



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 9 May 2011

All minutes are subject to confirmation at a subsequent meeting.

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 Ordinary Meeting - 4/04/2011 19

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 9 May 2011. The meeting commenced at 7.35pm.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor B Aird
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf
Councillor Dr P Macdonald
Councillor D Murphy
Councillor M Norek (arrived 7.50pm)
Councillor C Whitting

ALSO PRESENT

General Manager
Deputy General Manager, Executive Manager, Environmental Services
Deputy General Manager, People, Place & Infrastructure
Head of Strategy, Staff in Charge, General Managers Unit
Manager, Community Relations
Secretariat Services

OPENING PRAYER

The Opening Prayer was presented by Reverend Brett Mitchell from Manly Salvos, New Life Church & Community Centre.

APOLOGIES

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

MOTION (Elder / Whitting)

That the apology received from Councillor Morrison be accepted and leave be granted.

76/11 RESOLVED: (Elder / Whitting)

That the apology received from Councillor Morrison be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

Councillor Norek entered the Chamber.

CONFIRMATION OF MINUTES – ORDINARY MEETING

MOTION (LeSurf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 04 April 2011, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of:

1. Report of Committees Report No.11 – Minutes for adoption by Council (Manly Scenic Walkway Committee 1 March 2011), voting to be amended to show Councillor Aird as voting against the item.
2. Confidential minutes of the Closed Session of 4 April 2011 – Confidential Mayoral Minute Report No. 5 Staff Matter – This item be referred for discussion in the Closed Session at the end of the meeting.

77/11 RESOLVED: (LeSurf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 04 April 2011, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of:

1. Report of Committees Report No.11 – Minutes for adoption by Council (Manly Scenic Walkway Committee 1 March 2011), voting to be amended to show Councillor Aird as voting against the item.
2. Confidential minutes of the Closed Session of 4 April 2011 – Confidential Mayoral Minute Report No. 5 Staff Matter – This item be referred for discussion in the Closed Session at the end of the meeting.

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

Against the Resolution: Nil.

CONFIRMATION OF MINUTES – EXTRAORDINARY MEETING

MOTION (Macdonald / Griffin)

That copies of the Minutes of the Extraordinary Meeting held on Wednesday, 04 May 2011, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of General Managers Division Report No. 5 - Draft Manly Community Strategic Plan Beyond 2021 incorporating Resourcing Strategy, Four Year Delivery Program (2011-2015) and One Year Operational Plan (2011- 2012) – Public Exhibition, voting to be amended to show Councillor Murphy had left the room when voting on the item relating to Family Day Care fees.

78/11 RESOLVED: (Macdonald / Griffin)

That copies of the Minutes of the Extraordinary Meeting held on Wednesday, 04 May 2011, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of General Managers Division Report No. 5 - Draft Manly Community Strategic Plan Beyond 2021 incorporating Resourcing Strategy, Four Year Delivery Program (2011-2015) and One Year Operational Plan (2011- 2012) – Public Exhibition, voting to be amended to show Councillor Murphy had left the room when voting on the item relating to Family Day Care fees.

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

Against the Resolution: Nil.

PUBLIC FORUM

| NAME | SUBJECT/PUBLIC SPEAKERS |
|---------------|---------------------------------------|
| Roy Deane | Rezoning of Stuart Street properties. |
| David Parsons | Boat storage at Little Manly. |
| Digby Hughes | General Managers contract. |

PROCEDURAL MOTION (Macdonald / Burns)

That extension of time be granted for Public Forum to allow all speakers to address Council.

79/11 RESOLVED: (Macdonald / Burns)

That extension of time be granted for Public Forum to allow all speakers to address Council.

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

Against the Resolution: Nil.

PUBLIC FORUM

| NAME | SUBJECT/PUBLIC SPEAKERS |
|---------------|---|
| Nina Burridge | Council's disregard for public opinion. |

MAYORAL MINUTES

Mayoral Minute Report No. 6

Restoring the entitlement of businesses to have a say at precinct meetings**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In Support of the Motion: Drew Johnson, Chamber of Commerce and Bank of Queensland

MOTION (Hay)

That the Guidelines for the Manly Council Community Precinct System be amended to ensure that the owner of a business in a precinct (or one representative of the owner) is entitled to vote at their precinct meeting; thereby ensuring that the business community is fairly represented in Precinct deliberations and decisions. The amendment is to come in to affect immediately.

