



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 19 July 2010

All minutes are subject to confirmation at a subsequent meeting.

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www.manly.nsw.gov.au*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 July 2010. The meeting commenced at 7:43PM.

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 R Morrison
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager
Lynne Jess, Secretariat Services

OPENING PRAYER

The Opening Prayer was presented by Councillor Aird.

APOLOGIES

Apologies were tendered on behalf of Councillor Murphy, Councillor Macdonald, Councillor Norek and Councillor A Le Surf non-attendance.

103/10 **RESOLVED:** (Whitting / Heasman)

That the apologies tendered on behalf of Councillor Murphy, Councillor Macdonald, Councillor Norek and Councillor A Le Surf for non-attendance be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Whitting / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 21 June 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 with the following amendment to Resolution 90/10 – Sydney Road Markets.

That Manly Council:

1. Review the operations of the Sydney Road Markets.
2. Conduct a survey of Sydney Road retailers between The Corso and Whistler Street to ascertain the impacts, positive or negative, on their businesses at weekends.
3. Following this a report be brought back to Council within two (2) months regarding possible termination of the agreement.
4. In the event of a termination Council commission a plan to revitalise the streetscape to bring life and interest to the precinct 7 days a week.

104/10 **RESOLVED: (Whitting / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 21 June 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 with the following amendment to Resolution 90/10 – Sydney Road Markets.

That Manly Council:

1. Review the operations of the Sydney Road Markets.
2. Conduct a survey of Sydney Road retailers between The Corso and Whistler Street to ascertain the impacts, positive or negative, on their businesses at weekends.
3. Following this a report be brought back to Council within two (2) months regarding possible termination of the agreement.
4. In the event of a termination Council commission a plan to revitalise the streetscape to bring life and interest to the precinct 7 days a week.

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

Against the Resolution: Nil.

PUBLIC ADDRESSES

NAME	SUBJECT/PUBLIC SPEAKERS
Dave Thomas	Shark Meshing

NOTICES OF MOTION

Notice of Motion Report No. 33

Shark Meshing

Councillor Cathy Griffin will move:

That Manly Council write to the relevant authorities, DECCW and DI&I, and

1. Offer Manly Beach as a study site for an extended shark meshing free period and requesting the placement of the nets be delayed till 30th October each year; and

2. Congratulate the Department of Industry and Investment for the Report into the NSW Shark Meshing (Bather Protection) Program March 2009, which is the first comprehensive public review of the 72 yr old management practice.

MOTION (Griffin / Elder)**Councillor Cathy Griffin will move:**

That Manly Council write to the relevant authorities, DECCW and DI&I, and

1. Offer Manly Beach as a study site for an extended shark meshing free period and requesting the placement of the nets be delayed till 30th October each year; and
2. Congratulate the Department of Industry and Investment for the Report into the NSW Shark Meshing (Bather Protection) Program March 2009, which is the first comprehensive public review of the 72 yr old management practice.

AMENDMENT (Whitting / Heasman)

That Manly Council keep the status quo and wait for the data from the trial before requesting the placement of the nets be delayed until 30th October each year.

For the Amendment: Councillors Hay, Heasman, Whitting and Morrison

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

With voting being equal the Mayor exercised her casting vote in favour of the amendment and declared it **Carried**.

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

105/10 **RESOLVED: (Whitting / Heasman)**

That Manly Council keep the status quo and wait for the data from the trial before requesting the placement of the nets be delayed until 30th October each year.

For the Resolution: Councillors Hay, Heasman, Whitting and Morrison

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

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

Notice of Motion Report No. 34

**Clarification of SHOROC governance issues relating to Manly Council
Councillor Hugh Burns will move:**

That more formal arrangements are adopted by Manly Council as regards referring functions and matters to SHOROC.

These shall include:-

- Terms of Reference being written for SHOROC as it relates to Manly Council's interests.

- a formal delegation of applicable functions is carried out by Manly Council.
- processes are put in place for community and member Council elected representatives to be involved in SHOROC meetings and policy formulation.
- a process for the placement of items on future SHOROC meeting agendas by elected representatives is developed and implemented.
- publication of all SHOROC meeting agendas and minutes is undertaken by Manly Council on its web site (including GM meetings).
- that a process for formal consideration and, if applicable, adoption of all SHOROC meeting decisions is introduced by Manly Council.

MOTION (Burns / Aird)**Councillor Hugh Burns will move:**

That more formal arrangements are adopted by Manly Council as regards referring functions and matters to SHOROC.

