



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 12 December 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 December 2011. The meeting commenced at 7:35 PM.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
 Councillor B Aird
 Councillor H Burns
 Councillor L Elder
 Councillor C Griffin
 Councillor A Heasman
 Councillor A Le Surf, Deputy Mayor
 Councillor Dr P Macdonald OAM
 Councillor R Morrison
 Councillor D Murphy
 Councillor M Norek
 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
 Secretariat Officer

OPENING PRAYER

The Opening Prayer was presented by Captain Brett Mitchell from Manly Salvation Army.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Cathy Griffin	Notice of Rescission Report No. 33 – A new community park at Little Manly Beach	Conflict of non-pecuniary interest – as she is a resident of Stuart Street
Councillor Hugh Burns	Notice of Rescission Report No. 33 – A new community park at Little Manly Beach	Conflict of non-pecuniary interest – as he lives in the area.
Councillor Adele Heasman	ESD Report 36 – Balgowlah Industrial Zone Master Plan	Conflict of non-pecuniary interest – as she resides in the area

Note:

Councillor Macdonald later declared a non-pecuniary interest in ESD Report No. 38.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 November 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.

207/11 **RESOLVED: (Whitting / Burns)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 November 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, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

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

That copies of the Minutes of the Planning and Strategy Committee meeting held on Monday, 5 December 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.

208/11 **RESOLVED: (Elder / Whitting)**

That copies of the Minutes of the Planning and Strategy Committee meeting held on Monday, 5 December 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, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 33

Fulfilling the Vision: A New Community Park at Little Manly Beach

Councillors Burns and Griffin left the Chamber having declared an interest in this item.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Nicolas Ewald – Rice & Ewald Architects Pty Ltd

Councillor Barbara Aird moved:

That Manly Council commits to establishing a new park and community resource at nos. 34 and 36 Stuart St. Manly, and progresses this matter forthwith.

MOTION (Aird / Whitting)

That Manly Council commits to establishing a new park and community resource at nos. 34 and

36 Stuart St. Manly, and progresses this matter forthwith by undertaking at least the following:

1. General Manager to present a program and budget for consultation and concept design at next Planning and Strategy Meeting (Feb. 2012)
2. Commission a report to be presented at Planning and Strategy Meeting of Feb. 2012 examining the heritage issues, initial and ongoing costs associated with the removal or adaption for community use in a park setting of the heritage listed cottage on no. 34 Stuart St. This report to identify potential users and their capacity to fund recurring costs.
3. Budget and commence a consultation and planning process for the new parkland with a view to construction during winter, 2012.
4. That, at a minimum, the rear boundary fence at no. 36 Stuart St. be removed/relocated to give additional access to open grassed area over this summer.

209/11 **RESOLVED: (Aird / Whitting)**

That Manly Council commits to establishing a new park and community resource at nos. 34 and 36 Stuart St. Manly, and progresses this matter forthwith by undertaking at least the following:

1. General Manager to present a program and budget for consultation and concept design at next Planning and Strategy Meeting (Feb. 2012)
2. Commission a report to be presented at Planning and Strategy Meeting of Feb. 2012 examining the heritage issues, initial and ongoing costs associated with the removal or adaption for community use in a park setting of the heritage listed cottage on no. 34 Stuart St. This report to identify potential users and their capacity to fund recurring costs.
3. Budget and commence a consultation and planning process for the new parkland with a view to construction during winter, 2012.
4. That, at a minimum, the rear boundary fence at no. 36 Stuart St. be removed/relocated to give additional access to open grassed area over this summer.

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

Against the Resolution: Councillor LeSurf.

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

Councillors Burns and Griffin returned to the Chamber at 8.00pm.

Notice of Motion Report No. 34

MANLY2015

The following person addressed the meeting on this item:

In support of the Motion: Denise Keen

Against the Motion: Peter Monckton

Councillor Richard Morrison moved:

That the Manly 2015 proposal be abandoned.

