pick-up and drop-off zone, accessible parking in CBD; Access DCP; Manly Missed Business Guide; "Accessible Manly" information; Manly Ambassador for People with Disabilities; Fairlight shops accessible parking spaces; Accessible bus stops North & South Steyne; Parking of Sailability vehicles on East Esplanade; Request for street trees map.

**MOTION (Macdonald / Heasman)**

That the minutes of the Access Committee meeting on 19 October 2010 be adopted including the following item:

**ITEM 7 ACCESS ITEMS FOR UPDATE AND DISCUSSION (Proposed Ramp at Belgrave Street Kiss & Ride Zone to enable safe access to Accessible Taxis)**

The lack of ramp at this location, first requested 18 months ago, is a safety issue. The Committee requests the building of this ramp be given urgent priority.

238/10     **RESOLVED:**     **(Macdonald / Heasman)**

That the minutes of the Access Committee meeting on 19 October 2010 be adopted including the following item:

**ITEM 7     ACCESS ITEMS FOR UPDATE AND DISCUSSION (Proposed Ramp at Belgrave Street Kiss & Ride Zone to enable safe access to Accessible Taxis)**

The lack of ramp at this location, first requested 18 months ago, is a safety issue. The Committee requests the building of this ramp be given urgent priority.

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

**Against the Resolution:**     Nil.

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Report Of Committees Report No. 52

**Minutes for Adoption by Council - Playground Committee - 11 November 2010**

This report was dealt with at the Playground Committee meeting of 11 November 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.

**1. ITEM 4     REPORT: Lagoon Park Playground Discussion & Planning**

The Committee discussed the possible use of the open space in the playground. The Committee agreed that a series of cycle ways and fantasy play would be the best use of the space, while retaining the open look of the area. The revised landscape design submitted could now be used as a better footprint design for consultation, allowing various equipment types as options in the consultation process. Playground design to include:

- Change Bike paths to allow a safer layout to reduce the possibility of children walking across bike path to get to each piece of equipment, the path will follow the line of the fence. This change will allow ease of flow and supervision for parents and children. The path will be incorporated into the platform area and run off towards the extended fence line, providing greater play value and increased activity.
- Equipment suitable for 0-5 to include :
  - Kompan Story Maker Ocean /Jungle
  - Proludic Dragster
  - A Play Ferry in colours the same as Queenscliff Ferry
- An area for 0-2
  - Proludic Tiboo
- Relocation of some equipment to accommodate new design.
- Seating to include low level square platforms that have a variety of uses, bench seating and table and chair for use by families.
- A new filtered water bubbler has already been installed near the bike stand, just outside the playground.

- Mature Tree planting to provide shade over the new equipment, in the first stage of the development; this can be reviewed at later stage, if a built shade structure is required.
- Softfall around equipment and retain grass.
- The extension of the fence to accommodate more equipment, include a gate on the Lagoon side to allow access for mowing.

Since the last meeting the Community Partnership project funding has been significantly increased which may allow more projects to be considered locally. The announcement of grants is not expected until late 2010. The project will be staged in accordance with the level of funding that becomes available. If the project has to be staged because of the related funding, the following could be implemented.

Stage 1 Council Budget	The new area on the northern periphery with cycle ways and new equipment.
Stage 2 Funding	Refurbishment of the existing playground and soft fall relocation of equipment, refurbishment of platform and slides.
Stage 3 Funding	Development of 0-2 area and extension of fence, soft fall and new equipment

The time frame for the announcement of funding is towards the end of 2010. It is proposed to hold a series of consultations in the playground during December 2010 to discuss with parents and residents the proposed design and gain feedback for any changes. Once the consultation is completed and recommendations made, full design will be costed and a project timeframe will be developed so the project can be implemented immediately if the funding is approved.

The committee agreed that the revised footprint design could be used as a base plan to support a number of options that could be used during the consultation process, in order to get consensus on the type of equipment and needs of the community.

