



Minutes

Planning and Strategy Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 2 November 2009

All minutes are subject to confirmation at a subsequent meeting.

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TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Planning and Strategy Committee, having met at 7:47pm on Monday 2 November 2009, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached which are stated hereunder.

PRESENT

Councillor D Murphy, Deputy Mayor
Councillor A Heasman
Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor Dr P Macdonald
Councillor A Le Surf, Deputy Chairperson, who presided
Councillor M Norek
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Amanda Spalding, Deputy General Manager, Strategy and Strategic Projects
Liz Rich, Minute Taker

APOLOGIES

Apologies were tendered on behalf of The Mayor Councillor Hay and Councillor Morrison for non-attendance.

MOTION (Heasman / Whitting)

That the apologies received from The Mayor Councillor Hay and Councillor Morrison be accepted and leave be granted.

PS173/09 RESOLVED: (Heasman / Whitting)

That the apologies received from The Mayor Councillor Hay and Councillor Morrison be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 3

Manly LEP 1988 (Draft Amendment 79)

Councillor Aird, Councillor Burns, and Councillor Murphy moved:

“That the Council’s decision of Ordinary Meeting dated 19 October 2009 being Item Planning And Strategy Division Report No. 38 in respect of Manly Local Environmental Plan 1988 (Draft Amendment 79) be and is hereby rescinded.”

PUBLIC ADDRESSES

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

In support of the recommendation: John Mangraviti

Against the recommendation: Paul Oates, representing Woolworths

MOTION (Burns / Aird)

That the Council’s decision of Ordinary Meeting dated 19 October 2009 being Item Planning And Strategy Division Report No. 38 in respect of Manly Local Environmental Plan 1988 (Draft Amendment 79) be and is hereby rescinded.

PS174/09 **RESOLVED: (Burns / Aird)**

That the Council’s decision of Ordinary Meeting dated 19 October 2009 being Item Planning And Strategy Division Report No. 38 in respect of Manly Local Environmental Plan 1988 (Draft Amendment 79) be and is hereby rescinded.

For the Rescission Motion: Councillors Heasman, Murphy, Norek, Griffin, Aird and Burns
Against the Rescission Motion: Councillors Elder, Whitting, LeSurf and Macdonald

The Rescission Motion was declared **CARRIED** and an alternative motion was put.

MOTION (Aird / Burns)

That:

1. The draft Manly Local Environmental Plan 1988 (Amendment No. 79) (Draft LEP No. 79) be deferred until further strategic land use and planning studies (including cumulative traffic impact) for the industrial zone which would inform Council of the future permitted land uses and would address any inconsistencies arising in the Assessment of Draft LEP Amendment 79;
2. Council explore with the Department of Planning and applicant available future funding opportunities for land use studies of the Manly industrial zone as part of the preparation of the Manly Comprehensive LEP (Standard Instrument) and this Draft Amendment 79;
3. A report be brought back to Council for the Ordinary Meeting on 14 December 2009.

AMENDMENT (Macdonald / Elder)

That:

1. The draft Manly Local Environmental Plan 1988 (Amendment No. 79) (Draft LEP No. 79) be

deferred until further strategic land use and planning studies (including cumulative traffic impact) for the industrial zone which would inform Council of the future permitted land uses and would address any inconsistencies arising in the Assessment of Draft LEP Amendment 79, and that a report be brought back to Council for the next Ordinary Meeting on 14 December 2009.

For the Amendment: Councillors Elder, Whitting, LeSurf and Macdonald

Against the Amendment: Councillors Heasman, Murphy, Norek, Griffin, Aird and Burns

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

PS175/09 **RESOLVED: (Aird / Burns)**

That:

1. The draft Manly Local Environmental Plan 1988 (Amendment No. 79) (Draft LEP No. 79) be deferred until further strategic land use and planning studies (including cumulative traffic impact) for the industrial zone which would inform Council of the future permitted land uses and would address any inconsistencies arising in the Assessment of Draft LEP Amendment 79;
2. Council explore with the Department of Planning and applicant available future funding opportunities for land use studies of the Manly industrial zone as part of the preparation of the Manly Comprehensive LEP (Standard Instrument) and this Draft Amendment 79;
3. A report be brought back to Council for the Ordinary Meeting on 14 December 2009.