These shall include:-

- Terms of Reference being written for SHOROC as it relates to Manly Council's interests.
- a formal delegation of applicable functions is carried out by Manly Council.
- processes are put in place for community and member Council elected representatives to be involved in SHOROC meetings and policy formulation.
- a process for the placement of items on future SHOROC meeting agendas by elected representatives is developed and implemented.
- publication of all SHOROC meeting agendas and minutes is undertaken by Manly Council on its web site (including GM meetings).
- that a process for formal consideration and, if applicable, adoption of all SHOROC meeting decisions is introduced by Manly Council.

MOTION (Burns / Aird)

That more formal arrangements are adopted by Manly Council as regards referring functions and matters to SHOROC.

These shall include:-

- Terms of Reference being written for SHOROC as it relates to Manly Council's interests.
- a formal delegation of applicable functions is carried out by Manly Council.
- processes are put in place for community and member Council elected representatives to be involved in SHOROC meetings and policy formulation.
- a process for the placement of items on future SHOROC meeting agendas by elected representatives is developed and implemented.
- publication of all SHOROC meeting agendas and minutes is undertaken by Manly Council on its web site (including GM meetings).
- that a process for formal consideration and, if applicable, adoption of all SHOROC meeting decisions is introduced by Manly Council.

For the Motion: Councillors Whitting, Griffin, Aird and Burns
Against the Motion: Councillors Hay, Elder, Heasman and Morrison

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

Notice of Motion Report No. 35

Improvement in Provision of Information to Councillors

Councillor Hugh Burns will move:

1. That Councillors are provided with brief written advice on the roles and responsibilities of all senior management staff, and these are always maintained up-to-date.
2. That at each Ordinary meeting a report is included in the agenda outlining progress/status of all outstanding Councillor Notices of Motion (e.g. based on Excel spreadsheet used at senior management meetings).
3. That Councillors receive a full report on Council's current Tier 3 complaints handing procedure for consideration and, if applicable, adoption by Council.
4. That at each ordinary meeting a report is included in the agenda for information:-
 - (a) Outlining any matter or item where a complaint has been made to the General Manager;
 - (b) Outlining similarly where there have been 12 or more items of correspondence received by Council in a period of 3 months on any an item or matter, or closely related items or matters.

MOTION (Burns / Aird)

1. That Councillors are provided with brief written advice on the roles and responsibilities of all senior management staff, and these are always maintained up-to-date.
2. That at each Ordinary meeting a report is included in the agenda outlining progress/status of all outstanding Councillor Notices of Motion (e.g. based on Excel spreadsheet used at senior management meetings).
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4. That at each ordinary meeting a report is included in the agenda for information:-
 - (a) Outlining any matter or item where a complaint has been made to the General Manager;
 - (b) Outlining similarly where there have been 12 or more items of correspondence received by Council in a period of 3 months on any an item or matter, or closely related items or matters.

106/10 RESOLVED: (Burns / Aird)

1. That Councillors are provided with brief written advice on the roles and responsibilities of all senior management staff, and these are always maintained up-to-date.
2. That at each Ordinary meeting a report is included in the agenda outlining progress/status of all outstanding Councillor Notices of Motion (e.g. based on Excel spreadsheet used at senior management meetings).
3. That Councillors receive a full report on Council's current Tier 3 complaints handing procedure for consideration and, if applicable, adoption by Council.
4. That at each ordinary meeting a report is included in the agenda for information:-

- (a) Outlining any matter or item where a complaint has been made to the General Manager;
- (b) Outlining similarly where there have been 12 or more items of correspondence received by Council in a period of 3 months on any an item or matter, or closely related items or matters.

For the Resolution: Councillors Whitting, Morrison, Griffin, Aird and Burns

Against the Resolution: Councillors Hay, Elder and Heasman

GENERAL MANAGERS DIVISION

General Managers Division Report No. 15

Report on 2008 Local Government Elections by Joint Standing Committee on Electoral Matters

SUMMARY

The purpose of this report is to advise Council of a report on the 2008 Local Government Elections by the Joint Standing Committee on Electoral Matters.

MOTION (Aird/ Griffin)

That Council receive and note the report on 2008 Local Government Elections.