80/11 **RESOLVED: (Hay)**

That the Guidelines for the Manly Council Community Precinct System be amended to ensure that the owner of a business in a precinct (or one representative of the owner) is entitled to vote at their precinct meeting; thereby ensuring that the business community is fairly represented in Precinct deliberations and decisions. The amendment is to come in to affect immediately.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Murphy / Aird)

That Standing Orders be suspended to allow for consideration of item of public interest i.e. Notice of Rescission Report No.3 – Council Resolution 230/10 – Little Penguins.

81/11 **RESOLVED: (Murphy / Aird)**

That Standing Orders be suspended to allow for consideration of item of public interest i.e. Notice of Rescission Report No.3 – Council Resolution 230/10 – Little Penguins.

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

Against the Resolution: Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 3

Council Resolution 230/10 - Little Penguins

Mayor Councillor Jean Hay, Councillor Adele Heasman, and Councillor Lauren Elder moved:

“That Part 8 of Council’s decision of 13 December 2010 in respect of Resolution 230/10, Little Penguins is hereby rescinded.”

PUBLIC ADDRESSES

The following people addressed the meeting on this item:

Against the Motion: Karen Pitt

In support of the Motion: Denise Keen

RECISSION MOTION (Hay / Heasman)

That Part 8 of Council’s decision of 13 December 2010 in respect of Resolution 230/10, Little Penguins is hereby rescinded.

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

Against the Rescission Motion: Councillor Griffin

The **Rescission Motion** was declared **Carried**.

MOTION (Hay / Heasman)

That Part 8 of Council’s decision on 13 December 2010 in respect of Resolution 230/10, Little Penguins be changed to the following alternate motion -

1. That Council permit dogs on a leash to access the Federation Point steps;
2. That one sign west of Delwood Beach be removed;
3. That Council further secure the bottom of the built fence; and
4. That a Companion Animals Committee be re-established.

AMENDMENT (Griffin / Aird)

That:

1. Dogs be prohibited from the Federation Point steps during the Little Penguin breeding season which is the period from 1 July in any year until 28 February in the following year (both dates inclusive).
2. Council increase ranger activity in this area.
3. Council urgently bring back a report with recommendations for improvements that meet guidelines for pedestrian safety and access and assists in enhancing and protecting the wildlife habitat of the Little Penguins at Federation point to the following:
 - Federation Point steps;
 - Council controlled section of the pavilion boardwalk;
 - Car park at the rear of the Pavilion; and
 - Footpath from the Federation Steps to the footpath at the rear of the Manly Museum and Art Gallery

For the Amendment: Councillors Griffin and Aird

Against the Amendment: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, LeSurf, Burns and Macdonald

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

82/11 **RESOLVED: (Hay / Heasman)**

That Part 8 of Council's decision on 13 December 2010 in respect of Resolution 230/10, Little Penguins be changed to the following alternate motion -

1. That Council permit dogs on a leash to access the Federation Point steps;
2. That one sign west of Delwood Beach be removed;
3. That Council further secure the bottom of the built fence; and
4. That a Companion Animals Committee be re-established.

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

Against the Resolution: Councillors Griffin and Aird

RESUMPTION OF STANDING ORDERS (Aird / Norek)

That Standing Orders be resumed.

83/11 **RESOLVED: (Aird / Norek)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 12

Combating Graffiti

Proposal for Manly Council to join Vandaltrak to improve effectiveness in combating graffiti and damage to Council property.

Councillor Hugh Burns moved:

That:

1. Manly Council investigate participating in the VandalTrak project to assist its residents acting as agents to report vandal damage, both to their own and Council property;
2. Council explore with local Rotary groups participation in the cleaning up and removal of graffiti on private property in the Manly area;

3. Council liaise with local police to explore a coordinated local and regional strategy to report, prosecute and otherwise minimise graffiti;
4. Council investigate electronic integration of reported vandalism to Manly Council property made to the VandalTrak web site being automatically transferred to Council's management systems, to enable staff to check and promptly rectify reported damage logged via this website; and
5. A report be brought back to Council within 3 months on these matters, including expected costs and savings to Council and benefits to the community amenity.