Background

Manly Council's adopted Long Term Financial Plan identifies a shortfall of \$2.8 Million per annum in funds required to maintain and renew existing infrastructure.

The MANLY2015 Financial Projections Report indicates that the proposal would commit us to a total expenditure of \$83.75 Million, which is 118% percent of our expenditure budget for the current year.

The New South Wales State Government is committed to a total expenditure of \$1.03 Billion of public funds on the Barangaroo project. This is only 1.7% of the State's expenditure budget for the current year.

The MANLY2015 Financial Projections Report indicates that we would need to borrow a total of \$68.75 Million for the proposed works. This would add \$4.8 Million to our annual interest bill.

A major feature of the Barangaroo project is the construction of three commercial towers that will provide almost 300,000 square meters of new office space in Sydney to house 24,000 workers, and 15,000 square meters of new retail space.

Each tower will have fewer than 200 car spaces, and a combined total of 1,200 bicycle spaces are proposed, as part of plans to minimise car trips and promote alternative transport.

The Whistler Street Car Park has 357 perfectly serviceable and conveniently located car spaces. Many of the property owners and businesses in the vicinity, who in past years contributed to the Manly Parking Fund, would suffer if the Whistler Street Car Park was lost to them.

The proposal for the Car Park under Manly Oval will not provide convenient parking for local businesses and shoppers, and the proposal is beset with vehicle access and traffic problems.

The purpose built Manly Library is still virtually a new building. The proposal to demolish it and replace it in the same locality at a cost of \$17.8 Million is neither financially responsible nor environmentally sustainable.

The MANLY2015 proposal is unaffordable and the concept is fundamentally flawed. It has no demonstrated business or community support, and no prospect of successful implementation.

MOTION (Morrison / Whitting)

That the Manly2015 proposal be abandoned.

For the Motion: Councillors Whitting, Morrison, Norek and Griffin

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

The **MOTION** when put was declared **LOST**.

SUSPENSION OF STANDING ORDERS (Griffin / Aird)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion 38 – Lighting along Manly Lagoon, Environmental Services Division Report 36 – Balgowlah Industrial Zone Master Plan, Environmental Services Division Report No 38 – LEP Amendment 82 to Manly LEP 1988 and Notice of Motion 37 – Manly Tramway Loop Trial Bus Operation

210/11 **RESOLVED:** **(Griffin / Aird)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion 38 – Lighting along Manly Lagoon, Environmental Services Division Report 36 – Balgowlah Industrial Zone Master Plan, Environmental Services Division Report No 38 – LEP Amendment 82 to Manly LEP 1988 and Notice of Motion 37 – Manly Tramway Loop Trial Bus Operation

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

Against the Resolution: Nil.

Notice of Motion Report No. 38

Lighting along Manly Lagoon Park

The following person addressed the meeting on this item:

In support of the Motion: Colin Cheney

Councillor Craig Whitting moved:

Councillor Craig Whitting will table two Manly Lagoon Park Pilot Research Surveys at Manly Council's Ordinary Meeting. These surveys clearly indicate from participants that lighting along Manly Lagoon Park would be a positive step for Manly Council to consider.

Background

These surveys interviewed forty respondents who used the area on a regular basis either for recreational reasons or that they needed to walk through the area to connect with public transport. Many of the respondents indicated that during the winter months when the area was completely in darkness they used an alternative route but were not happy that they were forced to do so due to safety/security reasons.

Respondents also indicated that they would use the area more at night if it was well lit for recreational/exercise reasons as it is considered a particularly nice area which is underutilised by the community during the winter months.

While forty respondents may not seem a large number to interview to obtain conclusive results however for these surveys the number of respondents can be considered meaningful and it would appear that further research is unnecessary as the results would not change to any great extent.

The surveys were conducted by two students at Northern Beaches College of TAFE and was supervised by a teacher who specialises in research with over 30 years' experience in industry.

