

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 13 October 2014

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

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 13 October 2014. The meeting commenced at 7.30pm.

PRESENT

Her Worship, The Mayor, Jean Hay AM, who presided
Councillor B Aird
Councillor C Bingham
Councillor H Burns
Councillor C Griffin
Councillor J Griffin
Councillor A Heasman, Deputy Mayor
Councillor A Le Surf
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
Helen Lever, Manager Administration
Secretariat Officer

OPENING PRAYER

The Opening Prayer was given by Father John Hannon, St Mary's Manly.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Le Surf / Pickering)

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 September 2014, 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 Motion: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

Against the Motion: Nil.

145/14 RESOLVED: (Le Surf / Pickering)

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 September 2014, 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.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Susan Robertson	Swim Centre Development

MAYORAL MINUTE**Mayoral Minute Report No. 9****Standard of Conduct****I MOVE THAT: (Hay AM)**

1. Refresher Code of Conduct training be organised for Councillors and staff, and
2. The General Manager be requested to assess matters raised in my Mayoral Minute.

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

Against the Motion: Councillors Aird, Burns, Bingham, and C Griffin

146/14 RESOLVED: (Hay AM)

That:

1. Refresher Code of Conduct training be organised for Councillors and staff, and
2. The General Manager be requested to assess matters raised in my Mayoral Minute.

SUSPENSION OF STANDING ORDERS (Heasman / Le Surf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion No. 46 Manly Oval Car Park, Corporate Services Division Report No. 21 – Financial Statements for the Year Ended 30 June 2014 – Audit Statements.

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

Against the Resolution: Nil.

147/14 RESOLVED: (Heasman / Le Surf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion No. 46 Manly Oval Car Park, Corporate Services Division Report No. 21 – Financial Statements for the Year Ended 30 June 2014 – Audit Statements.

Notice of Motion Report No. 46

Manly Oval Car Park (MC/14/121162)

The following person addressed the meeting on this item:

Not in support of the item – Alana Smith

In support – Alison Dodd

Councillor Candy Bingham moved that:

1. Council abandon all proposals to construct a car park under Manly Oval, and to demolish the Whistler Street car park.
2. The expenditure items related to the Whistler Street Triangle and Manly Oval components of Manly 2015 in the long-term financial plan be deleted.
3. Council properly investigate, with full public disclosure and community consultation, alternative proposals for a viable Village Centre in the Whistler Street triangle, retaining the existing infrastructure.

MOTION (Bingham / Aird)

That:

1. Council abandon all proposals to construct a car park under Manly Oval, and to demolish the Whistler Street car park.
2. The expenditure items related to the Whistler Street Triangle and Manly Oval components of Manly 2015 in the long-term financial plan be deleted.
3. Council properly investigate, with full public disclosure and community consultation, alternative proposals for a viable Village Centre in the Whistler Street triangle, retaining the existing infrastructure.

For the Motion: Councillors Aird, Burns, Bingham and C Griffin

Against the Motion: Councillors Heasman, Pickering, Le Surf, J Griffin and Hay AM

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

Corporate Services Division Report No. 21

Financial Statements for the Year Ended 30 June 2014 – Audit Statements (MC/14/119172)

The following person addressed the meeting on this item:

Not in support of the item – Bruce Kitson

MOTION (Le Surf / Pickering)

That:

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

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2014

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

The General Purpose Financial Statements for the year ended 30 June 2014, have been prepared in accordance with:-

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

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

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

We are not aware of any matter that would render these Statements for the twelve months ending 30 June 2014, false or misleading in any way.

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

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

The Special Purpose Annual Financial Statements for the year ended 30 June 2014, have been prepared in accordance with:-

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

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

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

We are not aware of any matter that would render the Council's Statements for the twelve months ending 30 June 2014, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2014 be referred for audit by Council's Auditors.

For the Motion: Councillors Heasman, Bingham, Pickering, Le Surf, J Griffin and Hay AM

Against the Motion: Councillors Aird, Burns and C Griffin

148/14 RESOLVED: (Le Surf / Pickering)

That:

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

GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2014

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

The General Purpose Financial Statements for the year ended 30 June 2014, have been prepared in accordance with:

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

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

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

We are not aware of any matter that would render these Statements for the twelve months ending 30 June 2014, false or misleading in any way.

