



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 21 June 2010

All minutes are subject to confirmation at a subsequent meeting.

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 21 June 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 C Griffin
 Councillor A Heasman
 Councillor A Le Surf
 Councillor Dr P Macdonald
 Councillor R Morrison
 Councillor D Murphy, Deputy Mayor
 Councillor M Norek
 Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
 Ross Fleming, Acting Deputy General Manager, Divisional Manager, Corporate Services
 Bronwen Thomas, Communications Manager
 Christine Bone, Secretariat

OPENING PRAYER

The Opening Prayer was presented by Rev David Rowe, Seaforth Baptist Church.

APOLOGIES

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

82/10 **RESOLVED:** (Heasman / Burns)

That the apology received from Councillor Elder for non-attendance, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Heasman	Notice of Motion Report No.27 – Master Plan for the Balgowlah/Manly Vale Industrial Zone	Conflict of interest - Councillor has submitted an objection to the two DA's
Councillor Morrison	Notice of Motion Report No.30 – Public Access to Sydney Road	Pecuniary interest - property interest

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 10 May 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.

83/10 RESOLVED: (Whitting / Burns)

That copies of the Minutes of the Ordinary Meeting held on Monday, 10 May 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, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 5

Queen's Birthday Honours 2010**MOTION (Hay)**

The Mayor, Councillor Hay moved that:

The Mayor writes to the Manly LGA Honours recipients congratulating them on their awards.

84/10 RESOLVED: (Hay)

That the Mayor writes to the Manly LGA Honours recipients congratulating them on their awards.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 6

One Association - Local Government NSW**MOTION (Hay)**

The Mayor, Councillor Hay moved that:

1. Council notes the importance of forming One Association to provide a uniform voice for Local Government in NSW.
2. The Mayor, nominated elected representatives from Council and the General Manager attend the One Association Convention on 16 & 17 August.
3. Council consider this matter further when the One Association Taskforce releases its discussion paper.

85/10 RESOLVED: (Hay)

1. Council notes the importance of forming One Association to provide a uniform voice for Local Government in NSW.
2. The Mayor, nominated elected representatives from Council and the General Manager attend the One Association Convention on 16 & 17 August.
3. Council consider this matter further when the One Association Taskforce releases its discussion paper.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 24

Support the Safe Rates Legislation

Councillor Craig Whitting moved:

Manly Council calls on the Deputy Prime Minister, Minister for Industrial Relations, Julia Gillard as well as the Shadow Minister for Transport Warren Truss to:

Support the Safe Rates Legislation and the recent pleas from the Transport Workers Union to adopt the tough new restrictions on Australian Transport Work Rates. Urgent action is required for the sake of all Australians who use our roads.

PUBLIC ADDRESSES

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

In support of the Recommendation: Tanie Sansey

MOTION (Whitting / Aird)

- A. That Manly Council calls on the Deputy Prime Minister, Minister for Industrial Relations, Julia Gillard and the Minister for Transport as well as the Shadow Minister for Industrial Relations and the Shadow Minister for Transport Warren Truss to:

Support the Safe Rates Legislation and the recent pleas from the Transport Workers Union to adopt the tough new restrictions on Australian Transport Work Rates. Urgent action is required for the sake of all Australians who use our roads.

- B. That Manly Council urge the Federal Government to encourage the increased use of rail for environmental and safety issues.

86/10 RESOLVED: (Whitting / Aird)

- A. That Manly Council calls on the Deputy Prime Minister, Minister for Industrial Relations,

Julia Gillard and the Minister for Transport as well as the Shadow Minister for Industrial Relations and the Shadow Minister for Transport Warren Truss to:

Support the Safe Rates Legislation and the recent pleas from the Transport Workers Union to adopt the tough new restrictions on Australian Transport Work Rates. Urgent action is required for the sake of all Australians who use our roads.

- B. That Manly Council urge the Federal Government to encourage the increased use of rail for environmental and safety issues.