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

That the minutes of the Playground Committee meeting on 11 November 2010 be adopted including the following items:

#### **1. ITEM 4 REPORT: Lagoon Park Playground Discussion & Planning**

That:

1. The revised plan be used as a basic footprint for the consultation. Providing the local community with the various options for equipment. To enable a consensus on the types of equipment and needs of the community.
2. The consultation be co-ordinated in the playground in the form of a survey and discussion days in December 2010 to allow for the funding announcements.
3. A sign be constructed within the playground showing the options available.
4. That the project be planned to commence late February /Early March 2011.

#### **239/10 RESOLVED: (Heasman / Whitting)**

That the minutes of the Playground Committee meeting on 11 November 2010 be adopted including the following items:

**1. ITEM 4 REPORT: Lagoon Park Playground Discussion & Planning**

That:

1. The revised plan be used as a basic footprint for the consultation. Providing the local community with the various options for equipment. To enable a consensus on the types of equipment and needs of the community.
2. The consultation be co-ordinated in the playground in the form of a survey and discussion days in December 2010 to allow for the funding announcements.
3. A sign be constructed within the playground showing the options available.
4. That the project be planned to commence late February /Early March 2011.

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

**Against the Resolution:** Nil.

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Report Of Committees Report No. 53

**Minutes for adoption by Council - Manly Scenic Walkway Committee - 16 November 2010**

These reports were dealt with at the Manly Scenic Walkway Committee meeting of 16 November 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.

**1. ITEM 4 REPORT: Manly Scenic Walkway Committee 2010 Review**

During 2010 the Manly Scenic Walkway Committee has deliberated on numerous issues and projects specific to the Manly Scenic Walkway. This report provides a review of the issues and projects discussed, and the outcomes achieved by the Committee.

The 21<sup>st</sup> Anniversary of the Manly Scenic Walkway was held on the 14<sup>th</sup> December, and the event was successful. Throughout the first half of 2010 the sample bags were distributed from the VIC and at various Council events. The bags proved very popular, and a great method for promoting the walkway.

Several requests had been made that additional bags be produced. At this stage this may not be practical. There is the possibility to repeat this promotional strategy for future events.

The widening of the footpath along the seawall at North Harbour Reserve in a style similar to that between Federation Point and Lauderdale Avenue has been a long standing agenda item for the Committee. During 2010 this work was completed and has provided an excellent improvement to the walkway. In addition to this work, new stairs down to the mud flat have also been installed to provide safe access and resolved further issues with this section of the walking track.

Landscape improvements to the section of walkway at the Beatrice Street entrance to the track has commenced. To date, substantial weed control has been undertaken, and the walking track erosion has been addressed. Further works are still to be completed including re vegetating native plants and installation of seating.

The Committee has recommended that a concrete footpath from Clontarf Reserve to Sandy Bay be constructed in the same style as the path from Federation Point to Lauderdale Avenue. Whilst the

work has not been completed, a Landscape Master Plan is being developed in consultation with the Committee to implement this recommendation.

The improvement of aquatic habitat at Fisher Bay by planting mangroves has commenced. Given the low survival rates of the initial plant installation, a revised plan to plant more advanced plants is underway. A local nursery is currently growing these for Council and are scheduled for planting in March 2011.

The MSW Committee has recommended to Council for many years that vehicles be excluded from parking on the Walkway near Bollingbroke Parade. During the course of this year a resolution has been reached to action the closing of the pathway to vehicles. In April bollards were installed at the Bollingbroke Parade entrance preventing vehicle access.

Manly Scenic Walkway Trackhead signage has been redesigned to replace the dated signs that were previously in place. The signage was produced to replicate the graphic design utilised on the brochure which was reproduced last year.

An inspection of the Manly Scenic Walkway track was undertaken by several of the Committee members on Tuesday 29<sup>th</sup> June. The aim of the inspection was to assess the condition of the walking track and identify projects for the Committee to consider and make recommendation to Council to undertake within the current allocated budget.