107/10 **RESOLVED: (Aird / Griffin)**

That Council receive and note the report on 2008 Local Government Elections.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 26

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) Art and Culture Committee – 18 May 2010
- ii) Sister Cities Committee – 26 May 2010
- iii) Sustainable Transport Committee – 3 June 2010
- iv) Manly, Warringah Pittwater Local Emergency Management Committee – 3 June 2010
- v) Traffic Committee – 7 June 2010
- vi) Community Environment Committee – 9 June 2010

- vii) Meals on Wheels Committee – 9 June 2010
- viii) Community Safety Committee – 10 June 2010
- ix) Access Committee – 15 June 2010
- x) Surf Club Liaison Working Group – 15 June 2010
- xi) Human Services Planning & Policy Committee – 22 June 2010
- xii) Sister Cities Committee – 23 June 2010
- xiii) Sustainable Economic Development and Tourism Committee – 24 June 2010

MOTION (Heasman / Burns)

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

- i) Art and Culture Committee – 18 May 2010
- ii) Sister Cities Committee – 26 May 2010
- iii) Sustainable Transport Committee – 3 June 2010
- iv) Manly, Warringah Pittwater Local Emergency Management Committee – 3 June 2010
- v) Traffic Committee – 7 June 2010
- vi) Community Environment Committee – 9 June 2010
- vii) Meals on Wheels Committee – 9 June 2010
- viii) Community Safety Committee – 10 June 2010
- ix) Access Committee – 15 June 2010
- x) Surf Club Liaison Working Group – 15 June 2010
- xi) Human Services Planning & Policy Committee – 22 June 2010
- xii) Sister Cities Committee – 23 June 2010
- xiii) Sustainable Economic Development and Tourism Committee – 24 June 2010

108/10 **RESOLVED: (Heasman / Burns)**

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

- i) Art and Culture Committee – 18 May 2010
- ii) Sister Cities Committee – 26 May 2010
- iii) Sustainable Transport Committee – 3 June 2010
- iv) Manly, Warringah Pittwater Local Emergency Management Committee – 3 June 2010
- v) Traffic Committee – 7 June 2010
- vi) Community Environment Committee – 9 June 2010
- vii) Meals on Wheels Committee – 9 June 2010
- viii) Community Safety Committee – 10 June 2010
- ix) Access Committee – 15 June 2010
- x) Surf Club Liaison Working Group – 15 June 2010
- xi) Human Services Planning & Policy Committee – 22 June 2010
- xii) Sister Cities Committee – 23 June 2010
- xiii) Sustainable Economic Development and Tourism Committee – 24 June 2010

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

Against the Resolution: Nil.

Report Of Committees Report No. 27

Minutes for Adoption by Council - Harbour Foreshore and Coastline Management Committee - 8 June 2010

This report was dealt with at the Harbour Foreshore and Coastline Management Committee meeting of 8 June 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 SANDY BAY LANDSCAPE MASTERPLAN (FINAL DESIGN)

The Harbour Foreshores & Coastline Management Committee, at its meeting on 8 December 2009, endorsed the final design recommending public exhibition of the Masterplan. However, following a Council resolution dated 1st March 2010, Sandy Bay Landscape Masterplan (final design) was referred to the LMUD and Access Committees. The Masterplan has since been presented to these Committees and feedback has been received.

Access Committee (dated 20 April 2010)

The Committee recommends to the General Manager and Council that the final design of the Sandy Bay Landscape Masterplan be endorsed.

LMUD Committee (dated 21 April 2010)

Councillors endorsed the Sandy Bay landscape upgrade project. Caitriona O'Dowd to amend the Masterplan drawings to communicate the following recommendations:

- Locate the bubblers away from the rubbish bins.
- Move the elevated seat further north away from the stormwater outlet pipe.
- Confirm that existing lighting levels meet current and future user requirements.
- Illustrate a connecting stainless steel stair from the beach to upper pathway close to the elevated seat location.
- Present Sandy Bay Masterplan drawing to the Traffic Committee for comment.
- Council to keep the committee updated on the progress of the grant application.

The Committee noted and accepted recommendations of the Access and LMUD Committees and were pleased to endorse the Sandy Bay Landscape Masterplan again for public exhibition.

In relation to the issue of parking on Sandy Bay Road, the Committee suggested to raise the issue separately to the Traffic Committee.

MOTION (Heasman / Burns)

That the minutes of the Harbour Foreshore and Coastline Management Committee meeting on 8 June 2010 be adopted including the following items:

1. ITEM 4 SANDY BAY LANDSCAPE MASTERPLAN (FINAL DESIGN)

That:

1. The Final Design of the Sandy Bay Landscape Masterplan is endorsed and recommended that the Masterplan be placed before the P&S Committee to allow for public exhibition for a period of four weeks.
2. The issue of parking on the Sandy Bay Road is separately presented and discussed at the Traffic Committee.

109/10 **RESOLVED:** (Heasman / Burns)

That the minutes of the Harbour Foreshore and Coastline Management Committee meeting on 8 June 2010 be adopted including the following items:

1. ITEM 4 SANDY BAY LANDSCAPE MASTERPLAN (FINAL DESIGN)

That:

1. The Final Design of the Sandy Bay Landscape Masterplan is endorsed and recommended that the Masterplan be placed before the P&S Committee to allow for public exhibition for a period of four weeks.
2. The issue of parking on the Sandy Bay Road is separately presented and discussed at the Traffic Committee.