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

Against the Resolution: Councillors Elder, LeSurf and Macdonald

REPORTS OF COMMITTEES

Report Of Committees Report No. 6

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

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

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

- i) Manly Lagoon Catchment Coordinating Committee – 13 August 2009
- ii) Sustainable Economic Development and Tourism Committee – 1 October 2009
- iii) Manly Traffic Committee – 12 October 2009

MOTION (Macdonald / Burns)

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

- i) Manly Lagoon Catchment Coordinating Committee – 13 August 2009
- ii) Sustainable Economic Development and Tourism Committee – 1 October 2009
- iii) Manly Traffic Committee – 12 October 2009

PS176/09 **RESOLVED: (Macdonald / Burns)**

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

- i) Manly Lagoon Catchment Coordinating Committee – 13 August 2009
- ii) Sustainable Economic Development and Tourism Committee – 1 October 2009
- iii) Manly Traffic Committee – 12 October 2009

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

Against the Resolution: Nil.

Councillor Elder retired from the Chamber at 9.23pm.

Report Of Committees Report No. 7

Minutes for Adoption by Council - Waste Committee - 16 September 2009

These reports were dealt with at the Waste Committee meeting of 16 September 2009 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Planning and Strategy Meeting for formal adoption by Council.

1. ITEM 3 Matters Arising

Matter 5

The Committee emphasised that a Strategic Waste Management Plan is to be compiled for reducing waste at New Year's Eve festivities. They advised that a laser show should be strongly considered as an alternative to fireworks as it would have less associated health, pollution and noise impacts.

Matter 6

The Committee recommends to the General Manager and Council that 'Great Taste, Less Waste' be retained as a slogan for the Food and Wine Festival.

Matter 9

The Committee recommends that a letter be sent to Sydney Water (and possibly DECCW) regarding formal discussions between Manly Council and Sydney Water on organics recycling of restaurant waste at the North Head sewerage treatment plant.

Matter 11

The Committee asked that correspondence be made with Oceanworld regarding the litter based pollution in surrounding waterways that result from their events and food outlets. Committee members have already liaised with Oceanworld in this regard.

MOTION (Aird / Griffin)

Minutes for Adoption by Council - Waste Committee - 16 September 2009

That:

1. ITEM 3 Matters Arising

Matter 5

The Committee emphasised that a Strategic Waste Management Plan is to be compiled for reducing waste at New Year's Eve festivities. They advised that a laser show should be strongly considered as an alternative to fireworks as it would have less associated health, pollution and noise impacts.

That the General Manager and Council follow up on these suggestions.

Matter 6

The Committee recommends to the General Manager and Council that 'Great Taste, Less

Waste' be retained as a slogan for the Food and Wine Festival.

That the General Manager be requested to arrange for the incorporation of this branding in all further Food and Wine Festival promotional material.

Matter 9

The Committee recommends that a letter be sent to Sydney Water (and possibly DECCW) regarding formal discussions between Manly Council and Sydney Water on organics recycling of restaurant waste at the North Head sewerage treatment plant.

That the General Manager and Council initiate the suggested correspondence.

Matter 11

The Committee asked that correspondence be made with Oceanworld regarding the litter based pollution in surrounding waterways that result from their events and food outlets. Committee members have already liaised with Oceanworld in this regard.

That the General Manager consider the above request.

PS177/09 **RESOLVED:** (Aird / Griffin)

Minutes for Adoption by Council - Waste Committee - 16 September 2009

That:

1. ITEM 3 Matters Arising

Matter 5

The Committee emphasised that a Strategic Waste Management Plan is to be compiled for reducing waste at New Year's Eve festivities. They advised that a laser show should be strongly considered as an alternative to fireworks as it would have less associated health, pollution and noise impacts.

That the General Manager and Council follow up on these suggestions.

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The Committee recommends to the General Manager and Council that 'Great Taste, Less Waste' be retained as a slogan for the Food and Wine Festival.

That the General Manager be requested to arrange for the incorporation of this branding in all further Food and Wine Festival promotional material.

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The Committee recommends that a letter be sent to Sydney Water (and possibly DECCW) regarding formal discussions between Manly Council and Sydney Water on organics recycling of restaurant waste at the North Head sewerage treatment plant.

That the General Manager and Council initiate the suggested correspondence.

Matter 11

The Committee asked that correspondence be made with Oceanworld regarding the litter based pollution in surrounding waterways that result from their events and food outlets. Committee members have already liaised with Oceanworld in this regard.

That the General Manager consider the above request.

