



## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 2 April 2012**

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

*Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 2 April 2012. The meeting commenced at 7:41pm.

## PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided  
Councillor B Aird  
Councillor H Burns  
Councillor L Elder  
Councillor C Griffin  
Councillor A Heasman  
Councillor A Le Surf, Deputy Mayor  
Councillor R Morrison  
Councillor D Murphy  
Councillor M Norek (arrived at 8.02pm)  
Councillor C Whitting

## ALSO PRESENT

Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability  
Ross Fleming, Deputy General Manager, People, Place & Infrastructure  
Anthony Hewton, Executive Manager, Corporate Support Services  
Secretariat Officer

## OPENING PRAYER

The Opening Prayer was presented by Reverend Bruce Clark, St Matthews, Manly.

## APOLOGIES

Apologies were tendered on behalf of Councillor Dr Peter Macdonald OAM, for non-attendance.

## MOTION (LeSurf / Elder)

That the apology received from Councillor Dr Peter Macdonald OAM, be accepted and leave be granted.

## 44/12 RESOLVED: (LeSurf / Elder)

That the apology received from Councillor Dr Peter Macdonald OAM, be accepted and leave be granted.

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

**Against the Resolution:** Nil

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil

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

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 05 March 2012, 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.

45/12 **RESOLVED: (Heasman / Whitting)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 05 March 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 12 March 2012, 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.

46/12 **RESOLVED: (Whitting / LeSurf)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 12 March 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
Denise Keen	Responsible Dog Owners Group (Dogs) Update
Jacqueline French	Little Manly Beach
Janne Seletto	Little Manly Beach

\*\*\*\*\*

Councillor Norek entered the Chamber at 8.02pm

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

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 14 Pedestrian Crossing near Harris Farm Market and Notice of Motion Report No. 13 Plastic Bag Free Manly.

47/12      **RESOLVED: (Heasman / Whitting):**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 14 Pedestrian Crossing near Harris Farm Market and Notice of Motion Report No. 13 Plastic Bag Free Manly.

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

**Against the Resolution:** Nil.

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## NOTICES OF MOTION

Notice of Motion Report No. 14

### **Pedestrian Crossing near Harris Farm Market PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In support of the Motion:              Angelika Treichler

#### **Councillor Craig Whitting moved:**

1. That Manly Council immediately implements a pedestrian crossing to cater for the safety of Local Residents, School Children and Senior Citizens, at the location near Harris Farm Shopping Centre.
2. That Manly Council funds this project from the current 2011- 12 budget, as well as exploring other grant funding from, but not limited to, the Department of Roads and Maritime Services to enable this project to be undertaken as soon as possible.

**Staff Advice:**      The RMS and not the Council is the Road Authority under the Roads Act. For that reason this Motion is not in order.

#### **MOTION (Whitting / Aird)**

1. That Manly Council urgently approach the RMS and the Local Member to improve the safe crossing of pedestrians crossing Pittwater Road which would cater for the safety of Local Residents, School Children and Senior Citizens, at the location near Harris Farm Shopping Centre. This could include a signalised crossing or other suitable treatment.
2. That Manly Council explore grant funding, from but not limited to, the Department of Roads and Maritime Services to enable this project to be undertaken as soon as possible including with direct assistance from Manly Council as appropriate.
3. That Council prepare a Pedestrian Access and a Mobility Plan for the area under discussion, eg from the Aquatic Centre back up to the Collingwood Street area and apply to the RMS for shared funding to develop and implement the plan.

#### **AMENDMENT (Griffin / LeSurf)**

Council prepare a Pedestrian Access and a Mobility Plan for the area under discussion, eg from the Aquatic Centre and back up to Collingwood Street area and apply to the RMS for shared funding to develop and implement the plan.

