



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 12 September 2011

All minutes are subject to confirmation at a subsequent meeting.

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 12 September 2011. The meeting commenced at 7.40pm.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor B Aird
Councillor H Burns
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf
Councillor Dr P Macdonald OAM
Councillor R Morrison
Councillor D Murphy, Deputy Mayor
Councillor M Norek (arrived 7.43pm)
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
Ross Fleming, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Head of Strategy, Acting Executive Manager, Corporate Services
Mary Rawlings, Risk Manager
Secretariat Officer

The Mayor opened the meeting with a minute silence to remember the victims of the September 11 2001 attacks in the USA.

OPENING PRAYER

The Opening Prayer was presented by Ennio Marone, Wellspring Church.

APOLOGIES

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

MOTION (Burns / LeSurf)

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

151/11 **RESOLVED: (Burns / LeSurf)**

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

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Peter Macdonald	Notice of Rescission Report No.4 – Manly Local Environment Plan 1988 Draft Amendment 82	Conflict of interest - member of Manly Golf Club
Councillor Adele Heasman	Notice of Motion Report No.28 – Support for funding of the Manly Woman's Shelter	Conflict of interest – Sits on Executive Committee of the Shelter

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 August 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 Human Services And Facilities Division Report No. 7 - Tender T2011/27 - Licence for operation of an Arts, Crafts and Farmers' Market in Manly – movers to be amended to show Morrison/Le Surf. The Corporate Services Division Report No. 32 - Tender T2011/33 - Operate Learn to Swim Program at Andrew "Boy" Charlton Swim Centre at Manly, the movers be amended to show Murphy/Norek.

152/11 RESOLVED: (Burns / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 August 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 Human Services And Facilities Division Report No. 7 - Tender T2011/27 - Licence for operation of an Arts, Crafts and Farmers' Market in Manly – movers to be amended to show Morrison/Le Surf. The Corporate Services Division Report No. 32 - Tender T2011/33 - Operate Learn to Swim Program at Andrew "Boy" Charlton Swim Centre at Manly, the movers be amended to show Murphy/Norek.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
David Parsons	Rezoning in Little Manly
Denise Keen (on behalf of Ivanhoe Park Precinct)	Manly2015 - Against the building of car park under Manly oval

Councillor Macdonald left the Chamber due to a conflict of interest in the next item.

NOTICES OF RESCISSION

Notice of Rescission Report No. 4

Notice of Rescission - Manly Local Environmental Plan 1988 - Draft Amendment 82

Councillor Hay, Councillor Heasman, and Councillor Norek moved:

“That the Council’s decision of the Planning and Strategy meeting on 5 September 2011 being Planning And Strategy Division Report No.17 in respect of Manly Local Environment Plan 1988 Draft Amendment 82 be and is hereby rescinded.”

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Ken Munro, Manly Golf Club

RESCISSION MOTION (Hay / Heasman / Morrison)

That the Council’s decision of the Planning and Strategy meeting on 5 September 2011 being Planning And Strategy Division Report No.17 in respect of Manly Local Environment Plan 1988 Draft Amendment 82 be and is hereby rescinded.

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

With voting being equal the Mayor exercised her casting vote in favour of the Rescission Motion and declared it **Carried**.

MOTION (Hay / Le Surf)

That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 82, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
 - a. The re zoning of lots 29 - 31 and 32 in Sec 5 of DP 939916, known as 15-17 Suwarrow Street Fairlight from No. 6 Open Space Zone to No. 2 Residential Zone.
2. Council resolve to amend the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 to include 15-17 Suwarrow Street Fairlight and 28-34 Balgowlah Road Fairlight within Density Sub-zone 3 on the Residential Density and Height Subzone Map.
3. Council resolve that should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site being. A 1 metre right of way will be required for lots 29 and 30 in Sec 5 DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916.
4. The proposal be exhibited for 28days on an area wide basis and to also include the parents of children attending the Roundhouse and that a report be brought back to Council.
5. To elevate any concerns regarding the intensity of any future development by the Manly Golf Club, that Council only support the amendment that only two dwellings be constructed on the subject site.