During the course of the year the Committee has also been involved in reviewing and contributing to several Coastline Management Plans and Landscape Masterplans that Council is currently developing. These include North Harbour Coastline Management Plan and Landscape Masterplan, Sandy Bay Masterplan, Ellery Punt Reserve Landscape Masterplan and Manly Cove Coastline Management Plan

## **2. ITEM 5      REPORT: Manly Scenic Walkway Committee 2011 Works Program**

In 2011 the Manly Scenic Walkway Committee will continue to progress the improvement of the Manly Scenic Walkway. This will be achieved by working towards the completion of uncompleted projects, identifying new projects, providing advice and recommendations towards the development of planning documents, and continuing to provide advice to Council on matters relating to the walkway.

This report provides an outline of the projects to be implemented during 2011.

The table below provides an outline of projects to be considered by the Committee for implementation during 2011. The table includes both outstanding projects and new projects. This table has been produced by both recommendations from the Committee and from Council staff.

The Committee is to review and discuss the projects listed, and provide recommendation as to their implementation by Council. Opportunity also exists for the Committee to propose new projects for consideration which will form agenda items next year for deliberation.

<b>Project</b>	<b>Description</b>	<b>Budget Estimate</b>
Stormwater pipe repair	Repair broken stormwater pipe at 40 Baskets Beach	Un-costed
Landscape improvements	Continue the landscape improvement near Beatrice Street section.	\$5,000

Bushland track upgrade	Upgrade the Fisher Bay to Ellery Punt Reserve track in a style similar to the work done by NP&WS.	\$10,000
Sandy Bay footpath construction	Undertake the construction of footpath between Clontarf Reserve and Sandy Bay following adoption of the Landscape Master Plan	\$50,000
Esplanade Park revegetation	Revegetate lawn areas on eastern side of 95 Lauderdale Avenue, and at the rear of 73 Lauderdale Avenue.	\$5,000
40 Baskets Beach high tide access	Committee to provide recommendations on improving the high tide access issues at 40 Baskets Beach.	Un-costed
Wellings Reserve Retaining wall	Construction of rock retaining wall at Wellings Reserve Foreshore to protect Aboriginal middens	\$10,000
Coastline Management Plan / Landscape Masterplan development	Continue to provide advice and recommendations to develop and implement Coastline Management Plans and Landscape Masterplans	No cost
Mangrove reinstatement at Fisher Bay	Continue the replanting of Mangroves at Fisher Bay utilising advanced plants to improve survival rate of plantings.	\$2000
Walking Track Audit	Undertake annual walking track audit to identify future projects and resolve issues.	No cost

**MOTION (Macdonald / Heasman)**

That the minutes of the Manly Scenic Walkway Committee meeting on 16 November 2010 be adopted including the following items:

**1. ITEM 4 REPORT: Manly Scenic Walkway Committee 2010 Review**

That the report be received and noted.

**2. ITEM 5 REPORT: Manly Scenic Walkway Committee 2011 Works Program**

That Council endorse the proposed works program, within the Councils budget parameters.

**240/10 RESOLVED: (Macdonald / Heasman)**

That the minutes of the Manly Scenic Walkway Committee meeting on 16 November 2010 be adopted including the following items:

**1. ITEM 4 REPORT: Manly Scenic Walkway Committee 2010 Review**

That the report be received and noted.

**2. ITEM 5 REPORT: Manly Scenic Walkway Committee 2011 Works Program**

That Council endorse the proposed works program, within the Councils budget parameters.

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

**Against the Resolution:** Nil.



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Report Of Committees Report No. 54

**Minutes for Adoption by Council - Waste Committee - 17 November 2010**

This report was dealt with at the Waste Committee meeting of 17 November 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.

**1. ITEM 7.1 General Business - Summer Litter Issues - Council Rangers & Litterguards Report**

As requested by the Waste Committee at its meeting on September 15<sup>th</sup>, a senior spokesperson for Council's Rangers and a senior spokesperson for Council's Litterguards spoke to the Committee re issues they face with educating the community, enforcing fines re cigarette butt litter, general litter and dumping of shopping trolleys.

Terry Jones, Manager Ranger Services, explained that the Rangers have instigated regular patrols of the beach (three or four times a day including between 5 – 6pm). They are speaking to people as they leave the beach and asking them to remove their rubbish. If necessary the rangers will issue fines for litter offences. Mr Jones noted that a large proportion of the waste originates from local take-away food outlets such as Hungry Jacks and McDonalds.

