

## Minutes

### Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly  
on:

**Monday 10 December 2012**

*All minutes are subject to confirmation at a subsequent meeting.*

*Copies of business papers are available at the Customer Service Counters  
at Manly Council, Manly Library and Seaforth Library and are available on  
Council's website:*

*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 10 December 2012. The meeting commenced at 7.30pm.

## PRESENT

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

## ALSO PRESENT

Henry Wong, General Manager  
 Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability  
 Beth Lawsen, Deputy General Manager, People, Place & Infrastructure  
 Anthony Hewton, Executive Manager, Corporate Support Services  
 Mary Rawlings, Risk Manager  
 Secretariat Officer

## OPENING PRAYER

The Opening Prayer was offered by Captain Brett Mitchell, Team Leader Northern Beaches, The Salvation Army Australia Eastern Territory.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Cathy Griffin	Mayoral Minute Report No. 12 – Stuart Street Properties	Declared a Conflict of non-pecuniary interest prior to the meeting – as she is a resident of Stuart Street
Councillor James Griffin	Mayoral Minute Report No. 12 – Stuart Street Properties	Declared a Conflict of non-pecuniary interest prior to the meeting – as he resides in the area.

## CONFIRMATION OF MINUTES

### MOTION (Bingham / Heasman)

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

**200/12 RESOLVED: (Bingham / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 12 November 2012, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

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

That copies of the Minutes of the Planning and Strategy meeting held on Monday 3 December, 2012 having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

**201/12 RESOLVED: (Bingham / Heasman)**

That copies of the Minutes of the Planning and Strategy meeting held on Monday 3 December, 2012 having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
David Barr	Tree removal on Seaview Street and other streets in Manly
Digby Hughes	Traffic
Peter Rochlin	Telstra
Peter Quatroville	Telstra
Judy Brain	What do we want and how do we decide

\*\*\*\*\*

Councillor Burns entered the Chamber at 7.40pm.

\*\*\*\*\*

**MAYORAL MINUTES**

Mayoral Minute Report No. 11

**Manly Pathway of Olympians****MOTION (Hay AM)**

Moved that:

1. honour its Manly local Olympians and Paralympians who had represented Australia at the 2012 London Games by immortalising their names onto the Manly Pathway of Olympians, and
2. seek sponsorship for these installations.

**202/12 RESOLVED: (Hay AM)**

Moved that:

1. honour its Manly local Olympians and Paralympians who had represented Australia at the 2012 London Games by immortalising their names onto the Manly Pathway of Olympians, and
2. seek sponsorship for these installations.

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

**Against the Resolution:** Nil.

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Councillors C Griffin and J Griffin left the Chamber having declared a conflict of interest.

Mayoral Minute Report No. 12

**Stuart Street Properties  
PUBLIC ADDRESSES**

The following persons addressed the meeting on this item:

Against the Mayoral Minute: Karen Pitt  
Alan Yuille

In Support of the Mayoral Minute: James Pasfield

**MOTION: (Hay)**

Moved that:

1. properties 34, 36 and 38 Stuart Street Manly be zoned for Environmental Living E4 under the Draft Manly Comprehensive LEP;
2. Council proceed to create a three metre wide right of way at the rear of 34 and 36 Stuart Street to enable public access to the beach from the Craig Avenue Carpark; and the Dingy Storage facility located at the rear of 34 be retained as an on-going concern with existing use rights attached and requiring the purchaser of 34 to maintain the facility. And the General Manager to consult with the Heritage Committee regarding the Farrell Family memorial and anchor;
3. Council approach the owners of 38 Stuart Street to seek agreement for a right of way at the rear of their property to link up with that proposed for 34 and 36;
4. following the creation of the right of way at the rear of 34 and 36 Stuart Street, these properties be sold and proceeds go to repay the loan on 40 Stuart Street, and the General Manager to determine the timing for these divestments;
5. the General Manager be authorised to do all things necessary to implement the above points one to four, including the execution of any documents and the affixing of the Council Seal upon them; and
6. 40 Stuart Street remain zoned for open space.

