

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 11 February 2013

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:*

www.manly.nsw.gov.au

TABLE OF CONTENTS

Item	Page No.
PRESENT	3
APOLOGIES	3
DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST	3
CONFIRMATION OF MINUTES	3
Ordinary Meeting - 10/12/2012	3
PUBLIC FORUM	4
MAYORAL MINUTES	4
Mayoral Minute Report No. 1	
Australia Day Honours 2013.....	4
NOTICES OF RESCISSION	5
Notice of Rescission Report No. 1	
Notice of Rescission	5
NOTICES OF MOTION	5
Notice of Motion Report No. 1	
Consultation on Planning White Paper.....	5
Notice of Motion Report No. 2	
Amendment to the Code of Meeting Practice.....	7
Notice of Motion Report No. 3	
Proposed redevelopment of Manly Swim Centre	8
Notice of Motion Report No. 4	
Ongoing problems with North Head Sewerage Treatment Plant	8
Notice of Motion Report No. 5	
Reinstatement of Mural at Manly Lagoon Park	10
ITEMS FOR BRIEF MENTION	10
Item For Brief Mention Report No. 1	
Items For Brief Mention	10
GENERAL MANAGERS DIVISION	11
General Managers Division Report No. 1	
Council Online Permit Parking Application System – ePermits	11
CORPORATE SERVICES DIVISION	12
Corporate Services Division Report No. 2	
Investment Report December 2012	12
Corporate Services Division Report No. 3	
Investment Report January 2013	13

Corporate Services Division Report No. 5

Second Quarter Report (1 October to 31 December 2012) – Progress with Four Year Delivery Program 2011-2015, Operational Plan 2012-2013 and Budget 2012-2013 13

Corporate Services Division Report No. 6

Report on Wi-Fi in the Corso 14

Corporate Services Division Report No. 7

Approval to Write-off Bad Debts..... 15

QUESTIONS WITHOUT NOTICE 16

CONFIDENTIAL COMMITTEE OF THE WHOLE 17

Civic and Urban Services Division Report No. 1

Tender No. 2012/055 - Plant Hire Services Panel..... 18

Civic and Urban Services Division Report No. 2

Tender No. T2013/01 - Tree Tender Cyclic Tree Works 18

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 11 February 2013. The meeting commenced at 7.30pm.

PRESENT

Her Worship, The Mayor, Jean Hay AM, who presided
Councillor B Aird
Councillor C Bingham
Councillor H Burns
Councillor C Griffin
Councillor J Griffin
Councillor A Heasman
Councillor A Le Surf, Deputy Mayor
Councillor S Pickering

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
Beth Lawsen, Deputy General Manager, People, Place & Infrastructure
Helen Lever, Manager Administration
Secretariat Officer

OPENING PRAYER

The Opening Prayer was presented by Councillor the Mayor, Jean Hay AM.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Clr C Griffin	Notice of Rescission Report 1	Clr Griffin lives in Stuart Street and this could impact on the value of her property.
Clr J Griffin	Notice of Rescission Report 1	Son of Clr Cathy Griffin and has also resided in Stuart Street.

CONFIRMATION OF MINUTES

MOTION (Le Surf / Heasman)

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

1/13 **RESOLVED:** (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 10 December 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 Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
David Parsons	Councillors Interests
Karen Pitt	Asset Management
Judy Brain	Section 94 Contributions
Anna Fraser	Lack of shade and cancer risk at Manly's beaches
Angelika Treichler	Affordable recreational activities for families in Manly

MAYORAL MINUTES

Mayoral Minute Report No. 1

Australia Day Honours 2013 (MC/13/12846)

MOTION (Hay)

That:

A letter is written on behalf of Council to Professor Robert Clark AO, Mrs Patricia Anne Lanham OAM and Mr Eric John Goodwin OAM offering Council's congratulations for their 2013 Australia Day Honours awards in acknowledgement of their service to the community.

2/13 **RESOLVED:** (Hay)

That:

A letter is written on behalf of Council to Professor Robert Clark AO, Mrs Patricia Anne Lanham OAM and Mr Eric John Goodwin OAM offering Council's congratulations for their 2013 Australia Day Honours' awards in acknowledgement of their service to the community.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

Councillors C Griffin and J Griffin left the Chamber having declared an interest in the Notice of Rescission Report No. 1.