MOTION (Whitting / Heasman)

That Council receive and note the two Manly Lagoon Park Pilot Research Surveys tabled.

211/11 **RESOLVED:** **(Whitting / Heasman)**

That Council receive and note the two Manly Lagoon Park Pilot Research Surveys tabled.

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

Against the Resolution: Nil.

Environmental Services Division Report No. 36

Balgowlah Industrial Zone Master Plan

Councillor Heasman having declared a non-pecuniary interest in this item left the Chamber.

The following person addressed the meeting on this item:

In support of the Motion: Colin Wardle

SUMMARY

This report informs Council of the preparation of a draft Master Plan for the Industrial Zone and following consultations and review, now recommends Council adopt the Plan, subject to the recommended changes. The final draft Master Plan is circulated separately.

MOTION (Griffin / LeSurf)

That the draft Master Plan for the Balgowlah Industrial Zone be adopted, subject to the following amendments:

- a) Council not give further consideration to new road works connecting Quirk Road between Balgowlah Road and Kenneth Road;
- b) the issue of new pedestrian crossing infrastructure and primary or secondary 'gateways' at Roseberry Street (north and south) and in Hayes Street as well as Roseberry Street road widening be referred to the Local Traffic Committee with a view to progressing more detailed design and costing;
- c) the recommendations regarding new floor space ratio and height controls be deferred, pending further consultation on land use zoning in the exhibition of the new LEP;
- d) other planning controls and guidelines recommended in the master plan be referred to the LEP/DCP Working Group for incorporation into the new DCP;
- e) other matters raised in submissions be referred to the Local Traffic Committee for consideration and implementation.
- f) Council to write to RMS requesting that a plan for Hayes Street slip lane be developed to provide access into the industrial area.

212/11 **RESOLVED: (Griffin / LeSurf)**

That the draft Master Plan for the Balgowlah Industrial Zone be adopted, subject to the following amendments:

- a) Council not give further consideration to new road works connecting Quirk Road between Balgowlah Road and Kenneth Road;
- b) the issue of new pedestrian crossing infrastructure and primary or secondary 'gateways' at Roseberry Street (north and south) and in Hayes Street as well as Roseberry Street road widening be referred to the Local Traffic Committee with a view to progressing more detailed design and costing;
- c) the recommendations regarding new floor space ratio and height controls be deferred, pending further consultation on land use zoning in the exhibition of the new LEP;

- d) other planning controls and guidelines recommended in the master plan be referred to the LEP/DCP Working Group for incorporation into the new DCP;
- e) other matters raised in submissions be referred to the Local Traffic Committee for consideration and implementation.
- f) Council to write to RMS requesting that a plan for Hayes Street slip lane be developed to provide access into the industrial area.

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

Against the Resolution: Nil.

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

Councillor Heasman returned to the Chamber.

Environmental Services Division Report No. 38

LEP Amendment 82 to Manly LEP 1988

Councillor Macdonald declared a non-pecuniary interest in this item and left the Chamber.

The following person addressed the meeting on this item:

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

SUMMARY

Submissions reviewed following public exhibition of Planning Proposal: Rezoning Lots 29, 30, 31 and 32 of DP 939916 Zone (15-17 Suwarrow Street, Fairlight) from No 6 Open Space Zone to No. 2 Residential – ‘LEP Amendment 82 to Manly LEP 1988’

MOTION (LeSurf / Morrison)

That Council:

Submit the finalised proposal without variation to the Department of Planning and Infrastructure for Parliamentary Counsel to prepare a Draft Local Environmental Plan — the legal instrument. With the Minister’s approval the plan will then become a legal instrument.

213/11 **RESOLVED: (LeSurf / Morrison)**

That Council:

Submit the finalised proposal without variation to the Department of Planning and Infrastructure for Parliamentary Counsel to prepare a Draft Local Environmental Plan — the legal instrument. With the Minister’s approval the plan will then become a legal instrument.