**203/12 RESOLVED: (Hay AM)**

Moved that:

1. properties 34, 36 and 38 Stuart Street Manly be zoned for Environmental Living E4 under the Draft Manly Comprehensive LEP;
2. Council proceed to create a three metre wide right of way at the rear of 34 and 36 Stuart Street to enable public access to the beach from the Craig Avenue Carpark; and the Dingy Storage facility located at the rear of 34 be retained as an on-going concern with existing use rights attached and requiring the purchaser of 34 to maintain the facility. And the General Manager to consult with the Heritage Committee regarding the Farrell Family memorial and anchor;
3. Council approach the owners of 38 Stuart Street to seek agreement for a right of way at the rear of their property to link up with that proposed for 34 and 36;
4. following the creation of the right of way at the rear of 34 and 36 Stuart Street, these properties be sold and proceeds go to repay the loan on 40 Stuart Street, and the General Manager to determine the timing for these divestments;
5. the General Manager be authorised to do all things necessary to implement the above points one to four, including the execution of any documents and the affixing of the Council Seal upon them; and
6. 40 Stuart Street remain zoned for open space.

**For the Resolution:** Councillors Heasman, Pickering, Le Surf and Hay AM

**Against the Resolution:** Councillors Aird, Burns, Bingham

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

A **rescission motion** was lodged in relation to the above item.

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**MOTION (Heasman / Le Surf)**

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 44, Proposal to locate a six person outrigger canoe at Little Manly and Notice of Motion Report No 47, Free Wi Fi Access in Manly CBD.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 47

**Free Wi Fi Access in Manly CBD**

**Councillor Candy Bingham moved:**

1. That Council support providing and/or facilitating free wi fi access in the Manly CBD area, by conducting a feasibility review which includes:
  - a) Discussions with the Manly Chamber of Commerce on the possible joint provision of such a service by its members and council, potentially with support from corporate sponsors.
  - b) Investigation of the existing services already provided by other councils such as Parramatta, and Pittwater and the recently announced private initiative in Bondi, to see if there is a model that would suit Manly.
  - c) Use of 'mesh' technology to create shared community networks following discussion with local experts in the Manly community.
2. That a report be prepared recommending the best implementation option to Council by February 2013.

**PUBLIC ADDRESSES**

The following persons addressed the meeting on this item:

In Support of the Motion:                      Stephen Coulter

**MOTION (Bingham / Burns)**

1. That Council support providing and/or facilitating free wi fi access in the Manly CBD area, by conducting a feasibility review which includes:
  - a) Discussions with the Manly Chamber of Commerce on the possible joint provision of such a service by its members and council, potentially with support from corporate sponsors.
  - b) Investigation of the existing services already provided by other councils such as Parramatta, and Pittwater and the recently announced private initiative in Bondi, to see if there is a model that would suit Manly.
  - c) Use of 'mesh' technology to create shared community networks following discussion with local experts in the Manly community.
2. That a report be prepared recommending the best implementation option to Council by February 2013.

**204/12 RESOLVED: (Bingham / Burns)**

1. That Council support providing and/or facilitating free wi fi access in the Manly CBD area, by conducting a feasibility review which includes:
  - a) Discussions with the Manly Chamber of Commerce on the possible joint provision of such a service by its members and council, potentially with support from corporate sponsors.
  - b) Investigation of the existing services already provided by other councils such as Parramatta, and Pittwater and the recently announced private initiative in Bondi, to see if there is a model that would suit Manly.
  - c) Use of 'mesh' technology to create shared community networks following discussion with



local experts in the Manly community.

