



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 17 October 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 17 October 2011. The meeting commenced at 7:34 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
 Councillor Dr P Macdonald OAM
 Councillor R Morrison
 Councillor D Murphy, Deputy Mayor
 Councillor M Norek, arrived at 7.40pm
 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
 Jenny Nascimento, Chief Financial Officer
 Secretariat Officer

OPENING PRAYER

The Opening Prayer was presented by Father John Hannon, Manly Freshwater Parish.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Cathy Griffin	Notice of Rescission Report No. 5 – Draft Manly LEP	Conflict of interest – Stuart Street
Councillor Hugh Burns	Notice of Rescission Report No. 5 – Draft Manly LEP	Conflict of interest – Stuart Street

CONFIRMATION OF MINUTES

MOTION (Burns / LeSurf)

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

175/11 **RESOLVED: (Burns / LeSurf)**

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

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Digby Hughes	Visual pollution

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 40

Financial Statements for the Year Ended 30 June 2011

SUMMARY

Presentation of the Audited General Purpose and Special Purpose Financial Statements for the financial year ended 30 June 2011.

A representative from Council Auditors, Hill Rogers Spencer Steer Chartered Accountants, gave a presentation on the Financial Statements for the financial year ended 30 June 2011.

MOTION (LeSurf / Griffin)

That:

1. The General Purpose and Special Purpose Financial Statements for the Year ended 30 June 2011 together with the Auditors Reports be received;
2. Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

176/11 **RESOLVED: (LeSurf / Griffin)**

That:

1. The General Purpose and Special Purpose Financial Statements for the Year ended 30 June 2011 together with the Auditors Reports be received;
2. Council's Auditors, Hill Rogers Spencer Steer Chartered Accountants, be thanked for their attendance.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 38

Election of Deputy Mayor

SUMMARY

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Office of the Mayor.

MOTION (Macdonald / Heasman)

1. That Council determine the method of voting for the election of Deputy Mayor for the 2011/2012 term be by open voting.
2. That Council elect a Deputy Mayor for the period to **September 2012**.

177/11 **RESOLVED: (Macdonald / Heasman)**

1. That Council determine the method of voting for the election of Deputy Mayor for the 2011/2012 term be by open voting.
2. That Council elect a Deputy Mayor for the period to **September 2012**.

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

Against the Resolution: Nil.

The General Manager acting as the Returning Officer read the nominations.

1. Councillor Aird was nominated by Councillor Macdonald and Councillor Burns. Councillor Aird had signed the consent to the nomination.
2. Councillor LeSurf was nominated by Councillor Heasman and Councillor Hay. Councillor LeSurf had signed the consent to the nomination.

An open vote was then taken resulting as follows:

In favour of Councillor Aird

Councillor Macdonald
Councillor Whitting
Councillor Burns
Councillor Griffin
Councillor Aird

In favour of Councillor LeSurf

Councillor Hay
Councillor Heasman
Councillor Elder
Councillor Morrison
Councillor Murphy
Councillor Norek
Councillor LeSurf

As Councillor LeSurf had the majority of the votes, the Returning Officer therefore declared Councillor LeSurf duly elected as Deputy Mayor for the ensuing twelve months.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor LeSurf on his election as the Deputy Mayor.

The Mayor also thanked Councillor Morrison for the excellent job he has done as Deputy

Mayor over the last 12 months.

Corporate Services Division Report No. 39

**Appointment of Chairperson and Deputy Chairperson for Planning & Strategy Committee
SUMMARY**

The purpose of this report is to appoint the Chairperson and Deputy Chairperson of the Principal Committee of Planning & Strategy.

MOTION (Macdonald / Heasman)

1. That Council establish a Planning and Strategy Committee as its Principal Committee with the functions and responsibilities outlined in this report.
2. That Council determine the method of voting as applied to the election of the Deputy Mayor.
3. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to September 2012.
4. That in accordance with s377 of the *Local Government Act, 1993* Council delegates to the Principal Committee of Planning and Strategy the power to resolve on matters properly before the Principal Committee.