For the Resolution: Councillors Whitting, LeSurf, Griffin, Aird, Burns and Macdonald

Against the Resolution: Councillors Heasman, Murphy and Norek

Report Of Committees Report No. 8

Minutes for Adoption by Council - Safety Committee - 8 October 2009

This report was dealt with at the Safety Committee meeting of 8 October 2009 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Planning and Strategy Meeting for formal adoption by Council.

1. ITEM 4 Liquor License and Development Application consent conditions

The Chair of The Corso Precinct spoke to the report attached to the agenda for this meeting.

Members of The Corso Precinct have expressed concern about this issue as they have been seriously affected by late night noise for some considerable time. The report received from The Corso Precinct Chairman, has suggested the following recommendations that:

1. Premises be asked to include a copy of their DA Consent conditions, Entertainment Licence and Liquor Licence with their Management Plan. They should be asked to show in writing how their policies address each condition that relates to neighbourhood amenity and safety. This could be done through the Liquor Accord. The resulting document could then be opened up to community comment.
2. Where premises have not voluntarily performed an audit and submitted same to Council within say 4 weeks, Council should perform the audit ensuring that any breaches of the DA Consent conditions be penalised within the limits of the law.
3. Where inconsistencies or omissions are found, the Office of Liquor Gaming and Racing should be requested to include suitable conditions on the Liquor Licence so that everything is summarised into one document.
4. That Council staff be requested to commence to formulate policy as to what consent conditions are considered fair and reasonable and that Council move to standardize consent conditions between premises. We can't make it retrospective but there is no point in continuing ad hoc policy.
5. That no new leases be issued allowing outside dining until a proper policy regarding hours of operation has been formulated.
6. Commence a review of Council policy regarding the role of Rangers. This review should consider whether the present policy of not employing Rangers, especially at night, to enforce compliance with Council imposed conditions related to Place of Public Entertainment, parking and noise, is resulting in a complete disregard for Council authority.

Council's Night Rangers investigate noise complaints which are reported by the public on Friday and Saturday nights.

Council's Enforcement and Compliance Team investigate any complaints from the community regarding noise, and part of this process is to identify specific conditions in effect on the specific venue.

Some venues do have different times for door closures at night, depending on their location in the CBD and their proximity to residential premises.

There was considerable discussion amongst members about this issue, and acknowledgement that the issue was a difficult one to resolve and to manage appropriately, given the pending Section 79 Disturbance Complaint, and the voluntary agreements suggested by Superintendent Darcy and currently being considered by licensed premises.

MOTION (Aird / Burns)

Minutes for Adoption by Council - Safety Committee - 8 October 2009

That:

1. ITEM 4 Liquor License and Development Application consent conditions

That a report be prepared to inform the Community Safety Committee of the following issues in relation to commercial late night licensed premises in the Manly CBD:

- i) Implementation of the Management Plan of each of the commercial late night operating licensed premises by the licensees and their staff/agents in accordance with the conditions set by Development consent.
- ii) Advise the Community Safety Committee of the timeframe in which this report can be presented.

General Managers Note:

I advised the Council at the meeting that a number of the recommendations proposed are not possible as Council must assess each Application on merit and Management Plans are only provided for Major establishments. I advised the Council that all complaints are investigated by our Compliance Officers and Council do not have the resources or the capability of having Officers on Duty 24 hours /Day. I advised that I would provide a report to the Community Safety Committee answering all of their enquiries.

PS178/09 **RESOLVED: (Aird / Burns)**

Minutes for Adoption by Council - Safety Committee - 8 October 2009

That:

1. ITEM 4 Liquor License and Development Application consent conditions

That a report be prepared to inform the Community Safety Committee of the following issues in relation to commercial late night licensed premises in the Manly CBD:

- iii) Implementation of the Management Plan of each of the commercial late night operating licensed premises by the licensees and their staff/agents in accordance with the conditions set by Development consent.
- ii) Advise the Community Safety Committee of the timeframe in which this report can be presented.

General Managers Note:

I advised the Council at the meeting that a number of the recommendations proposed are not possible as Council must assess each Application on merit and Management Plans are only provided for Major establishments. I advised the Council that all complaints are investigated by our Compliance Officers and Council do not have the resources or the capability of having Officers on Duty 24 hours /Day. I advised that I would provide a report to the Community Safety Committee answering all of their enquiries.

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

Against the Resolution: Nil.