153/11 **RESOLVED:** (Hay / LeSurf)

That:

1. Council resolve to initiate an amendment to Manly Local Environmental Plan 1988, being Amendment 82, pursuant to sections 54-55 of the *Environmental Planning & Assessment Act, 1979*, in respect of:
 - a. The re zoning of lots 29 - 31 and 32 in Sec 5 of DP 939916, known as 15-17 Suwarrow Street Fairlight from No. 6 Open Space Zone to No. 2 Residential Zone.
2. Council resolve to amend the Manly Development Control Plan for the Residential Zone 2007 – Amendment 1 to include 15-17 Suwarrow Street Fairlight and 28-34 Balgowlah Road Fairlight within Density Sub-zone 3 on the Residential Density and Height Subzone Map.
3. Council resolve that should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site being. A 1 metre right of way will be required for lots 29 and 30 in Sec 5 DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916.
4. The proposal be exhibited for 28days on an area wide basis and to also include the parents of children attending the Roundhouse and that a report be brought back to Council.
5. To elevate any concerns regarding the intensity of any future development by the Manly Golf Club, that Council only support the amendment that only two dwellings be constructed on the subject site.

For the Resolution: Councillors Heasman, Murphy, Le Surf, Morrison, Norek and Hay

Against the Resolution: Councillors Whitting, Burns, Aird and Griffin

Councillor Macdonald returned to the Chamber.

NOTICES OF MOTION

Notice of Motion Report No. 24

The Grove Bike Track, Seaforth

Councillor Craig Whitting moved:

That Manly Council investigates how to manage with Warringah Council the area of land near Burnt Bridge Creek Deviation, known as 'Freedom to the Riders' for recreational purposes including bike riding.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Dave Musgrove

MOTION (Whitting / Macdonald)

1. That Council require the dirt jump riders to form into an incorporated legal entity before entering into discussion with the Council. Following which,

2. Manly Council to work with Warringah Council and the riders community, to form a working group, including any interested councillors to investigate the various options for the preservation of the "Freedom" dirt jump trails (near Burnt Bridge Creek deviation), which have been shown to be successful for other councils around Australia.
3. That the "Freedom" dirt jump trail shall remain closed, however, prior to its demolition, the working group should be initiated.
4. Council develop an unstructured recreational strategy and policy that provides guidance to recreational groups, such as dirt jump riders, that want to use parcels of public land.

154/11 **RESOLVED: (Whitting / Macdonald)**

1. That Council require the dirt jump riders to form into an incorporated legal entity before entering into discussion with the Council. Following which,
2. Manly Council to work with Warringah Council and the riders community, to form a working group, including any interested councillors to investigate the various options for the preservation of the "Freedom" dirt jump trails (near Burnt Bridge Creek deviation), which have been shown to be successful for other councils around Australia.
3. That the "Freedom" dirt jump trail shall remain closed, however, prior to its demolition, the working group should be initiated.
4. Council develop an unstructured recreational strategy and policy that provides guidance to recreational groups, such as dirt jump riders, that want to use parcels of public land.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Griffin / LeSurf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.26 – Manly Village School Drop Off Parking Signs and Notice of Motion Report No.28 – Support for funding of the Manly Woman's Shelter.

155/11 **RESOLVED: (Griffin / LeSurf)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No.26 – Manly Village School Drop Off Parking Signs and Notice of Motion Report No.28 – Support for funding of the Manly Woman's Shelter.

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

Against the Resolution: Nil.

Notice of Motion Report No. 26

Manly Village School Drop off Parking Signs

Councillor Craig Whitting moved:

That the Manly Village School Drop off parking signs along Darley Road be replaced to reduce the current parking confusion.

This is a matter of urgency as there are many concerns related to the current ambiguous signage, causing significant parking confusion to drivers wanting to park along Manly Village School during allocated drop off and pick-up times.

The present Parking Signs (3) per pole located along Darley Road are confusing and do not clearly state the same school drop times. This confusion has impacted on local businesses as well as parents dropping off and picking up their school children.



PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Martin Clarke

MOTION (Whitting / Burns)

1. That the Manly Village School Drop off parking signs along Darley Road be replaced to reduce the current parking confusion.
2. That the inconsistent hours and directional indication shown on the signs be urgently rectified.

AMENDMENT (Murphy / Le Surf)

That this matter be referred to the Traffic Committee.

For the Amendment: Councillors Heasman, Murphy, LeSurf, Norek and Hay

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

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

156/11 **RESOLVED: (Whitting / Burns)**

1. That the Manly Village School Drop off parking signs along Darley Road be replaced to reduce the current parking confusion.
2. That the inconsistent hours and directional indication shown on the signs be urgently rectified.

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

Against the Resolution: Councillors Hay, Murphy and LeSurf,

Councillor Heasman left the Chamber due to a conflict of interest in the next item.

Notice of Motion Report No. 28

Support for Funding of the Manly Women's Shelter

Councillor Dr Peter Macdonald moved:

That Manly Council resolves to include in the draft budget for 2012/13 an amount of \$50,000 towards the funding of the Manly Women's Shelter on a recurrent basis.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Ellie Hunt, Manly Woman's Shelter

MOTION (Macdonald / Hay)

That Manly Council resolves to include in the draft budget for 2012/13 an amount of \$50,000 towards the funding of the Manly Women's Shelter on a recurrent basis.

AMENDMENT (Aird / Burns)

That Council urgently:

1. Writes to our local State MP and Treasurer, Mike Baird seeking advice on how to get secure recurrent family and community services funding for the Manly Woman's Shelter.
2. Write to Housing NSW seeking a briefing from Housing NSW on current strategies on addressing homelessness across all spectrums, including youth homelessness, woman escaping domestic violence and single men and woman.
3. Acknowledges that homelessness cannot be addressed without affordable housing and urgently develops an Affordable Housing Strategy that will increase the level of available, affordable accommodation.

For the Amendment: Councillors Aird and Burns

Against the Amendment: Councillors Hay, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, and Macdonald

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

157/11 **RESOLVED: (Macdonald / Hay)**

That Manly Council resolves to include in the draft budget for 2012/13 an amount of \$50,000 towards the funding of the Manly Women's Shelter on a recurrent basis.

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

Against the Resolution: Nil.

Councillor Heasman returned to the Chamber.

RESUMPTION OF STANDING ORDERS (Aird / Whitting)

That Standing Orders be resumed.

158/11 **RESOLVED: (Aird / Whitting)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

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

Councillor Morrison assumed the Chair.

Notice of Motion Report No. 25

Roadway pavement condition and planned services upgrading

Councillor Hugh Burns moved:

That Manly Council carries out a comprehensive audit of roadway pavement condition in the Manly LGA with a report brought back to Council, with the report also to be provided to relevant Council Committees for comment.

Similar to the draft cycleway condition audit just completed by Council, the report is to include but not be limited to: assessing current condition of all roads maintained by Council (not RTA), remaining life before resurfacing, anticipated resurfacing costs and dates of this work.

Due to the extent of the task, priority should first be given to a CBD and town centre/shopping strip (various) streets and main thoroughfares (that are not RTA roads). The report can also be brought back in stages.

MOTION (Burns / Aird)

That Manly Council carries out a comprehensive audit of roadway pavement condition in the Manly LGA with a report brought back to Council, with the report also to be provided to relevant Council Committees for comment.

Similar to the draft cycleway condition audit just completed by Council, the report is to include but not be limited to: assessing current condition of all roads maintained by Council (not RTA), remaining life before resurfacing, anticipated resurfacing costs and dates of this work.

Due to the extent of the task, priority should first be given to a CBD and town centre/shopping strip (various) streets and main thoroughfares (that are not RTA roads). The report can also be brought back in stages.

For the Motion: Councillor Burns

Against the Motion: Councillors Heasman, Whitting, Murphy, LeSurf, Morrison, Griffin and Macdonald

Councillors Hay, Norek and Aird were not in the chamber when the voting took place.