2. That a report be prepared recommending the best implementation option to Council by February 2013.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 44

**Proposal to locate a six person outrigger canoe at Little Manly  
Councillor Cathy Griffin will move:**

That consideration be given to the proposal from the Northern Beaches Dragon Boat Club to locate a six-person Outrigger Canoe at Little Manly Cove. Manly Council respond to the Northern Beaches Dragon Boat Club in writing the outcome of its deliberations.

**PUBLIC ADDRESSES**

The following persons addressed the meeting on this item:

In support of the motion: Alan Boyd  
President Northern Beaches Dragon Boat Club

**MOTION ( C Griffin / Heasman)**

That consideration be given to the proposal from the Northern Beaches Dragon Boat Club, to locate a six-person Outrigger Canoe at Little Manly Cove. Manly Council respond to the Northern Beaches Dragon Boat Club in writing the outcome of its deliberations.

**205/12 RESOLVED: (C Griffin / Heasman)**

That consideration be given to the proposal from the Northern Beaches Dragon Boat Club, to locate a six-person Outrigger Canoe at Little Manly Cove. Manly Council respond to the Northern Beaches Dragon Boat Club in writing the outcome of its deliberations.

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

**Against the Resolution:** Nil.

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**RESUMPTION OF STANDING ORDERS      MOTION    (Heasman / Le Surf)**

That Standing Orders be resumed.

**206/12      RESOLVED:      (Heasman / Le Surf)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**NOTICES OF MOTION**

Notice of Motion Report No. 43

**2014 School Student of the Year  
Councillor Steve Pickering moved:**

That Manly Council establishes a *School Student of the Year Award* as part of the *NSW Local Citizen of the Year Awards* in 2013.

**MOTION    (Pickering / Le Surf)**

That Manly Council establishes a *School Student of the Year Award* as part of the *NSW Local Citizen of the Year Awards* in 2013 and that the award be presented at the Council Chambers at a suitable time.

**207/12      RESOLVED:      (Pickering / Le Surf)**

That Manly Council establishes a *School Student of the Year Award* as part of the *NSW Local Citizen of the Year Awards* in 2013 and that the award be presented at the Council Chambers at a suitable time.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 46

**Master Plan for Ivanhoe Botanic Gardens****Councillor Cathy Griffin moved:**

That Manly Council develop a Master Plan for the Ivanhoe Botanic Gardens area bounded by Sydney Rd, Belgrave Street, Raglan Street, rear building line of the properties on Birkley Road Manly.

**MOTION (C Griffin / Burns)**

That:

- i) Manly Council develop a Master Plan for the Ivanhoe Botanic Gardens area bounded by Sydney Road, Raglan St, to the boundary of the Manly Oval and Bowling Club and the rear of the building line of the properties on Birkley Road Manly; and
- ii) the Master Plan proposal be referred to the first Council Workshop in February 2013.

**208/12 RESOLVED: (C Griffin / Burns)**

That:

- i) Manly Council develop a Master Plan for the Ivanhoe Botanic Gardens area bounded by Sydney Road, Raglan St, to the boundary of the Manly Oval and Bowling Club and the rear of the building line of the properties on Birkley Road Manly; and
- ii) the Master Plan proposal be referred to the first Council Workshop in February 2013.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 48

**Re-creation of a Manly Harbour Pool and boardwalk linking Manly Wharf to Federation Point****Councillor Candy Bingham moved:**

That:

1. Council consider in more detail the project of the re-creation of a Manly Harbour Pool and boardwalk linking Manly Wharf to Federation Point by putting the matter on its agenda for the Councillors' Strategic Workshop proposed in February 2013.
2. Councillors be given the opportunity at that workshop to be briefed on the Manly Harbour Pool concept and Masterplan developed by local eco-architect Maurice Patten, as a starting point for discussion.
3. That Report No 18 titled: '*Next Steps for Feasibility Study for Boardwalk at Harbour Pool*' prepared by the Corporate Services Division, be resubmitted for consideration.