MOTION (Burns / Whitting)

That:

1. Manly Council investigate participating in the VandalTrak project to assist its residents acting as agents to report vandal damage, both to their own and Council property;
2. Council explore with local Rotary groups participation in the cleaning up and removal of graffiti on private property in the Manly area;
3. Council liaise with local police to explore a coordinated local and regional strategy to report, prosecute and otherwise minimise graffiti;
4. Council investigate electronic integration of reported vandalism to Manly Council property made to the VandalTrak web site being automatically transferred to Council's management systems, to enable staff to check and promptly rectify reported damage logged via this website; and
5. A report be brought back to Council within 3 months on these matters, including expected costs and savings to Council and benefits to the community amenity.

84/11 RESOLVED: (Burns / Whitting)

That:

1. Manly Council investigate participating in the VandalTrak project to assist its residents acting as agents to report vandal damage, both to their own and Council property;
2. Council explore with local Rotary groups participation in the cleaning up and removal of graffiti on private property in the Manly area;
3. Council liaise with local police to explore a coordinated local and regional strategy to report, prosecute and otherwise minimise graffiti;
4. Council investigate electronic integration of reported vandalism to Manly Council property made to the VandalTrak web site being automatically transferred to Council's management systems, to enable staff to check and promptly rectify reported damage logged via this website; and
5. A report be brought back to Council within 3 months on these matters, including expected costs and savings to Council and benefits to the community amenity.

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

Against the Resolution: Councillors Griffin and LeSurf

Notice of Motion Report No. 13

Soil Testing - LM Graham Reserve

Councillor Hugh Burns moved:

That as part of Council's management of the LM Graham Reserve and before carrying out planned upgrading works proposed for the reserve, Council engage a recognised independent and suitably qualified testing firm to take soil samples and check ground water at various depths and location around the reserve, to analyse these and prepare a report on the findings to be presented to Council. The investigation is to check for a range of soil and water contaminants. The tests are to specifically include checking for traces of Atrazine (herbicide).

Councillor Burns withdrew his Notice of Motion.

Notice of Motion Report No. 14

Graffiti

Councillor Craig Whitting moved:

That Manly Council considers amending its current Graffiti Policy -

1. That Council amend its current Graffiti Policy to provide for the free removal of graffiti from residential properties where the resident affected has reported the crime to the police.
2. That the change in policy be implemented within 2011 and 2012 resource allocations for a 12 month trial period to assess the effectiveness and cost of the proposal.
3. That the new policy be advertised appropriately along with a general encouragement to the community to report instances of graffiti, whether they occur on private or public property.
4. That following the trial, a review is conducted and a report is prepared for Council outlining the effectiveness and cost of the proposal.

MOTION (Whitting / Norek)

That Manly Council considers amending its current Graffiti Policy.

1. That Council amend its current Graffiti Policy to provide for the free removal of graffiti from residential properties where the resident affected has reported the crime to the police.
2. That the change in policy be implemented within 2011 and 2012 resource allocations for a 12 month trial period to assess the effectiveness and cost of the proposal.
3. That the new policy be advertised appropriately along with a general encouragement to the community to report instances of graffiti, whether they occur on private or public property.
4. That following the trial, a review is conducted and a report is prepared for Council outlining the effectiveness and cost of the proposal.

For the Motion: Councillors Whitting, Norek, Burns and Macdonald

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

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

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 7

Items for Brief Mention**1. Report: 7.2 GENERAL BUSINESS Request to Council for a Sister City Relationship with Waikiki, Hawaii**

This report was dealt with at the Sister Cities Committee meeting of 23 February 2011. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

7.2 GENERAL BUSINESS Request to Council for a Sister City Relationship with Waikiki, Hawaii

The Chairman spoke about the letter received from Manly Centre Management requesting Council consider a Sister City relationship with Waikiki, with points raised on both areas being tourist destinations, having a strong surfing culture and surfing reserve status, the historical link of Duke Kahanamoku introducing surfing to Australia and Manly surfers competing in the Molokai Race.