For the Resolution: Councillors Hay, Elder, Murphy, LeSurf, Morrison, Norek and Macdonald

Against the Resolution: Councillors Whitting and Aird

Councillor Macdonald was not in the Chamber when voting took place.
Councillors Heasman, Burns and Griffin were out of the Chamber.

Councillors Macdonald, Heasman, Burns and Griffin returned to the Chamber.

Notice of Motion Report No. 37

Manly Tramway Loop - Trial Bus Operation

Councillor Hugh Burns moved:

That Manly Council commence community consultation on the Manly Tramway Loop Proposal by operating a Motor Omnibus service on the proposed Manly Tramway Loop Route on one weekend (two days) in January 2012.

The service is to be run with four vintage buses (including double-deck vehicles), to timetable, to achieve the 5 minute tram loop service frequency proposed.

Stops are to be set out on the route generally as proposed in the tramway concept plan, with allowance for variation due to buses in lieu of trams and to maximise passenger safety. Stop locations are to be shown in the promotional literature and marked with footpath sandwich boards or similar on the operation days.

The cost to Council of the bus charter of four heritage vehicles for two days has been quoted at \$2000. The operator will obtain all insurances to the satisfaction of Council's risk assessor. The operator, being a vehicle heritage preservation group, will be able to request donations from passengers but will not charge fares. The operator will provide sufficient volunteers to manage the public on both days by means of conductors on the buses and passenger information personnel at major stops.

That Council fully promote the weekend to residents and visitors and produce literature for distribution to outline the Manly Tramway proposal and seek feedback from the travelling public on the route and concept - both from residents and visitors.

The day is to be documented by way of taking passenger statistics (patronage with demographics if feasible) and traffic observations with video and photographic recordings.

MOTION (Burns / Aird)

That Manly Council commence community consultation on the Manly Tramway Loop Proposal by operating a Motor Omnibus service on the proposed Manly Tramway Loop Route on one weekend toward the end of February 2012.

214/11 **RESOLVED: (Burns / Aird)**

That Manly Council commence community consultation on the Manly Tramway Loop Proposal by operating a Motor Omnibus service on the proposed Manly Tramway Loop Route on one weekend toward the end of February 2012.

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

215/11 **RESOLVED: (Griffin / Aird)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Notice of Motion Report No. 35

Master Plan for Manly Wharf

Councillor Cathy Griffin moved:

That Council write to the Minister for Planning and Infrastructure and other appropriate Ministers requesting a Master Plan for Manly Wharf be completed within 12 months.

In addition the Ministers be informed that Manly Council has formally adopted the Manly Cove Coastal Management Plan and a copy be provided to them.

Background

Manly Wharf has been subject to piecemeal development since the lease was awarded to a private company.

Conflict between patrons of Manly Wharf commercial premises and passengers alighting from the ferries regularly occurs, often compromising safety.

The NSW Government has announced that three ferry operators will be operating from Manly Wharf in the future.

There is no area for the public to dock at Manly Wharf

There is an increase in recreational use of the wharf as the popularity of kayaking and other personal watercraft use on the harbour increases.

Increase in bicycle parking in the vicinity

Placement of outdated and noisy fun rides on the concourse during holiday periods

Environmental impacts of increasing litter in the area.

MOTION (Griffin / Heasman)

That:

- i) Council write to the Minister for Planning and Infrastructure and other appropriate Ministers expressing Council's concerns and requesting a Master Plan for Manly Wharf be completed within 12 months.
- ii) The Ministers be informed that Manly Council has formally adopted the Manly Cove Coastal Management Plan and a copy be provided to them.
- iii) Council write to the relevant Minister expressing our concern about the issues of safety and accessibility and the problems that over commercialisation of the area present to Council and the Community.

216/11 **RESOLVED: (Griffin / Heasman)**

That:

- i) Council write to the Minister for Planning and Infrastructure and other appropriate Ministers

expressing Council's concerns and requesting a Master Plan for Manly Wharf be completed within 12 months.