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

Against the Resolution: Nil.

Report Of Committees Report No. 28

Minutes for adoption by Council - Landscape Management and Urban Design Committee - 16 June 2010

These reports were dealt with at the Landscape Management and Urban Design Committee meeting of 16 June 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 5 ELLERY'S PUNT RESERVE LANDSCAPE UPGRADE

Caitriona O'Dowd, Council's Landscape Architect, presented the Ellery's Punt Reserve Landscape Concept Plan to the LMUD Committee members.

It was communicated that this landscape plan is being developed in response to the continuing erosion issues at the site and to resolve the problem of soil erosion to the harbour foreshore area. The protection of the existing soil profile to the harbour is important to maintain.

Heritage

The landscape plan was designed with input from the heritage councillors at Manly Council. Part of the design brief for this section of the harbour foreshore was to protect and enhance the heritage value of the site. We will present this plan to the heritage committee at the next scheduled meeting in August.

Interpretive Signage

The importance of incorporating interpretive signage was highlighted by committee members. It is recommended that the historical significance of this site is communicated to the visitors and users of the Manly Scenic Walkway.

Governing Committee

Landscape Management & Urban Design Committee will be the committee that approves the final design of Ellery's Punt Reserve. Council will present this scheme to the Heritage, Access, Harbour Foreshore and Manly Scenic Walkway Committee for general feedback. The drawings will then be updated and presented to the Landscape Management & Urban Design Committee for final

approval. Consultation for design development with heritage Planners was encouraged by the Committee.

2. ITEM 6 NORTH HARBOUR RESERVE LANDSCAPE UPGRADE

NORTH HARBOUR RESERVE LANDSCAPE UPGRADE

Caitriona O'Dowd, Council's Landscape Architect, presented the landscape drawing for the North Harbour Reserve Landscape upgrade. This landscape plan was presented to the Harbour Foreshore committee on the 8 June 2010. The design contains information for the upgrade of facilities to 3 main areas.

1. Improved access from Upper Beach Street to the park and the existing toilet building. This access path will follow the base of the existing embankment to connect with the Manly Scenic Walkway. BBQ, seating and bubblers will be incorporated with the path alignment.
2. Car park formalisation. We propose to formalise the existing car parking area on Condamine Street to improve its function for the park users. The finish to this car park surface will be of a permeable surface such as decomposed granite. No formal line marking is proposed at this stage.
3. Improvement of access from King Avenue to the park is also proposed by providing an access ramp through the native bush area by following the desire line already present here. By improving the gradient of the existing concrete path and stair to the northern and southern edge of the park.

Ramp

It was suggested that a stainless steel frame with mesh/recycled plastic ramp structure could be used to the bushland area.

Car Park

The LMUD Committee members suggested that the car park arrangement be kept informal, therefore without line marking to car park spaces.

Seats to Foreshore

It was recommended that some seating be located adjacent to the manly scenic walkway path to provide stop off points for walkway users.

Desire line

Committee members suggested that the landscape plan should show a path following a desire line linking the base of the ramp with the manly scenic pathway.

Stair to water's edge

It was recommended that a stair to the water's edge be proposed as shown on the landscape plan. Landscape elements such as seating, lighting, bubblers and signage could be located at this focal point.

Existing area at hedge lines

It was suggested that the eastern hedge be removed and the grassed area function be open to sport activities such as soccer or cricket.

Interpretive signage

The LMUD Committee suggested that interpretive signage be incorporated into the design as the area has a rich history.

3. ITEM 7 WHARF FORECOURT – PROPOSED FUTURE OF 'NAUTILUS'

This report was prepared in response to a notice of motion raised by Cllr. Burns. Staff presented some of the existing drawings as prepared by Tract Landscape Architects and Urban Art Projects.

The purpose of discussing this item was to get feedback from the LMUD committee members on the sculpture generally. After some discussion the LMUD Committee formed a view that the sculpture should be retained for the future and that it was desirable that it be turned back on to operate as it was designed to do. Also it was requested if the general maintenance of the wharf forecourt area could be clarified in terms of what was Councils responsibility and what was Wharf Management / State Governments responsibility.

4. ITEM 8 DESIGN AND INSTALLATION OF SURFING PLAQUE TO OCEAN BEACH

Anthony Hewton, Council's Divisional Manager Corporate Planning and Strategy, outlined the background to National Surfing Reserve and as part of Ocean Beach being awarded the world surf reserve title council must put a plaque somewhere on Ocean Beach. At a meeting of the Surf Club Liaison Working Group they expressed interest in the plaque being mounted on a vertical element such as a surfboard or a surfboard carved into sandstone.