**MOTION (Bingham / Burns)**

That:

1. Council consider in more detail the project of the re-creation of a Manly Harbour Pool and boardwalk linking Manly Wharf to Federation Point by putting the matter on its agenda for the Councillors' Strategic Workshop proposed in February 2013.
2. Councillors be given the opportunity at that workshop to be briefed on the Manly Harbour Pool concept and Masterplan developed by local eco-architect Maurice Patten, as a starting point for

discussion.

3. Report No 18 titled: '*Next Steps for Feasibility Study for Boardwalk at Harbour Pool*' prepared by the Corporate Services Division, be resubmitted for consideration.

**For the Resolution:** Councillors Burns and Bingham

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

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

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Notice of Motion Report No. 49

**Container Deposit System**

**Councillor Barbara Aird moved:**

That Manly Council develops and implements a campaign action plan in the lead up to this critical meeting in April, 2013.

Such actions to include (but not limited to):

A. Council implement a local Container Deposit Scheme:

Council set up a beverage container collection point in The Corso staffed by Council employees and volunteers. This to be undertaken some time during January.

Each beverage container returned be 'purchased' by the Council for 10c with a limit of \$10 per person per day.

As part of this project Manly Council:

1. Separate the containers to determine their origin/brand
2. Weigh the containers and determine the cost of removal
3. Invoice the company from where there the containers have originated for the cost of removal
4. Cease mechanical beach cleaning on the main beach during the period the CDS operates
5. Survey the participants
6. Place a sign on the beach explaining the scheme
7. Advertise the scheme in local papers in the south and western suburbs and Hills district and Hills bus line which brings passengers to Manly.
8. Document and photograph campaign actions
9. Make available petitions to relevant State Members of Parliament

B. Manly Council to write to the Premier, Minister for the Environment and our local Member of Parliament urging them to support a national container deposit system.

C. Use of Council's website to facilitate E letters from the community to State Premiers, Environment Ministers and local Members of Parliament and on-line petition to those Members of Parliament.

- D. Council makes available at strategic places, eg. Visitor Information Centre, Environment Centre, Manly Library and with Litter Guards, hard- copy petitions to the above Members of Parliament.
- E. Council engages the support of our Precincts in this campaign.
- F. Members of Waste staff and Waste C'tee to work together on formulation of the campaign action plan.

**MOTION (Aird / Griffin)**

That Manly Council develops and implements a campaign action plan in the lead up to this critical meeting in April, 2013.

Such actions to include (but not limited to):

- A. Council implement a local Container Deposit Scheme:  
Council set up a beverage container collection point in the Corso staffed by Council employees and volunteers. This to be undertaken some time during January.  
  
Each beverage container returned be 'purchased' by the Council for 10c with a limit of \$10 per person per day.  
  
As part of this project Manly Council:
  1. Separate the containers to determine their origin/brand.
  2. Weigh the containers and determine the cost of removal.
  3. Invoice the company from where there the containers have originated for the cost of removal.
  4. Survey the participants.
  5. Place a sign on the beach explaining the scheme.
  6. Advertise the scheme in local papers in the south and western suburbs and Hills district and Hills bus line which brings passengers to Manly.
  7. Document and photograph campaign actions.
  8. Make available petitions to relevant State Members of Parliament.
- B. Manly Council to write to the Premier, Minister for the Environment and our local Member of Parliament urging them to support a national container deposit system.
- C. Use of Council's website to facilitate E letters from the community to State Premiers, Environment Ministers and local Members of Parliament and on-line petition to those Members of Parliament.
- D. Council makes available at strategic places, eg. Visitor Information Centre, Environment Centre, Manly Library and with Litter Guards, hard- copy petitions to the above Members of Parliament.
- E. Council engages the support of our Precincts in this campaign.
- F. Members of Waste staff and Waste Committee to work together on formulation of the campaign action plan.