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 39

Manly Council submission to the Sydney Harbour National Park draft Plan of Management.**SUMMARY**

The NSW National Parks and Wildlife Service (NPWS) is currently undertaking a new Plan of Management for the Sydney Harbour National Park (SHNP). The community consultation phase is currently underway and a senior Council staff member is represented on the stakeholder Working Group, providing input to the development of the new Plan. It is expected that the draft new Plan of Management will be put on public exhibition early in 2010, so staff are preparing a draft submission and will be seeking input from the relevant Special Purpose Committees and Precincts.

MOTION (Griffin / Aird)

That:

1. Council receive and note the report;
2. Council receive a further report outlining Council's final draft submission to the NPWS relating to the draft Plan of Management for Sydney Harbour National Park.

PS179/09 **RESOLVED:** (Griffin / Aird)

That:

1. Council receive and note the report;
2. Council receive a further report outlining Council's final draft submission to the NPWS relating to the draft Plan of Management for Sydney Harbour National Park.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 40

Manly Local Environmental Plan 1988 – draft Amendment 81**SUMMARY**

This report recommends that Council initiate an amendment to Manly Local Environmental Plan (LEP) 1988 for submission to the Minister for Planning (delegated to the Department's new 'Gateway' panel) in accordance with s. 54 and s. 55 of the *Environmental Planning and Assessment Act, 1979*, (the EP&A Act).

MOTION (Aird / Whitting)

That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 81, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
 - a. the zoning of several parcels of land adjoining the Burnt Bridge Creek to open space or industrial zoning;
 - b. the zoning of land consisting of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to residential;

- c. the listing of six (6) properties are recommended for listing as heritage items; and
- d. Third Party Advertising as exempt development.

PS180/09 **RESOLVED:** (Aird / Whitting)

That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 81, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
 - a. the zoning of several parcels of land adjoining the Burnt Bridge Creek to open space or industrial zoning;
 - b. the zoning of land consisting of the closed and unzoned laneway between 18 & 20 Peronne Ave and 21 & 23 Gordon Street, Clontarf, to residential;
 - c. the listing of six (6) properties are recommended for listing as heritage items; and
 - d. Third Party Advertising as exempt development.

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

Against the Resolution: Nil.

Planning And Strategy Division Report No. 41

Manly Development Control Plan for the Business Zone 1989, Amendment 7, and the Manly Development Control Plan for The Corso 2005, Amendment 1.

SUMMARY

Two draft amendments to Development Control Plans (DCP) have been exhibited in accordance with earlier resolutions of Council. They are:

- Manly DCP for the Business Zone 1989 (Business DCP), which is proposed to be amended to clarify the extent to which the Residential DCP applies to residential development in the business zone.
- Manly DCP for The Corso 2005 (The Corso DCP), which is also proposed to be amended following legal advice arising from a recent matter in the Land and Environment Court. In this regard it is proposed to incorporate The Corso Masterplan into The Corso DCP to ensure the Masterplan is given appropriate weight in development assessment.

No submissions were received in relation to the exhibition of these amendments. It is recommended that Council resolve to approve both of the DCP amendments.

MOTION (Aird / Whitting)

That

1. Council approve and give public notice of the adoption of Amendment 7 to the Manly Business DCP and Amendment 1 of The Corso DCP as publicly exhibited, in accordance with clause 21 of the EP& A Regulation 1980.

PS181/09 **RESOLVED:** (Aird / Whitting)

That

1. Council approve and give public notice of the adoption of Amendment 7 to the Manly Business DCP and Amendment 1 of The Corso DCP as publicly exhibited, in accordance with clause 21 of the EP& A Regulation 1980.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 26

Development Applications Currently Lodged with Manly Council.

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY LODGED WITH MANLY COUNCIL.

MOTION (Heasman / Burns)

That the information on Development Applications currently lodged with Manly Council be noted.

PS182/09 **RESOLVED:** (Heasman / Burns)

That the information on Development Applications currently lodged with Manly Council be noted.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 27

List of Current Appeals Relating to Development Applications.

SUMMARY

LIST OF CURRENT APPEALS RELATING TO DEVELOPMENT APPLICATIONS.