178/11 **RESOLVED: (Macdonald / Heasman)**

1. That Council establish a Planning and Strategy Committee as its Principal Committee with the functions and responsibilities outlined in this report.
2. That Council determine the method of voting as applied to the election of the Deputy Mayor.
3. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to September 2012.
4. That in accordance with s377 of the *Local Government Act, 1993* Council delegates to the Principal Committee of Planning and Strategy the power to resolve on matters properly before the Principal Committee.

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

Against the Resolution: Nil.

The General Manager acting as the Returning Officer invited nominations for Chair of the principal Committee being the Planning and Strategy Committee. The following nominations were received:

1. Councillor Heasman was nominated for the Chairperson of the Planning and Strategy Committee by Councillor LeSurf and Councillor Hay. Councillor Heasman consented to the nomination.
2. Councillor Aird was nominated for Chairperson of the Planning and Strategy Committee by Councillor Griffin and Councillor Macdonald. Councillor Aird consented to the nomination.

An open vote was then taken resulting as follows:

In favour of Councillor Heasman

Councillor Hay
Councillor Elder
Councillor Heasman
Councillor Murphy
Councillor LeSurf
Councillor Norek
Councillor Morrison

In favour of Councillor Aird

Councillor Whitting
Councillor Macdonald
Councillor Burns
Councillor Griffin
Councillor Aird

As Councillor Heasman had the majority of the votes, the Returning Officer declared Councillor Heasman duly elected as Chairperson of the Planning and Strategy Committee for the ensuing twelve months.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor Heasman on her election as Chairperson of the Planning and Strategy Committee.

The General Manager acting as the Returning Officer invited nominations for Deputy Chair of the principal Committee being the Planning and Strategy Committee. The following nominations were received.

1. Councillor LeSurf was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Hay and Councillor Heasman. Councillor LeSurf consented to the nomination.
2. Councillor Griffin was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Macdonald and Councillor Aird. Councillor Griffin consented to the nomination.

An open vote was then taken resulting as follows:

In favour of Councillor LeSurf

Councillor Hay
Councillor Elder
Councillor Heasman
Councillor Murphy
Councillor LeSurf
Councillor Morison

In favour of Councillor Griffin

Councillor Whitting
Councillor Macdonald
Councillor Burns
Councillor Griffin
Councillor Aird
Councillor Norek

As the voting was equal the Returning Officer declared that candidates names be put into a container and that the first name drawn be declared Deputy Chair of the Planning and Strategy Committee.

As Councillor LeSurf's name was drawn, the Returning Officer declared Councillor LeSurf, Deputy Chairperson for the ensuing twelve months.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor LeSurf on his election as Deputy Chairperson of the Planning and Strategy Committee.

Councillors Burns and Griffin left the chamber having previously declared an interest in Notice of Rescission Report No. 5.

NOTICES OF RESCISSION

Notice of Rescission Report No. 5

Draft Manly LEP

Councillor Peter Macdonald, Councillor Barbara Aird, and Councillor Craig Whitting moved:

“That PART 1 of the Council’s decision of 10 October 2011 being Planning & Strategy Division Report No. 18 in respect of Draft Manly Local Environmental Plan 2011 be and is hereby rescinded.”

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Rescission Motion: Tom Klein

Against the Rescission Motion John Chapman

RESCISSION MOTION (Macdonald / Aird)

That PART 1 of the Council’s decision of 10 October 2011 being Planning & Strategy Division Report No. 18 in respect of Draft Manly Local Environmental Plan 2011 be and is hereby rescinded.

For the Rescission: Councillors Whitting, Murphy, Morrison, Norek, Aird and Macdonald

Against the Rescission: Councillors Hay, Elder, Heasman and LeSurf

The **Rescission Motion** was put and declared **carried**.

MOTION (Macdonald / Aird)

That Council amend the Draft LEP currently proposed to rezone 34, 36, 38 and 40 Stuart Street Manly to E4, Environmental Living. The Draft LEP be amended for properties 34, 36, 38 and 40 to RE1, Public Recreation, thereby maintaining their long held zoning as Open Space.”