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

Against the Resolution: Councillors LeSurf, Morrison and Norek

SUSPENSION OF STANDING ORDERS (Griffin / Norek)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.27 – Master Plan for the Balgowlah/Manly Vale Industrial Zone, Notice of Motion Report No.30 – Public Access to Sydney Road and Notice of Motion Report No.32 – Sydney Road Markets.

87/10 **RESOLVED:** (Griffin / Norek)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.27 – Master Plan for the Balgowlah/Manly Vale Industrial Zone, Notice of Motion Report No.30 – Public Access to Sydney Road and Notice of Motion Report No.32 – Sydney Road Markets.

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

Against the Resolution: Nil.

Councillor Heasman left the chamber having previously declared a conflict of interest on the following item.

Notice of Motion Report No. 27

Master Plan for the Balgowlah/Manly Vale Industrial Zone

Councillor Cathy Griffin moved:

1. Manly Council accede to community and three Precinct Forum requests to develop as a matter of urgency a comprehensive Master Plan for the Balgowlah/Manly Vale Industrial Zone, (Enterprise Zone as it will become known) establishing planning priorities including but not limited to:
 - a. Changes to roads, traffic management, and parking
 - b. Pedestrian and bike paths
 - c. Landscaping, tree plantings, open space and public place furniture
 - d. Diversity of land uses
 - e. Environmental impacts of large scale excavation on the water table
2. The General Manager advise on the possibility of rescinding the Draft LEP Amendment 79 to

the Manly LEP 1988 and the implications of such a move.

3. Manly Council write to the Department of Planning and request that the gazettal of Amendment 79 to the Manly LEP be deferred until this Master Plan has been completed.
4. Manly Council request a 'stop the clock' on both the Bunnings & Woolworths DAs until the additional studies on the cumulative impacts of both these DAs have been completed presented to the community and Master Plan has been completed.
5. Manly Council publish a 'Fact Sheet' on the approval process to date and in the future for these DAs as well as the studies completed and in progress for these DAs.

PUBLIC ADDRESSES

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

In support of the Recommendation: Peter Smith and Colin Black

Against the Recommendation: Stephen Garmston, Woolworths

MOTION (Griffin / Norek)

That:

1. Manly Council accede to community and three Precinct Forum requests to develop as a matter of urgency a comprehensive Master Plan for the Balgowlah/Manly Vale Industrial Zone, (Enterprise Zone as it will become known) establishing planning priorities including but not limited to:
 - a. Changes to roads, traffic management, and parking
 - b. Pedestrian and bike paths
 - c. Landscaping, tree plantings, open space and public place furniture
 - d. Diversity of land uses
 - e. Environmental impacts of large scale excavation on the water table
2. The General Manager advise on the possibility of rescinding the Draft LEP Amendment 79 to the Manly LEP 1988 and the implications of such a move.
3. Manly Council write to the Department of Planning and request that the gazettal of Amendment 79 to the Manly LEP be deferred until this Master Plan has been completed.
4. Manly Council request a 'stop the clock' on both the Bunnings & Woolworths DAs until the additional studies on the cumulative impacts of both these DAs have been completed presented to the community and Master Plan has been completed.
5. Manly Council publish a 'Fact Sheet' on the approval process to date and in the future for these DAs as well as the studies completed and in progress for these DAs.

AMENDMENT (LeSurf / Murphy)

That:

1. Manly Council accede to community and three Precinct Forum requests to develop as a matter of urgency a comprehensive Master Plan for the Balgowlah/Manly Vale Industrial Zone, (Enterprise Zone as it will become known) establishing planning priorities including but not limited to:

- a. Changes to roads, traffic management, and parking
 - b. Pedestrian and bike paths
 - c. Landscaping, tree plantings, open space and public place furniture
 - d. Diversity of land uses
 - e. Environmental impacts of large scale excavation on the water table
2. Manly Council publish a 'Fact Sheet' on the approval process to date and in the future for these DAs as well as the studies completed and in progress for these DAs.