Surf Plaque in-ground

The LMUD Committee recommended that a round plaque (as suggested by the National Surfing Reserve Committee) be placed in the ground to avoid another vertical element being added to the Ocean Beach area at South Steyne.

The committee members unanimously agree that the plaque is appropriate and its prominence be linked in with the plaques that already exist on the ground. The plaque should measure a maximum 450mm diameter.

Head of Strategy note:

The Manly National Surfing Reserve Committee has subsequent to LMUD's consideration of the matter submitted for its further consideration an alternative site for the placement of the official plaque. This is outlined in the attachment to Planning and Strategy Division Report No. 17 of this Agenda. Given this, it is recommended that Council just note the Item 8 recommendation at this point in time.

MOTION (Heasman / Burns)

That the Minutes of the Landscape Management and Urban Design Committee meeting on 16 June 2010 be adopted as follows:

1. ITEM 5 ELLERY'S PUNT RESERVE LANDSCAPE UPGRADE

The Landscape Management and Urban Design Committee recommended that the landscape drawings be presented to the Heritage Committee for feedback in August.

2. ITEM 6 NORTH HARBOUR RESERVE LANDSCAPE UPGRADE

The Landscape Management and Urban Design Committee recommended that the landscape drawings be updated with the above comments. The landscape plan will then be presented to the relevant committees for comment. The final landscape plan will be presented to Landscape Management and Urban Design Committee for final approval.

This item be taken back to the LMUD Committee for review of items regarding the Stairs to Water's Edge and the Existing Area at the Edge Lines.

3. ITEM 7 WHARF FORECOURT – PROPOSED FUTURE OF 'NAUTILUS'

That the view of the Committee be relayed to the General Manager that the Nautilus Sculpture should be turned back on and made operational as designed to do.

4. ITEM 8 DESIGN AND INSTALLATION OF SURFING PLAQUE TO OCEAN BEACH

The Landscape Management and Urban Design Committee recommended that the design of the surf plaque be the typical round 450mm diameter plaque installed in paving to finish flush with surrounding paving surface to match existing plaques on Ocean Beach be noted.

110/10 **RESOLVED: (Heasman / Burns)**

That the Minutes of the Landscape Management and Urban Design Committee meeting on 16 June 2010 be adopted as follows:

1. ITEM 5 ELLERY'S PUNT RESERVE LANDSCAPE UPGRADE

The Landscape Management and Urban Design Committee recommended that the landscape drawings be presented to the Heritage Committee for feedback in August.

2. ITEM 6 NORTH HARBOUR RESERVE LANDSCAPE UPGRADE

The Landscape Management and Urban Design Committee recommended that the landscape drawings be updated with the above comments. The landscape plan will then be presented to the relevant committees for comment. The final landscape plan will be presented to Landscape Management and Urban Design Committee for final approval.

This item be taken back to the LMUD Committee for review of items regarding the Stairs to Water's Edge and the Existing Area at the Edge Lines.

3. ITEM 7 WHARF FORECOURT – PROPOSED FUTURE OF 'NAUTILUS'

That the view of the Committee be relayed to the General Manager that the Nautilus Sculpture should be turned back on and made operational as designed to do.

4. ITEM 8 DESIGN AND INSTALLATION OF SURFING PLAQUE TO OCEAN BEACH

The Landscape Management and Urban Design Committee recommended that the design of the surf plaque be the typical round 450mm diameter plaque installed in paving to finish flush with surrounding paving surface to match existing plaques on Ocean Beach be noted.

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

Against the Resolution: Nil.

Report Of Committees Report No. 29

Minutes for Adoption by Council - Traffic Committee - 12 July 2010

This report was dealt with at the Traffic Committee meeting of 12 July 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 40/10 MANLY CBD PARKING SCHEME

SUMMARY

For Council to consider the amendment of the parking restrictions in the Manly CBD following representation from the Manly Chamber of Commerce regarding the time restrictions in the Manly CBD and Council's resolution from the Workshop held on Wednesday 9 June 2010 to address the issues raised.

DISCUSSION

Traffic Committee members have noted the proposal of the Manly CBD parking strategy. Council's Divisional Manager (Civic & Urban Services) briefed the committee that recommendation has been made to the Traffic Committee as per the outcome of the workshop held on 9 June 2010.

MOTION (Heasman / Burns)

That the minutes of the Traffic Committee meeting on 12 July 2010 be adopted including the following items:

1. ITEM 40/10 MANLY CBD PARKING SCHEME

That the parking restrictions in the Manly CBD be amended as outlined in the schedule.

