



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 14 May 2012

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 14 May 2012. The meeting commenced at 7:34 PM.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Heasman
Councillor R Morrison
Councillor D Murphy (arrived at 7.54pm)
Councillor M Norek (arrived at 7.51pm)
Councillor C Whitting

ALSO PRESENT

Stephen Clements, Acting General Manager
Ross Fleming, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Executive Manager, Corporate Support Services
Secretariat Officers

OPENING PRAYER

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

APOLOGIES

Apologies were tendered on behalf of Councillors Barbara Aird, Alan Le Surf and Peter Macdonald OAM and the General Manager Henry Wong for leave of absence.

MOTION (Heasman / Burns)

Apologies were tendered on behalf of Councillors Barbara Aird, Alan Le Surf and Peter Macdonald OAM and the General Manager Henry Wong for leave of absence.

70/12 **RESOLVED: (Heasman / Burns)**

That the apologies received from Councillors Barbara Aird, Alan Le Surf and Peter Macdonald OAM and the General Manager Henry Wong, be accepted and leave be granted.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Morrison, Griffin and Burns
Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 02 April 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

71/12 **RESOLVED: (Burns / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 02 April 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

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

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 23 April 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

72/12 **RESOLVED: (Burns / Heasman)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 23 April 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Lisle Fortescue	Holiday Rental, Code of Conduct
David Parsons	The purchase of 40 Stuart Street Manly
James Pasfield	Proposed purchase of 40 Stuart Street Manly
Julian Kenny	Seaforth Tafe

Councillor Norek entered the Chamber at 7.51pm

Councillor Murphy entered the Chamber at 7.54pm

SUSPENSION OF STANDING ORDERS (Heasman / Whitting)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion No. 16, Roseberry St Masterplan Working Party, Notice of Motion No. 18 Bunnings Hardware Balgowlah works with Ausgrid, Notice of Motion Report No. 20 Protection of Seagrass Meadows in Manly Cove (West) and Report of Committees Report No 23 Minutes for adoption by Council – Traffic Committee 5 April 2012.

73/12 RESOLVED: (Heasman / Whitting)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion No. 16, Roseberry St Masterplan Working Party, Notice of Motion No. 18 Bunnings Hardware Balgowlah works with Ausgrid, Notice of Motion Report No. 20 Protection of Seagrass Meadows in Manly Cove (West) and Report of Committees Report No 23 Minutes for adoption by Council – Traffic Committee 5 April 2012.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 16

Roseberry St Masterplan Working Party**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In support of the Motion: Trudy van der Straaten
Balgowlah Road, Balgowlah

Councillor Heasman and Councillor Whitting moved:

That Council set up a working party to progress actions regarding Roseberry Street Masterplan to be called the Roseberry Street MasterPlan Working Party.

MOTION (Heasman / Whitting)

That Council set up a working party to progress actions regarding Roseberry Street Masterplan to be called the Roseberry Street MasterPlan Working Party.

74/12 RESOLVED: (Heasman / Whitting)

That Council set up a working party to progress actions regarding Roseberry Street Masterplan to be called the Roseberry Street MasterPlan Working Party.

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

Against the Resolution: Nil.

Notice of Motion Report No. 18

Bunnings Hardware Balgowlah works with Ausgrid

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Peter Smith
Woodland Street Balgowlah

Councillor Craig Whitting moved:

That Manly Council demands Bunnings Hardware Balgowlah works with Ausgrid and places all the electrical wiring on poles in Condamine Street near Bunnings Hardware (eastern side) underground.

MOTION (Whitting / Norek)

That Manly Council demands Bunnings Hardware Balgowlah works with Ausgrid and places all wiring on poles in Condamine Street near Bunnings Hardware (eastern side) underground.

75/12 **RESOLVED: (Whitting / Norek)**

That Manly Council demands Bunnings Hardware Balgowlah works with Ausgrid and places all wiring on poles in Condamine Street near Bunnings Hardware (eastern side) underground.

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

Against the Resolution: Nil.

Notice of Motion Report No. 20

Protection of Seagrass Meadows in Manly Cove (West)

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Peter McGee
Eco Divers Group

Councillor Cathy Griffin moved:

That Council write to Fisheries NSW stating its support for the immediate implementation of the 'Manly Cove West Preferred Option' to protect the seagrass meadows by restricting boat anchoring in the area 'point to point' from Federation Point to the corner of Manly Wharf.