The Committee discussed this matter and the question was raised about what Manly's surf clubs might think of the prospect; there is relevance with the surfing culture; issues of finance and support bearing in mind resources and budget of the Sister Cities Committee.

After discussion it was decided that there is interest and potential worth looking at.

MOTION (Macdonald / Heasman)

1. That Council support in principal the establishment of a Sister City relationship with Waikiki, Hawaii and that Council seek input from the Manly Chamber of Commerce as to how the relationship would benefit Council and Manly and what the Chamber could provide to progress the relationship with Waikiki.
2. That the Mayor and Chair of the Sister Cities Committee, Councillor Le Surf to meet with the Mayor of Warringah and President of the Freshwater Surf Life Saving Club to discuss the possibility of joining in a partnership for this Sister City relationship.

85/11 RESOLVED: (Macdonald / Heasman)

1. That Council support in principal the establishment of a Sister City relationship with Waikiki, Hawaii; and that Council seek input from the Manly Chamber of Commerce as to how the relationship would benefit Council and Manly and what the Chamber could provide to progress the relationship with Waikiki.
2. That the Mayor and Chair of the Sister Cities Committee, Councillor Le Surf to meet with the Mayor of Warringah and President of the Freshwater Surf Life Saving Club to discuss the possibility of joining in a partnership for this Sister City relationship.

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

Against the Resolution: Nil.

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

| Res No. | Meeting Date | Subject | Resolution | Status |
|---------|--------------|--|--|--|
| 250/10 | 13 Dec | Investigation of Feasibility of Tri-generation for Manly Council | That following on from Council's recent Kinesis report results, that Manly Council liaise with City of Sydney to produce a report back to Manly Council on the feasibility, (including environmental and cost benefits) of Council following Sydney's lead in embarking on a program of sourcing its electricity from tri-generation plants. An initial focus for investigation should be the Council Chambers and the Swim Centre. | Pending |
| 231/10 | 13 Dec | Tree Policy | 1. That Manly Council develop and publish a Tree Policy to ensure the enhancement, preservation, conservation and increase the number of trees in the Manly LGA. Such a policy would recognise the value of trees in the Manly LGA and guide Council staff, residents, developers and other authorities in the management of trees as an asset in Manly. | Meeting held 03/05/11 - it was aimed that the draft Policy be close to finalising so as to seek final comments from relevant people. |
| 44/10 | 19 April | Manly Council to Investigate Resuming Provision of Street Lighting in the Manly Municipality | That Council conducts an investigation and produces a report on the feasibility or taking over all or part of the street lighting in the Manly Municipality, currently run by Energy Australia at Council's expense. That such a report include but not be limited to the following items: - Identification of possible areas to be taken over including staging options and outlining selection methodology/criteria, - Identification of any additional costs or savings from taking over these assets over say a 20 year term. - Consideration of whether the transfer would assist Council to make the street lighting installation more energy efficient and likely cost savings and environmental benefits from such a change. - Consideration of whether such a transfer would enable Council to place more lighting wiring underground to make selected areas more attractive and the installations less prone to damage. - Consideration of whether there would be further cost savings from undertaking the street lighting on a regional or SHOROC based scale. | Waiting on response from Energy Australia. |
| 08/11 | 14 Feb | Masterplan for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne | 1. That design control guidelines be prepared for the site bounded by Wentworth St, Darley Rd, Victoria Pde and South Steyne from which a development control plan could be developed to address the significant access, parking, urban design, landscape and environmental planning issues on the site which Council has previously identified. | Will be completed May 2011. |

| | | | | |
|-------|--------|--|---|---|
| 20/11 | 14 Feb | Manly CBD Tramway Loop | That subject to the <i>Manly2015</i> progressing, the Council support the proposed Tram Loop for an initial comprehensive feasibility study as part of the <i>Manly2015</i> vision. | Manly Tramway Working Group has been established and met. |
| 36/11 | 14 Mar | Seahorse Habitat | That Council investigate and report on a viable seahorse habitat friendly and sustainable replacement for the suspended netting currently used for the swimming enclosure at Manly Cove. | Pending |
| 40/11 | 14 Mar | Poll of Residents as to preferred location of local Manly Hospital | That Council conducts a survey of residence as part of its community engagement process to ask eligible voters to indicate their preferred location for a new or upgraded hospital. Being: a) a substantially knocked down and reused for aged care and or mental health it remain in the public hands (modernised) Manly Hospital at the existing location on Darley Road North Head (retaining only the original 1929 heritage building). b) a newly-built hospital at Frenchs Forest. That fair and impartial "for" and "against" cases be prepared by Council staff for the two locations and development of facilities proposed above. | Pending |