**For the Amendment:** Councillors Hay, LeSurf and Griffin

**Against the Amendment:** Councillors Elder, Heasman, Whitting, Murphy, Morrison, Norek, Aird and Burns

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

48/12      **RESOLVED: (Griffin / LeSurf)**

1. That Manly Council urgently approach the RMS and the Local Member to improve the safe crossing of pedestrians crossing Pittwater Road which would cater for the safety of Local Residents, School Children and Senior Citizens, at the location near Harris Farm Shopping Centre. This could include a signalised crossing or other suitable treatment.
2. That Manly Council explore grant funding, from but not limited to, the Department of Roads and Maritime Services to enable this project to be undertaken as soon as possible including with direct assistance from Manly Council as appropriate.
3. That Council prepare a Pedestrian Access and a Mobility Plan for the area under discussion, eg from the Aquatic Centre back up to the Collingwood Street area and apply to the RMS for shared funding to develop and implement the plan.

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

**Against the Resolution:** Councillor LeSurf

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Notice of Motion Report No. 13

### **Plastic Bag Free Manly**

#### **PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In support of the Motion:                      Luciano Rosa Santos  
Eco Bag Media (Eco Future Enterprise P/L)

#### **Councillor Barbara Aird moved:**

That Manly Council actively supports the proposal by Eco Bag Media to encourage the use of paper shopping bags promoting a “plastic bag free” Manly by taking the opportunity to be involved in the “launch edition” of these bags, by way of placement of an advertisement on the bag promoting Council’s sustainability programs.

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

That Manly Council actively supports the proposal by Eco Bag Media to encourage the use of paper shopping bags promoting a “plastic bag free” Manly by taking the opportunity to be involved in the “launch edition” of these bags, by way of placement of an advertisement on the bag promoting Council’s sustainability programs.

49/12      **RESOLVED: (Aird / Griffin)**

That Manly Council actively supports the proposal by Eco Bag Media to encourage the use of paper shopping bags promoting a “plastic bag free” Manly by taking the opportunity to be involved

in the "launch edition" of these bags, by way of placement of an advertisement on the bag promoting Council's sustainability programs.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**RESUMPTION OF STANDING ORDERS (Heasman / Whitting)**

That Standing Orders be resumed.

50/12 **RESOLVED: (Heasman / Whitting)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

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Notice of Motion Report No. 12

**Manly Wonder Pool Reconstruction Working Group**

**Councillor Hugh Burns moved:**

- 1) That further to the motion passed at the March OM (that council examine the feasibility of rebuilding the walkway between the wharf and the dressing pavilion at federation point, starting with a pre-feasibility report), that Council now forms a "Wonder Pool Reconstruction Working Group".
- 2) That this working group is to report back to council and is to consist of, but not be limited to, representatives from:-
  - Roads and Maritime Services (RMS)
  - The Corso and Fairlight Precincts
  - Manly Bathers Pavilion Lessee (or rep)
  - Manly Wharf centre management (or wharf lessee's rep)
  - Sydney Ferries
  - Environmental representative (suggest Dave Thomas)
  - Interested council staff (say 2-3)
  - Community representatives including any with wooden pier survey or design/ construction experience (say 2-3)
  - The Mayor and interested Councillors
  - Council's Risk assessor (attends on as needs basis)
  - Chamber of commerce and Manly Town Centre Management reps (if interested)
- 3) That the working group oversee the preparation of the pre-feasibility and feasibility reports. In particular the working group will meet to conduct the initial briefing to RMS, to ascertain what needs to be included in a comprehensive Council submission to RMS, to begin the necessary formal approval process.
- 4) That in addition to the actions previously outlined and approved at the March OM:-
  - that if the pre-feasibility report indicates construction is possible, that a line of buoys



also be placed along the original line of the boardwalk,

- that subject to negotiations with RMS the area between the line of buoys and the shore be trial closed to boats for a period of 12 months (Note in terms of boat access, the proposed reconstruction of the walkway would also include the small wharf that formed part of this, that would be available for short-term use by recreational boat owners).