- ii) The Ministers be informed that Manly Council has formally adopted the Manly Cove Coastal Management Plan and a copy be provided to them.
- iii) Council write to the relevant Minister expressing our concern about the issues of safety and accessibility and the problems that over commercialisation of the area present to Council and the Community.

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

Against the Resolution: Nil.

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

Councillor Aird returned to the Chamber.

Notice of Motion Report No. 36

Council develop a Bicycle Management Policy

Councillor Cathy Griffin moved:

That Council develop a Bicycle Management Policy.

Background

Manly Council has spent substantial funds on bicycle infrastructure in the LGA, including the placement of bicycle racks in high use areas such as Manly Wharf and the beachfront. Council will continue to install and renew bicycle racks in the future as funding becomes available and the use of bicycles in and around Manly increases. However there appears to be a large number of bicycles being left or abandoned secured in the bicycle racks at various locations throughout the LGA for long periods of time.

MOTION (Griffin / Morrison)

That Council develop a Bicycle Management Policy.

AMENDMENT (Burns / Hay)

That the matter be referred back to the Sustainable Transport Committee for consideration.

For the Amendment: Councillors Hay, Elder, Whitting, Murphy, LeSurf, Burns and Macdonald

Against the Amendment: Councillors Heasman, Morrison, Norek, Griffin and Aird

The **Amendment** was declared **CARRIED** and became the **motion** and was put.

217/11 **RESOLVED: (Burns / Hay)**

That the matter be referred back to the Sustainable Transport Committee for consideration.

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

Against the Resolution: Nil.

Notice of Motion Report No. 39

**Pedestrians and cyclists to cross Pittwater Road and Balgowlah Road
Councillor Craig Whitting moved:**

That as a matter of urgency Council formally write to the Minister of Roads and Maritime Services to request that provisions for pedestrians and cyclists to cross Pittwater Road and Balgowlah Road close to the intersection be further investigated.

Background

Any crossing of Pittwater Road close to the Harris Farm Market needs to be approved by the Roads and Maritime Services (formally the RTA).

Manly Council's RMS representative has said that crossings at this location would not be appropriate or approved because this is a four lane road.

Council observed this site during an off peak period. From the findings, it was suggested that there was a clear need for pedestrian crossings at this location. Fifteen pedestrians were observed crossing both Pittwater Road and Balgowlah Road in a 10 minute period which is a considerable number given this was out of peak hour for traffic and a difficult place to cross the road.

The footprint of the roundabout is quite spacious with sufficient space to provide a staggered signalised crossing on both Pittwater Road and Balgowlah Road.

Council is currently gathering information from road accident records and speed/traffic data available on this intersection to see if this would further strengthen our argument for pedestrian crossings.

MOTION (Whitting / Heasman)

That:

- i) Council formally write to the Minister of Roads and Maritime Services to request that provisions for pedestrians and cyclists to cross Pittwater Road and Balgowlah Road close to the intersection be further investigated.
- ii) Council request an urgent onsite meeting with the local member.

218/11 **RESOLVED: (Whitting / Heasman)**

That:

- i) Council formally write to the Minister of Roads and Maritime Services to request that provisions for pedestrians and cyclists to cross Pittwater Road and Balgowlah Road close to the intersection be further investigated.
- ii) Council request an urgent onsite meeting with the local member.

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

Against the Resolution: Nil.

Councillor Murphy was out of the Chamber when voting took place.