For the Amendment: Councillors Hay, Murphy and LeSurf

Against the Amendment: Councillors Whitting, Morrison, Norek, Griffin, Aird, Burns and Macdonald

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

The **Amendment** was declared **Lost**.

FORESHADOWED AMENDMENT (Morrison / Murphy)

That Council debate the original motion individually.

For the Foreshadowed Amendment: Councillors Hay, Murphy, Morrison and LeSurf

Against the Foreshadowed Amendment: Councillors Whitting, Norek, Griffin, Aird, Burns and Macdonald

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

The **Foreshadowed Amendment** was declared **Lost**.

88/10 RESOLVED: (Griffin / Norek)

That:

1. Manly Council accede to community and three Precinct Forum requests to develop as a matter of urgency a comprehensive Master Plan for the Balgowlah/Manly Vale Industrial Zone, (Enterprise Zone as it will become known) establishing planning priorities including but not limited to:
 - a. Changes to roads, traffic management, and parking
 - b. Pedestrian and bike paths
 - c. Landscaping, tree plantings, open space and public place furniture
 - d. Diversity of land uses
 - e. Environmental impacts of large scale excavation on the water table
2. The General Manager advise on the possibility of rescinding the Draft LEP Amendment 79 to the Manly LEP 1988 and the implications of such a move.
3. Manly Council write to the Department of Planning and request that the gazettal of Amendment 79 to the Manly LEP be deferred until this Master Plan has been completed.
4. Manly Council request a 'stop the clock' on both the Bunnings & Woolworths DAs until the additional studies on the cumulative impacts of both these DAs have been completed presented to the community and Master Plan has been completed.
5. Manly Council publish a 'Fact Sheet' on the approval process to date and in the future for these DAs as well as the studies completed and in progress for these DAs.

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

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

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

Councillor Heasman returned to the Chamber.

Councillor Morrison left the chamber having previously declared a conflict of interest on the following item.

Notice of Motion Report No. 30

Public Access to Sydney Road

Councillor Mark Norek moved:

That Council serve an Order on Stocklands pursuant to s.121B (Order No.16) of the Environmental Planning and Assessment Act 1979 to complete the public access to Sydney Road. The order should give the applicant 12 months to complete the public access to Sydney Road.

PUBLIC ADDRESSES

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

In support of the Recommendation: Richard Roden, Balgowlah Chamber of Commerce

MOTION (Norek / Burns)

That Council continue to monitor and report to Council, Stocklands completion of the public access as per the DA conditions and that Council consider measures to encourage the developer to undertake these works as soon as possible. Failing that Council consider serving an order pursuant to s. 121B (order no.16) of the Environmental Planning and Assessment Act.

89/10 RESOLVED: (Norek / Burns)

That Council continue to monitor and report to Council, Stocklands completion of the public access as per the DA conditions and that Council consider measures to encourage the developer to undertake these works as soon as possible. Failing that Council consider serving an order pursuant to s. 121B (order no.16) of the Environmental Planning and Assessment Act.

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

Councillors Morrison and Le Surf were not in the Chamber when the voting took place.

Councillor Morrison returned to the Chamber.

4. In the event of a termination Council -
 - a. commission a plan to revitalise the streetscape to bring life and interest to the precinct 7 days a week
 - b. investigate alternative locations

Due to the lack of a Seconder the Amendment lapsed.

90/10 **RESOLVED: (Macdonald / Aird)**

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, Heasman, Whitting, Murphy, Morrison, Griffin, Aird, Burns and Macdonald

Against the Resolution: Councillor Norek

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

Councillor Le Surf left the Chamber at 10.15pm.

RESUMPTION OF STANDING ORDERS (Norek / Griffin)

That Standing Orders be resumed.