Manly Council requests that these measures, to protect the seagrass in Manly Cove West, be implemented as a matter of high priority before the start of Summer 2012.

MOTION (Griffin / Burns)

That Council write to Fisheries NSW stating its support for the immediate implementation of the 'Manly Cove West Preferred Option' to protect the seagrass meadows by restricting boat anchoring in the area 'point to point' from Federation Point to the corner of Manly Wharf.

Manly Council requests that these measures, to protect the seagrass in Manly Cove West, be

implemented as a matter of high priority before the start of Summer 2012.

76/12RESOLVED: (Griffin / Burns)

That Council write to Fisheries NSW stating its support for the immediate implementation of the 'Manly Cove West Preferred Option' to protect the seagrass meadows by restricting boat anchoring in the area 'point to point' from Federation Point to the corner of Manly Wharf.

Manly Council requests that these measures, to protect the seagrass in Manly Cove West, be implemented as a matter of high priority before the start of Summer 2012.

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

Against the Resolution: Councillor Morrison

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

REPORTS OF COMMITTEES

Report Of Committees Report No. 23

Minutes for adoption by Council - Traffic Committee 5 April 2012

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Andrew Hilton
Barrabooka Street Clontarf

Against the Motion: Michael Tomchin
Ogilvy Road Clontarf

Michael Richardson
Barrabooka Street Clontarf

Michael Mulholand-Licht
Barrabooka Street Clontarf

This report was dealt with at the Traffic Committee meeting of 5 April 2012 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 9/12 BARRABOOKA STREET / OGILVY ROAD, BALGOWHAH – PROPOSED NO STOPPING RESTRICTUONS

SUMMARY

For Council to consider the introduction of No Stopping restrictions on the corner of Barrabooka Street and Ogilvy Road along with supporting line markings.

MOTION (Heasman / Elder)

That the matter be deferred to allow amendments to Option 2 and include options on traffic calming devises e.g. Medium strip; and be brought back to the sub- committee of the Traffic Committee and a report be brought back to the next Ordinary Meeting of Council.

77/12 **RESOLVED:** (Heasman / Elder)

That the matter be deferred to allow amendments to Option 2 and include options on traffic calming devices e.g. medium strip; and be brought back to the sub-committee of the Traffic Committee and a report be brought back to the next Ordinary Meeting of Council.

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

Against the Resolution: Councillor Morrison.

RESUMPTION OF STANDING ORDERS (Heasman / Whitting)

That Standing Orders be resumed.

78/12 **RESOLVED:** (Heasman / Whitting)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 15

**Friends of Cabbage Tree Bay
Councillor Cathy Griffin moved:**

That Council write to the Executive Director Fisheries NSW Department of Primary Industries to seek support from the Department of Fisheries to initiate a partnership to develop an appropriate model for the formation of a **Friends of Cabbage Tree Bay Volunteer group** which would meet the Recommendation in the Cabbage Tree Bay Aquatic Reserve: Draft Regulation and Implementation Strategy March 2010 Chapter 5 Section 5.2 Visitor Use, Management Outcome 15 *to initiate a volunteer program to educate visitors about the biodiversity of the Bay and the importance preserving and protecting this biodiversity.*

MOTION (Griffin / Elder)

That Council write to the Executive Director Fisheries NSW Department of Primary Industries to seek support from the Department of Fisheries to initiate a partnership to develop an appropriate model for the formation of a **Friends of Cabbage Tree Bay Volunteer group** which would meet the Recommendation in the Cabbage Tree Bay Aquatic Reserve: Draft Regulation and Implementation Strategy March 2010 Chapter 5 Section 5.2 Visitor Use, Management Outcome 15 *to initiate a volunteer program to educate visitors about the biodiversity of the Bay and the importance preserving and protecting this biodiversity.*

79/12 **RESOLVED:** (Griffin / Elder)

That Council write to the Executive Director Fisheries NSW Department of Primary Industries to seek support from the Department of Fisheries to initiate a partnership to develop an appropriate model for the formation of a **Friends of Cabbage Tree Bay Volunteer group** which would meet the Recommendation in the Cabbage Tree Bay Aquatic Reserve: Draft Regulation and

Implementation Strategy March 2010 Chapter 5 Section 5.2 Visitor Use, Management Outcome 15 *to initiate a volunteer program to educate visitors about the biodiversity of the Bay and the importance preserving and protecting this biodiversity.*