### **MOTION (Burns / Whitting)**

- 1) That further to the motion passed at the March OM (that council examine the feasibility of rebuilding the walkway between the wharf and the dressing pavilion at federation point, starting with a pre-feasibility report), that Council now forms a "Wonder Pool Reconstruction Working Group".
- 2) That this working group is to report back to council and is to consist of, but not be limited to, representatives from:-
  - Roads and Maritime Services (RMS)
  - The Corso and Fairlight Precincts
  - Manly Bathers Pavilion Lessee (or rep)
  - Manly Wharf centre management (or wharf lessee's rep)
  - Sydney Ferries
  - Environmental representative (suggest Dave Thomas)
  - Interested council staff (say 2-3)
  - Community representatives including any with wooden pier survey or design/ construction experience (say 2-3)
  - The Mayor and interested Councillors
  - Council's Risk assessor (attends on as needs basis)
  - Chamber of commerce and Manly Town Centre Management reps (if interested)
- 3) That the working group oversee the preparation of the pre-feasibility and feasibility reports. In particular the working group will meet to conduct the initial briefing to RMS, to ascertain what needs to be included in a comprehensive Council submission to RMS, to begin the necessary formal approval process.
- 4) That in addition to the actions previously outlined and approved at the March OM:-
  - that if the pre-feasibility report indicates construction is possible, that a line of buoys also be placed along the original line of the boardwalk,
  - that subject to negotiations with RMS the area between the line of buoys and the shore be trial closed to boats for a period of 12 months (Note in terms of boat access, the proposed reconstruction of the walkway would also include the small wharf that formed part of this, that would be available for short-term use by recreational boat owners).

**For the Motion:** Councillors Whitting, Murphy, Morrison, Norek and Burns

**Against the Motion:** Councillors Hay, Elder, Heasman, LeSurf, Griffin and Aird

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

\*\*\*\*\*

**MATTER OF URGENCY**

The Mayor advised that the Rescission Motion lodged on 29 March 2012 had been withdrawn and discussion and debate ensued.

Councillor Aird requested that she be allowed to introduce a **Matter of Urgency** in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

Clr Griffin declared a Conflict of Interest as she resides in the area and left the Chamber at 9.05pm.

51/12      **RESOLVED:      (Aird / Burns)**

That the Matter of Urgency be allowed to proceed for discussion.

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

\*\*\*\*\*

The meeting was adjourned at 9.31pm due to disorder in the Chamber.

\*\*\*\*\*

The meeting resumed at 9.39pm with the same Councillors present and the Mayor advised that she would allow the Matter of Urgency to proceed to discussion.

\*\*\*\*\*

Council adjourned at 9.43pm to allow Councillors time to consider the wording for the Urgency Motion.

\*\*\*\*\*

Council resumed at 9.55pm with the same Councillors present.

\*\*\*\*\*

**URGENCY MOTION      (Burns / Aird )**

- i) That Council acknowledges its long standing policy to acquire 40 Stuart Street which has been refreshed within the last 4 years.
- ii) That Council immediately obtain 3 valuations of 40 Stuart Street and use these as a basis for negotiation, with a view to purchase by private treaty 40 Stuart Street.
- iii) That the 3 valuations include rental likely to be obtained from renting out 40 Stuart Street.
- iv) That should negotiations be successful that Council Staff then prepare a report to come to a Councillors' Strategy Workshop, identifying the list of potential savings, asset divestments, rates variation and other funding sources to raise the purchase price to retain Councils stable financial situation.
- v) That Council staff be authorized to spend up to a maximum amount as resolved in closed session to acquire the property.
- vi) That if required Council proceed to place on exhibition proposed amendments to its current

Community Strategy Plan to allow Council to proceed with purchasing this property.

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

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

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The Mayor requested that her name be recorded in the Minutes as having voted **against** the **Motion**.

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## ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 5

### Items For Brief Mention

#### 1. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	
31/12	12 March	Notice of Motion Report No. 9 - Special Events Waste Management	That Council assess the Australian Open waste management at the next event debriefing and look at any ways at improving the next event.	In Progress
29/12	12 March	Notice of Motion Report No. 7 - Amending Manly Council's LEP	That Council staff investigate the notion of amending Manly Council's LEP to include a variation on car parking within apartment blocks (residential and commercial).  The variation to include innovative ideas such as scooter parking, electric car spaces and car share schemes on apartment sites with in areas of Manly close to the CBD/public transport.  That Council staff compile a report to include the following (but not limited to):-  The pertinent issues involved: <ul style="list-style-type: none"> <li>• Advantages and Disadvantages (cost, social benefits, latest trends etc)</li> <li>• How in fact the variation could be inserted into our LEP and DCP guidelines.</li> </ul> That the report be forwarded to the LEP/DCP Working Party for a discussion and recommendation and that any such report be then forwarded to the full Council.	In progress
27/12	12 March	Notice of Motion Report No. 11 - Estimates for reconstruction of the Harbour Boardwalk opposite West Esplanade to restore the "Wonder Pool"	That:1. Council write to Roads and Maritime NSW advising them of its desire to conduct a feasibility study on restoring the Harbour Pool/Boardwalk in Manly Cove and requesting their advice and input on how this is best progressed.	Complete. Letter sent.
			2. Subject to 1 above Manly Council examine in detail the feasibility of restoring the Harbour Pool in Manly Cove, and:  a) conducts sufficient investigation via the State	In Progress