Councillor Murphy returned to the Chamber.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 20

Items For Brief Mention

1. Complaints made to the General Manager

In the month of November the General Manager is assessing the following complaint:

Matter No.	Received	Nature of complaint	Outcome	Status
COMP2011-10-01	October	Complaint re compliance matter	No breach of Code of Conduct. No further action.	Finalised

2. Notices of Motion status report

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
200/11	14 Nov	Street Lighting (Clr Burns)	That Council produce a plan to be brought back to Council within two months to improve control of all street, reserve and plaza lighting, so as to ensure lights are not being operated in daylight. Such a plan is to include investigating the current controls in use, verifying their correct operation (function and light level settings) and if necessary upgrading them to a better more modern light level based control systems or converting to a central control that is based on light level. (Note due to changing sunset and sunrise times a clock based approach is not efficient.)	Being progressed
199/11	14 Nov	Far West School (Clr Burns)	2. That Council advertise and call a public meeting after the submissions close on 30 November 2011 and invite the Department of Planning and the developer to discuss the proposed redevelopment of the Far West site and its impact on the Manly community, particularly including the needs of Manly Village Public School.	Being progressed
196/11	14 Nov	Traffic Management Report to improve traffic flow during Manly Tourism Events (Clr Whitting)	1. That Manly Council investigates and provides a Traffic Management Report that incorporates a review on the current Traffic Management Plan for all events that will improve the traffic flows in and around Manly's CBD during Major Manly Events i.e. Food & Wine and Jazz Festivals.	Pending
			2. That Council installs temporary bike racks during special events.	Pending

3. Tabled Documents

Date	Author	Subject
1/11/11	Mike Baird MP	Concerning the boats in Manly Cove West and Spring Cove and being referred to Minister for Roads and Minister for the Environment.
3/12/11	NSW Government, Premier & Cabinet (DLG)	Draft Destination 2036 Action Plan

5/12/11	NSW Government, Premier & Cabinet (DLG)	Review of the Model Code of Conduct and Misbehaviour Provisions – extension of time
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MOTION (LeSurf / Burns)

1. That the report be received and noted.
2. That the report be received and noted.
3. That the Tabled documents be received and noted.

219/11 **RESOLVED: (LeSurf / Burns)**

1. That the report be received and noted.
2. That the report be received and noted.
3. That the Tabled documents be received and noted.

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

Against the Resolution: Nil.

Councillor Whitting was out of the Chamber when voting took place.

REPORTS OF COMMITTEES

Report Of Committees Report No. 53

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

The Following Special Purpose Committee minutes are tabled at this meeting.

- i) Sports Facilities Committee – 2 December 2011
- ii) Playground Committee – 10 November 2011
- iii) Manly Scenic Walkway Committee – 8 November 2011
- iv) Access Committee – 18 October 2011
- v) Human Services Planning and Policy Committee – 18 October 2011

MOTION (LeSurf / Heasman)

That the minutes of the following Special Purpose committee meetings be adopted.

- i) Sports Facilities Committee – 2 December 2011
- ii) Playground Committee – 10 November 2011
- iii) Manly Scenic Walkway Committee – 8 November 2011
- iv) Access Committee – 18 October 2011
- v) Human Services Planning and Policy Committee – 18 October 2011

220/11 **RESOLVED: (LeSurf / Heasman)**

That the minutes of the following Special Purpose committee meetings be adopted.

- i) Sports Facilities Committee – 2 December 2011
- ii) Playground Committee – 10 November 2011

- iii) Manly Scenic Walkway Committee – 8 November 2011
- iv) Access Committee – 18 October 2011
- v) Human Services Planning and Policy Committee – 18 October 2011

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

Against the Resolution: Nil.

Councillor Whitting was out of the Chamber when voting took place.

Councillor Whitting returned to the Chamber at 10.37pm

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 37

Identification of Coastal Erosion & Inundation Risk Areas within Manly LGA for public exhibition

SUMMARY

Council, at its P&S meeting dated 6 September 2010, resolved to support initiatives to identify 'Coastal Risk Areas' following NSW Government's Sea Level Rise Policy Statement and the Guideline. Meantime, Council has also received, on 24 August 2010, a grant offer of \$81,500 from the Office of Environment & Heritage (then DECCW) under its Coastal Management Program 2010-11 to establish coastal hazard lines to predicted sea level rise in Manly LGA.