179/11 RESOLVED: (Macdonald / Aird)

That Council amend the Draft LEP currently proposed to rezone 34, 36, 38 and 40 Stuart Street Manly to E4, Environmental Living. The Draft LEP be amended for properties 34, 36, 38 and 40 to RE1, Public Recreation, thereby maintaining their long held zoning as Open Space.

For the Motion: Councillors Whitting, Murphy, Morrison, Norek, Aird and Macdonald

Against the Motion: Councillors Hay, Elder, Heasman and LeSurf

Councillor Griffin and Burns were not in the Chamber when the voting took place due to declaring a conflict of interest in this item.

SUSPENSION OF STANDING ORDERS (Griffin / LeSurf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Human Services and Facilities division Report No. 13 – Expression of Interest to Host the Surf Lifesaving NSW State Championships 2013-2014.

180/11 **RESOLVED: (Griffin / LeSurf)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Human Services and Facilities division Report No. 13 – Expression of Interest to Host the Surf Lifesaving NSW State Championships 2013-2014.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 13

**Expression of Interest to Host the Surf Lifesaving NSW State Championships 2013 - 2014
SUMMARY**

Surf Lifesaving New South Wales (SLSNSW) is inviting expressions of interest from NSW Councils to host the 2013 and 2014 NSW Age, Masters and Open Surf Life Savings Championships.

This report makes recommendation as to whether Manly Council should consider making a bid to host the 2013 and 2014 Lifesaving NSW State Championships at Manly Beach.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the item on the agenda: Marc Manion

MOTION (Morrison / Griffin)

That Council decline the invitation by Surf Life Saving New South Wales for Manly to host the 2013 2014 Surf Lifesaving NSW State Championships and write to them thanking them for their invitation.

AMENDMENT (Macdonald / Whitting)

That Council proceed to make a bid to host the 2013-2014 State Surf Life Saving Championships conditional on it not commencing prior to the 1 March 2013.

For the Amendment: Councillors Hay, Elder, Heasman, Whitting, LeSurf, Norek, Griffin, Burns and Macdonald

Against the Amendment: Councillors Morrison and Murphy

The **Amendment** became the **Motion** and was put and declared **Carried**.

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

181/11 **RESOLVED: (Macdonald / Whitting)**

That Council proceed to make a bid to host the 2013-2014 State Surf Life Saving Championships conditional on it not commencing prior to the 1 March 2013.

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

Against the Resolution: Councillors Morrison and Murphy

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

RESUMPTION OF STANDING ORDERS (Griffin / LeSurf)

That Standing Orders be resumed.

182/11 **RESOLVED: (Griffin / LeSurf)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 29

MANLY2015

Councillor Richard Morrison moved:

That Councillors be provided with a report outlining draft proposals for funding the projected costs associated with the *Manly2015* project that were set out in Item 4 of the *MANLY2015* FAQs. The report is to include Scenarios 1, 2 & 3 of Council's Long Term Financial Plan reworked to include the draft proposals, and is to be made available for the October quarterly Councillor and Senior Staff Workshop scheduled.

BACKGROUND

The document *MANLY2015* FAQs was provided on Council's website during public advertising of the proposal and Item 4 contained a Summary of Project Expenditure.

MOTION (Morrison / Burns)

That Councillors be provided with a report outlining draft proposals for funding the projected costs associated with the *Manly 2015* project that were set out in Item 4 of the *MANLY2015* FAQs. The report is to include Scenarios 1, 2 & 3 of Council's Long Term Financial Plan reworked to include the draft proposals, and is to be made available for the October quarterly Councillor and Senior Staff Workshop scheduled.