111/10 **RESOLVED: (Heasman / Burns)**

That the minutes of the Traffic Committee meeting on 12 July 2010 be adopted as follows:

1. ITEM 40/10 MANLY CBD PARKING SCHEME

That the parking restrictions in the Manly CBD be amended as outlined in the schedule.

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

Against the Resolution: Nil.

Corporate Services Division

Corporate Services Division Report No. 23

Report on Council Investments as at 31 May 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 (Heasman / Burns)

That: the statement of Bank Balances and Investment Holdings as at 31 May, 2010 be received and noted.

112/10 **RESOLVED: (Heasman / Burns)**

That: the statement of Bank Balances and Investment Holdings as at 31 May, 2010 be received and noted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 24

Local Government Association of New South Wales - Annual Conference 2010**SUMMARY**

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from 24 - 27 October 2010 at Albury.
2. The purpose of this report is to seek nominations for delegates and observers to attend the Conference, and to call for Motions to be submitted on behalf of Council to the Conference.

MOTION (Hay / Heasman)

1. That Council be represented at the Local Government Association of New South Wales 2010 Annual Conference in Albury from 24-27 October 2010 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That Council nominate the Mayor, Councillor Hay, Councillor Aird and Councillor Griffin as delegates and Councillors Heasman and Whitting as an observers to attend the conference.
3. That Council note that Motions to be submitted to the conference must be received by the Local Government Association of New South Wales by Monday, 9 August 2010.
4. That Motions to be submitted to the Conference be received by the General Manager by Wednesday 28 July 2010 for inclusion in the agenda for the Planning & Strategy Committee meeting on 2 August 2010.
5. That the following resolution adopted at the Ordinary Meeting held on 19 April 2010 be submitted as a Motion to the Conference.

That Manly Council calls on both Premier Keneally and Opposition Leader O'Farrell to:

- i) Support the recent pleas of a coalition of emergency service workers (the Police Association of NSW, Australia Medical Association (NSW), NSW Nurses Association and The Health Service Union (HSU) for tough new restrictions on the sale of alcohol at pubs and clubs across NSW.

- ii) Reject donations to their parties from hotels, clubs and the alcohol industry.

113/10 **RESOLVED: (Hay / Heasman)**

1. That Council be represented at the Local Government Association of New South Wales 2010 Annual Conference in Albury from 24-27 October 2010 and that Council meet the registration, accommodation and associated costs for each attendee.
2. That Council nominate the Mayor, Councillor Hay, Councillor Aird and Councillor Griffin as delegates and Councillors Heasman and Whitting as an observers to attend the conference.
3. That Council note that Motions to be submitted to the conference must be received by the Local Government Association of New South Wales by Monday, 9 August 2010.
4. That Motions to be submitted to the Conference be received by the General Manager by Wednesday 28 July 2010 for inclusion in the agenda for the Planning & Strategy Committee meeting on 2 August 2010.
5. That the following resolution adopted at the Ordinary Meeting held on 19 April 2010 be submitted as a Motion to the Conference.

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- i) Support the recent pleas of a coalition of emergency service workers (the Police Association of NSW, Australia Medical Association (NSW), NSW Nurses Association and The Health Service Union (HSU) for tough new restrictions on the sale of alcohol at pubs and clubs across NSW.
- ii) Reject donations to their parties from hotels, clubs and the alcohol industry.

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

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 14

Report on SHOROC Regional Directions: Shaping Our Future

SUMMARY

This report proposes a regional co-ordinated approach and future strategic directions for the SHOROC region comprising Manly, Warringah, Pittwater and Mosman local government areas. It will provide directions on housing, employment, transport (roads, public transport), health, and the environment for the future SHOROC region in order to respond to expected future challenges.

MOTION (Heasman / Whitting)

That Council resolve:

A

1. To adopt the SHOROC Regional Directions – Shaping our Future report as a regional way forward for the future of the SHOROC region; and
2. To support the SHOROC Board (including General Managers and Mayors) in its communications and strategies proposed to implement the SHOROC Regional Directions as required.

B

1. To request SHOROC to continue to lobby for Manly Hospital to be fully funded until any replacement of any hospital at Frenchs Forest or any other location is built.

114/10 **RESOLVED: (Heasman / Whitting)**

That Council resolve:

A

1. To adopt the SHOROC Regional Directions – Shaping our Future report as a regional way forward for the future of the SHOROC region; and
2. To support the SHOROC Board (including General Managers and Mayors) in its communications and strategies proposed to implement the SHOROC Regional Directions as required.