Ed McPeake, Manager Community and Environmental Partnerships advised that the Litterguard Patrols will take place from 12-4pm on weekends over the summer months. On December 16<sup>th</sup> the contents of the beach rake will be emptied on Manly Beach to highlight the issue of beach litter. The media will be informed of this event.

Banners with the text "Litter Blitz On Now, Every piece of rubbish left on the beach harms our environment, take your rubbish with you or risk an on the spot fine up to \$375" will be displayed over the summer months.

**MOTION (Macdonald / Aird)**

That the minutes of the Waste Committee meeting on 17 November 2010 be adopted including the following items:

**1. ITEM 7.1 General Business - Summer Litter Issues - Council Rangers & Litterguards Report**

That:

- Council write to the head office of fast food outlets, alerting them to the pollution issues from the litter of their product packaging and that these letters should be made available to the Manly Daily. That Council should seek legal advice to see if these companies are responsible for the correct disposal of their products once they leave the store.
- Council continue to write to all levels of government requesting the implementation of container deposit legislation.
- Council writes to Manly Chamber of Commerce to highlight the issue of litter and its impact on the marine environment.
- Signs, with the same text as the "litter blitz" banner be provided to the Rangers to display in their vehicles when parked.

- Corflute signs with the “litter blitz” message be erected at places that have a history of litter, such as Little Manly and East Esplanade. These signs could be given to penguin wardens and interested members of the Waste Committee to display.
- The “litter blitz” signage be placed on the litterguard buggy.
- The Litterguards program be extended to include the October and Easter school holiday periods, if staff resources and budget allow.
- The Litterguards uniform be reviewed for future seasons. Litterguard uniforms should be distinguishable from lifesavers and show some vibrant design initiative.
- Council writes to the Hills Bus Company and asks them to a) display the “litter blitz” signage on their “beach bus” service and b) make announcements on the bus about the litter issue and litter blitz.
- The Waste Committee be invited to participate in the beach litter event on December 16<sup>th</sup>.

241/10     **RESOLVED:**     **(Macdonald / Aird)**

That the minutes of the Waste Committee meeting on 17 November 2010 be adopted including the following items:

**1. ITEM 7.1     General Business - Summer Litter Issues - Council Rangers & Litterguards Report**

That:

- Council write to the head office of fast food outlets, alerting them to the pollution issues from the litter of their product packaging and that these letters should be made available to the Manly Daily. That Council should seek legal advice to see if these companies are responsible for the correct disposal of their products once they leave the store.
- Council continue to write to all levels of government requesting the implementation of container deposit legislation.
- Council writes to Manly Chamber of Commerce to highlight the issue of litter and its impact on the marine environment.
- Signs, with the same text as the “litter blitz” banner be provided to the Rangers to display in their vehicles when parked.
- Corflute signs with the “litter blitz” message be erected at places that have a history of litter, such as Little Manly and East Esplanade. These signs could be given to penguin wardens and interested members of the Waste Committee to display.
- The “litter blitz” signage be placed on the litterguard buggy.
- The Litterguards program be extended to include the October and Easter school holiday periods, if staff resources and budget allow.
- The Litterguards uniform be reviewed for future seasons. Litterguard uniforms should be distinguishable from lifesavers and show some vibrant design initiative.
- Council writes to the Hills Bus Company and asks them to a) display the “litter blitz” signage on their “beach bus” service and b) make announcements on the bus about the litter issue and litter blitz.

- The Waste Committee be invited to participate in the beach litter event on December 16<sup>th</sup>.

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

**Against the Resolution:** Nil.

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## CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 46

### Report on Council Investments as at 30 September and 31 October 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 / Murphy)

That the statement of Bank Balances and Investment Holdings as at 30 September and 31 October, 2010 be received and noted.

242/10 **RESOLVED:** (Macdonald / Murphy)

That the statement of Bank Balances and Investment Holdings as at 30 September and 31 October, 2010 be received and noted.