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

Against the Resolution: Nil

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

Notice of Motion Report No. 17

Cigarette butts litter in close proximity to Manly Hospital
Councillor Cathy Griffin moved:

Manly Council write to the CEO and the Director of Nursing at Manly Hospital requesting that they remind their staff that smoking in bus stops is banned. In addition Manly Council mention that the littering of the area immediately across from Manly Hospital on the northern side of Darley Road with cigarette butts and takeaway food and beverage containers is unacceptable. The cigarette butts littered in the vicinity of Manly Hospital are not only unsightly but cause damage to the environment. These cigarette butts dropped in the gutters find their way into the stormwater drains which discharge into the harbour and cause damage to the marine environment.

MOTION (Griffin / Heasman)

That:

- a. Manly Council write to the CEO and the Director of Nursing at Manly Hospital to remind their staff and patients requesting that smoking in bus stops is banned. In addition Manly Council mention that the littering of the area immediately across from Manly Hospital on the northern side of Darley Road with cigarette butts and takeaway food and beverage containers is unacceptable. The cigarette butts littered in the vicinity of Manly Hospital are not only unsightly but cause damage to the environment. These cigarette butts dropped in the gutters find their way into the stormwater drains which discharge into the harbour and cause damage to the marine environment.
- b. Council write to Manly Hospital requesting that they put a suitable number of receptacles in appropriate places and that they be maintained and serviced.
- c. This matter be referred to the next Waste Committee for discussion.

80/12 **RESOLVED: (Griffin / Heasman)**

That:

- a. Manly Council write to the CEO and the Director of Nursing at Manly Hospital to remind their staff and patients requesting that smoking in bus stops is banned. In addition Manly Council mention that the littering of the area immediately across from Manly Hospital on the northern side of Darley Road with cigarette butts and takeaway food and beverage containers is unacceptable. The cigarette butts littered in the vicinity of Manly Hospital are not only unsightly but cause damage to the environment. These cigarette butts dropped in the gutters find their way into the stormwater drains which discharge into the harbour and cause damage to the marine environment.
- b. Council write to Manly Hospital requesting that they put a suitable number of receptacles in appropriate places and that they be maintained and serviced.

c. This matter be referred to the next Waste Committee for discussion.

For the Resolution: Councillors Hay, Heasman, Whitting, Murphy, Norek, Griffin and Burns
Against the Resolution: Nil

Councillors Elder and Morrison we out of the Chamber when voting took place.

Notice of Motion Report No. 19

Sydney Ferries Franchise Agreement
Councillor Hugh Burns moved:

That:

- 1) To ensure the Manly community can have confidence in the franchising outcome, that Manly Council writes to the responsible minister and the local member to obtain a copy of the full franchising agreement from the government, so the community knows what the performance and controls are on the franchisee, and what costs are expected.
- 2) The life of Manly ferry vessels has varied from 38 to over 70 years in service. The oldest vessel (MV Freshwater) is currently 30 years old. Due to the increasing age of the four vessels operating the Manly run, that Council requests the State government identify and commit to maintaining the existing fleet capacity by ensuring the future life of the existing vessels is maximised by means such as; continued indefinite maintenance regime, a program of life extension re-equipment, or outlines plans to construct new vessels of the same passenger capacity and in what timeframe.

MOTION (Burns /Elder)

That:

- 1) To ensure the Manly community can have confidence in the franchising outcome, that Manly Council writes to the responsible minister and the local member to obtain a copy of the full franchising agreement from the government, so the community knows what the performance and controls are on the franchisee, and what costs are expected.
- 2) The life of Manly ferry vessels has varied from 38 to over 70 years in service. The oldest vessel (MV Freshwater) is currently 30 years old. Due to the increasing age of the four vessels operating the Manly run, that Council requests the State government identify and commit to maintaining the existing fleet capacity by ensuring the future life of the existing vessels is maximised by means such as; continued indefinite maintenance regime, a program of life extension re-equipment, or outlines plans to construct new vessels of the same passenger capacity and in what timeframe.