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

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2014

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

The Special Purpose Annual Financial Statements for the year ended 30 June 2014, have been prepared in accordance with:-

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

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

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

We are not aware of any matter that would render the Council's Statements for the twelve months ending 30 June 2014, false or misleading in any way.

3. Council's Annual Financial Statements for the year ended 30 June 2014 be referred for audit by Council's Auditors.

MAYORAL MINUTES

Mayoral Minute Report No. 8

Fit for the Future Local Government Reform - The Government's response to the Sansom Review Report (MC/14/121908)

The following person addressed the meeting on this item:

Not in support of the item – Cllr Tom Sherlock (Mosman Council)

I MOVE THAT COUNCIL: (Hay AM)

1. Write to the Minister for Local Government and the Premier to seek their clarifications and undertaking that Council will not lose its Federal or State Grants if it does not wish to participate in voluntary amalgamations as proposed by the *Fit for the Future* Local Government Reform announcement;
2. Determines its position on the *Fit for the Future* proposal at the 27 October 2014 scheduled workshop; and
3. Note that SHOROC will discuss the proposal at its 16 October 2014 Board meeting.

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

Against the Motion: Nil.

149/14 RESOLVED: (Hay AM)

THAT COUNCIL:

1. Write to the Minister for Local Government and the Premier to seek their clarifications and undertaking that Council will not lose its Federal or State Grants if it does not wish to participate in voluntary amalgamations as proposed by the *Fit for the Future* Local Government Reform announcement;
2. Determines its position on the *Fit for the Future* proposal at the 27 October 2014 scheduled workshop; and
3. Note that SHOROC will discuss the proposal at its 16 October 2014 Board meeting.

RESUMPTION OF STANDING ORDERS (Heasman / Le Surf)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 18

Election of Deputy Mayor (MC/14/66227)**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.

The election for Deputy Mayor will be held at the Ordinary Meeting of Council on 13 October 2014.

The General Manager acting as the Returning Officer invited nominations for the office of Deputy Mayor. The Returning Officer advised that nominations were not valid unless they were made in writing by two or more Councillors and the nominee had indicated consent to the nomination also in writing.

The Returning Officer read the nominations.

Councillor Steve Pickering was nominated by Councillor Jean Hay AM and Councillor Alan Le Surf.

Councillor Pickering had signed the consent to the nomination.

The Returning Officer therefore declared Councillor Pickering duly elected as Deputy Mayor for the period to October 2015.

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

MOTION (Heasman / Le Surf)

That:

1. Council elect a Deputy Mayor for the period to **October 2015**.
2. having determined the method of voting for the election of Deputy Mayor for the 2014/2015 term, the Returning Officer declared Councillor Steve Pickering, Deputy Mayor for the period to October 2015.

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

Against the Motion: Nil.

150/14 RESOLVED: (Heasman / Le Surf)

That:

1. Council elect a Deputy Mayor for the period to **October 2015**.
2. having determined the method of voting for the election of Deputy Mayor for the 2014/2015 term, the Returning Officer declared Councillor Steve Pickering, Deputy Mayor for the period to October 2015.

Corporate Services Division Report No. 19

**Appointment of Chairperson and Deputy Chairperson for Planning and Strategy
(MC/14/70282)**

SUMMARY

The purpose of this report is to appoint the Chairperson and Deputy Chairperson of the Principal Committee of Planning and Strategy for the period to October 2015.

The General Manager acting as the Returning Officer invited nominations for the Office of Chair of the Principal Committee being the Planning and Strategy Committee (P&S) The following nominations were received:

1. Councillor J Griffin was nominated for Chairperson of the Planning and Strategy Committee by Councillor Pickering and Councillor Le Surf. Councillor J Griffin consented to the nomination.

The Returning Officer therefore declared Councillor James Griffin duly elected as Chairperson of the Planning and Strategy Committee for the period to October 2015.

The Mayor Councillor Hay AM and the Returning Officer congratulated Councillor James Griffin on his election as Chairperson of the Planning and Strategy Committee.

The General Manager acting as the Returning Officer invited nominations for the Office of Deputy Chair of the Principal Committee being the Planning and Strategy Committee (P&S). The following nominations were received:

1. Councillor Le Surf was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Pickering and Councillor J Griffin. Councillor Le Surf consented to the nomination.