183/11 **RESOLVED: (Morrison / Burns)**

That Councillors be provided with a report outlining draft proposals for funding the projected costs associated with the *Manly 2015* project that were set out in Item 4 of the *MANLY2015* FAQs. The report is to include Scenarios 1, 2 & 3 of Council's Long Term Financial Plan reworked to include the draft proposals, and is to be made available for the October quarterly Councillor and Senior Staff Workshop scheduled.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 16

Items for Brief Mention**1. Complaints made to the General Manager**

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

2. Documents to be Tabled

Date	Author	Subject
28/09/11	Minister for Local Government	NSW South Wales Grandparents Day
27/09/11	Telstra - Consumer Sales & Service	Council request for justification of proposed removals of public telephones.
27/09/11	Sydney Coastal Councils Group	Sydney Coastal Councils Group Annual Reports 2010-2011
30/06/11	Manly Council	General Purpose Financial Statements
08/09/11	Draft Paper by Joanne Thwaites student - Canberra University	Discussion paper "Managing Homelessness – A Literature Review of Models and Strategies"

3. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
154/11	12 Sept 2011	The Grove ("Freedom" Bike Track)	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.	Being drafted.

4. Register of Disclosures by Councillors and Designated Persons Returns

In accordance with Section 450A(2)(b) of the Local Government Act 1993, the Register of Disclosures by Councillors and Designated Persons Returns is tabled.

MOTION (Heasman / Burns)

1. That the information be received and noted.
2. That the documents tabled at this meeting be received and noted.
3. That the information be received and noted.
4. That the tabled Register of Disclosures by Councillors and Designated Persons Returns is noted.

184/11 **RESOLVED: (Heasman / Burns)**

1. That the information be received and noted.
2. That the documents tabled at this meeting be received and noted.
3. That the information be received and noted.
4. That the tabled Register of Disclosures by Councillors and Designated Persons Returns is noted.

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

Against the Resolution: Nil.

5. Managing Homelessness

At the Planning & Strategy Committee meeting 10th October 2011, it was resolved:

“That the discussion paper “Managing Homelessness – A Literature Review of Models and Strategies” as well as the recent addendum for currency of this report, be referred to a Council meeting for discussion.”

This report was Tabled for Council’s consideration.

PUBLIC ADDRESSES

The following person addressed the meeting on this item earlier in the meeting:

In support of the item on the agenda: Digby Hughes

MOTION (Heasman / Burns)

That:

1. Council refer the document for further comment on Homelessness to a Working Sub Group Committee of the Safety Committee.
2. Council invite the Sub Committee Working Group to develop a homeless persons protocol.
3. The Working Sub Committee develop a policy on homelessness or advise the Council on the policy of the Homeless based on the model Local Government Policy.
4. Council identify sources of revenue both for servicing those who are Homelessness and look at providing housing.

5. Council endorse Mr Digby Hughes membership of the Working Sub Committee.

185/11 **RESOLVED: (Heasman / Burns)**

That:

1. Council refer the document for further comment on Homelessness to a Working Sub Group Committee of the Safety Committee.
2. Council invite the Sub Committee Working Group to develop a homeless persons protocol.
3. The Working Sub Committee develop a policy on homelessness or advise the Council on the policy of the Homeless based on the model Local Government Policy.
4. Council identify sources of revenue both for servicing those who are Homelessness and look at providing housing.
5. Council endorse Mr Digby Hughes membership of the Working Sub Committee.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 44

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

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

- i) Sustainable Economic Development and Tourism Committee – 22 September 2011
- ii) Sustainable Transport Committee – 25 August 2011
- iii) Audit and Risk Committee – 23 August 2011

MOTION (Burns / Elder)

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

- i) Sustainable Economic Development and Tourism Committee – 22 September 2011
- ii) Sustainable Transport Committee – 25 August 2011
- iii) Audit and Risk Committee – 23 August 2011

186/11 **RESOLVED: (Burns / Elder)**

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

- i) Sustainable Economic Development and Tourism Committee – 22 September 2011
- ii) Sustainable Transport Committee – 25 August 2011
- iii) Audit and Risk Committee – 23 August 2011

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

Councillor Macdonald left the Chamber at 11.35pm

Report Of Committees Report No. 43

Minutes for Adoption by Council - Landscape Management and Urban Design Committee - 17 August 2011

This report was dealt with at the Landscape Management and Urban Design Committee meeting of 17 August 2011 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 4 MANLY 2015 PROJECT

Council's Head of Strategy, Anthony Hewton presented the Manly 2015 Masterplan. The reason for this presentation was to reconfirm the main concepts of the plan and for the LMUD committee to re-familiarise themselves with its contents.