91/10 **RESOLVED: (Norek / Griffin)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Notice of Motion Report No. 25

Fish Friendly Councils Program

Councillor Craig Whitting moved:

That Manly Council becomes an active participant in the recently announced State Government initiative *Fish Friendly Councils Program*. Active participation in the program will in addition to encouraging native fish to return to local waterways, boost recreational and tourism opportunities.

MOTION (Whitting / Griffin)

That Manly Council becomes an active participant in the recently announced State Government initiative *Fish Friendly Councils Program*. Active participation in the program will in addition to encouraging native fish to return to local waterways, boost recreational and tourism opportunities.

92/10 RESOLVED: (Whitting / Griffin)

That Manly Council becomes an active participant in the recently announced State Government initiative *Fish Friendly Councils Program*. Active participation in the program will in addition to encouraging native fish to return to local waterways, boost recreational and tourism opportunities.

For the Resolution: Councillors Hay, Heasman, Whitting, Murphy, Norek, Griffin and Burns
Against the Resolution: Councillor Morrison

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

Notice of Motion Report No. 26

Council to seek occupancy of the Seaforth Tafe Site to use buildings for Council and Community Purposes

Councillor Hugh Burns moved:

1. That Council writes to the Minister and the New South Wales Department of Education and Training seeking to inspect the Seaforth Tafe Buildings with a view to enter a lease for use of some areas for Council and Community use, while the future of the TAFE site continues to be determined.
2. That the expectation for the lease by Council would be for a 12 month term with two 6 month options exercisable by Council. The rent equivalent to be "paid" by Council for the use of the site over this period would be all services outgoings and the expense of making good the buildings to be used and maintaining the site in a manner to be agreed between Council and the Department.
3. That on successful negotiation of the lease, and after identification of areas desired to be used by Council itself, that Council call for expressions of interest from Community Groups to use space within the TAFE facility on a short-term temporary basis, in exchange for such groups meeting Councils estimated outgoings on the portions of the space they occupy (e.g. electricity and water etc.) and assisting Council in managing the facility by providing volunteers to assist maintaining the grounds and building common areas etc.

MOTION (Burns / Norek)

1. That Council writes to the Minister and the New South Wales Department of Education and Training seeking to inspect the Seaforth Tafe Buildings with a view to enter a lease for use of some areas for Council and Community use, while the future of the TAFE site continues to be determined.
2. That the expectation for the lease by Council would be for a 12 month term with two 6 month

options exercisable by Council. The rent equivalent to be "paid" by Council for the use of the site over this period would be all services outgoings and the expense of making good the buildings to be used and maintaining the site in a manner to be agreed between Council and the Department.

3. That on successful negotiation of the lease, and after identification of areas desired to be used by Council itself, that Council call for expressions of interest from Community Groups to use space within the TAFE facility on a short-term temporary basis, in exchange for such groups meeting Councils estimated outgoings on the portions of the space they occupy (e.g. electricity and water etc.) and assisting Council in managing the facility by providing volunteers to assist maintaining the grounds and building common areas etc.

93/10 RESOLVED: (Burns / Norek)

1. That Council writes to the Minister and the New South Wales Department of Education and Training seeking to inspect the Seaforth Tafe Buildings with a view to enter a lease for use of some areas for Council and Community use, while the future of the TAFE site continues to be determined.
2. That the expectation for the lease by Council would be for a 12 month term with two 6 month options exercisable by Council. The rent equivalent to be "paid" by Council for the use of the site over this period would be all services outgoings and the expense of making good the buildings to be used and maintaining the site in a manner to be agreed between Council and the Department.
3. That on successful negotiation of the lease, and after identification of areas desired to be used by Council itself, that Council call for expressions of interest from Community Groups to use space within the TAFE facility on a short-term temporary basis, in exchange for such groups meeting Councils estimated outgoings on the portions of the space they occupy (e.g. electricity and water etc.) and assisting Council in managing the facility by providing volunteers to assist maintaining the grounds and building common areas etc.