**AMENDMENT (Heasman / Le Surf)**

- A. Manly Council to write to the Premier, Minister for the Environment and our local Member of Parliament urging them to support a national container deposit system.
- B. Use of Council's website to facilitate E letters from the community to State Premiers, Environment Ministers and local Members of Parliament and on-line petition to those Members of Parliament.
- C. Council makes available at strategic places, eg. Visitor Information Centre, Environment Centre, Manly Library and with Litter Guards, hard- copy petitions to the above Members of Parliament.
- D. Council engages the support of our Precincts in this campaign.
- E. Members of Waste staff and Waste C'tee to work together on formulation of the campaign action plan.

**For the Amendment:** Councillors Heasman, Pickering, Le Surf, J Griffin and Hay AM

**Against the Amendment:** Councillors Aird, Burns, Bingham and C Griffin

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

**209/12 RESOLVED: (Heasman / Le Surf)**

- A. Manly Council to write to the Premier, Minister for the Environment and our local Member of Parliament urging them to support a national container deposit system.
- B. Use of Council's website to facilitate E letters from the community to State Premiers, Environment Ministers and local Members of Parliament and on-line petition to those Members of Parliament.
- C. Council makes available at strategic places, eg. Visitor Information Centre, Environment Centre, Manly Library and with Litter Guards, hard- copy petitions to the above Members of Parliament.
- D. Council engages the support of our Precincts in this campaign.
- E. Members of Waste staff and Waste C'tee to work together on formulation of the campaign action plan.

**For the Resolution:** Councillors Burns, Heasman, Pickering, Le Surf, J Griffin and Hay AM

**Against the Resolution:** Councillors Aird, Bingham and C Griffin

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Notice of Motion Report No. 50

**Funding for our Public Libraries**

**Councillor Adele Heasman moved:**

That Council write to the Minister for the Arts, The Hon. George Souris MP, via Mike Baird, The Member for Manly, calling upon the NSW State Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW public libraries.

**MOTION (Heasman / Le Surf)**

That Council write to the Minister for the Arts, The Hon. George Souris MP, via Mike Baird, The Member for Manly, calling upon the NSW State Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW public libraries.

**210/12 RESOLVED: (Heasman / Le Surf)**

That Council write to the Minister for the Arts, The Hon. George Souris MP, via Mike Baird, The Member for Manly, calling upon the NSW State Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW public libraries.

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

**Against the Resolution:** Nil.

Clr Bingham was not present when the voting took place.

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 13

**Items For Brief Mention**

**1. Complaints made to the General Manager**

In the month of December, the General Manager finalised the following complaints:

Received	Nature of Complaint	Outcome	Finalised
COMP2012-08-01 August	Complaint re conduct	Review completed. Report to be submitted to Council	December

**2. Notices of Motion status report.**

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
196/12	12 Nov	Notice of Motion Report No. 41 Extending Christmas Decorations and Creation of Christmas Window Competition for Businesses in the Manly LGA	ii) Manly Council initiate an annual Christmas Window Competition for businesses in the Manly LGA...	In progress
			iii) that the Mayor is to judge the finalists of both sections.	Scheduled

194/12	12 Nov	Notice of Motion Report No. 39 Extended Hours of Parking	1. Council introduce free 3 continuous hours of parking for residents and ratepayers in Manly CBD Council owned car parks to beyond 7pm	On exhibition until 14 December
			2. Council retain the 3 hour "re-set" period as is.	In progress
193/12	12 Nov	Notice of Motion Report No. 38 Master plan for Jump Rock and Unnamed reserve at the end of Stuart Street	That Council develop a Master Plan for the area known as Jump Rock and the unnamed reserve at the end of Stuart Street...	In progress
189/12	12 Nov	Notice of Motion Report No. 42 New Street Shops Proposed Telstra Tower	1. Manly Council investigate further ways to assist the Balgowlah Heights New Street shop community as they endeavour to prevent the installation of the Telstra Tower at New Street shops	In progress

**MOTION (Burns / Heasman)**

That :

1. the Items for Brief Mention be received and noted; and
2. staff will check for any missing Notices of Motion.