3. Documents to be tabled

| Date | Author | Subject |
|---------------|---|-------------------------|
| 29 April 2011 | David Swain, NSW Government Premier & Cabinet | Cyclist helmet safety |
| 2 May 2011 | Mike Baird, MP | Affordable Housing SEPP |
| 3 May 2011 | Kate Foy, NSW Government Transport | Transport issues |

MOTION (Macdonald / Burns)

1. That the information be received and noted.
2. That the information be received and noted.

86/11 RESOLVED: (Macdonald / Burns)

1. That the information be received and noted.
2. That the information be received and noted.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 19

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.

- i) Manly Traffic Committee – 11 April 2011
- ii) Community Environment Committee – 13 April 2011

MOTION (Le Surf / Griffin)

That the minutes of the following Special Purpose Committee meetings be adopted:

- i) Manly Traffic Committee – 11 April 2011
- ii) Community Environment Committee – 13 April 2011

Note: Council's resolution 82/11 overrides Item 8 in the Community Environment Committee minutes of 13 April 2011 - "Little Penguins" .

87/11 RESOLVED: (LeSurf / Griffin)

That the minutes of the following Special Purpose Committee meetings be adopted:

- i) Manly Traffic Committee – 11 April 2011
- ii) Community Environment Committee – 13 April 2011

Note: Council's resolution 82/11 overrides Item 8 in the Community Environment Committee minutes of 13 April 2011 - "Little Penguins" .

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 16

Goods and Services Tax (GST) - Council Compliance Requirements**SUMMARY**

Confirmation of Council's compliance with its GST requirements for 2011.

MOTION (Macdonald / Le Surf)

That:

1. The advices be received; and
2. The Goods and Services Tax (GST) Compliance Certificate for the period 1 May 2010 to 30 April 2011 be signed by the Mayor, the Deputy Mayor (or one other Councillor), the General Manager and the Responsible Accounting Officer.

88/11 **RESOLVED:** (Macdonald / LeSurf)

That:

1. The advices be received; and
2. The Goods and Services Tax (GST) Compliance Certificate for the period 1 May 2010 to 30 April 2011 be signed by the Mayor, the Deputy Mayor (or one other Councillor), the General Manager and the Responsible Accounting Officer.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 17
Report on Council Investments as at 31 March 2011

SUMMARY

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

MOTION (Macdonald / Murphy)

That the statement of Bank Balances and Investment Holdings as at 31 March 2011 be received and noted.

89/11 **RESOLVED:** (Macdonald / Murphy)

That the statement of Bank Balances and Investment Holdings as at 31 March 2011 be received and noted.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 18
March Quarterly Budget Review

SUMMARY

Council's income and expenditure for the quarter 1 January 2011 to 31 March 2011 has been reviewed, together with a projection of Council's Budget as at 30 June 2011, and a Statement of Variations which have occurred is submitted.

MOTION (LeSurf / Murphy)

That the 2010/2011 Adopted Budget be varied in terms of this report.

90/11 **RESOLVED:** (LeSurf / Murphy)

That the 2010/2011 Adopted Budget be varied in terms of this report.

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

Against the Resolution: Nil.

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

PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 8

**Quarterly Update Report on the Management Plan 2010-2013
for the period 1st January to 31st March 2011**

SUMMARY

This report provides a review of the achievements towards meeting the outcomes set by Council as described in the Management Plan 2010 – 2013 for the period 1 January 2011 to 31 March 2011, in accordance with the requirements of the *Local Government Act, 1993*.