			<p>archives, Port Jackson &amp; Manly Steamship Co (PJ&amp;MSCo) archives and photographs etc. to determine the original boardwalk design (i.e. determine is width, height and details of the piling and supporting under-structure).</p> <p>b) produces a drawing of a short section of the walkway, made in sufficient detail to enable a firm cost estimate to be produced to replace the entire structure, generally to its original appearance. (The design of the replacement structure should allow for inclusion of modern materials providing the original heritage appearance is maintained - eg original timber piles be replaced by steel and concrete piles, the steel anti-shark rodding be replaced by more environment friendly stretched rope meshing and that an unimpeded penguin access corridor to the nesting location on the western side of Manly wharf be included as part of the proposed design.)</p> <p>c) a disabled wheelchair access to be provided off the walkway (generally similar to that installed at Watsons Bay harbour pool)</p> <p>d) investigates funding sources to assist any proposed construction, including availability of State and Federal Grants and their documentation requirements.</p> <p>e) conducts community consultation on the proposed reconstruction to ascertain the public's interest in its replacement.</p> <p>f) Subject to the results of this consultation, that Council fully design and document the proposed pool so the project can be ready to be commenced, should Council be successful with any suitable grant applications.</p>	
26/12	12 March	Notice of Motion Report No. 10 - Installation of Baby Change Tables in Public Toilets near Council Playgrounds	1. That Manly Council completes a report that investigates the installation of more Baby Change Tables in public toilets near Council Playgrounds, Reserves and within Manly's CBD.	In Progress
			2. That the report be brought back to the next Ordinary Council Meeting highlighting all possible locations where Baby Change Tables can be easily installed.	In Progress
			3. That Council provide educational signage.	In Progress
09/12	13 Feb	Notice of Motion Report No. 5 - Investigation and trial of LED tube replacement lighting by Manly Council	That Council:	In Progress
			1. Carry out an audit of what fluorescent tubes are in its buildings and facilities to determine the life of the lamp, tube size, numbers, and usual operating hours;	In Progress
			2. Undertake a 3 month trial installation of say 20 LED tube lamps across both office (inc Library) and carpark areas;	In Progress
			3. Update the Kinesis Report (presented OM 08/11/2010) to model the CO2 emission reduction from a full LED tube changeover applying to all T8 and T12 fluorescent lamps in Council premises;	In Progress
			4. On satisfactory completion of the trial, Council bring back a report to consider full LED tube changeover for all T8 and T12 lamps over say a 4 year period;	In Progress
			5. Investigate the economic and environmental case for changing T5 lamps to LED tube lamps;	In Progress
		6. Investigate the availability of drop in LED replacement lamps for street lights. (currently ahead of market?).	In Progress	

07/12	13 Feb	Notice of Motion Report No. 3 - Container Deposit Scheme	1. Urgently conduct an audit of the public place bins (both recycling and general waste bins) in high use areas including East and West Esplanade, The Corso, Ocean Beach, Shelly Beach, Little Manly and Clontarf Beach Reserve at the end of a fine weekend to determine the amounts of recyclable bottles being placed in these bins.	Complete. Audit undertaken.
			2. Post the results of the audit with photos on the front page of Council's website.	In Progress
06/12	13 Feb	Notice of Motion Report No. 2 - Marine Parade Upgrade	i) That Council seeks grant funding and initiates a process similar to that for the now completed upgrade of the Ocean Beach front to enable this project to be undertaken as soon as possible.	In Progress
			ii) That Council urgently addresses matters relating to repairs and maintenance, including trip hazards and potholes, graffiti and bubbler etc, including an inspection by Council's Risk Manager.	In Progress
05/12	13 Feb	Notice of Motion Report No. 1 - Facebook for Manly Council	That Council prepare a marketing plan on how it can best utilise a Facebook page and costs associated to launch a Facebook page.	In Progress
214/11	12 Dec	Notice of Motion - Manly Tramway Loop - Trial bus Operation	That Manly Council commence community consultation on the Manly Tramway Loop Proposal by operating a Motor Omnibus service on the proposed Manly Tramway Loop Route on one weekend toward the end of February 2012.	In Progress