81/12 **RESOLVED: (Burns / Elder)**

That:

- 1) To ensure the Manly community can have confidence in the franchising outcome, that Manly Council writes to the responsible minister and the local member to obtain a copy of the full franchising agreement from the government, so the community knows what the performance and controls are on the franchisee, and what costs are expected.
- 2) The life of Manly ferry vessels has varied from 38 to over 70 years in service. The oldest vessel (MV Freshwater) is currently 30 years old. Due to the increasing age of the four vessels operating the Manly run, that Council requests the State government identify and

commit to maintaining the existing fleet capacity by ensuring the future life of the existing vessels is maximised by means such as; continued indefinite maintenance regime, a program of life extension re-equipment, or outlines plans to construct new vessels of the same passenger capacity and in what timeframe.

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

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 7

Items For Brief Mention

1. Complaints made to the General Manager as at April 2012

Matter No.	Received	Nature of complaint	Outcome	Status
COMP2012-04-01	April	Section 10A(2) Local Government Act 1993 Closed Committee Matter	Technical or trivial breach. No further action taken.	Finalised

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
46/12	2 April	Notice of Motion - Pedestrian Crossing near Harris Farm Market	2. That Manly Council explore grant funding, from but not limited to, the Department of Roads and Maritime Services to enable this project to be undertaken as soon as possible including with direct assistance from Manly Council as appropriate.	In progress
			3. That Council prepare a Pedestrian Access and a Mobility Plan for the area under discussion, eg from the Aquatic Centre back up to the Collingwood Street area and apply to the RMS for shared funding to develop and implement the plan.	In progress
27/12	12 March	Notice of Motion Report No. 11 - Estimates for reconstruction of the Harbour Boardwalk opposite West Esplanade to restore the "Wonder Pool"	2. Subject to 1 above Manly Council examine in detail the feasibility of restoring the Harbour Pool in Manly Cove, and: a) conducts sufficient investigation via the State archives, Port Jackson & Manly Steamship Co (PJM&SCo) archives and photographs etc. to determine the original boardwalk design (i.e. determine its width, height and details of the piling and supporting under-structure). b) produces a drawing of a short section of the walkway, made in sufficient detail to enable a firm cost estimate to be produced to replace the entire structure, generally to its original appearance. (The design of the replacement structure should allow for inclusion of modern materials providing the original heritage appearance is maintained - eg original timber piles be replaced by steel and concrete piles, the steel anti-shark rodding be replaced by more environment friendly stretched rope meshing and that an unimpeded penguin access corridor to the nesting location on the western side of Manly wharf be included as part of the proposed design.) c) includes a disabled wheelchair access to be provided off the walkway (generally similar to that installed at Watsons Bay harbour pool) d) investigates funding sources to assist any proposed construction, including availability of State and Federal Grants and their documentation requirements. e) conducts community consultation on the proposed	In progress

3. Councillors Hay, Whitting and Burns be nominated as the three delegates for the One Association voting. Nominated Councillors' names and addresses to be supplied to the Local Government Association.

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

Against the Resolution: Nil.

REPORTS OF COMMITTEES

Report Of Committees Report No. 22

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

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

- i) Landscape Management & Urban Design Committee – 2 May 2012
- ii) Access Committee – 17 April 2012
- iii) Surf Club Liaison Working Group – 17 April 2012
- iv) Traffic Committee – 16 April 2012
- v) Community Safety Committee – 12 April 2012
- vi) Community Environment Committee – 12 April 2012
- vii) Waste Committee – 28 March 2012

MOTION (Murphy / Elder)

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

- i) Landscape Management & Urban Design Committee – 2 May 2012
- ii) Access Committee – 17 April 2012
- iii) Surf Club Liaison Working Group – 17 April 2012
- iv) Traffic Committee – 16 April 2012
- v) Community Safety Committee – 12 April 2012
- vi) Community Environment Committee – 12 April 2012
- vii) Waste Committee – 28 March 2012

83/12 **RESOLVED: (Murphy / Elder)**

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

- i) Landscape Management & Urban Design Committee – 2 May 2012
- ii) Access Committee – 17 April 2012
- iii) Surf Club Liaison Working Group – 17 April 2012
- iv) Traffic Committee – 16 April 2012
- v) Community Safety Committee – 12 April 2012
- vi) Community Environment Committee – 12 April 2012
- vii) Waste Committee – 28 March 2012

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 3

Report on installation of baby change tables in public toilets near council playgrounds**SUMMARY**

At the Ordinary Meeting of 12th March 2012, Council resolved that Manly Council undertakes a report that investigates the installation of more Baby Change Tables in public toilets near Council Playgrounds, Reserves and within Manly's CBD.