MOTION (Burns / Whitting)

That the information on the list of current appeals relating to Development Applications be noted

PS183/09 **RESOLVED:** (Burns / Whitting)

That the information on the list of current appeals relating to Development Applications be noted.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 7

Manly War Memorial**SUMMARY**

Manly Council received a letter from the Chairman of the "Ella Westwood" Manly Cenotaph Memorial Maintenance Trust Committee requesting that Council accepts responsibility and control of the Manly Cenotaph Memorial.

The current funds held in Manly Warringah Credit Union for the memorial restoration, care and management are to be received by Manly Council from the Chairman of the maintenance trust.

Council has recently been advised by local historians and Council's Local Studies Librarian that the structure generally known and referred to as the Cenotaph, is a war memorial and will be correctly referred to as Manly War Memorial, the preferred title to describe the memorial.

MOTION (Heasman / Norek)

1. That Manly Council takes responsibility and control of the Manly War Memorial so that it may be maintained and preserved in respect of the Australian servicemen who gave their lives fighting for our country.
2. That Council establish an annual budget in the 2010/11 budgetary process for the maintenance of the Manly War Memorial.

PS184/09 RESOLVED: (Heasman / Norek)

1. That Manly Council takes responsibility and control of the Manly War Memorial so that it may be maintained and preserved in respect of the Australian servicemen who gave their lives fighting for our country.
2. That Council establish an annual budget in the 2010/11 budgetary process for the maintenance of the Manly War Memorial.

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

Against the Resolution: Nil.

Human Services And Facilities Division Report No. 8

Conflicts of use within Council Reserves**SUMMARY**

Following a Notice of Motion presented to Council on 11th May 2009 by Councillor Aird, resolution no. 59/09, Council resolved to address the ongoing concerns of residents by providing a report which outlines how Council can improve the management of areas of high usage open space to ensure the right balance is achieved for residents and visitors. The report is to address the following issues:

1. Conflicts between adjoining residential areas and activities within the reserves, e.g. late night activities, alcohol, rubbish, security
2. Car parking.....on site and spill over to adjoining residential areas.
3. Landscapes.....tree and vegetation protection, signage

The report addresses the current management of reserves and the actions taken by several

Divisions of Council.

MOTION (Aird / Whitting)

1. That the community education campaign is progressed to develop awareness among the community and visitors of the Council's reserve conditions, as well as raising awareness of Alcohol Consumption Prohibited Zones and expected behaviours whilst in the reserve.
2. That point 1 of the original Notice of Motion Report No.17, Conflicts of use within Council Reserves from 11 May 2009, be referred to the Community Safety Committee for further exploration of management of the issue, with relevant precinct committee representatives (Clontarf, Shelly Beach and Little Manly) invited to the meeting and the minutes reported back to council.

Point 1

Conflicts between adjoining residential areas and activities within the reserves, e.g. late night activities, alcohol, rubbish, security.

3. That the list of additional solutions, referred to in the first paragraph of the summary of Human Services and Facilities Report No.8, Conflicts of use within Council Reserves, p.32 of the Planning and Strategy Agenda 2 November 2009, be provided to Council.

PS185/09 RESOLVED: (Aird / Whitting)

1. That the community education campaign is progressed to develop awareness among the community and visitors of the Council's reserve conditions, as well as raising awareness of Alcohol Consumption Prohibited Zones and expected behaviours whilst in the reserve.
2. That point 1 of the original Notice of Motion Report No.17, Conflicts of use within Council Reserves from 11 May 2009, be referred to the Community Safety Committee for further exploration of management of the issue, with relevant precinct committee representatives (Clontarf, Shelly Beach and Little Manly) invited to the meeting and the minutes reported back to council.

Point 1

Conflicts between adjoining residential areas and activities within the reserves, e.g. late night activities, alcohol, rubbish, security.

3. That the list of additional solutions, referred to in the first paragraph of the summary of Human Services and Facilities Report No.8, Conflicts of use within Council Reserves, p.32 of the Planning and Strategy Agenda 2 November 2009, be provided to Council.

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

Against the Resolution: Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 10

Tender T2009/01: Provision of Painting Services for Fences and Bollards

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.

Environmental Services Division Report No. 25

Tender 2009/15: Cleansing of Council Buildings

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 (Murphy / Heasman)

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

The Chairperson, Councillor LeSurf 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.

PS186/09 RESOLVED: (Murphy / Heasman)

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

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, 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.