MOTION (LeSurf / Burns)

That the report on the third quarterly review of the Management Plan 2010-2013 for the period ending 31 March 2011 be received and noted.

91/11 **RESOLVED:** (LeSurf / Burns)

That the report on the third quarterly review of the Management Plan 2010-2013 for the period ending 31 March 2011 be received and noted.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 12

Compliance and Enforcement Policy

SUMMARY

This report recommends the adoption of the Compliance and Enforcement Policy following exhibition.

MOTION (Le Surf / Griffin)

That the Compliance and Enforcement Policy be adopted.

AMENDMENT (Burns / Macdonald)

That in the Policy, at No.21 "Discretion", under the dot points insert "record all decisions on the basis of any discretion action".

For the Amendment: Councillors Burns, Macdonald, Whitting and Aird

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

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

92/11 RESOLVED: (LeSurf / Griffin)

That the Compliance and Enforcement Policy be adopted.

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

Against the Resolution: Councillor Whitting and Burns

Councillor Norek was not in the Chambers when the voting took place.

QUESTIONS WITHOUT NOTICE**QWN35/11 Councillor Murphy - Ivanhoe Park Botanic Garden**

Please provide an update on where we are with Ivanhoe Park Botanic Garden signage at each entrance (I think there are 3) and specific signage for plants and trees in the Botanic Garden.

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

QWN36/11 Councillor Whitting - Rolf Street

Residents in Rolf Street, Manly would like to know when will a footpath at the entrance from Balgowlah Road be completed?

Also, are there plans for traffic calming devices in Rolf Street, and when will the works be completed?

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

QWN37/11 Councillor Heasman - Sydney Water Containers

Can I ask the General Manager to urgently liaise with Sydney Water with regard to removal of the Sydney Water containers located between Ashburner Street and Victoria Parade before the Food and Wine Festival in early June?

The Traffic Committee became aware today that the Sydney Water containers will not be removed until mid June or even later.

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

QWN38/11 Councillor Macdonald - Cathedral Rock

When will the controlled drop of Cathedral Rock be completed?

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

QWN39/11 Councillor Burns - Road to recovery signs

When will the road to recovery signs be removed?

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

QWN40/11 Councillor Burns - Energy Australia Works

When will Energy Australia be finishing their work digging up the streets?

At the request of the Mayor the General Manager advised that he would take this up with the Deputy General Manager, Mr Fleming.

QWN41/11 Councillor Burns - Questions Without Notice

How do I find out information about questions without notice that have not been answered satisfactorily?

At the request of the Mayor the General Manager advised Councillor Burns to contact the Secretariat and they would provide information.

QWN42/11 Councillor Aird - Pine Street Stormwater Pipe

Would the General Manager advise of the current status re the proposed removal of the stormwater pipe at Pine Street on the beach at North Steyne?

At the request of the Mayor the General Manager advised that Council is currently finalising its Part 5 Assessment. The next step is to obtain consent through the Part 5 Assessment process.

QWN43/11 Councillor Aird - Street furniture

The street furniture (i.e. seats and garbage bin housing) along Belgrave Street (western side) between Gilbert Park and Sydney Road looks quite dilapidated and is in old corporate colours.

As this is a high use area of the CBD and being near a very busy bus stop at Gilbert Park, can this seating be replaced as soon as possible with Council's newer style aluminium seats which are low maintenance?

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

Councillor Norek left the meeting at 11.25pm.

CONFIRMATION OF MINUTES – 4 APRIL 2011

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) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

CLOSED SESSION**MOTION (Macdonald / Burns)**

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

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

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

93/11 RESOLVED: (Macdonald / Burns)

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the Mayor advised the meeting of the decision made in Closed Session.

CONFIRMATION OF CLOSED MINUTES**MOTION (LeSurf / Murphy)**

That copies of the Minutes of the Closed Meeting held on Monday, 04 April 2011, 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.

94/11 RESOLVED: (LeSurf / Murphy)

That copies of the Minutes of the Closed Meeting held on Monday, 04 April 2011, 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, Murphy and Le Surf

Against the Resolution: Councillors Aird, Burns, Macdonald, Whitting

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

CLOSE

The meeting closed at 11.59am.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 20 June 2011.

MAYOR

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