**211/12 RESOLVED: (Burns / Heasman)**

That :

1. the Items for Brief Mention be received and noted; and
2. staff will check for any missing Notices of Motion.

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

**Against the Resolution:** Nil.

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**GENERAL MANAGERS DIVISION**

General Managers Division Report No. 13

**Development Application information available on Council websites**

**SUMMARY**

This report provides a response to Resolution No. 191/12 at the Ordinary Meeting on 12 November 2012 regarding access to development application information on Manly Council's website.

**MOTION (Heasman / Le Surf)**

That:

- i) the report be received and noted; and



- ii) staff make a submission to IPART to review regulations regarding the cost to Council of providing GIPA access on DA related matters.

**Amendment (Burns / Bingham)**

That:

- i) Council progressively restore post 2006 DA's online as per current guidelines (as recommended to meet requirements for privacy and copy right and priorities sought by the public and projects under construction where S96 Applications are likely; and
- ii) the extent of the republication be reported to Council every three months.

**For the Amendment:** Councillors Aird, Burns and Bingham

**Against the Amendment:** Councillors Heasman, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

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

**212/12 RESOLVED: (Heasman / Le Surf)**

That:

- ii) the report be received and noted; and
- ii) staff make a submission to IPART to review regulations regarding the cost to Council of providing GIPA access on DA related matters.

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

**Against the Resolution:** Nil.

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

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General Managers Division Report No. 14

**Code of Conduct Complaint**

**SUMMARY**

This is a report about a code of conduct complaint by Council staff against a councillor.

**MOTION (Le Surf / Heasman)**

That Council:

1. Determines that Cr Burns has breached the Code of Conduct;
2. Censure Cr Burns for his behaviour;
3. Require Cr Burns to apologise in writing to each of the complainants and also Staff F within 7 days; and
4. Arrange counselling of Cr Burns for his inappropriate behaviour.

**AMENDMENT (Aird / Bingham)**

That due to examples of errors quoted above that the Code of Conduct Report on Cr Burns be deferred and that Cr Burns and Council enter into mediation.

**For the Amendment:** Councillor Aird

**Against the Amendment:** Councillors Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin Hay AM, and Burns

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

**213/12 RESOLVED: (Le Surf / Heasman)**

That Council:

1. Determines that Cr Burns has breached the Code of Conduct;
2. Censure Cr Burns for his behaviour;
3. Require Cr Burns to apologise in writing to each of the complainants and also Staff F within 7 days; and
4. Arrange counselling of Cr Burns for his inappropriate behaviour.

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

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

**Against the Resolution:** Councillor Aird and Burns

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 33

**Report on Council Investments as at 30 November 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 (Heasman / Le Surf)**

**That:** the statement of Bank Balances and Investment Holdings as at 30 November 2012 be received and noted.

**AMENDMENT (Burns / Aird)**

That Councillors be given monthly reports at each meeting.

**For the Amendment:** Councillor Burns

**Against the Amendment:** Councillors Aird, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

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

**214/12 RESOLVED: (Heasman / Le Surf)**

**That:** the statement of Bank Balances and Investment Holdings as at 30 November 2012 be received and noted.

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

**Against the Resolution:** Councillor Burns

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## QUESTIONS WITHOUT NOTICE

**QWN68/12 Councillor Burns** - Tabled information

Could the General Manager table all correspondence from the OIC at future meetings?

*At the request of the Mayor, the General Manager advised that the documents were tabled at the Planning and Strategy meeting on 3 December 2012.*

**QWN69/12 Councillor Burns** - Manly Daily Report

Could the General Manager confirm the report on the Manly Daily stating that rates would not be increased is accurate? How do we explain this and by what means was that decision made?