MOTION (Burns / Heasman)

That:

1. Council investigate incorporation of the tennis courts to facilitate better urban design outcome and entrance /egress to proposed Manly Oval underground car park.
2. The LMUD committee expressed serious concerns regarding the Sydney Road and Raglan Street entrance and egress. In this regard request Council undertake detailed feasibility assessment.
3. Council investigate Telstra site for public space and Landmark building.
4. Council identify on-street car parking numbers in the Town Centre presently and report back to LMUD.
5. Council investigate Short Street Plaza as a space to be developed.

187/11 **RESOLVED: (Burns / Heasman)**

That:

1. Council investigate incorporation of the tennis courts to facilitate better urban design outcome and entrance /egress to proposed Manly Oval underground car park.
2. The LMUD committee expressed serious concerns regarding the Sydney Road and Raglan Street entrance and egress. In this regard request Council undertake detailed feasibility assessment.
3. Council investigate Telstra site for public space and Landmark building.
4. Council identify on-street car parking numbers in the Town Centre presently and report back to LMUD.

5. Council investigate Short Street Plaza as a space to be developed.

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

Against the Resolution: Nil

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

RECOMMITAL MOTION (Burns / Heasman)

That Item 4 Manly 2015 Project be recommitted to enable the voting to be amended.

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

Against the Resolution: Nil.

The following **motion** was recommitted.

MOTION (Burns / Heasman)

That:

1. Council investigate incorporation of the tennis courts to facilitate better urban design outcome and entrance /egress to proposed Manly Oval underground car park.
2. The LMUD committee expressed serious concerns regarding the Sydney Road and Raglan Street entrance and egress. In this regard request Council undertake detailed feasibility assessment.
3. Council investigate Telstra site for public space and Landmark building.
4. Council identify on-street car parking numbers in the Town Centre presently and report back to LMUD.
5. Council investigate Short Street Plaza as a space to be developed.

188/11 **RESOLVED: (Burns / Heasman)**

That:

1. Council investigate incorporation of the tennis courts to facilitate better urban design outcome and entrance /egress to proposed Manly Oval underground car park.
2. The LMUD committee expressed serious concerns regarding the Sydney Road and Raglan Street entrance and egress. In this regard request Council undertake detailed feasibility assessment.
3. Council investigate Telstra site for public space and Landmark building.
4. Council identify on-street car parking numbers in the Town Centre presently and report back to LMUD.
5. Council investigate Short Street Plaza as a space to be developed.

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

Against the Resolution: Councillor Whitting

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 41

Report on Council Investments as at 31 August 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 (Burns / Heasman)

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

189/11 **RESOLVED: (Burns / Heasman)**

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

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN83/11 Councillor Burns - Council Policy on risk claims

Could the General Manager outline where we are up to in recovering the debt from Crystals, I understand it has been written off according to the Financial Officers?

What prospects do we have in recovering that debt and what is your honest appraisal of the matter?

At the request of the Mayor the General Manager advised that writing off debt is an accounting standard requirement for any debt that has a low prospect of recovery. Just because this has been written off it doesn't mean the recovery process has ended.

The matter is still with the liquidator and Council is a creditor that has an interest in the liquidation process. Council submitted a Statement of Claim to the administrator advising of the amount owing.

QWN84/11 Councillor Burns - Erection of Cranes

What is Council's policy on the erection of cranes on building sites especially when they overhang residential dwellings. What is Council's policy in terms of risk and the ability of crane operator?

At the request of the Mayor the Deputy General Manager advised all cranes whether residential or commercial require a licence and within that licence there are certain requirements as well as

public liability insurance. All crane spans and sizes are set by Work Cover.

QWN85/11 Councillor Aird - World Surfing Tour - Manly 2012,2013 and 2014

Would Council provide a report on Manly's commitments to host the event, including event requirements and costs to Council for each of the years.