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

**Against the Resolution:** Nil.

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Corporate Services Division Report No. 47

### Complaints Management Policy

#### SUMMARY

Council at the Ordinary Meeting held 11 October 2010 resolved that the draft **Complaints Management Policy** be adopted and placed on public exhibition for twenty eight (28) days, subject to any submissions being received at the close of the exhibition period.

The Policy is now recommended for adoption.

#### MOTION (Macdonald / Griffin)

1. That Council having given public notice in accordance with section 705 of the Local Government Act 1993, of its intention to adopt the draft *Complaints Management Policy*, and having received no submissions at the close of the exhibition period, that the *Complaints Management Policy* be adopted.



The Department of Planning informed Council on 4 November 2010 of the decision under delegation to declare the Royal Far West Concept Plan a project to which Part 3A of the Environmental Planning & Assessment Act, 1979 applies, and accordingly, the Minister for Planning, Infrastructure and Industry, The Hon. Tony Kelly ALGA. MLC. has become the approval authority for the project.

The Council received a copy of the Director-General's Requirements (DGRs) for the project on 2 December 2010 and has an opportunity to comment by 14 December 2010.

### **MOTION (Macdonald / Heasman)**

That Council:

1. Request the Department of Planning to defer consideration of the Concept Plan until Council has had a full briefing from the Board of Far West on the proposal.
2. Express serious concerns to the Minister and Local Member about the proposal and its impact on the amenity, sustainability and environment on the Manly community.
3. Remind the Minister for Planning of the election in March and that the State Government is in a caretaking mode and that any consideration or given consent for the proposal to go forward would not be in the public interest.

245/10      **RESOLVED:      (Macdonald / Heasman)**

That Council:

1. Request the Department of Planning to defer consideration of the Concept Plan until Council has had a full briefing from the Board of Far West on the proposal.
2. Express serious concerns to the Minister and Local Member about the proposal and its impact on the amenity, sustainability and environment on the Manly community.
3. Remind the Minister for Planning of the election in March and that the State Government is in a caretaking mode and that any consideration or given consent for the proposal to go forward would not be in the public interest.

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

**Against the Resolution:**      Nil.

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### **NOTICES OF MOTION**

Notice of Motion Report No. 59

#### **Promotion of sustainable tourism**

Councillor Barbara Aird moved:

In view of the high visitation to Manly (estimated between 6 and 8 million persons p.a.) and the resulting opportunity this presents to Council for promotion of sustainable tourism and environmental education, that Council markets its "Enjoy Manly" re-usable carry-bag and refillable water bottles. Also, in line with our "Towards Zero Waste" Policy Council works towards marketing a re-usable take-away coffee cup with similar environmental messages, as soon as possible.

Note: Council recently won a national waste avoidance award and was also the NSW State winner of the LGSA "Excellence in the Environment" award (waste avoidance category) for our water bubbler initiative.

Also, the "Enjoy Manly" code of respect for the environment, (see below) which was adopted by Council in June, 2008, carries excellent messages for residents and visitors alike which promote environmental sustainability and lift the profile of Manly as a place where we treasure our magnificent natural environment.

#### ENJOY MANLY

E everyone can enjoy Manly  
 N native wildlife needs your care and protection  
 J join Manly in supporting Fair Trade  
 O only admire the birds, please do not feed them  
 Y your water bottles can be refilled at our filtered water stations

M Manly beaches and playgrounds are alcohol and smoke free areas  
 A always recycle and dispose of rubbish thoughtfully  
 N no plastic bags please  
 L leave your car at home  
 Y you can make the difference to Manly

#### MOTION (Aird / Griffin)

In view of the high visitation to Manly (estimated between 6 and 8 million persons p.a.) and the resulting opportunity this presents to Council for promotion of sustainable tourism and environmental education, that Council markets its "Enjoy Manly" re-usable carry-bag and refillable water bottles. Also, in line with our "Towards Zero Waste" Policy Council works towards marketing a re-usable take-away coffee cup with similar environmental messages, as soon as possible.