The Water Research Laboratory (WRL) of the University of New South Wales has carried out the study for Manly Council and identified coastal erosion and inundation risk areas in a final draft report.

The WRL- UNSW made a presentation to the Harbour Foreshores and Coastline Management Committee, at its meeting on 11 October 2011. The Committee recommends that the draft report and maps identifying coastal erosion and inundation risk areas are placed on public exhibition for public feedback.

Copies of the Final Draft Report and maps are circulated separately.

MOTION (Burns / Norek)

That the draft report 'Identification of Coastal Hazard Risk Areas to Projected Sea Level Rise for the Manly LGA' and maps of identified coastal erosion and inundation risk areas are placed on public exhibition for a period of six weeks.

221/11 **RESOLVED: (Burns / Norek)**

That the draft report 'Identification of Coastal Hazard Risk Areas to Projected Sea Level Rise for the Manly LGA' and maps of identified coastal erosion and inundation risk areas are placed on public exhibition for a period of six weeks.

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

Against the Resolution: Councillor LeSurf,

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 46

Report on Council Investment October 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 (LeSurf / Aird)

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

222/11 **RESOLVED: (Heasman / Norek)**

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

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN99/11 Councillor Elder - Damaged Kerb**

Can we have someone look at the damaged kerb outside No 24 East Esplanade?

At the request of the Mayor the General Manager advised that the item will be attended to.

QWN100/11 Councillor Whitting - Whistler Street Car Park

Does Manly Council's Whistler Street car park use car licence plate recognition? If not why not?

At the request of the Mayor the General Manager advised that licence plate recognition was installed over 10 years ago.

QWN101/11 Councillor Murphy - QWN 96/11 and 97/11

Would Council please have another go at answering my QWN 96/11 and 97/11 as they were not answered adequately, but please reply in the next week, not sometime in February.

At the request of the Mayor the General Manager advised he would review the answers and provide an additional response if possible.

QWN102/11 Councillor Murphy - Manly Wharf

It is my understanding that Manly Council was once offered the lease of Manly Wharf for a peppercorn rent which would have allowed Council to control the development and operation but Council knocked it back. Is this true?

At the request of the Mayor the General Manager advised he was not aware of this.

QWN103/11 Councillor Murphy - RL between two adjoining properties

If the RL between two adjoining properties is significantly different, for example over 2 metres, how high can a fence be built, does it have to be setback off the boundary? are the shadows considered and does it need DA or Building Certificate Approval?

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

QWN104/11 Councillor LeSurf - Smoke Free Policy

1. Does our Smoke Free Policy apply to the airspace lease applied to the New Brighton Hotel?

At the request of the Mayor the General Manager advised that the Smoke Free Policy does apply to the New Brighton.

2. It appears that its enforcement isn't happening?

At the request of the Mayor the General Manager advised that Council are aware of the issues and Council's Solicitors are working on the issue.

QWN105/11 Councillor Aird - Cleanliness of The Corso

Would Council look into the cleanliness of The Corso, as it is exceptionally dirty on a Sunday morning although a cleaning machine has been through there are remnants of chips, serviettes etc. left behind.

At the request of the Mayor the Deputy General Manager advised he would look into the matter.

QWN106/11 Councillor Burns - Water Fountain

Would Council look at the fountain at the Wharf, it started working but stops on occasions due to the pump not getting enough water out.

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

QWN107/11 Councillor Burns - Drinking Fountain - West Esplanade

Can Council get the drinking fountain in West Esplanade near the Art Gallery working?

At the request of the Mayor the General Manager advised he would look into having it fixed.

QWN108/11 Councillor Burns - Council's maintenance cycle

What is the normal cycle for Council to resurfacing roads and footpaths.

At the request of the Mayor the General Manager advise that the cycle was 30 years.

QWN109/11 Councillor Macdonald - Garbage collection at North Harbour Park

Can the General Manager assure me that daytime/weekend garbage collection at North Harbour Park NOT include garbage trucks crossing the busy park?