## 2. Tabled Documents.

1.	29/02/12	SHOROC Incorporated Board Meeting	Minutes of 29 February 2012.
2.	29/02/12	Dr Andrew G Penman AM Chief Executive Officer Cancer Council NSW	Thanking Council for supporting the smoke-free outdoor area legislation.
3.	29/02/12	Michael Regan Mayor of Warringah Warringah Council	Trial of Manly Hop Skip and Jump shuttle bus service to North Balgowlah not to be extended.
4.	08/03/12	Barry O'Farrell MP Premier	Thank you for Council's letter regarding boat and trailer parking on public roads which has been referred to Minister for Roads & Ports Hon Duncan Gay MLC for a response.
5.	09/03/12	Alistair Henchman Director Metropolitan National Parks & Wildlife Service Office of Environment & Heritage	Response to Council's letter to the Minister for the Environment regarding resourcing of parks and reserves in the Manly area.
6.	14/03/12	Alan Genders Strategy Leader, Shark Meshing Fisheries NSW	Response to Council's letter regarding Shark Meshing Program.
7.	16/03/12	Division of Local Government	Circular to Councils 12-05 Local Government (General) Amendment (Election Procedures) Regulation 2012.
8.	16/03/12	Division of Local Government	Circular to Councils 12-06 Reporting Requirements of Councils for 2011-12.
9.	20/03/12	Brian DeCelis Director Funding and Disclosure	Advice of changes to political donations laws commencing 9 March 2012.

		Election Funding Authority	
10.	21/03/12	Ministerial Circular M12-01	Destination 2036 – Independent Local Government Review Panel.
11.	21/03/12	Ben Taylor SHOROC Executive Director	Induction seminar for newly elected Councillors – to be held on 07/10/12.
12.	21/03/12	Dean LaTourrette Executive Director Save The Waves Coalition World Surfing Reserves Executive Committee	Thank you letter for Manly-Freshwater World Surfing Reserve dedication ceremony.
13.	21/03/12	Keith Rhoades, AFSM President Local Government Association of NSW	Update on the issue of One Association to represent Local Government in NSW.
14.	22/03/12	Keith Rhoades, AFSM President Local Government Association of NSW	Brief on Local Government Review Panel.

**MOTION (Burns / LeSurf)**

1. That the Notices of Motion report be received and noted.
2. That the Tabled Documents be received and noted.

**52/12 RESOLVED: (Burns / LeSurf)**

1. That the Notices of Motion report be received and noted.
2. That the Tabled Documents be received and noted.

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

**Against the Resolution:** Nil.

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

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**REPORTS OF COMMITTEES**

Report Of Committees Report No. 15

**Minutes for adoption by Council - Special Purpose Committee - without recommendations of a substantial nature.**

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

- i) Human Services Planning and Policy Committee – 28 February 2012
- ii) Sister Cities Committee – 22 February 2012
- iii) Manly Local Environmental Plan and Development Control Plan Working Group – 21 February 2012
- iv) Access Committee – 21 February 2012
- v) Manly Traffic Committee – 13 February 2012

- vi) Community Safety Committee – 9 February 2012
- vii) Heritage Committee – 1 February 2012

**MOTION (LeSurf / Heasman)**

That the minutes of the following Special Purpose Committee meetings be tabled.

- i) Human Services Planning and Policy Committee – 28 February 2012
- ii) Sister Cities Committee – 22 February 2012
- iii) Manly Local Environmental Plan and Development Control Plan Working Group – 21 February 2012
- iv) Access Committee – 21 February 2012
- v) Manly Traffic Committee – 13 February 2012
- vi) Community Safety Committee – 9 February 2012
- vii) Heritage Committee – 1 February 2012

**53/12 RESOLVED: (LeSurf / Heasman)**

That the minutes of the following Special Purpose Committee meetings be tabled.