246/10 **RESOLVED: (Aird / Griffin)**

In view of the high visitation to Manly (estimated between 6 and 8 million persons p.a.) and the resulting opportunity this presents to Council for promotion of sustainable tourism and environmental education, that Council markets its "Enjoy Manly" re-usable carry-bag and refillable water bottles. Also, in line with our "Towards Zero Waste" Policy Council works towards marketing a re-usable take-away coffee cup with similar environmental messages, as soon as possible.

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

**Against the Resolution:** Councillor Norek

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#### RESUMPTION OF STANDING ORDERS (Griffin / Burns)

That Standing Orders be resumed.

247/10 **RESOLVED: (Griffin / Burns)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

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Notice of Motion Report No. 57

**Status report on NSW Ombudsmans report**

Councillor Cathy Griffin moved:

That the General Manager report in writing on the progress or status of the following recommendations contained in the NSW Ombudsman's report of 3 September 2010 to the next Ordinary meeting (Feb 2011).

The Ombudsman Report contained criticism of management processes and procedures and some Council Staff. In order to maintain and enhance public confidence in Manly Council and provide procedural fairness and natural justice, the General Manager should be given the opportunity to respond to the recommendations in the report on the public record.

The Manly Council Ombudsman Report Implementation working group has taken advice, engaged consultants and referred information to various committees and Councillors should now seek a response from the General Manager.

Recommendation 12.

The progress of the implementation of the May 2008 report regarding improvements in the methods of collecting and verifying development application data that is used for the Department of Planning Local Development Performance Monitoring Report. The General Manager should include a flow chart highlighting the new measures in this report and the performance measures used to measure the success of otherwise of these improvements.

Recommendation 13.

The progress on the implementation of a compliance and enforcement plan for the full range of Council's regulatory functions. The General Manager should include in this report a brief outline of the plan and the performance measures used to determine the success of this plan.

Recommendation 14.

The progress on the development of the written guidelines for preparing planning assessment reports that ensure consistency in reporting and guidance on the interpretation of codes and planning instruments and the exercise of discretion by planning staff. the General Manager should include a flow chart highlighting any changes.

The General Manager advise on the performance measures applicable to measuring this function that provides Councillor with confidence in the DA processing system. The General Manager is also requested to report on the training undertaken by staff in the use of these guidelines.

Recommendation 15

The implementation of outstanding recommendations of Professor Sourdin's report on DA processing at Manly Council.

Recommendation 16.

The implementation of written procedures for assessing and investigating complaints alleging misconduct against staff, the General Manager and Councillors.

Recommendation 17.

The training program for staff on the new procedures for dealing with complaints alleging misconduct against staff, the General Manager and Councillors.

Recommendation 18.

Advise on who, how and when refresher training will be conducted for Staff and Councillors on Manly council's Code of Conduct.

Recommendation 19.

The progress of the implementation of the Complaints Handling Procedures. The General Manager should include the method in which it is proposed to restore public confidence in these new procedures.

Recommendation 20.

The training program for staff on the new complaints handling procedures, including how staff will be trained to recognise and respond to Tier 3 complaints.

Recommendation 22.

The implementation of the integration into the Performance management system for senior staff measures for obligations to manage complaints.

Recommendation 23.

The progress on the implementation of the adoption of a recruitment policy that includes measures to ensure that employees provide full accurate and honest advice regarding their personal qualifications as well as the progress of implementation of a performance management policy.

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

That the General Manager report in writing on the progress or status of the following recommendations contained in the NSW Ombudsman's report of 3 September 2010 to the next Ordinary meeting (Feb 2011).

The Ombudsman Report contained criticism of management processes and procedures and some Council Staff. In order to maintain and enhance public confidence in Manly Council and provide procedural fairness and natural justice, the General Manager should be given the opportunity to respond to the recommendations in the report on the public record.

The Manly Council Ombudsman Report Implementation working group has taken advice, engaged consultants and referred information to various committees and Councillors should now seek a response from the General Manager.

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The progress of the implementation of the May 2008 report regarding improvements in the methods of collecting and verifying development application data that is used for the Department of Planning Local Development Performance Monitoring Report. The General Manager should include a flow chart highlighting the new measures in this report and the performance measures used to measure the success of otherwise of these improvements.