MOTION (Le Surf / Heasman)

That:

1. Council determine the voting method authorised in the report regarding the election of the Deputy Mayor report.

2. having proceeded to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to October 2015, the Returning Officer declared Clr J Griffin, the Chairperson and Clr Alan LeSurf the Deputy Chairperson for the period to October 2015.

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

Against the Motion: Nil.

151/14 RESOLVED: (Le Surf / Heasman)

That:

1. Council determine the voting method authorised in the report regarding the election of the Deputy Mayor report.
2. having proceeded to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to October 2015, the Returning Officer declared Clr J Griffin, the Chairperson and Clr Alan Le Surf the Deputy Chairperson for the period to October 2015.

NOTICES OF MOTION

Notice of Motion Report No. 43

Whistler Street Sewage Pumping Station (MC/14/121138)

Councillor Cathy Griffin moved:

MOTION (C Griffin / Bingham)

That Council write to Sydney Water and appropriate NSW Government Ministers requesting:

- A. The removal of the sewage pumping station in Whistler Street;
- B. A detailed report on any future works Sydney Water has planned for the upgrade of this pumping station to address the constant odour emitted from this pumping station;
- C. Detailed information on contingency plans should this pumping station fail; and
- D. Obtain schematic report to understand the operation of the station.

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

Against the Motion: Nil.

152/14 RESOLVED: (C Griffin / Bingham)

That Council write to Sydney Water and appropriate NSW Government Ministers requesting:

- A. The removal of the sewage pumping station in Whistler Street;
- B. A detailed report on any future works Sydney Water has planned for the upgrade of this pumping station to address the constant odour emitted from this pumping station;
- C. Detailed information on contingency plans should this pumping station fail; and
- D. Obtain schematic report to understand the operation of the station.

Notice of Motion Report No. 44

Manly Jazz Festival (MC/14/121155)

Councillor Candy Bingham moved:

MOTION (Bingham / Le Surf)

That Manly Council staff be congratulated on the delivery of a first-rate 2014 Jazz Festival event.

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

Against the Motion: Nil.

153/14 RESOLVED: (Bingham / Le Surf)

That Manly Council staff be congratulated on the delivery of a first-rate 2014 Jazz Festival event.

Notice of Motion Report No. 45

Councillor Information Packs (MC/14/121158)

Councillor Candy Bingham moved:

MOTION (Bingham / Burns)

That Councillors have access to the Councillor Information Pack system to enable them to send information to fellow Councillors on matters that are relevant to their duties as a Councillor.

For the Motion: Councillors Aird, Burns, Bingham and C Griffin

Against the Motion: Councillors Heasman, Pickering, Le Surf, J Griffin and Hay AM

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

Notice of Motion Report No. 47

2013/2014 Performance of Council's car parks (MC/14/121164)

Councillor Candy Bingham moved:

MOTION (Bingham / Aird)

That the General Manager prepare and make available to a future meeting of Council an updated report on the performance of Council's Car Parks from the period 1 July 2013 to 30 June 2014, including permanent parkers, in the same format as that provided for the previous year. (Tabled on 2 June, 2014)

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

Against the Motion: Nil.

154/14 RESOLVED: (Bingham / Aird)

That the General Manager prepare and make available to a future meeting of Council an updated report on the performance of Council's Car Parks from the period 1 July 2013 to 30 June 2014, including permanent parkers, in the same format as that provided for the previous year. (Tabled on 2 June, 2014)

Notice of Motion Report No. 49

Improving Utilization of National Building Carpark (MC/14/121170)

Councillor Hugh Burns moved:

MOTION (Burns / Aird)

That the motion be referred to the General Manager for consideration as discussed.

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

Against the Motion: Nil.

155/14 RESOLVED: (Burns / Aird)

That the motion be referred to the General Manager for consideration as discussed.

Notice of Motion Report No. 50

Upgrading of Electronic display of Car Park Free Spaces (MC/14/121180)

Councillor Hugh Burns moved:

MOTION (Burns / Aird)

That parking availability of Council car parks be published on line and mobile devices or App.

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

Against the Motion: Nil.