The report to also include Council's charges for hosting (eg hosting fees, reserve hire, waste)

At the request of the Mayor the General Manager advised that this is a NSW event which is backed by the State Government and will not cost Council anything. In terms of revenue they will be charged a daily fee according to our fees and charges.

QWN86/11 Councillor Aird - Ocean Beach Precincts concerns

Ocean Beach Precincts concerns re:

- i) Safety at pedestrian crossing at Wharf – request Council investigate the “scatter”?
- ii) Abuse of resident Parking Scheme permits. When will “Vehicle recognition system be implemented?

At the request of the Mayor the General Manager advised that as it is an RTA road it will require the RTA's consent to obtain a scrambled crossing. Therefore it will need to be referred to the Traffic Committee.

At the request of the Mayor the General Manager advised that Council have no evidence of a secondary market with parking permits. We are aware of certain illegal use of the permits in Victoria Parade and surrounding street. This has been observed and picked up 6 or 9 months ago and some went up to Tower Hill. If residents have any evidence of a secondary market it will be investigated.

QWN87/11 Councillor Griffin - Feral cats at the depot

Is there a problem with feral cats in the Council Depot?

If so what action is Council taking to reduce the problem of feral cats in the Council depot and surrounding area?

Does Council have an ongoing program or strategy to reduce and remove feral cats from the Depot and surrounding areas, including the Pioneer Club House Substation , SES Building and the Manly West Oval?

Does a former Council employee return to the vicinity of the Council depot and feed the feral cats?

If so what action is Council taking to ensure that there are no feral cats to feed in the area?

Does council work with local property owners in the area to reduce the feral cats in the area?

If so what is the cost of the removal of feral cats?

Are residents and property owners made aware of the Council policy for the removal of feral cats?

If so how have they been made aware of such a policy?

Is such a policy available on the Council website?

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

QWN88/11 Councillor Norek - Progress on NSW Teachers Federation

What is the progress by Council to obtaining a letter from the NSW Teachers Federation confirming lifting the ban on the Seaforth TAFE.

At the request of the Mayor the General Manager advised the responsibility lies with the Department of Education and Training and he was unable to provide any progress on the issue as it is still being resolved by the DPT and Federation directors.

QWN89/11 Councillor Morrison - TAFE Site

Where are we as far as the Seaforth TAFE Site? Are we just in a holding pattern now or do we just get to a point where we say thanks but no thanks?

At the request of the Mayor the General Manager advised that Council have the option of opting out but that would not be in the public interest as the whole idea was to take the property off the market. The only issue remaining is between DET and the Federation to resolve.

QWN90/11 Councillor Whitting - Council motion to divert Storm Water Pipe flow pipe

When will the past Council motion to divert the Stormwater Flow Pipe from Clontarf Pool be completed, will it be this year and hopefully before our summer period?

At the request of the Mayor the General Manager advised we need to look for funding for this as it will take up a whole years allocation for drainage works across the whole municipality. It was also advised that the design work was completed and that he hoped to get the work completed before the end of June.

QWN91/11 Councillor Whitting - Lighting along the Lagoon Reserve path

Will Councillors receive a completed report regarding lighting along the Lagoon Reserve path in 2011? If not when does the General Manager perceive the report will be completed?

At the request of the Mayor the General Manager advised the matter had been referred back to the Community Safety Committee for reporting. When the Report has been considered it will be tabled at Council, hopefully before the end of the year.

QWN92/11 Councillor Heasman - Visitors Information debt

Do we still have an outstanding debt from the Visitors Information Centre, Pantry?

At the request of the Mayor the General Manager advised that the debt had been recovered from the new proprietor however there is a dispute by the liquidator of the former restaurant owner.

CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 11

T2012/02 – Tender for the Provision of External Legal Services

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

Civic and Urban Services Division Report No. 9

T1112SHOROC - Supply and Delivery of Stormwater CCTV and Maintenance

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 (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.