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

Against the Resolution: Nil.

Notice of Motion Report No. 28

Parking spaces for the teachers at Manly Village Public School

Councillor Cathy Griffin moved:

That Manly Council provide 30 parking spaces for the teachers at Manly Village Public School in the Council owned and operated Peninsular Carpark at no cost to the teachers until their parking area within the school is reinstated at the conclusion of the current building works.

MOTION (Griffin / Burns)

That Manly Council provide 30 parking spaces for the teachers at Manly Village Public School in the Council owned and operated Peninsular Carpark at no cost to the teachers until their parking area within the school is reinstated at the conclusion of the current building works.

For the Motion: Councillors Griffin and Burns

Against the Motion: Councillors Hay, Heasman, Whitting, Murphy, Morrison, Norek, Aird

and Macdonald

The **Motion** was declared **Lost**.

Notice of Motion Report No. 29

Membership of Sustainable Choice Program

Councillor Barbara Aird moved:

Manly council agrees to become a member of the Sustainable Choice Program by:

1. Accepting in writing the LGSAs invitation to join the program.
2. Establishing a team with responsibility to co-ordinate sustainable procurement in council.
3. Developing, adopting and implementing sustainable purchasing policy principles, as set out in Appendix 1
4. Integrating sustainable procurement principles into council's purchasing processes.
5. Establishing a tracking system to monitor the scope and level of purchasing activity.
6. Council participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable procurement taking place in NSW local government.
7. Staff participation in peer education forums, (workshops, etc) to facilitate increased levels of awareness of the benefits of sustainable procurement.

MOTION (Aird / Heasman)

Manly council agrees to become a member of the Sustainable Choice Program by:

1. Accepting in writing the LGSAs invitation to join the program.
2. Establishing a team with responsibility to co-ordinate sustainable procurement in council.
3. Developing, adopting and implementing sustainable purchasing policy principles, as set out in Appendix 1
4. Integrating sustainable procurement principles into council's purchasing processes.
5. Establishing a tracking system to monitor the scope and level of purchasing activity.
6. Council participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable procurement taking place in NSW local government.
7. Staff participation in peer education forums, (workshops, etc) to facilitate increased levels of awareness of the benefits of sustainable procurement.

94/10 RESOLVED: (Aird / Heasman)

Manly council agrees to become a member of the Sustainable Choice Program by:

1. Accepting in writing the LGSAs invitation to join the program.
2. Establishing a team with responsibility to co-ordinate sustainable procurement in council.
3. Developing, adopting and implementing sustainable purchasing policy principles, as set out in Appendix 1
4. Integrating sustainable procurement principles into council's purchasing processes.
5. Establishing a tracking system to monitor the scope and level of purchasing activity.
6. Council participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable procurement taking place in NSW local government.
7. Staff participation in peer education forums, (workshops, etc) to facilitate increased levels of awareness of the benefits of sustainable procurement.

For the Resolution: Councillors Hay, Heasman, Whitting, Morrison, Norek, Aird, Burns and Macdonald

Against the Resolution: Nil.

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

Notice of Motion Report No. 31

Outcomes of Council Resolution to Appoint Property Officer

Councillor Burns Notice of Motion:

That the General Manager provide:

1. the job/position description for the new Property Officer to be employed by Council.
2. details of the advertisements placed or planned to be placed to seek applicants to fill this position including the closing date for applications
3. an outline of the timeframe to interview and select the most suitable candidate and advise Council the date on which it is expected the new officer will commence their duties.

Councillor Burns withdrew the Notice of Motion.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 13

Manly Precinct Community Forums – User Consultation

SUMMARY

The Manly Council Precinct Community Forums (known as precincts) are now in their 20th year of operation. Their role in council's community engagement framework is important and valued, so to

ensure their ongoing success and effective operation Council staff have undertaken a process of user consultation to identify strengths and weaknesses in the system, and formulate a plan of action to address these factors.