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

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

Notice of Motion Report No. 27

Audit of Council Reserve and Plaza Lighting**Councillor Hugh Burns moved:**

That Council carry out an audit of all lighting installations in its reserves (including those reserves it administers) and public plaza areas.

The focus of the audit is to include but not be limited to:-

- Assessing illumination levels (in general, and to particularly identify where discharge lamps are operating beyond their design life).
- Determining the condition and anticipated remaining life of the light fittings and installations.
- Determining who owns the assets and what the current written down value of the assets are in each case.
- The scope for upgrading to more energy efficient technology - e.g. use of solar collectors or LED lamp technology, including a basic costs and saving analysis for each site where upgrading is possible.

MOTION (Burns / Macdonald)

That Council carry out an audit of all lighting installations in its reserves (including those reserves it

administers) and public plaza areas.

The focus of the audit is to include but not be limited to:-

- Assessing illumination levels (in general, and to particularly identify where discharge lamps are operating beyond their design life).
- Determining the condition and anticipated remaining life of the light fittings and installations.
- Determining who owns the assets and what the current written down value of the assets are in each case.
- The scope for upgrading to more energy efficient technology - e.g. use of solar collectors or LED lamp technology, including a basic costs and saving analysis for each site where upgrading is possible.

Councillor Burns withdrew his Notice of Motion. The General Manager agreed to provide an update in his monthly briefing.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 14

Items for Brief Mention

1. Complaints made to the General Manager

There are no pending complaints made to the General Manager as at September 2011.

2. Notices of Motion status report.

There are no Notices of Motion actions outstanding.

3. Documents to be Tabled

Date	Author	Subject
25/08/11	Premier & Cabinet, Division of Local Government	Circular: Community Indicators Project
23/08/11	Aboriginal Heritage Office	Aboriginal Heritage Office Annual Report 2010
19/08/11	Premier & Cabinet, Division of Local Government	Destination 2036 Workshop – Communiqué
18/08/11	Local Government Association of NSW	2011 Local Government Association Executive Elections
10/08/11	Telstra	Removal of underutilised payphones in Council's area

MOTION (Macdonald / Heasman)

1. That the information be received and noted.

2. That the information be received and noted.
3. That a) the documents tabled at this meeting be received and noted.
b) Council request Telstra to justify why they are removing the payphones.

159/11 **RESOLVED: (Macdonald / Heasman)**

1. That the information be received and noted.
2. That the information be received and noted.
3. That a) the documents tabled at this meeting be received and noted.
b) Council request Telstra to justify why they are removing the payphones.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 38

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

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

- i) Traffic Committee – 8 August 2011

MOTION (Macdonald / LeSurf)

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

- i) Traffic Committee – 8 August 2011

160/11 **RESOLVED: (Macdonald / LeSurf)**

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

- i) Traffic Committee – 8 August 2011

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

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 10

Roads to Recovery Program

SUMMARY

The President of the Australian Local Government Association (ALGA) has requested via letter of

28 July 2011 that Council consider supporting the ALGA's launch of its Roads to Recovery campaign.

MOTION (Macdonald / Heasman)

That Council supports the ALGA's campaign and calls on the Federal Government to:

1. Recognize the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government in meeting its responsibilities of providing safe access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognizes the shortfall of funding to local roads of \$1.2 billion annually.

161/11 **RESOLVED: (Macdonald / Heasman)**

That Council supports the ALGA's campaign and calls on the Federal Government to:

1. Recognize the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government in meeting its responsibilities of providing safe access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognizes the shortfall of funding to local roads of \$1.2 billion annually.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 27

Discolouration of Rocks at Little Manly Point

SUMMARY

This report provides a response to Notice of Motion No. 16 at the Ordinary Meeting dated 18th July 2011 regarding cliff-face leaching and blue discolouration at Little Manly Point.

The NSW Department of Planning is responsible for ownership and management of the contamination and associated remediation at the site.

MOTION (Macdonald / Burns)

1. That the report on the Discolouration of Rocks at Little Manly Point be received and noted.
2. That a sign be erected adjacent to the discoloured rocks stating that the blue discolouration is non toxic.