- i) Human Services Planning and Policy Committee – 28 February 2012
- ii) Sister Cities Committee – 22 February 2012
- iii) Manly Local Environmental Plan and Development Control Plan Working Group – 21 February 2012
- iv) Access Committee – 21 February 2012
- v) Manly Traffic Committee – 13 February 2012
- vi) Community Safety Committee – 9 February 2012
- vii) Heritage Committee – 1 February 2012

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

**Against the Resolution:** Nil.

Councillor Griffin was not in the Chamber with the voting took place.

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Report Of Committees Report No. 16

**Minutes for adoption by Council - Sustainable Economic Development and Tourism Committee - 23 February 2012**

This report was dealt with at the Sustainable Economic Development and Tourism Committee meeting of 23 February 2012 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**ITEM 6 General Business**

Councillor Hay noted that Mr Christopher Coore (Manly Wharf) is still to be invited to join the committee; that Mr Frank Prestipino is to be the ICMS representative until further notice, replacing Mr Cameron McAlpine, and asked that the Novotel be invited to nominate a representative.

**MOTION (LeSurf / Heasman)**

That the minutes of the Sustainable Economic Development and Tourism Committee meeting on 23 February 2012 be adopted including the following items:

**ITEM 6 General Business**

**That:**

- i) Christopher Coore (Manly Wharf) is to be invited to join the committee.
- ii) The Novotel nominate a representative.

54/12 **RESOLVED: (LeSurf / Heasman)**

That the minutes of the Sustainable Economic Development and Tourism Committee meeting on 23 February 2012 be adopted including the following items:

**ITEM 6 General Business**

**That:**

- i) Christopher Coore (Manly Wharf) is to be invited to join the committee.
- ii) The Novotel nominate a representative.

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

**Against the Resolution:** Nil.

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

\*\*\*\*\*

Councillor Griffin returned to the Chamber.

Report Of Committees Report No. 17

**Minutes for adoption by Council - Playground Committee - 23 February 2012**

This report was dealt with at the Playground Committee meeting of 23 February and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**ITEM 7 Public Outdoor Ping – Pong Facilities**

The Committee discussed the ping-pong table's usage in Manly and it was felt that the tables could be trialed in Manly to see how they would be received by the local community. The Committee suggested that the General Manager be asked to advise on the most appropriate location for such a trial. Possible area Ocean Beach areas, Lagoon Park, Clontarf Reserve.

**MOTION (Murphy / Heasman)**

That the minutes of the Playground Committee meeting on 23 February 2012 be adopted including the following items:

**ITEM 7 Public Outdoor Ping – Pong Facilities**

The Committee recommend to the General Manager and Council that:



1. A trial period for use of the Ping- Pong tables be discussed with the company.
2. The Committee request the General Manager advise on the most suitable locations for trial period of use of the tables.

**AMENDMENT (Griffin / Burns)**

That Council call for further information on the Company and the concept of outdoor table tennis.

**For the Amendment:** Councillors Griffin, Aird and Burns

**Against the Amendment:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison and Norek

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

55/12 **RESOLVED: (Murphy / Heasman)**

That the minutes of the Playground Committee meeting on 23 February 2012 be adopted including the following items:

**ITEM 7 Public Outdoor Ping – Pong Facilities**

The Committee recommend to the General Manager and Council that:

1. A trial period for use of the Ping- Pong tables be discussed with the company.
2. That the Committee request the General Manager advise on the most suitable locations for trial period of use of the tables.

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

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

Councillor Elder not in the Chamber when the voting took place.

\*\*\*\*\*

**GENERAL MANAGERS DIVISION**

General Managers Division Report No. 3

**CCTV Policy - Revision and Update****SUMMARY**

Council's CCTV operations are currently covered by Policies C60 and C70. This report recommends that an updated Policy on Closed Circuit Television (CCTV) on Public Land.

**MOTION (Burns / Whitting)**

THAT:

The policy be deferred for review of specific features such as the protocols for accessing recorded data, length of time of storage, the type of signage to advise people of CCTV areas and relevant proceedings.