Council has popular playground facilities in eight locations and minor playgrounds in another twenty four locations. Currently, there are two baby change tables available in the Manly CBD: at Rialto Square parent amenities (adjacent to the public facilities); and at Manly Library.

MOTION (Whitting / Morrison)

That Council receive and note the report on provision of Baby Change Tables in in public toilets near Council Playgrounds, Reserves and within Manly's CBD.

84/12 **RESOLVED: (Whitting / Morrison)**

That Council receive and note the report on provision of Baby Change Tables in in public toilets near Council Playgrounds, Reserves and within Manly's CBD.

For the Resolution: Councillors Elder, Heasman, Whitting, Norek and Morrison

Against the Resolution: Councillors Hay, Murphy, Burns and Griffin

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 11

Report on Council Investments as at March 2012**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 (Murphy / Burns)

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

85/12 **RESOLVED: (Murphy / Burns)**

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

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

Against the Resolution: Nil.

Corporate Services Division Report No. 13

Third Quarterly Update on Four Year Delivery Program 2011-2015 and Quarterly Budget Review 2011-2012

SUMMARY

This report provides an update on achievements and progress of Council's Four Year Delivery Program 2011-2015 and One Year Operational Plan 2011-2012 for the period 1 January to 31 March 2012, in accordance with the requirements of the *Local Government Act, 1993*. Attached is a detailed matrix and graphs showing progress with the Delivery Program.

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

MOTION (Heasman / Murphy)

THAT:

1. The progress report with the Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 31 March 2012, including the revised estimates and recommended variations contained within the report, be adopted.

86/12 **RESOLVED: (Heasman / Murphy)**

THAT:

1. The progress report with the Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 31 March 2012, including the revised estimates and recommended variations contained within the report, be adopted.

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

Against the Resolution: Nil.

MATTERS OF URGENCY

Councillor Burns requested to put up a matter of urgency in relation to the publishing of DA Information on the web. The Chair ruled that the matter was not a matter of urgency, and asked that he submit a Notice of Motion after Council has received a response from the Office of the Information Commissioner (OIC) on this matter.

QUESTIONS WITHOUT NOTICE

QWN30/12 Councillor Heasman – Traffic Design Engineer

Appointment of a new Design Engineer.
Given a number of Items from the Traffic Committee that will not be designed can Council urgently investigate using a consultant to look at traffic.
Design Engineers to clear up any backlog of Traffic Committee items.

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

QWN31/12 Councillor Whitting - Audit and Risk Committee

Heading: Under Parking Management and Revenue

Item 6: Bullet Point 3. '**Considerations should be given to a further review of the residents parking scheme in line with RTA Guidelines**'. Can the General Manager please explain and give an overview of this point?

Heading: Review and Performance of the Committee.

Item 8.2 Bullet point 3. '**The Committee could be improved with greater interaction from the GM**'. Can the General Manager please explain the background to this comment as I would like to know why this comment was made?

At the request of the Mayor the Acting General Manager advised he would take these matters on notice.

QWN32/12 Councillor Murphy – Stuart Street

Could I please have an answer to my question from last month on Stuart Street Park.
i.e. Provide timeline for:
- completion of development application
- submitted of development application
- civil works including demotion of 36 Stuart Street including landscaping.
- any other relevant dates.

The Acting General Manager advised that the Development Application is scheduled to be submitted for assessment in the next couple of weeks.

QWN33/12 Councillor Morrison – Complaints to the General Manager Report

Where is the summary in the Ordinary Meeting Agenda regarding Complaints to the General Manager?

The Mayor referred to the item listed under Items for Brief Mention, page 8 of the Agenda.

QWN34/12 Councillor Norek – Sale of Stocklands Sales Office

In the initial DA for Stocklands there was a provision for a pedestrian link between Stocklands and Sydney Road. As the sale of Stocklands Sales Office has now occurred, can Council confirm that the new owner is committed to providing the link.

At the request of the Mayor the Acting General Manager responded that he had met with the new owner and they were taking up the DA as approved. No changes are proposed by the new owner.

QWN35/12 Councillor Griffin – OIC and DA Information on the Web

Has council staff met with staff from the Office of the Information Commissioner (OIC)? If so what was discussed and agreed upon with regard to reinstating information on DAs on Council's website.

Has Council obtained independent legal advice on what can or can't be published on the DA webpage?