*At the request of the Mayor, the General Manager advised that the time line for lodging a Special Rate Variation (SRV) submission to IPART for the 2013/2014 period has passed. If Council wishes to put together a submission for an SRV it would need to be put in no later than March of each year so there is no opportunity for this Council to vary the rates for the 2013/2014 Cycle.*

*Should Council wish a SRV rate increase for 2014/2015 a submission would have to be prepared and lodged to IPART by March of 2013.*

*However Council will increase rates by the rate peg announced by IPART of 3.4% for the 2013/14 year.*

**QWN70/12 Councillor Aird** - Tree removal in Seaview Street

Would Council Staff give advice on the tree removals in Seaview Street and is the same practice happening elsewhere?

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

**QWN71/12 Councillor Aird** - Photo montage

At an Extraordinary meeting of 10 October 2012 resolved that urgent preparation for photo montage of the Royal Far West site be done we are two months down the track can councillors be advised of the current situation?

*At the request of the Mayor, the General Manager advised the cost of the photo*

*montage came in at \$10,000 and that was too expensive so staff prepared a photo montage based on the current proposal. These were provided to Councillors by Mr Clements.*

**QWN72/12 Councillor C Griffin - Pavement restoration**

When outside pot hole in Wentworth Street near the entry into the Coles Storage delivery area outside Barefoot Coffee shop and Coles be repaired. I was advised that this work was schedule for November but it is now December.

*At the request of the Mayor, the General Manager advised he would take on notice but we are currently working through the back log of restorations for which orders from the utilities have just been received. We are currently behind due to the lack of response from the utilities.*

**QWN73/12 Councillor C Griffin - Tree lopping in Bellevue Street**

What was the rationale for the Melaleuca trees in Bellevue Street today and how much did it cost.

*At the request of the Mayor the General Manager advised that the paper bark trees in front of the tennis courts are on private property and previously have been lopped to improve the lighting.*

**QWN74/12 Councillor Bingham - Appointment of Chairs to Special Purpose Advisory Committee's**

When was the decision made as to who the Chair of the Special Purpose Advisory committees would be?

*At the request of the Mayor, the General Manger advised that the decision was made at workshops held in September and in late October 2012 where he requested Council appoint Councillors to the Committees. If those Councillors names that appear on the schedule circulated would prefer not to chair the committee, it would be a matter for the committee to resolve.*

**QWN75/12 Councillor Heasman - Paid Parties**

A ratepayer has raised a concern with paid party entrepreneurs at Council Reserves where paid fitness trainers are banned. What action can Council Rangers take in relation to the above given the closeness of adjacent homes and associated noise issues during the course of these paid party entertainers?

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

**QWN76/12 Councillor Heasman - Heritage Committee meeting**

The President of the Manly Warringah Pittwater Historical Society raised his concerns at our meeting of 5 December in relation to the restocking of the various heritage brochures in the Visitors Information Centre?

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

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**215/12 PROCEDURAL MOTION (Aird / Burns)**

That the Urgency Matter regarding Royal Far West School be discussed.

**216/12 RESOLVED: (Aird / Burns)**

That the Urgency Matter regarding Royal Far West School be discussed.

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

**Against the Resolution:** Nil.

**M ATTERS OF URGENCY****MOU2/12 Councillor Aird - Royal Far West Children's School**

As the operation of the Royal Far West Children's School is largely the responsibility of the NSW State Government and as the Manly Village School is at full capacity regarding enrolments with the trend likely to continue and the resultant threat to the current location of the Manly Community Centre that:

1. The Royal Far West site be zoned Special Purposes SP2 Infrastructure (Schools and Hospitals) under the Draft Manly LEP, and
2. Manly Council calls on the State Government to resume the whole site.

**For the Resolution:** Councillors Aird, Burns and C Griffin

**Against the Resolution:** Councillors Heasman, Bingham, Pickering, Le Surf, J Griffin and Hay AM.

The **motion** was put and **lost**.

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**CLOSE**

The meeting closed at [12.20am 11 December 2012](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [11 February 2013](#).

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**MAYOR**

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