NOTICES OF RESCISSION**Notice of Rescission Report No. 1****Notice of Rescission (MC/13/2662)**

Councillor Barbara Aird, Councillor Candy Bingham, and Councillor Hugh Burns will move:

“That the Council’s decision of Ordinary Meeting, 10 December 2012 being Mayoral Minutes No. 12 in respect of Stuart Street Properties be and is hereby rescinded.”

PUBLIC ADDRESSES

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

In Support of the Recommendation: David Howe

Against the Recommendation: John Davis

MOTION (Bingham / Burns)

“That the Council’s decision of Ordinary Meeting, 10 December 2012 being Mayoral Minutes No. 12 in respect of Stuart Street Properties be and is hereby rescinded.”

For the Resolution: Councillors Aird, Burns and Bingham

Against the Resolution: Councillors Heasman, Pickering, Le Surf and Hay

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

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

The meeting adjourned at 10.15pm.

The meeting reconvened at 10.25pm.

NOTICES OF MOTION**Notice of Motion Report No. 1****Consultation on Planning White Paper (MC/13/10881)**

Councillor Cathy Griffin moved:

That Council:

1. Notes the potential widespread impact on our local community of the proposed planning law reform being undertaken by the NSW government;
2. Write to the NSW government calling on it to ensure there is at least 6 months of public consultation on the planning reform White Paper when it is released early this year; and
3. Commits to holding one or more local community consultation workshops on the White Paper once it is released to:
 - a. Assist the community to understand the NSW Government planning reforms;

- b. Discuss the implications of these reforms for our Local Government Area;
- c. Consult with the community on how to cooperate in the new environment for the benefit of our local area;
- d. Gain feedback on what the Council needs to know to support their community; and
- e. Obtain resident views for the Council response to the White Paper and Draft Legislation.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Terry Le Roux

MOTION (C Griffin / Burns)

That Council:

1. Notes the potential widespread impact on our local community of the proposed planning law reform being undertaken by the NSW government;
2. Write to the NSW government calling on it to ensure there is at least 6 months of public consultation on the planning reform White Paper when it is released early this year; and
3. Commits to holding one or more local community consultation workshops including workshops specifically for Precinct Executive's on the White Paper once it is released to:
 - a. Assist the community to understand the NSW Government planning reforms;
 - b. Discuss the implications of these reforms for our Local Government Area;
 - c. Consult with the community on how to cooperate in the new environment for the benefit of our local area;
 - d. Gain feedback on what the Council needs to know to support their community; and
 - e. Obtain resident views for the Council response to the White Paper and Draft Legislation.

3/13 RESOLVED: (C Griffin / Burns)

That Council:

1. Notes the potential widespread impact on our local community of the proposed planning law reform being undertaken by the NSW government;
2. Write to the NSW government calling on it to ensure there is at least 6 months of public consultation on the planning reform White Paper when it is released early this year; and
3. Commits to holding one or more local community consultation workshops including workshops specifically for Precinct Executive's on the White Paper once it is released to:
 - a. Assist the community to understand the NSW Government planning reforms;
 - b. Discuss the implications of these reforms for our Local Government Area;
 - c. Consult with the community on how to cooperate in the new environment for the benefit of our local area;
 - d. Gain feedback on what the Council needs to know to support their community; and
 - e. Obtain resident views for the Council response to the White Paper and Draft Legislation.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

Notice of Motion Report No. 2**Amendment to the Code of Meeting Practice (MC/13/11348)****Councillor Cathy Griffin moved that:**

1. Manly Council amend the Manly Council Code of Meeting practice to permit a more balanced meeting regime.
 - a) In accordance with section 8.2(1) the Corporate Planning and Strategy Committee (Principle Committee of Council) be wound up.
 - b) In accordance with the requirements of Section 3, Convening Council Meetings, the meetings currently advertised as Corporate Planning and Strategy Meetings become Ordinary Meetings. That is; two Ordinary Meetings be held on the first two Monday evenings of each month with the exception when public holidays occur, in which case only one Ordinary meeting be held.
 - c). The current Chair of the Planning and Strategy Committee chair each alternate Ordinary Meeting for the duration of 2013.
 - d). Alternate Ordinary Meeting be chaired by the Deputy Mayor from February 2014.