B

1. To request SHOROC to continue to lobby for Manly Hospital to be fully funded until any replacement of any hospital at Frenchs Forest or any other location is built.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 15

Public exhibition of the Sandy Bay Landscape Masterplan**SUMMARY**

Manly Council has produced the Sandy Bay Landscape Masterplan following extensive community and stakeholder consultation. The Plan has been developed in line with the management options proposed in the Council adopted Clontarf Bantry Bay Estuary Management Plan.

The Harbour Foreshores & Coastline Management Committee, at its meeting on 8 December 2009, endorsed the final design recommending public exhibition of the Masterplan. However, following a presentation to the P&S Committee dated 1st March 2010, the Sandy Bay Landscape Masterplan (Final design) was referred to the LMUD and Access Committees. The Masterplan has since been presented to these Committees and feedbacks have been received.

Considering feedbacks from all Committees, the Harbour Foreshores & Coastline Management Committee, at its meeting on 8 June 2010, has again endorsed the Final Design of the Sandy Bay Landscape Masterplan and recommended Council to allow public exhibition.

MOTION (Heasman / Elder)

1. That the Final Design of the Sandy Bay Landscape Masterplan be placed on public exhibition for a period of four weeks.
2. That Council organise a low key on site morning tea for the residents before the Sandy Bay Landscape Masterplan goes onto public exhibition.

115/10 **RESOLVED: (Heasman / Elder)**

1. That the Final Design of the Sandy Bay Landscape Masterplan be placed on public exhibition for a period of four weeks.
2. That Council organise a low key on site morning tea for the residents before the Sandy Bay Landscape Masterplan goes onto public exhibition.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 16

MV Baragoola Ferry – former State Heritage Register listed item**SUMMARY**

The purpose of this report is to update Council on the progress of setting up an Inter-Council working group comprising of Manly, City of Sydney, Leichhardt and North Sydney Councils to assist the Baragoola Preservation Association in its endeavours to restore the historic *MV Baragoola* ferry.

MOTION (Burns / Heasman)

That Council receive and note the report on the MV Baragoola Ferry.

116/10 **RESOLVED: (Burns / Heasman)**

That Council receive and note the report on the MV Baragoola Ferry.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 17

Update Report on Manly-Freshwater as a National Surfing Reserve

SUMMARY

Council has resolved to pursue the nomination of Manly Ocean Beach as a National Surfing Reserve [PS82/08] and [PS142/09]. The National Reference Group of the National Surfing Reserves has already approved and accepted the nomination of the Manly-Freshwater National Surfing Reserve which has to be formalised through a dedication ceremony.

This report seeks to inform the Council of progress to date with the dedication ceremony.

MOTION (Elder / Griffin)

That:

1. The report be received and noted;
2. Council's LMUD Committee be advised of the Manly National Surfing Reserve Committee's preference for the placement of the National Surfing Reserve plaque. And the matter be referred to the General Manager for his final determination.
3. The matter be referred to the Metropolitan Land Council to clarify the original owners name.

117/10 **RESOLVED: (Elder / Griffin)**

That:

1. The report be received and noted.
2. Council's LMUD Committee be advised of the Manly National Surfing Reserve Committee's preference for the placement of the National Surfing Reserve plaque. And the matter be referred to the General Manager for his final determination.
3. The matter be referred to the Metropolitan Land Council to clarify the original owners name.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 17

Development Application Currently Being Processed During July 2010

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JULY 2010.

MOTION (Burns / Griffin)

THAT the information be noted.

118/10 **RESOLVED: (Burns / Griffin)**

THAT the information be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 18

List of Current Appeals Relating to Development Applications.

SUMMARY

LIST OF CURRENT APPEALS RELATING TO DEVELOPMENT APPLICATIONS.

MOTION (Burns / Griffin)

THAT the information be noted.

119/10 **RESOLVED: (Burns / Griffin)**

THAT the information be noted.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN61/10 Councillor Elder - New sign erected at the top of Shelly car park

Would the General Manager advise who installed the new sign erected at the top of Shelly Beach car park in the bushland leading to North Head, and was this as a result of an incident? Who is this land owned by also?

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

QWN62/10 Councillor Heasman - Light on Basketball Court

Could Council staff clarify when the light on the Basketball Court at North Head would be moved away from the Court and onto the street or top of the stairs?

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

QWN63/10 Councillor Heasman - Installation of new stop signs

Would Council Clarify who installed the new stop sign at the intersection of Raglan Street and North Steyne?

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

QWN64/10 Councillor Whitting - Alcohol Free Zones

Would the General Manager investigate extending the Alcohol Free Zones to cover both East and West Esplanade and report to Council?

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

QWN65/10 Councillor Whitting - Trans Fatty Acids

Would the General Manager report to Council on the implementation of resolution 69/10. That Manly Council encourages the reduction in the use of Trans Fatty Acids from all Council Operations?