56/12      **RESOLVED:    (Burns / Whitting)**

THAT:

The policy be deferred for review of specific features such as the protocols for accessing recorded data, length of time of storage, the type of signage to advise people of CCTV areas and relevant proceedings.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

## **ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 9

**Development Applications currently being assessed during April 2012.**

### **SUMMARY**

Development Applications currently being assessed during April 2012.

**MOTION    (LeSurf / Burns)**

THAT the information be received and noted.

57/12**RESOLVED:    (LeSurf / Burns)**

THAT the information be received and noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 8

**Summary of current Appeals relating to Development Applications during April 2012.**

### **SUMMARY**

List of Legal Appeals relating to Development Applications during April 2012.

**MOTION    (Heasman / LeSurf)**

THAT the information be received and noted.

58/12      **RESOLVED:    (Heasman / LeSurf)**

THAT the information be received and noted.

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

\*\*\*\*\*

## HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 2

### **Manly Art Gallery & Museum Conservation Treatment Plan**

#### **SUMMARY**

At the Ordinary Meeting of 13 February 2012, Council considered the Minutes of Art & Culture Committee Meeting of 13 December 2011 and resolved (1/12) inter alia that a report on the conservation treatment of Manly Art Gallery & Museum paintings collection be presented to Council.

#### **MOTION (Heasman / Burns)**

That the report be received noted.

#### **AMENDMENT (Norek / Morrison)**

That an urgent report be presented to Council on the value of any paintings that haven't been displayed in the past 2 years which may be used to fund the purchase of Stuart Street Manly.

**For the Amendment:** Councillors Murphy, Morrison and Norek

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

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

#### 59/12 **RESOLVED: (Heasman / Burns)**

That the report be received noted.

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

**Against the Resolution:** Councillors Murphy, Morrison and Norek.

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

\*\*\*\*\*

## CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 9

### **Report on Council Investments as at 29 February 2012**

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

That the statement of Bank Balances and Investment Holdings as at 29 February 2012 be received and noted.

60/12 **RESOLVED: (LeSurf / Burns)**

That the statement of Bank Balances and Investment Holdings as at 29 February 2012 be received and noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

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

**CIVIC AND URBAN SERVICES DIVISION**

Civic and Urban Services Division Report No. 4

**Draft Recreation Policy (Unstructured Activities) & Recreation Strategy (Unstructured Activities)**

**SUMMARY**

This report recommends that Council adopts the Recreation (Unstructured Activities) Policy and the Recreation (Unstructured Activities) Strategy following public exhibition..

**MOTION (Griffin / Burns)**

THAT:

1. The draft Recreation (Unstructured Activities) Policy and draft Recreation (Unstructured Activities) Strategy be adopted.

61/12 **RESOLVED: (Griffin / Burns)**

THAT:

1. The draft Recreation (Unstructured Activities) Policy and draft Recreation (Unstructured Activities) Strategy be adopted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

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

**QUESTIONS WITHOUT NOTICE****QWN20/12 Councillor Whitting - Civil Liabilities Allowance Case**

I asked the General Manager if he would inform all Councillors of Council's Civil Liabilities allowance Case? In addition, could a report please be completed outlining the financial and physical costs to date? Could both reports be presented to Councillors ASAP?

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

**QWN21/12 Councillor Whitting - Boy Charlton Swim Centre**

How many weeks has it been since all the pools have been operational, and how long will it be before all the pools will be fully operational .

The answer received did not state that the toddler pool was closed in May 2011 and part two of my question did not give any indication of time before the swim centre will be fully operational?

At the request of the Mayor the Deputy General Manager advised that he answered this question at the Ordinary meeting 12 March 2012.

I advised that all pools closed at the end of the swimming season in about June 2011. There was an extended close down period because we had to do some work on the 25 and 50mtr pools including replacing some of the concourse. The baby and toddlers pool did not open at that time as it was found not to meet NSW Health Standards for Public Pools. Council would need to have a separate filtration system put in place for that pool.

**QWN22/12 Councillor Murphy - Air Conditioning Unit**

Can you install an air conditioning unit like a split system compressor on or near a boundary as, exempt development, complying development or with a development application?