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Recommendation 14.



The progress on the development of the written guidelines for preparing planning assessment reports that ensure consistency in reporting and guidance on the interpretation of codes and planning instruments and the exercise of discretion by planning staff. the General Manager should include a flow chart highlighting any changes.

The General Manager advise on the performance measures applicable to measuring this function that provides Councillor with confidence in the DA processing system. The General Manager is also requested to report on the training undertaken by staff in the use of these guidelines.

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Recommendation 23.

The progress on the implementation of the adoption of a recruitment policy that includes measures to ensure that employees provide full accurate and honest advice regarding their personal qualifications as well as the progress of implementation of a performance management policy.

### **AMENDMENT (Hay / Norek)**

That Council wait until all reports are received back from the consultants.

**For the Amendment:** Councillors Hay, Heasman, Whitting, Murphy, Norek and Macdonald  
**Against the Amendment:** Councillors Griffin, Aird and Burns

The **Amendment** was put and declared **Carried**.

248/10     **RESOLVED:**     **(Hay / Norek)**

That Council wait until all reports are received back from the consultants.

**For the Resolution:**     Councillors Hay, Heasman, Whitting, Murphy, Norek and Macdonald

**Against the Resolution:** Councillors Griffin, Aird and Burns

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Notice of Motion Report No. 60

**Call for a legislated ban on non bio-degradable plastic bags**

Councillor Barbara Aird moved:

That Manly Council calls on both the Premier and leaders of the Opposition and The Greens in NSW to support and implement legislation to ban the use of non-bio-degradable plastic bags, in line with South Australia, the ACT, Northern Territory and recent all-party support in Tasmania (a legislated ban is expected in Tasmania within a year). Further, that Council also calls on the Minister and shadow minister for the Environment, The Greens and Independents in Federal Parliament to implement a ban at the national level.

Note: A national approach on this fell apart in 2008 when the then environment minister, Peter Garrett, failed to implement legislation. Local government has met repeated setbacks to rid the country of billions of checkout bags used annually. NSW and Victoria have previously committed to phasing out bags but failed to introduce legislation. Meanwhile, plastic bags continue to have disastrous impacts on the environment.

**MOTION (Griffin / Macdonald)**

That Manly Council calls on both the Premier and leaders of the Opposition and The Greens in NSW to support and implement legislation to ban the use of non-bio-degradable plastic bags, in line with South Australia, the ACT, Northern Territory and recent all-party support in Tasmania (a legislated ban is expected in Tasmania within a year). Further, that Council also calls on the Minister and shadow minister for the Environment, The Greens and Independents in Federal Parliament to implement a ban at the national level.

249/10     **RESOLVED:**     **(Griffin / Macdonald)**

That Manly Council calls on both the Premier and leaders of the Opposition and The Greens in NSW to support and implement legislation to ban the use of non-bio-degradable plastic bags, in line with South Australia, the ACT, Northern Territory and recent all-party support in Tasmania (a legislated ban is expected in Tasmania within a year). Further, that Council also calls on the Minister and shadow minister for the Environment, The Greens and Independents in Federal Parliament to implement a ban at the national level.

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

**Against the Resolution:** Nil.

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Notice of Motion Report No. 61

**Investigation of Feasibility of Tri-generation for Manly Council**

Councillor Hugh Burns moved:

That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.

**MOTION (Burns / Macdonald)**

That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.

250/10      **RESOLVED:      (Burns / Macdonald)**

That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre.

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

**Against the Resolution:**      Councillor Norek

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Notice of Motion Report No. 63

**Options to improve planning controls applicable to late night trading premises in Manly**

Councillor Hugh Burns moved:

That staff bring back a report to Council on the feasibility of strengthening Manly's existing Late Night DCP to incorporate the trial licensing features and other improvements contained in the current City of Sydney Late Night plan.

**MOTION (Burns / Macdonald)**

That staff bring back a report to Council on the feasibility of strengthening Manly's existing Late Night DCP to incorporate the trial licensing features and other improvements contained in the current City of Sydney Late Night plan.