The Acting General Manager responded that Council staff have met with the OIC and they have had explained Council Legal Interpretation of their Guidelines. They also have reviewed our procedures in relation to publishing DA information online.

Council is now waiting to hear back from the OIC with a formal written advice in relation to these matters.

QWN38/12 Councillor Griffin – Conditions of Development Application Consent

Does Council consider the conditions of consent to be subject to copyright?

The Acting General Manager advised that the conditions of consent were not copyright, however there may be privacy concerns with the names and address on the conditions of consent letters. The OIC advice will assist us.

QWN36/12 Councillor Burns – Council's Caretaker Mode

Requested information on the procedure of Council going into Caretaker mode.

At the request of the Mayor the Acting General Manager took it on notice to provide all Councillors with the information from the DLG on this matter.

QWN37/12 Councillor Burns - Development Application documents on website

Why did Council remove all of the documents from the website when principally the only issues are privacy details and copy right of architectural plans. Why have we taken all of our correspondence down and the objectors correspondence down when the only issue is copy right of plans.

The Acting General Manager responded that Council took everything off the website on the advice of the OIC who said the plans and documentation should only be available during the notification period.

The Mayor asked that this matter not be further discussed until Council has received the advice from the OIC.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Environmental Services Division Report No. 13

Tender No. T2012/03 for the Supply and Delivery of one small 8m3 Garbage Compactor

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.

Corporate Services Division Report No. 12

Tender for Retail Charging of Electricity (Contestable Sites and Street Lighting)

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.

General Managers Division Report No. 8

The Kimbriki Resource Recovery Project

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 (Heasman / Murphy)**

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.

87/12RESOLVED: (Heasman / Murphy)

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

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Morrison, Norek, Griffin 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.

Environmental Services Division Report No. 13

Tender No. T2012/03 for the Supply and Delivery of one small 8m3 Garbage Compactor

MOTION (Griffin / Burns)

88/12**RESOLVED: (Griffin / Burns)**

1. THAT Council accept the tender from Garwood International Pty Ltd T2012/03 as resolved in closed session.
2. THAT the unsuccessful tenders be advised accordingly

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

Against the Resolution: Nil.

Councillors Whitting and Morrison were not in the Chamber when the voting took place.

Corporate Services Division Report No. 12

Tender for Retail Charging of Electricity (Contestable Sites and Street Lighting)

MOTION (Murphy / Heasman)

89/12**RESOLVED: (Murphy / Heasman)**

THAT

- A. Council accepts the tender from AGL for the Carbon Price inclusive Retail Charging of Electricity to Council's Contestable Sites for a period of 2 years, commencing on the 1st January 2013 and concluding on the 31st December 2014 in accordance with subclauses 178 (1)(a) of the *Local Government (General) Regulation 2005*;
- B. Council accepts the tender from AGL for the Carbon price inclusive Retail Charging of Electricity for Street Lighting for a period of 2 years, commencing on the 1st January 2013 and concluding on the 31st December 2014 in accordance with subclauses 178 (1)(a) of the *Local Government (General) Regulation 2005*;
- C. Council continue its commitment to the purchase of Green Power and that this be subject to a separate market process following the introduction of the carbon tax.

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

Against the Resolution: Councillor Burns

Councillors Morrison was not in the Chamber when the voting took place.

General Managers Division Report No. 8
The Kimbriki Resource Recovery Project
MOTION (Griffin / Burns)

90/12 **RESOLVED:** (Griffin / Burns)

That Council:

1. Endorse the Kimbriki Resource Recovery Project as outlined in the "*Information to Inform Preliminary DLG Review*" as prepared by Kimbriki Environmental Enterprises Pty Ltd (attached);
2. Subject to statutory, legal, and approval requirements, and a separate deed that sets out the conditions under which the guarantee of the supply of waste would be transferred from Kimbriki Environmental Enterprises Pty Ltd to the selected project contractor;
3. To effect 2 above, enter into a public-private partnership for the Kimbriki Resource Recovery Project, and carry out the Project, with Kimbriki Environmental Enterprises Pty Ltd (KEE) and the selected Project Contractor, and
4. Authorise the General Manager to execute all associated documents.

For the Resolution: Councillors Hay, Elder, Heasman, Murphy, Norek, Griffin and Burns
Against the Resolution: Nil

Councillors Morrison and Whitting were not in the Chamber when the voting took place.

CLOSE

The meeting closed at [11.07pm](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [4 June 2012](#).

MAYOR

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