MOTION (C Griffin / Aird)

That Council:

1. Manly Council amend the Manly Council Code of Meeting practice to permit a more balanced meeting regime.
 - a) In accordance with section 8.2(1) the Corporate Planning and Strategy Committee (Principle Committee of Council) be wound up.
 - b) In accordance with the requirements of Section 3, Convening Council Meetings, the meetings currently advertised as Corporate Planning and Strategy Meetings become Ordinary Meetings. That is; two Ordinary Meetings be held on the first two Monday evenings of each month with the exception when public holidays occur, in which case only one Ordinary meeting be held.
 - c) Rescission Motions must not be considered for a period of 28 days.
 - d) For a trial of 12 months with 2 Ordinary Meetings to be held per month with the exception when public holidays occur, in which case only one Ordinary meeting be held.

For the Resolution: Councillors Aird, Burns, Bingham and C Griffin**Against the Resolution:** Councillors Heasman, Pickering, Le Surf, J Griffin and HayThe **Motion** was put and declared **Lost**.

Notice of Motion Report No. 3**Proposed redevelopment of Manly Swim Centre (MC/13/11506)****Councillor Barbara Aird moved that:**

Manly Council conducts a fundamental analysis to determine whether to do a major or minor upgrade, including a thorough, open and transparent investigation and consultation process (including all precincts) to determine what our community really wants and is prepared to pay for in the upgrade of the Manly Swim Centre, detailed feasibility investigations and detailed financial modelling, before the current \$16 million proposal is progressed any further.

MOTION (Aird / C Griffin)**That:**

Manly Council conducts a fundamental analysis to determine whether to do a major or minor upgrade, including a thorough, open and transparent investigation and consultation process (including all precincts) to determine what our community really wants and is prepared to pay for in the upgrade of the Manly Swim Centre, detailed feasibility investigations and detailed financial modelling, before the current \$16 million proposal is progressed any further.

For the Resolution: Councillors Aird, Burns, Bingham and C Griffin**Against the Resolution:** Councillors Heasman, Pickering, Le Surf, J Griffin and Hay

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

Mayor Councillor Hay AM vacated the Chair and left the chamber.

Councillor Le Surf assumed the Chair.

Notice of Motion Report No. 4**Ongoing problems with North Head Sewerage Treatment Plant (MC/13/11698)****Councillor Barbara Aird moved that:**

Manly Council calls on the Premier of NSW to:

1. acknowledge the adverse impacts (particularly odours, health concerns and sludge trucks) and concerns of the Manly community and Manly Council over many decades in regard to the North Head Sewage Treatment Plant.
2. urgently begin the planning process to remove the ocean outfall and close the North Head Sewage Treatment Plant.
3. immediately take steps to implement at the North Head Sewage Treatment Plant, the "ultimate aim" of section 27(1) of the Sydney Water Act 1994, which states, inter alia "the corporation is to adopt as an ultimate aim the prevention of all dry weather discharges of sewage to waters, including from ocean outfalls, except to the extent that this is necessary to safeguard public health or prevent environmental degradation, or both."
4. explain why despite continual licence breaches at North Head Sewage Treatment Plant there have been no prosecutions.

(cc to Ministers and Shadow Ministers for Environment and Heritage, and Health, Local Member for Manly, Sydney Coastal Council Group, L.G.S.A)

MOTION (Aird / C Griffin)

That Manly Council calls on the Premier of NSW to:

1. Acknowledge the adverse impacts (particularly odours, health concerns and sludge trucks) and concerns of the Manly community and Manly Council over many decades in regard to the North Head Sewage Treatment Plant.
2. Urgently begin the planning process to remove the ocean outfall and close the North Head Sewage Treatment Plant.
3. Immediately take steps to implement at the North Head Sewage Treatment Plant, the "ultimate aim" of section 27(1) of the Sydney Water Act 1994, which states, inter alia "the corporation is to adopt as an ultimate aim the prevention of all dry weather discharges of sewage to waters, including from ocean outfalls, except to the extent that this is necessary to safeguard public health or prevent environmental degradation, or both."
4. Explain why despite continual licence breaches at North Head Sewage Treatment Plant there have been no prosecutions.