At the request of the Mayor the General Manager advised that the rosters are currently being reviewed in relation to pick up times and Council is trying to work out times when it will least affect the public.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 11

Tender for Supply and Delivery of Minor Works (SHOROC TENDER) (T31112SHOROC)

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. 12

Tender for Provision of Road Construction Services and Materials (SHOROC TENDER)

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

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

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.

223/11 RESOLVED: (Murphy / Burns)

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

For the Resolution: Councillors Hay, Elder, 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.

Civic and Urban Services Division Report No. 11

Tender for Supply and Delivery of Minor Works (SHOROC TENDER) (T31112SHOROC)**MOTION (LeSurf / Morrison)**

224/11 **RESOLVED: (LeSurf / Morrison)**

THAT:

1. Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, Council accept the following Tenderers as a Panel Tender, with contractors to be selected from the list for the following services;

Schedule	Contractor
Annexure B – Plant	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Co. Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure C – Concrete	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Pavelink Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure D – Asphalt	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure E – Drainage	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure F – Traffic Control	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Roadwork Solutions Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure G – Landscape	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure H – Paving	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Pavelink Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure I – Fencing	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northern Fencing Specialists Pty. Ltd.

- | | |
|--|--|
| | <ul style="list-style-type: none"> • OZPAVE (Australia) Pty. Ltd. |
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- The Tender for Supply and Delivery of Minor Works to be offered for a 3 year term commencing 1 January 2012 , with an option for a one (1) year contract extension, which will take this tender through to 31 December 2015, subject to satisfactory supplier performance;
- Council retains the right to engage other contractors outside the panel as and when required or appropriate, as well as the right to remove or add contractors to the panel.

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

Against the Resolution: Nil.

Civic and Urban Services Division Report No. 12

**Tender for Provision of Road Construction Services and Materials (SHOROC TENDER)
MOTION (LeSurf / Burns)**

225/11 **RESOLVED: (LeSurf / Burns)**

THAT:

- Pursuant to clause 178 (1)(a) of the Local Government (General) Regulation 2005, Council accept the following Tenderers as a Panel Tender, with contractors to be selected from the list for the following services;

Schedule	Contractor
Sub-Panel 1 – Stabilisation of Road Pavements	<ul style="list-style-type: none"> • Downer EDI Works Pty. Ltd. • Stabilised Pavements of Australia Pty. Ltd.
Sub-Panel 2 – Bitumen Sprayed Seal Works on Road	<ul style="list-style-type: none"> • Downer EDI Works • SRS Road Services Pty. Ltd. • Stabilised Pavements of Australia Pty. Ltd.
Sub-Panel 3 – Asphaltic Concrete	<ul style="list-style-type: none"> • Boral Asphalt Pty. Ltd. • Downer EDI Works • Fulton Hogan Industries Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • SRS Road Services Pty. Ltd.
Sub-Panel 4 – Cold Milling of Asphalt and Base Course	<ul style="list-style-type: none"> • Boral Asphalt Pty. Ltd. • Downer EDI Works • OZPAVE (Australia) Pty. Ltd. • Stabilised Pavements of Australia Pty. Ltd.
Sub-Panel 5 – Crack Sealing of Road	<ul style="list-style-type: none"> • Downer EDI Works • National Road Sealing Pty. Ltd. • SRS Road Services Pty. Ltd. • Super Sealing Pty. Ltd.
Sub-Panel 6 – Pavement Rejuvenation	<ul style="list-style-type: none"> • Downer EDI Works • SRS Road Services Pty. Ltd.

- The Tender for Provision of Road Construction Services and Materials to be offered for a 3 year term commencing 1 January 2012 , with an option for a two (2) x 12 months contract

extension, which will take this tender through to 31 December 2016, subject to satisfactory supplier performance;

3. Council retains the right to engage other contractors outside the panel as and when required or appropriate, as well as the right to remove or add contractors to the panel.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 10.55pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 13 February 2012.

MAYOR

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