162/11 **RESOLVED: (Macdonald / Burns)**

1. That the report on the Discolouration of Rocks at Little Manly Point be received and noted.
2. That a sign be erected adjacent to the discoloured rocks stating that the blue discolouration is non toxic.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 28

North Steyne Stormwater Outfall Pipes – Further Opinion**SUMMARY**

At its meeting of 20 June 2011, Council *inter alia* resolved to seek an opinion from the Manly Hydraulics Laboratory on the likely impacts of the proposal to remove the outfall pipe on surf breaks at North Steyne.

MOTION (Macdonald / Burns)

That:

1. The information from Manly Hydraulics Laboratory be received and noted.
2. The Manly surfing community be further consulted on the MHL findings.

163/11 **RESOLVED: (Macdonald / Burns)**

That:

1. The information from Manly Hydraulics Laboratory be received and noted.
2. The Manly surfing community be further consulted on the MHL findings.

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

Against the Resolution: Councillors Whitting and Morrison

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 33

Adoption of Draft Charge Card Facility Policy**SUMMARY**

This report presents to Council the draft Charge Card Facility Policy for adoption.

A recommendation of the Internal Auditor to the Internal Audit and Risk Committee was the adoption by Council of a Charge Card Use Policy.

The draft *Charge Card Facility Policy* sets out the requirements to be followed in the use of charge cards, and is recommended to Council for adoption.

The purpose of this policy is to regulate the use of Charge Cards held by staff and Councillors.

MOTION (Le Surf / Burns)

That the draft *Charge Card Facility Policy* be adopted and added to Council's Policy Register.

164/11 **RESOLVED: (LeSurf / Burns)**

That the draft *Charge Card Facility Policy* be adopted and added to Council's Policy Register.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 34

Financial Statements for the Year Ended 30 June 2011 – Audit Statement

SUMMARY

Council's Annual Financial Statements for the year ended 30 June 2011 are presented for referral to audit. An Audit Statement pursuant to Section 413(2)(c) of the Local Government Act 1993 is required in respect of the accounts from Council and Management in relation to the accuracy of the accounts. It is recommended Council sign the statement and refer the accounts for audit.

MOTION (Macdonald / Morrison)

That:

1. In respect to Council's General Purpose Financial Statements the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2011

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended).

The General Purpose Financial Statements for the year ended 30 June 2011, have been prepared in accordance with:-

- The Local Government Act 1993 (as amended) and the Regulations made there under;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;

To the best of Council's knowledge and belief, these Statements:

- Presents fairly the Council's operating result and financial position for the year; and

- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render these Statements for the twelve months ending 30 June 2011, false or misleading in any way.

2. In respect to Council's Special Purpose Financial Statements, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The Special Purpose Annual Financial Statements for the year ended 30 June 2011, have been prepared in accordance with:-

- The Local Government Code of Accounting Practice and Financial Reporting; the
- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*; and
- Department of Local Government guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.

To the best of Council's knowledge and belief, these Statements:

- Present fairly Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render the Council's Statements for the twelve months ending 30 June 2011, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2011 be referred for audit by Council's Auditors.

165/11 **RESOLVED: (Macdonald / Morrison)**

That:

1. In respect to Council's General Purpose Financial Statements the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2011

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended).

The General Purpose Financial Statements for the year ended 30 June 2011, have been prepared in accordance with:-

- The Local Government Act 1993 (as amended) and the Regulations made there under;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;

To the best of Council's knowledge and belief, these Statements:

- Presents fairly the Council's operating result and financial position for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render these Statements for the twelve months ending 30 June 2011, false or misleading in any way.

2. In respect to Council's Special Purpose Financial Statements, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The Special Purpose Annual Financial Statements for the year ended 30 June 2011, have been prepared in accordance with:-

- The Local Government Code of Accounting Practice and Financial Reporting; the
- NSW Government Policy Statement "*Application of National Competition Policy to Local Government*"; and
- Department of Local Government guidelines "*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*".