(cc to Ministers and Shadow Ministers for Environment and Heritage, and Health, Local Member for Manly, Sydney Coastal Council Group, L.G.S.A)

4/13 RESOLVED: (Aird / C Griffin)

That Manly Council calls on the Premier of NSW to:

1. Acknowledge the adverse impacts (particularly odours, health concerns and sludge trucks) and concerns of the Manly community and Manly Council over many decades in regard to the North Head Sewage Treatment Plant.
2. Urgently begin the planning process to remove the ocean outfall and close the North Head Sewage Treatment Plant.
3. Immediately take steps to implement at the North Head Sewage Treatment Plant, the "ultimate aim" of section 27(1) of the Sydney Water Act 1994, which states, inter alia "the corporation is to adopt as an ultimate aim the prevention of all dry weather discharges of sewage to waters, including from ocean outfalls, except to the extent that this is necessary to safeguard public health or prevent environmental degradation, or both."
4. Explain why despite continual licence breaches at North Head Sewage Treatment Plant there have been no prosecutions.

(cc to Ministers and Shadow Ministers for Environment and Heritage, and Health, Local Member for Manly, Sydney Coastal Council Group, L.G.S.A)

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin and C Griffin

Against the Resolution: Nil.

The Mayor, Jean Hay AM was not in the Chamber when the voting took place.

Councillor Le Surf vacated the Chair and Mayor Councillor Hay AM returned to the chamber and assumed the Chair.

Notice of Motion Report No. 5**Reinstatement of Mural at Manly Lagoon Park (MC/13/13055)****Councillor Candy Bingham moved:**

That Council provide a report on the feasibility of reinstating the mural, which was previously located in the old children's playground, back to Manly Lagoon Park.

MOTION (Bingham / Burns)

That:

- i. Council provide a report on the feasibility of returning the mural to be displayed, which was previously located in the old children's playground, and
- ii. This matter be referred to the Playground Committee.

5/13 RESOLVED: (Bingham / Burns)

That:

- i. Council provide a report on the feasibility of returning the mural to be displayed, which was previously located in the old children's playground, and
- ii. This matter be referred to the Playground Committee.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION**Item For Brief Mention Report No. 1****Items For Brief Mention (MC/13/1978)****1. Complaints made to the General Manager**

There were no complaints to the General Manager in January 2013

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
208/12	10 Dec	Notice of Motion Report No. 46 - Master Plan for Ivanhoe Botanic Gardens	i) Manly Council develop a Master Plan for the Ivanhoe Botanic Gardens area	In progress
			ii) the Master Plan proposal be referred to the first Council Workshop in February 2013	In progress
207/12	10 Dec	Notice of Motion Report No. 43 - 2014 School Student of the Year	That Manly Council establishes a School Student of the Year Award	In progress
205/12	10 Dec	Notice of Motion Report No. 44 - Proposal to locate a six person	That consideration be given to the proposal from the Northern Beaches Dragon Boat Club, to locate a six-person	In progress

		outrigger canoe at Little Manly	Outrigger Canoe at Little Manly Cove. Manly Council.	
--	--	---------------------------------	--	--

3. Tabled Documents

Date	Author	Subject
30 January 2013	Barry O'Farrell MP Premier	Response to our letter re national container deposit scheme
31 January 2013	Mayor Felicity-ann Lewis President Australian Local Government Association	2013 National General Assembly of Local Government – Call for Motions

MOTION (Pickering / J Griffin)

That the items for brief mention reports 1, 2 and 3 be received and noted.

6/13 RESOLVED: (Le Surf / J Griffin)

That the items for brief mention reports 1, 2 and 3 be received and noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 1

Council Online Permit Parking Application System – ePermits (MC/13/8902)

SUMMARY

Council at its meeting of 6 August 2012 considered Notice of Motion Report No. 35 - Parking Permits - Report on Residential Parking Scheme and resolved:

“That in relation to ongoing concerns over a number of years, especially from residents of Little Manly and Ocean Beach precincts, regarding a “black market” in resident parking permits, the General Manager brings back a report to the next Council meeting, detailing what steps have been taken by Manly Council to trial an online registration system for parking permits and what proposals could be considered and implemented to overcome the problem.”