MOTION (Heasman / Griffin)

1. That the report and associated recommendations within be noted.
2. That the revised guidelines dated June 15th 2010 be adopted with the following amendment - on page 5, under "Precinct Decisions and Recommendations", at point 4 add "with the names of the proposer and seconder clearly stated" to the end of the sentence so it will read "All resolutions coming from a precinct meeting must be minuted and accompanied by voting members, with the names of the proposer and seconder clearly stated".

AMENDMENT (Burns / Morrison)

1. That the report and associated recommendations within be noted.
2. That the revised guidelines dated June 15th 2010 be adopted with the following amendments:-
 - a. On page 5, under "Precinct Decisions and Recommendations", at point 4 add "with the names of the proposer and seconder clearly stated" to the end of the sentence so it will read "All resolutions coming from a precinct meeting must be minuted and accompanied by voting members, with the names of the proposer and seconder clearly stated".
 - b. On page 2, under "General" at point 4 add "that greater emphasis be put on hardcopy newsletters".

For the Amendment: Councillors Burns and Morrison

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

The **Amendment** was declared **Lost**.

95/10 RESOLVED: (Heasman / Griffin)

1. That the report and associated recommendations within be noted.
2. That the revised guidelines dated June 15th 2010 be adopted with the following amendment - on page 5, under "Precinct Decisions and Recommendations", at point 4 add "with the names of the proposer and seconder clearly stated" to the end of the sentence so it will read "All resolutions coming from a precinct meeting must be minuted and accompanied by voting members, with the names of the proposer and seconder clearly stated".

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

Against the Resolution: Councillors Burns and Morrison

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

General Managers Division Report No. 14
Government Information (Public Access) Act 2009

SUMMARY

The purpose of this report is to advise Council of the new *Government Information (Public Access) Act 2009* (the GIPA Act) which commences on 1 July 2010 and Council's implementation of the Act.

MOTION (Murphy / Macdonald)

That Council receive and note the report.

96/10 RESOLVED: (Murphy / Macdonald)

That Council receive and note the report.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 20

Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2010/2011**SUMMARY**

The Local Government Remuneration Tribunal has handed down its Report for 2010/2011 regarding the Category of Councils, and the fees payable to the Mayor and Councillors as from 1 July 2010.

MOTION (Murphy / Burns)

That Council reaffirm its previous policy adopted in July 1998, that pursuant to s.248 and 249 of the Local Government Act, 1993, Council set the Mayor and Councillor remuneration fees for the period 1 July 2010 to 30 June 2011 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$34,860

Councillors Fees - \$15,970

97/10 RESOLVED: (Murphy / Burns)

That Council reaffirm its previous policy adopted in July 1998, that pursuant to s.248 and 249 of the Local Government Act, 1993, Council set the Mayor and Councillor remuneration fees for the period 1 July 2010 to 30 June 2011 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$34,860

Councillors Fees - \$15,970

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

Corporate Services Division Report No. 21
Report on Council Investments as at 30 April 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 / Heasman)

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

98/10 **RESOLVED: (Macdonald / Heasman)**

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

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

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 16
Local Government Innovation in Waste Awards 2010 "Filtered Water Bubbler Project"

SUMMARY

Manly Council was awarded second place in the Inaugural Local government Innovation in Waste Awards 2010, at the NSW Waste Conference held in May 2010.

The prize for second place was a return trip to New Zealand to attend the WasteMINZ 2010 Conference in Auckland, New Zealand to be held on 12-15 October, 2010.

MOTION (Heasman / Macdonald)

That the Chair of the Waste Committee and a Member of the Waste Education Team as nominated by the General Manager to attend the conference and deliver the paper on the Manly initiative.