251/10      **RESOLVED:      (Burns / Macdonald)**

That staff bring back a report to Council on the feasibility of strengthening Manly's existing Late Night DCP to incorporate the trial licensing features and other improvements contained in the current City of Sydney Late Night plan.

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

**Against the Resolution:** Nil.

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## QUESTIONS WITHOUT NOTICE

### **QWN112/10 Councillor Heasman - Cutting Grass Policy**

Could Council investigate and modify the policy of 'cutting the grass' between the taxi/bus ramp and the Manly-Freshwater Surfing Reserve monument. In this particular area the grass should not be mowed as frequently as other areas in Manly – the frequent rate of mowing needs to be reduced to encourage growth and so reduce the new growths exposure to the harsh sun and weather. This will assist with regrowth for that area.

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

### **QWN113/10 Councillor Whitting - Questions Without Notice (Fish Friendly Councils)**

Throughout the past two years I have continually asked two Questions Without Notice each month. I have more often than not received the following comment – *“At the request of the Mayor, the General Manager advised that he would take it on notice”*. Could the General Manager please explain if this statement means - the question is closed or there be no further comment or I will look into this question at a later date?

At the request of the Mayor the General Manager advised that we report back to the Councillors in written form at the subsequent Ordinary Meeting.

With regards to the Fish Friendly Councils we are still waiting advice from the respective agencies regarding its implementation and training programs.

### **QWN114/10 Councillor Aird - Manly2015 Project**

Can the General Manager please provide Councillors with a report on the economic modelling of the Manly2015 project?

At the request of the Mayor the General Manager advised that this will be presented to Councillors at the February workshop.

### **QWN115/10 Councillor Aird - Tramway Plaza**

Can the General Manager advise when will the tramway plaza get underway?

At the request of the Mayor the General Manager advised that Ross Fleming, Deputy General Manager will advise through written form.

### **QWN116/10 Councillor Burns - Carols by Candlelight**

Can the General Manager advise Councillors on the total bill for the 'Carols by Candlelight' event this year?

At the request of the Mayor the General Manager advised that this will be addressed in February.

### **QWN117/10 Councillor Burns - Compliance Manager**

Who is replacing the Compliance Manager currently on leave?

At the request of the Mayor the Deputy General Manager advised that the Acting Manager is Jody White.

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Corporate Services Division Report No. 48

**Legal Matter**

*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.*

General Managers Division Report No. 22

**Legal Advice**

*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) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

Civic and Urban Services Division Report No. 11

**Tender T2010/084 SHOROC Natural Environment Works Panel of Contractors**

*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.

252/10      **RESOLVED: (Macdonald / Burns)**

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

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

**Against the Resolution:**      Nil.

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**OPEN COUNCIL RESUMED**

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

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Corporate Services Division Report No. 48

**Legal Matter**

**MOTION (Macdonald / Burns)**

That the matter proceed as per the discussion in the Closed session.

253/10 **RESOLVED: (Macdonald / Burns)**

That the matter proceed as per the discussion in the Closed session.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

General Managers Division Report No. 22

**Legal Advice**

**MOTION (Macdonald / Griffin)**

That the matter proceed as per the discussion in the Closed session.

254/10 **RESOLVED: (Macdonald / Griffin)**

That the matter proceed as per the discussion in the Closed session.

**For the Resolution:** Councillors Hay, Heasman, Murphy, Griffin, Aird and Macdonald

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

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Civic and Urban Services Division Report No. 11

**Tender T2010/084 SHOROC Natural Environment Works Panel of Contractors**

**MOTION (Macdonald / Burns)**

That Council decline to accept any of the tenders submitted for the SHOROC Natural Environment Works Panel of Contractors (T2010/084).

255/10 **RESOLVED: (Macdonald / Burns)**

That Council decline to accept any of the tenders submitted for the SHOROC Natural Environment Works Panel of Contractors (T2010/084).

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

**Against the Resolution:** Nil.

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**CLOSE**

The meeting closed at 1.45am on Tuesday 14 December 2010.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 14 February 2011.

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**MAYOR**

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