The purpose of this report is to update Council regarding the progress of this project/initiative.

MOTION (Heasman / Le Surf)

That:

The Council's Online Permit Parking Application System – ePermits report be moved for consideration to the next agenda of the Planning and Strategy meeting.

7/13 RESOLVED: (Heasman / Le Surf)

That:

The Council's Online Permit Parking Application System – ePermits report be moved for consideration to the next agenda of the Planning and Strategy meeting.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION**Corporate Services Division Report No. 2****Investment Report December 2012 (MC/13/2629)****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 (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 31 December 2012 be received and noted.

8/13 RESOLVED: (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 31 December 2012 be received and noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay

Against the Resolution: Nil.

**Corporate Services Division Report No. 3
Investment Report January 2013 (MC/13/11107)
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 (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 31 January 2013 be received and noted.

9/13 RESOLVED: (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 31 January 2013 be received and noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

**Corporate Services Division Report No. 5
Second Quarter Report (1 October to 31 December 2012) –
Progress with Four Year Delivery Program 2011-2015, Operational Plan 2012-2013 and
Budget 2012-2013 (MC/13/3142)
SUMMARY**

This report provides the second progress report on Council's Four Year Delivery Program 2011-2015 and One Year Operational Plan 2012-13 for the period 1 October to 31 December 2012, in accordance with the requirements of section 404(5) of the *Local Government Act, 1993*.

Attached is a detailed matrix and graphs showing Council's progress in the second year of its 2011-2015 Delivery Program as adopted by Council in June 2012.

Quarterly Financial Review Reports for the period ending 31 December 2012, including variation recommendations are also discussed and detailed in the Attachments.

MOTION (Le Surf / Burns)

That:

1. The second quarterly report for the 2012-13 Operational Plan and progress report with the second year of Council's Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 31 December 2012, including the revised estimates and recommended variations contained within the report, be adopted.

10/13 RESOLVED: (Le Surf / Burns)

That:

1. The second quarterly report for the 2012-13 Operational Plan and progress report with the second year of Council's Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 31 December 2012, including the revised estimates and recommended variations contained within the report, be adopted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

**Corporate Services Division Report No. 6
Report on Wi-Fi in The Corso (MC/13/8901)****SUMMARY**

Council resolved at its Ordinary Meeting of 10 December 2012 that a report be prepared recommending the best implementation option to establish a free Wi-Fi access service in the Manly CBD.

This report outlines progress on this project.

MOTION (Bingham / Burns)

That:

The General Manager appoint a Council officer to convene and co-ordinate a working party comprising interested Councillors, the Chamber of Commerce, Manly Centre Management, representatives of the local IT industry and appropriate Council staff to prepare and implement plan to provide community wi-fi in The Corso, as stage one of the project.

11/13 RESOLVED: (Bingham / Burns)

That:

The General Manager appoint a Council officer to convene and co-ordinate a working party comprising interested Councillors, the Chamber of Commerce, Manly Centre Management, representatives of the local IT industry and appropriate Council staff to prepare and implement plan to provide community wi-fi in The Corso, as stage one of the project.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

Corporate Services Division Report No. 7
Approval to Write-off Bad Debts (MC/13/11472)
SUMMARY

The purpose of this report is to obtain Council's approval to write off five bad debts amounting to \$54,426.61 (inc GST) where the debtors have gone into liquidation or cannot be traced by the debt recovery agency. These are Excel Austra P/L, Penny Bella P/L, Jalba P/L, Organicus Kitchen & Pantry P/L and Vital Services P/L. The GST component of \$4,947.87 will be recovered from the ATO.

MOTION (Le Surf / J Griffin)

That Council approve writing off of the debts of:

1. \$12,747.05 (Including GST) against Excel Austra P/L T/as Manly Ocean Beach House, Ocean Promenade South Steyne Manly;
2. \$19,608.86 (Including GST) against Vital Services NSW P/L of 2/19 Young Street Neutral Bay;
3. \$10,339.14 (Including GST) against Organicus P/L T/as Organicus Kitchen & Pantry, Shop B 2-8 Darley Road, Manly;
4. \$9,304.16 (Including GST) against Penny Bella P/L T/as Manly Fruit Market, Shop 1 2-8 Darley Road, Manly; and
5. \$2,427.40 (Including GST) against Jalba P/L T/as Manly Fruit Market Shop 1 2-8 Darley Road, Manly.