99/10 **RESOLVED: (Heasman / Macdonald)**

That the Chair of the Waste Committee and a Member of the Waste Education Team as nominated

by the General Manager to attend the conference and deliver the paper on the Manly initiative.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 7

Re-establishment of the Alcohol Free Zone in Manly

SUMMARY

This report details the proposal to re-establish the existing Alcohol Free Zone (AFZ) bounded by North Steyne and South Steyne, Ashburner Street, East Esplanade, Belgrave Street, Pittwater Road and Steinton Street for a period of 4 years as identified in the attached Map (see Attachment 1). The AFZ is an effective tool to assist both Council and Manly Police to manage public safety. Submissions have been received in support of the proposal (see Attachment 2), and it is proposed that the boundary for the Alcohol Free Zone remains unchanged.

MOTION (Macdonald / Burns)

1. That Council resolves to re-establish the Alcohol Free Zone in the Manly CBD as per Attachment 1 of the Agenda, for a period of four years to take effect 7 days after publication of notice in the Manly Daily.
2. That the Alcohol Free Zone not apply to any premises that are the subject of an outdoor eating area approval issued by Council within the hours specified by an approved license where such license permits the consumption of alcohol.
3. That Council informs all those who made a submission, and all key stakeholders who were notified in the public notice period of the re-establishment of the Alcohol Free Zone.
4. That Council publicly advertises the re-establishment of the Alcohol Free Zone by notice in the Manly Daily.
5. That Council amends the existing Alcohol Free Zone signage to reflect the new period of operation of four years which shall commence 7 days after publication of notice in the Manly Daily.
6. That Council commences a community education campaign in consultation with the Community Safety Committee and Manly Police to raise awareness of the location and restrictions of the Alcohol Free Zone as well as the parks, beaches and reserves signposted as Alcohol Consumption Prohibited Zones in accordance with Section 632 of the Local Government Act 1993.

100/10 RESOLVED: (Macdonald / Burns)

1. That Council resolves to re-establish the Alcohol Free Zone in the Manly CBD as per Attachment 1 of the Agenda, for a period of four years to take effect 7 days after publication of notice in the Manly Daily.

2. That the Alcohol Free Zone not apply to any premises that are the subject of an outdoor eating area approval issued by Council within the hours specified by an approved license where such license permits the consumption of alcohol.
3. That Council informs all those who made a submission, and all key stakeholders who were notified in the public notice period of the re-establishment of the Alcohol Free Zone.
4. That Council publicly advertises the re-establishment of the Alcohol Free Zone by notice in the Manly Daily.
5. That Council amends the existing Alcohol Free Zone signage to reflect the new period of operation of four years which shall commence 7 days after publication of notice in the Manly Daily.
6. That Council commences a community education campaign in consultation with the Community Safety Committee and Manly Police to raise awareness of the location and restrictions of the Alcohol Free Zone as well as the parks, beaches and reserves signposted as Alcohol Consumption Prohibited Zones in accordance with Section 632 of the Local Government Act 1993.

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

Against the Resolution: Nil.

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

QUESTIONS WITHOUT NOTICE

QWN49/10 Councillor Whitting - Parking Signs

Can the General Manager please explain what happened to the old parking signs that were changed recently?

At the request of the Mayor, the General Manager advised that the old parking signs were recycled and reused.

QWN50/10 Councillor Whitting - Grove Bicycle Track

Can the General Manager provide Council with an update on the present state of the Grove bicycle track?

At the request of the Mayor, the General Manager advised that it is on track for completion.

QWN51/10 Councillor Murphy - Old Blackmores Site

At a recent Ivanhoe Park Precinct meeting it was stated that the old Blackmores site in Roseberry Street was built on acid sulphate soil. Is this true and if so how could this be addressed in relation to excavation?

At the request of the Mayor, the General Manager advised that acid sulphate soil is present throughout all industrial precincts of Manly. Any management of the site for acid sulphate will need to be part of the DA process. There is a condition within our Conditions of Consent that deals with

the process of dealing with acid sulphate soil.