Civic and Urban Services Division Report No. 10

Tender T2009/01: Provision of Painting Services for Fences and Bollards

MOTION (Heasman / Burns)

That Council:

1. Accepts the Schedule of Rate Tenders from the following tenderers, for the provision of painting services for fences and bollards:
 - a. Prime Facility & Asset Management; ranked as preferred Tenderer;
 - b. Premier Painting Company Pty Ltd: ranked as 2nd preferred Tenderer.
2. Allows a provision for a 12 month extension based on satisfactory supplier performance, which

may take this tender through to 30th June 2011.

PS187/09 **RESOLVED: (Heasman / Burns)**

That Council:

1. Accepts the Schedule of Rate Tenders from the following tenderers, for the provision of painting services for fences and bollards:
 - a. Prime Facility & Asset Management; ranked as preferred Tenderer;
 - b. Premier Painting Company Pty Ltd: ranked as 2nd preferred Tenderer.
2. Allows a provision for a 12 month extension based on satisfactory supplier performance, which may take this tender through to 30th June 2011.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 25

Tender 2009/15: Cleansing of Council Buildings

MOTION (Heasman / Whitting)

1. That Ace Contract Cleaning be awarded Tender 2009/15 for the Cleaning of Council Buildings for a period of three (3) years for the sum of \$412,570.98 per annum, including GST, subject to annual CPI adjustment, with a further three (3) year option subject to satisfactory performance.
2. That the unsuccessful Tenderers be informed accordingly.

PS188/09 **RESOLVED: (Heasman / Whitting)**

1. That Ace Contract Cleaning be awarded Tender 2009/15 for the Cleaning of Council Buildings for a period of three (3) years for the sum of \$412,570.98 per annum, including GST, subject to annual CPI adjustment, with a further three (3) year option subject to satisfactory performance.
2. That the unsuccessful Tenderers be informed accordingly.

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

Against the Resolution: Nil.

MATTERS OF URGENCY

MATTER OF URGENCY (Burns / Aird)

Councillor Burns requested that he be allowed to introduce a Matter of Urgency regarding the tender for the high speed ferry.

MOTION (Burns / Aird)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the tender for the high speed ferry be considered as a matter of urgency, and be considered in Closed Council.

PS189/09 **RESOLVED:** (Burns / Aird)

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the tender for the high speed ferry be considered as a matter of urgency, and be considered in Closed Council.

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

Against the Resolution: Nil.

The Chairperson ruled that the item was a Matter of Urgency and the matter proceeded to debate in 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 (Burns / Griffin)

That the meeting move into Closed Session to consider the Matter of Urgency.

The Chairperson, Councillor LeSurf 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.

PS190/09 **RESOLVED:** (Burns / Griffin)

That the meeting move into Closed Session to consider the Matter of Urgency.

For the Resolution: Councillors Heasman, Whitting, Murphy, LeSurf, 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.

MATTERS OF URGENCY

MATTER OF URGENCY (Burns / Aird)

That:

1. Council request to receive a copy of the tender documentation for NSWTI 2009/010 Manly High Speed Ferry Service – Stage 2 RFT closing on 19 November 2009
2. Council write to the Minister for Transport and Infrastructure asking for his assessment of the evaluation criteria, and to ensure they include consideration of technical and passenger services and include minimum service standards, including but not limited to:
 - a. Service reliability
 - b. Service frequency
 - c. Price considerations
 - d. Travel time
 - e. The service be no less a standard than the current fast ferry service
3. Council request to have a representative (observer) involved in the tender analysis
4. Council refer the matter to the Local Member's Fix our Ferries group and obtain its assistance in approaching the Minister For Transport and Infrastructure.

PS191/09 **RESOLVED:** (Burns / Aird)

That:

1. Council request to receive a copy of the tender documentation for NSWTI 2009/010 Manly High Speed Ferry Service – Stage 2 RFT closing on 19 November 2009
2. Council write to the Minister for Transport and Infrastructure asking for his assessment of the evaluation criteria, and to ensure they include consideration of technical and passenger services and include minimum service standards, including but not limited to:
 - a. Service reliability
 - b. Service frequency
 - c. Price considerations
 - d. Travel time
 - e. The service be no less a standard than the current fast ferry service
3. Council request to have a representative (observer) involved in the tender analysis
4. Council refer the matter to the Local Member's Fix our Ferries group and obtain its assistance in approaching the Minister For Transport and Infrastructure.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 10.15pm.

The above minutes were confirmed at a **Planning and Strategy Committee** of Manly Council held on 7th December 2009.

CHAIRPERSON

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