190/11 **RESOLVED: (Morrison / Heasman)**

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 and Burns

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

General Managers Division Report No. 11

**T2012/02 – Tender for the Provision of External Legal Services
MOTION (LeSurf / Heasman)**

That Council:

1. Pursuant to clause 178(1)(a) of the *Local Government (General) Regulation* accept the tenders from Pikes, Maddocks, HWL Ebsworth, Houston Dearn O'Connor, DLA Piper and Marsdens for appointment to Council's panel of external legal service providers for a period of three years with an option for Council to extend the term for a further one to two years.
2. Retain the right to engage other legal advisers outside the panel as and when required or appropriate.

191/11 RESOLVED: (LeSurf / Heasman)

That Council:

1. Pursuant to clause 178(1)(a) of the *Local Government (General) Regulation* accept the tenders from Pikes, Maddocks, HWL Ebsworth, Houston Dearn O'Connor, DLA Piper and Marsdens for appointment to Council's panel of external legal service providers for a period of three years with an option for Council to extend the term for a further one to two years.
2. Retain the right to engage other legal advisers outside the panel as and when required or appropriate.

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

Against the Resolution: Nil.

Civic and Urban Services Division Report No. 9

T1112SHOROC - Supply and Delivery of Stormwater CCTV and Maintenance

MOTION (Burns / Lesurf)

- 1) That the following Tenderers be accepted for each of the services listed for supply and delivery of stormwater CCTV and maintenance services tender as a panel tender, to participating SHOROC member councils for the period 1 November 2011 to 31 October 2013 with preference to be given to the following submissions:

Schedule	Contractor
Schedule 1 – Stormwater pipe CCTV Investigation	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • ITS Trenchless Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule – Combination Pipe Jetting	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment

	<ul style="list-style-type: none"> • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 3, 4, 5, 6 & 7 Services Locating	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • CMS Surveys Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 8, 9, & 10 – CDS, ECOSOL & NetTech Inspection & Cleaning	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 11, 12 & 13 – Surveying	<ul style="list-style-type: none"> • CMS Surveys Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Vekta Pty. Ltd.
Schedule 14 – Gross Pollutant Treatment Cleaning	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Veolia Water Network Services Pty. Ltd.
Schedule 15, 16 & 17 – Pit & Inlet repair & reconstruction	<ul style="list-style-type: none"> • No Tenders Received • To be included in Tender T31112SHOROC Minor & Capital Works Tender scheduled for release in October 2011.
Schedule 18 – Pit Cleaning	<ul style="list-style-type: none"> • Barry Bros Specialised Services Pty. Ltd. • Envirocivil NSW Pty. Ltd. • R.A. Bell & Company Pty. Ltd. T/A Bell Environment

- 2) That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31st October 2014.

192/11 **RESOLVED: (Burns / LeSurf)**

- 1) That the following Tenderers be accepted for each of the services listed for supply and delivery of stormwater CCTV and maintenance services tender as a panel tender, to participating SHOROC member councils for the period 1 November 2011 to 31 October 2013 with preference to be given to the following submissions:

Schedule	Contractor
Schedule 1 – Stormwater pipe CCTV Investigation	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • ITS Trenchless Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 2 – Combination Pipe Jetting	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd.

	<ul style="list-style-type: none"> • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 3, 4, 5, 6 & 7 – Services Locating	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • CMS Surveys Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 8, 9, & 10 – CDS, ECOSOL & NetTech Inspection & Cleaning	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 11, 12 & 13 – Surveying	<ul style="list-style-type: none"> • CMS Surveys Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Vekta Pty. Ltd.
Schedule 14 – Gross Pollutant Trap Cleaning	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Veolia Water Network Services Pty. Ltd.
Schedule 15, 16 & 17 – Pit & lintel repair & reconstruction	<ul style="list-style-type: none"> • No Tenders Received • To be included in Tender T3111 SHOROC Minor & Capital Works Tender scheduled for release in October 2011.
Schedule 18 – Pit Cleaning	<ul style="list-style-type: none"> • Barry Bros Specialised Services Pty. Ltd. • Envirocivil NSW Pty. Ltd. • R.A. Bell & Company Pty. Ltd. T/A Bell Environment

2) That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 31st October 2014.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 12.14am on Wednesday 18 October 2011.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 14 November 2011.

MAYOR

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