QWN52/10 Councillor Murphy - Lauderdale Avenue

Two 50km/hr signs were recommended for the dip in Lauderdale Avenue (approximately opposite number 88). Could you please advise when they will be installed?

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

QWN53/10 Councillor Morrison - Council clean up

What is the legal status of goods that are left out for kerbside collection? Are they considered to be abandoned goods?

At the request of the Mayor, the General Manager advised that the goods are still considered to be the property of the owner and technically any scavenging could be considered as theft.

QWN54/10 Councillor Norek - Stocklands DA Condition

Can the General Manager please clarify if the condition in the DA for Stocklands relating to the provision of a walkway/arcade to Sydney Road is to occur after the first or last residential Occupation Certificate for Balgowlah village?

At the request of the Mayor, the General Manager advised that this would occur after the first final Occupation Certificate.

QWN55/10 Councillor Griffin - Property Officer

With regards to the new Property Officer position, please confirm if the successful candidate is a senior property officer with experience in property management?

At the request of the Mayor, the General Manager advised that the successful candidate has extensive relevant experience in local government and the position is in the General Managers Unit.

QWN56/10 Councillor Aird - Banner on beachfront

In regards to the banner that is often hung between the two trees at the beachfront, is it possible to string the banner between the two flag poles instead?

At the request of the Mayor, the General Manager advised that it wasn't possible as the flagpoles would not be strong enough to support the banner in the event of high wind.

QWN57/10 Councillor Aird - State of the Region Report

Would it be possible for Councillors to be provided with a copy of the State of the Region report?

At the request of the Mayor, the General Manager advised that this would not be a problem.

QWN58/10 Councillor Burns - Trading Hours

Can the General Manager please confirm the number of instances and the details of cases where

staff have approved an extension to trading hours?

At the request of the Mayor, the General Manager advised that there were no instances that he was aware of.

QWN59/10 Councillor Burns - Lobby groups

Can the General Manager please advise on what records are kept when staff meet with lobby groups and if records or registers are kept of such meetings.

At the request of the Mayor, the General Manager advised that meeting notes would be taken.

QWN60/10 Councillor Burns - Consolidating material

Can the General Manager please look at consolidating the delivery of material to residents? Residents in Bower Street received four separate pieces of Council correspondence in one week.

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

Corporate Services Division Report No. 22

Tender No. T2010/05 - Expressions of Interest - License to operate and improve Koobilya Street Tennis Courts, Seaforth

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) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

CLOSED SESSION

MOTION (LeSurf / 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

101/10 **RESOLVED: (LeSurf / Heasman)**

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

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

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.

Corporate Services Division Report No. 22

Tender No. T2010/05 - Expressions of Interest - License to operate and improve Koobilya Street Tennis Courts, Seaforth
MOTION (Burns / Morrison)

1. That in respect to the operation of the two (2) tennis courts located in Koobilya Street, Seaforth, Council approve the issue of a licence to Hans Zeegars of Seaforth for a period of three years at an annual rental of \$2505 pa (+GST) subject to CPI variations on the anniversary of the commencement of the licence.
2. That the operation of the courts be reviewed after the expiration of the three year term to determine the success of the licencing arrangements.
3. That Council also negotiate with the successful licensee over the issue of court resurfacing and offer the option for a three by three by three agreement.

102/10 **RESOLVED: (Burns / Morrison)**

1. That in respect to the operation of the two (2) tennis courts located in Koobilya Street, Seaforth, Council approve the issue of a licence to Hans Zeegars of Seaforth for a period of three years at an annual rental of \$2505 pa (+GST) subject to CPI variations on the anniversary of the commencement of the licence.
2. That the operation of the courts be reviewed after the expiration of the three year term to determine the success of the licencing arrangements.
3. That Council also negotiate with the successful licensee over the issue of court resurfacing and offer the option for a three by three by three agreement.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.40am on 22 June 2010.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 19 July 2010.

MAYOR

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