At the request of the Mayor the Acting General Manager advised it could be done but there is certain criteria under the SEPP (Exempt and Complying Development codes) if this criteria is not met the a DA must be lodged.

**QWN23/12 Councillor Murphy - Stuart Street Park**

Can we have a update on the Stuart Street Park at 34 and 36 Stuart Street? Update to include timeline with dates for, completion of development application, submitting of development application, civil works including demolition of 36 Stuart Street, landscaping etc.

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

**QWN24/12 Councillor Morrison - Link Building - Sydney Road to Stocklands Centre**

Is there an update on the status of the link building in Sydney Road Balgowlah to the Stocklands Centre?

At the request of the Mayor the Acting General Manager, advised that he was meeting with the Stocklands and the new owner this week and he would advise that new owner that the community rooms come with the DA.

**QWN25/12 Councillor Griffin - Advertising Costs**

How much does the full page "Manly Council News" costs each week in the Manly Daily? What was the approval process to increase the size of the "Manly Council News" from the smaller advertisement? Who approved the increase in cost and size of the Mayoral Message.

At the request of the Mayor the Acting General Manager advised that Mayoral Column has not changed. The larger news space related to the Statutory Notices placed in the news paper by Council. He would find out the cost and get back to Council. Public Notices are paid for from the respective areas of Council and are usually a statutory requirement.

**QWN26/12 Councillor Aird - Rate Notices by Email**

Warringah Council ratepayers will soon have the option of getting their rates notice by email instead of through the post. Is Manly council considering offering the same option for its ratepayers?

At the request of the Mayor the Deputy General Manager, People, Places and Infrastructure advised that this had been looked at in the past 2 or 3years and considered there was not sufficient interest or demand.

**QWN27/12 Councillor Burns - Rangers Vests**

I have received Complaints from Council Rangers regarding the introduction of fluorescent vests which they are now required to wear. They advise that this has increased the risk of assaults. Could we bring a report back to Council on the uniform and the number of recent assaults.

At the request of the Mayor the Acting General Manager advised that the policy is that rangers wear their jackets during their shift for identification /and Occupational and Health and Safety. There had been an assault, however there had not been any increase since the introduction of the vests. The number of incidents was no higher than previous years.

**QWN28/12 Councillor Burns - Future Projects**

Would Council make a list of all projects and bring back to Council any future liabilities that are not in the current budget but which may be in a future budget on all projects over \$400,000?

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

**QWN29/12 Councillor Hay - Oyama Avenue - "Casa Mia"**

Could I have the background on why "Casa Mia" in Oyama Avenue, has been lifted from the Heritage listing.

At the request of the Mayor the Acting General Manager advised that the owners have applied to the Heritage Commission for the listing to be removed. The Acting General Manager also advised that he has requested information from the Heritage Council in regard to the heritage listing and will advise councillors of the outcome.

**CONFIDENTIAL COMMITTEE OF THE WHOLE****MATTERS OF URGENCY****Property Matter – 40 Stuart Street, Little Manly**

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

Corporate Services Division Report No. 8

**Tender 06/11 - Provision of Records Management Services**

*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 (LeSurf / Morrison)**

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

62/12      **RESOLVED:      (LeSurf / Morrison)**

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

The Chairperson, Mayor Jean Hay AM asked if any members of the public gallery objected to the matter being heard in Closed Session.

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

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

**Against the Resolution:** Nil.

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### **OPEN COUNCIL RESUMED**

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

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### **MATTER OF URGENCY**

#### **Property Matter**

#### **MOTION      (Aird / Burns)**

That Council resolve to proceed as discussed in Closed Session.

63/12      **RESOLVED:      (Aird / Burns)**

That Council resolve to proceed as discussed in Closed Session.

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

**Against the Resolution:** Nil.

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

\*\*\*\*\*

Corporate Services Division Report No. 8

#### **Tender 06/11 - Provision of Records Management Services**

64/12 **RESOLVED:      (Burns / Aird)**

That:

- A. Pursuant to clause 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the Tender from Grace Records Management for the rates submitted in the Tender for a period of three years with an option of one 12 month extension.



B. Council delegate authority to the General Manager to execute the contract.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

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

**CLOSE**

The meeting closed at [12.00pm](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [14 May 2012](#).

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**MAYOR**

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