12/13 RESOLVED: (Le Surf / J Griffin)

That Council approve writing off of the debts of:

1. \$12,747.05 (Including GST) against Excel Austra P/L T/as Manly Ocean Beach House, Ocean Promenade South Steyne Manly;
2. \$19,608.86 (Including GST) against Vital Services NSW P/L of 2/19 Young Street Neutral Bay;
3. \$10,339.14 (Including GST) against Organicus P/L T/as Organicus Kitchen & Pantry, Shop B 2-8 Darley Road, Manly;
4. \$9,304.16 (Including GST) against Penny Bella P/L T/as Manly Fruit Market, Shop 1 2-8 Darley Road, Manly; and
5. \$2,427.40 (Including GST) against Jalba P/L T/as Manly Fruit Market Shop 1 2-8 Darley Road, Manly.

For the Resolution: Councillors Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Councillor Burns

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

QUESTIONS WITHOUT NOTICE**QWN1/13 Councillor Pickering - Balgowlah Golf Club**

Are you aware that the Golf Club have received sufficient pledges which will allow them to recommence trading. I understand there are sufficient pledges made is this correct?

At the request of the Mayor the General Manager advised that he was aware of their current situation.

QWN2/13 Councillor J Griffin - Safety of the pool ladders at Little Manly.

As a rate payer has raised concerns regarding the safety of the ladder at Little Manly Harbour pool.

There are allegedly a number of barnacles on the steps and broken metal poles that make up part of the structure.

Can Council please investigate and repair as needed?

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

QWN3/13 Councillor Burns - Removalist Truck

Could I have in writing briefing form Council staff on the handling of the matter on John Cleary and his removalist truck.

At the request of the Mayor the General Manager advised that Council has a complaint management process and the individual should lodge a complaint via the correct process/mechanism.

QWN4/13 Councillor Burns - Council Men's' Toilet

There not sufficient facilities for males after the refurbishing of the toilets. Would you advise what consultation was carried out prior to the refurbishing?

At the request of the Mayor the General Manager advised that the work met the requirements.

QWN5/13 Councillor Aird - Review of parking signs within the CBD

Review of parking signs within the CBD – Council freed up loading zones so that once 6pm came we had a turnover - but in The Corso, near Coles it still appears to be a 24 hour loading zone?.

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

QWN6/13 Councillor Aird - Free 3 hour scheme

When will the free 3 hour scheme be implemented in the car parks.

At the request of the Mayor the General Manager advised that when the Smart Cards arrive and in sufficient stock, the program will then commence.

QWN7/13 Councillor C Griffin - Balgowlah Golf Club

Could staff provide a report on the general issue of the Balgowlah Golf Club?

At the request of the Mayor the Deputy General Manager advised that recent meetings were to do with the water harvesting.

QWN8/13 Councillor C Griffin - Foot Path - Wentworth Street and East Esplanade

The subject footpath is in a high traffic area between Wentworth Street and East Esplanade has been in bad state for some time. I have emailed the Divisional Manager, Civic and Urban Services and was advised it would be repaired in November, then December and it is still not done. Could I be advised when it is programmed to be attended to?

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 1

Tender No. 2012/055 - Plant Hire Services Panel (MC/13/6315)

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

Civic and Urban Services Division Report No. 2

Tender No. T2013/01 - Tree Tender Cyclic Tree Works (MC/13/6336)

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 (Le Surf / Pickering)**

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

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

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

13/13 RESOLVED: (Le Surf / Pickering)

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

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Civic and Urban Services Division Report No. 1

Tender No. 2012/055 - Plant Hire Services Panel (MC/13/6315)

MOTION (Le Surf / Pickering)

14/13 RESOLVED: (Le Surf / Pickering)

As progressed in closed session.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

Civic and Urban Services Division Report No. 2

Tender No. T2013/01 - Tree Tender Cyclic Tree Works (MC/13/6336)

MOTION (Le Surf / Pickering)

15/13 RESOLVED: (Le Surf / Pickering)

As progressed in closed session.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.38am Tuesday 2013.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 11 March 2013.

MAYOR

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