To the best of Council's knowledge and belief, these Statements:

- Present fairly Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of any matter that would render the Council's Statements for the twelve months ending 30 June 2011, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2011 be referred for audit by Council's Auditors.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 35

Report on Council Investments as at 31 July 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 (Le Surf / Heasman)

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

166/11 **RESOLVED: (LeSurf / Heasman)**

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

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

Against the Resolution: Nil.

Corporate Services Division Report No. 36

Variation to Loan Borrowing for 2011/12**SUMMARY**

This report recommends a variation to Council's 2011/12 loans program.

MOTION (Macdonald / Burns)

That:

1. The proposed loan of \$650,000 be approved;
2. The Common Seal of Council be affixed to the appropriate deeds as required; and
3. The General Manager be delegated authority to accept the interest rate and terms most advantageous to Council.

167/11 **RESOLVED: (Macdonald / Burns)**

That:

1. The proposed loan of \$650,000 be approved;
2. The Common Seal of Council be affixed to the appropriate deeds as required; and
3. The General Manager be delegated authority to accept the interest rate and terms most advantageous to Council.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN69/11 Councillor Macdonald - Swim Centre**

Can the General Manager provide information on the closure of the children's pools at the Swim Centre – particularly as there are safety concerns due to lack of the amenities?

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

QWN70/11 Councillor Macdonald - Alcohol Related Assaults

Can the General Manager inform councillors how Council can respond to the increasing alcohol related assaults in late night Manly and to the fact that the Ivanhoe Hotel and the Shore Club are number 1 and 2 of the most violent hotels in the north west region containing 1800 premises?

At the request of the Mayor, the General Manager advised that Council has offered to the local commander the resources of the Council to assist in this issue.

The General Manager advised he would take this question on notice.

QWN71/11 Councillor Burns - Seaforth TAFE

Can the General Manager give councillors an update on any progress with the Seaforth TAFE acquisition over the past month?

At the request of the Mayor, the General Manager advised that the matter has not progressed further.

QWN72/11 Councillor Burns - Rubbish on beach

There is large amounts of rubbish on the beach where the stormwater line has been terminated at the seawall. What is Councils general management policy on this?

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

QWN73/11 Councillor Burns - Fountain at wharf

What is the update on the fountain at the wharf?

The General manager advised that that fountain is now working again.

QWN74/11 Councillor Aird - Street sweeping

Residents have asked me whether it's costing them anymore to have streets swept on weekends particularly Sunday as this has been the case over the last few weekends. The concern is that on a Sunday morning not only is it noisy but there are a lot of cars parked so it is not being effectively used.

At the request of the Mayor, the General Manager advised that Mr Clements will follow this up and report back.

QWN75/11 Councillor Aird - The Grove

Following on from the advice tonight the Grove is roughly costing \$5000 a month to repair - could staff look into this to see if these costs could be reduced?

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

QWN76/11 Councillor Morrison - Manly Musical Society

The Manly Musical Society, Forestville Anglican Musical Society and The Savoy Arms Musical Society have asked if Council could provide some sort of storage for props which they all share. Can we provide any space?

At the request of the Mayor, the General Manager advised that Ross Fleming, Deputy General Manager will contact them.

QWN77/11 Councillor LeSurf - Flyer

There is a flyer circulating throughout the Manly LGA, apparently authored by the Manly Open Space Trust, which suggests that at our meeting on 14 February 2011 we resolved to sell properties listed at 34 and 36 Stuart Street, Manly. Can you provide the actual resolution made that night?

What action is being taken to inform the Manly Open Space Trust and the rest of the Manly LGA that they are both misinformed and misleading the Manly community?

At the request of the Mayor, the General Manager advised that Council has written to the email address provided on the flyer advising them that the flyer contained misleading information that misrepresented Council's position. Council has only resolved to zone four properties inclusive of two that Council owns to a uniform zoning across the four blocks. Council has made no resolution to dispose of the site or how the proceeds might be spent.

Council also has asked for a retraction to be sent to everyone who has received the flyer.

QWN78/11 Councillor Murphy - Ivanhoe Botanic Garden

Can I have an update on the repair of damaged Ivanhoe Botanic Garden signage at Sydney Road south western entrance, installation of Ivanhoe Botanic Garden signs at other entrances and installation of species signs for significant plants and trees in the Botanic Garden?