In particular how Manly Council has acted on committing to reducing the risk factors associated with Trans Fatty Acids by encouraging the reduction in the use of all synthetic Trans Fatty Acid Foods from all council operations.

Would General Manager also table and provide Councillors with a letter or some tangible understanding that Manly Council is working in conjunction with the Heart Foundation in accordance with the resolution.

At the request of the Mayor, the General Manager advised that a report has been written and it is going to the Planning and Strategy Committee meeting in August. The Agenda for tonight's meeting closed in advance of the report being completed.

Proforma Report has been prepared and sent and reviewed by the Heart Foundation, so the final Report is now complete .

QWN66/10 Councillor Morrison - Qualifications of New Property Officer

At last month's Ordinary Meeting, Councillor Griffin previously asked about the qualifications of the new Property Officer and what experience he had in Property Management and have these qualifications been sighted?

At the request of the Mayor, the General Manager advised that Mr Barnett was our Business Manager – who was previously Council's Facilities Manager and was a representative of Council on a number of Owners Corporations on which Council has a position.

Mr Barnett has a qualification from the Premiers Department issued by Macquarie University in Public Sector Management of which management of assets and property management is a part.

QWN67/10 Councillor Griffin - Property Management

Would the General Manager advise if the new Property Officer is employed full time and solely in relation to property management and if not why not. Because it was the intent not to outsource the role because the Officer was required to be on the job full time?

At the request of the Mayor, the General Manager advised that the property related work of the Manager, Business and Economic Development would occupy 80% of the position and 20% of the position looks after Council's assets that are also property related, particularly in relation to Council Car parks. Regarding leases and licenses he is responsible for updating all proforma leases and licenses and is working with both the Department of Lands as well as Council's actioning officer.

QWN68/10 Councillor Griffin - Hop Skip and Jump Bus

Would the General Manager advise if the Property Officer manages the Hop Skip and Jump Bus?

At the request of the Mayor, the General Manager advised that, Mr Barnett oversaw the Hop Skip and Jump bus but Ivan Buhinjak, Council's Operations Officer looks after the operational part of the bus service.

QWN69/10 Councillor Aird - RTA plans to construct new access way into Spit West

Would the General Manager respond in writing to me re my email to him of 9 July 2010 re the RTA plans to construct a new access way into Spit West car park and erect an overhead pedestrian bridge. This will impede the whole of cycling across this area. When will the submission dates end and has Manly Council lodged a submission? If not do staff intend to lodge a submission and if the answer is no Council should consider putting in a submission?

At the request of the Mayor, the General Manager advised that there was a presentation from the RTA on a study undertaken on an underpass and an over bridge. The under pass was ruled out as it was below the water table – they are proposing a foot bridge across the Spit Road from the car park on the eastern side across to Parriwi Road on the western side. The General Manager further advised that he would check if a submission has been made by Council.

QWN70/10 Councillor Burns - Crystals

Would the General Manager advise where Council stands in recovering the money owed by Crystals now they have shut up shop?

At the request of the Mayor, the General Manager advised that the matter is on foot and the legal proceedings continue.

QWN71/10 Councillor Burns - Inspection of Premises

Some DA applications show plans that are not reality, do we inspect the site? What is Council's procedure, do we inspect the plans or how do we verify the plans are correct?

At the request of the Mayor the Deputy General Manager advised that we have 3 days to notify, then we carry out site inspection, if something is found to be incorrect or missing from the plan, they will be asked to correct the plan.

What is notified is not the whole plan it is only the elevation and the floor plan.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 5

Tender for Electrical Services - Tender No: T2010/07

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

Civic and Urban Services Division Report No. 6

Tender for Plumbing, Drainage & Gasfitting Services - Tender No. T2010/06

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 (Elder / Heasman)**

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

The Chairperson, Councillor Hay asked if any members of the public gallery objected to the matters being heard in Closed Session.

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

120/10 **RESOLVED: (Elder / Heasman)**

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Civic and Urban Services Division Report No. 5
Tender for Electrical Services - Tender No: T2010/07

121/10 **RESOLVED: (Morrison / Whitting)**

That the Schedule of Rates tender of Chris Lee Electrical Pty Ltd for a three year term be accepted by Council.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Griffin, Aird and Burns
Against the Resolution: Councillor Morrison

Civic and Urban Services Division Report No. 6
Tender for Plumbing, Drainage & Gas fitting Services - Tender No. T2010/06

122/10 **RESOLVED: (Heasman / Whitting)**

That this item is **Deferred**.

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

CLOSE

The meeting closed at 10.59pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 9 August 2010.

MAYOR

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