This was a unanimous decision of the previous council and the Precinct are getting impatient.

At the request of the Mayor, the General Manager advised that Ross Fleming, Deputy General Manager would follow this up.

QWN79/11 Councillor Murphy - A4 Letterboxes in DA Approvals

Can I have an update on the unanimous decision of Council to include a clause requiring A4 letterboxes in all DA approvals. It was a decision of the previous council yet it does not seem to be in approvals that I have checked. When will it be included?

At the request of the Mayor, the Deputy General Manager advised that the standard conditions are currently being updated.

QWN80/11 Councillor Murphy - Private Covenants

From last month my question without notice was not answered satisfactorily – Other Councils have a clause in their LEP's/DCP's regarding private covenants. How would you go about changing the LEP/DCP to include a similar clause? Also which court would you go to?

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

QWN81/11 Councillor Whitting - Lighting in Manly Lagoon Park

Can the General Manager inform councillors when the report regarding lighting at Manly Lagoon Park be completed and will it come back to Council this year?

At the request of the Mayor, the General Manager advised that this matter has been referred to the Community Safety Committee.

QWN82/11 Councillor Whitting - Temporary Urinals

Can the General Manager inform councillors how the temporary urinal motion is progressing and do you think this will curb the filthy crime in Manly's CBD?

At the request of the Mayor, the General Manager advised that this matter has been referred to the Community Safety Committee.

PROCEDURAL MOTION (Hay / Macdonald)

That the Human Services And Facilities Division Report No. 8 - Community and Cultural Grants Allocation 2011/12 be dealt with in open session.

168/11 **RESOLVED: (Hay / Macdonald)**

That the Human Services And Facilities Division Report No. 8 - Community and Cultural Grants Allocation 2011/12 be dealt with in open session.

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

Against the Resolution: Nil.

Human Services And Facilities Division Report No. 8
Community and Cultural Grants Allocation 2011/12

SUMMARY

Council's Community and Cultural grants and donations budget for the 2011/12 financial year is \$25,000. The allocation for Community Grants is \$14,000, and for Cultural Grants is \$7,000. Additionally, the sum of \$4,000 is allocated between three cultural organisations as a recurrent annual donation.

MOTION (Le Surf / Heasman)

That Council:

Subject to the requirements of Section 356 of the Local Government Act 1993, Council award the 2011/12 Community and Cultural Grants and Donations budget of \$25,000 to the recommended organisations for the recommended grant allocation and donation amounts as shown in Tables 1, 2 and 3, attached to the Report.

169/11 **RESOLVED: (LeSurf / Heasman)**

That Council:

Subject to the requirements of Section 356 of the Local Government Act 1993, Council award the 2011/12 Community and Cultural Grants and Donations budget of \$25,000 to the recommended organisations for the recommended grant allocation and donation amounts as shown in Tables 1, 2 and 3, attached to the Report.

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

Against the Resolution: Nil.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Human Services And Facilities Division Report No. 9

Tender T2011/28 - Hire of Beach Equipment

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.

Human Services And Facilities Division Report No. 10

Tender T2011/29 - Surf Safety Awareness, Manly Beach

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.

Human Services And Facilities Division Report No. 11

Tender T2011/30 - Provide and conduct a Beach Volleyball Program on Manly Beach

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.

Human Services And Facilities Division Report No. 12

Tender T2011/31 - Ride a Surfboard and Bodyboard Coaching Rights

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

CLOSED SESSION

MOTION (Morrison / Heasman)

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

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.

170/11 **RESOLVED: (Morrison / Heasman)**

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

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Human Services And Facilities Division Report No. 9

Tender T2011/28 - Hire of Beach Equipment

MOTION (Murphy / Morrison)

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from Dorajar Pty Ltd trading as Manly Beach Hire Co. of \$22,000 per annum (excluding GST), for a licence to operate a Beach Equipment Hire Service at Manly Beach;
2. The Licence to operate a Beach Equipment Hire Service at Manly Beach to be offered for a 3 year term commencing 1 October 2011 , with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

171/11 **RESOLVED: (Murphy / Morrison)**

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from Dorajar Pty Ltd trading as Manly Beach Hire Co. of \$22,000 per annum (excluding GST), for a licence to operate a Beach Equipment Hire Service at Manly Beach;
2. The Licence to operate a Beach Equipment Hire Service at Manly Beach to be offered for a 3 year term commencing 1 October 2011 , with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

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

Against the Resolution: Nil.

Human Services And Facilities Division Report No. 10

Tender T2011/29 - Surf Safety Awareness, Manly Beach

MOTION (Murphy / Morrison)

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from SEA Australia Pty Ltd of \$20,200 per annum (excluding GST), for a licence to operate a Surf Safety Awareness program at Manly Beach;
2. The Licence to operate a Surf Safety Awareness Program at Manly Beach to be offered for a 3 year term commencing 1 October 2011, with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.
3. That in future years when beach user tenders come up the proposed licence figure should be linked to the annual turnover.

AMENDMENT (Burns / Aird)

That the tender be deferred to allow for a report to brought back to Council to give an explanation on the amount of the tender.

For the Amendment: Councillors Burns, Whitting and Aird

Against the Amendment: Councillors Hay, Heasman, Murphy, LeSurf, Morrison, Norek, Griffin and Macdonald

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

172/11 **RESOLVED: (Murphy / Morrison)**

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from SEA Australia Pty Ltd of \$20,200 per annum (excluding GST), for a licence to operate a Surf Safety Awareness program at Manly Beach;
2. The Licence to operate a Surf Safety Awareness Program at Manly Beach to be offered for a 3

year term commencing 1 October 2011, with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

3. That in future years when beach user tenders come up the proposed licence figure should be linked to the annual turnover.

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

Against the Resolution: Councillors Aird and Burns

Human Services And Facilities Division Report No. 11

Tender T2011/30 - Provide and conduct a Beach Volleyball Program on Manly Beach

MOTION (Le Surf / Macdonald)

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from Beachvolleyball.com.au at the tendered total lump sum of \$12,000 per annum (excluding GST), for a licence to operate a Beach Volley Ball Program on Manly Beach;
2. The Licence to operate a Beach Volley Ball Program on Manly Beach to be offered for a 3 year term commencing 1 October 2011, with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

173/11 **RESOLVED: (LeSurf / Macdonald)**

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from Beachvolleyball.com.au at the tendered total lump sum of \$12,000 per annum (excluding GST), for a licence to operate a Beach Volley Ball Program on Manly Beach;
2. The Licence to operate a Beach Volley Ball Program on Manly Beach to be offered for a 3 year term commencing 1 October 2011, with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

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

Against the Resolution: Councillors Aird and Burns

Human Services And Facilities Division Report No. 12

Tender T2011/31 - Ride a Surfboard and Bodyboard Coaching Rights

MOTION (Burns / Macdonald)

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from Sydney Surf School Pty Ltd trading as Manly Surf School of \$51,000 per annum (excluding GST) , for a licence to operate a Ride a Surfboard and Bodyboard Coaching program at Manly Beach;

2. The Licence to operate a Ride a Surfboard and Bodyboard Coaching program at Manly Beach to be offered for a 3 year term commencing 1 October 2011 , with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

174/11 **RESOLVED: (Burns / Macdonald)**

That:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, subject to licence, Council accept the Tender from Sydney Surf School Pty Ltd trading as Manly Surf School of \$51,000 per annum (excluding GST) , for a licence to operate a Ride a Surfboard and Bodyboard Coaching program at Manly Beach;
2. The Licence to operate a Ride a Surfboard and Bodyboard Coaching program at Manly Beach to be offered for a 3 year term commencing 1 October 2011 , with an option for a two (2) x 12 months licence extension, subject to satisfactory performance.

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

Against the Resolution: Councillors Aird and Burns

CLOSE

The meeting closed at 12.34am on Tuesday 13 September 2011.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 17 October 2011.

MAYOR

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