156/14 RESOLVED: (Burns / Aird)

That parking availability of Council car parks be published on line and mobile devices or App.

Notice of Motion Report No. 51

Forward Planning of Council Public Works (MC/14/121188)

Councillor Hugh Burns moved:

MOTION (Burns / Aird)

That the General Manager include a summary report to Council via the CSP Quarterly Review Report.

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

Against the Motion: Nil.

157/14 RESOLVED: (Burns / Aird)

That the General Manager include a summary report to Council via the CSP Quarterly Review Report.

Notice of Motion Report No. 52

Council Report on the Bat Camp at Burnt Bridge Creek (MC/14/121150)

Councillor Adele Heasman moved:

MOTION (Heasman / Pickering)

That:

1. Council staff bring back the Management Plan to Council in regards to the bat camp located adjacent to Burnt Bridge Creek; and
2. Council consider obtaining funding for the implementation of the Management Plan which should include an education element.

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

Against the Motion: Nil.

158/14 RESOLVED: (Heasman / Pickering)

That:

1. Council staff bring back the Management Plan to Council in regards to the bat camp located adjacent to Burnt Bridge Creek; and
2. Council consider obtaining funding for the implementation of the Management Plan which should include an education element.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 14

Items For Brief Mention (MC/14/109549)

1. Complaints made to the General Manager in the month of September.

Received	Nature of complaint	Outcome
July	Code of conduct	In progress
September	Code of conduct	In progress

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
132/14	8 Sept	Notice of Motion 41 – Review of Hop, Skip & Jump Community Bus Service	Undertake an audit on the current usage of the service and prepare a report to Council on the outcomes of the feedback and surveys conducted	In progress
116/14	11 Aug	Notice of Motion Report No. 32 - ANZAC Centenary	Manly Council to coordinate an ANZAC Centenary Projects Working Group for community organisations.	First meeting scheduled. Item complete.

3. Tabled Documents

Date	Author	Item
October 2014	Manager Administration Manly Council	Register of Disclosures by Councillors and Designated Persons Return for the 2013/14 Financial Year.
5 Sep 14	The Hon Katrina Hodgkinson MP Minister for Primary Industries Assistant Minister for Tourism and Major Events	Reply to Council's letter re NSW Shark Meshing
10 Sep 14	Steve Orr Acting Chief Executive Office of Local Government	Circular to Councils 14-23 Government response to the Independent Local Government Review Panel and Local Government Acts Taskforce
11 Sep 14	The Hon Warren Truss MP Deputy Prime Minister Minister for Infrastructure and Regional Development	Reply to Council's letter to the Prime Minister regarding the Coalition Government's decision to pause the indexation applied to the Financial Assistance Grant programme for local government.
22 Sep 14	Mike Baird MP State Member for Manly	Regarding letter concerning the new 10/50 vegetation clearing entitlements laws.
25 Sep 14	The Hon Paul Toole MP Minister for Local Government The Hon Brad Hazzard MP Attorney General	14-06 Ministerial Circular Graffiti Action Day 2014
29 Sep 14	The Hon Gladys Berejiklian MP Minister for Transport	Letter regarding Manly fast ferry services.
29 Sep 30 Sep	Rob Rogers AFSM Deputy Commissioner NSW Rural Fire Service NSW Rural Fire Service	Letter concerning <i>The 10/50 Vegetation Clearing Scheme</i> . Media Release 10/50 Vegetation Clearing Entitlement Code of Practice amendments
1 Oct	Hugo Harmstorf	Letter regarding Opal Card – Request for

	Chief Executive Officer IPART NSW	IPART to review fare structure
1 Oct	Carolyn McNally Secretary Planning & Environment NSW Government	Letter regarding ongoing discussions between the Dept. of Planning & Environment and Council concerning planning controls for boarding house developments in Manly LGA.
3 Oct	John Robertson MP NSW Labor Leader, NSW Leader of the Opposition Shadow Minister for Western Sydney	Letter regarding Opal Card Fare Structure
3 Oct	Rik Hart General Manager Warringah Council	Letter regarding Hospital Precinct Structure Plan and community information sessions.

MOTION (Le Surf / Heasman)

1. That reports 1, 2 and 3 be received and noted.

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

Against the Motion: Nil.

159/14 RESOLVED: (Le Surf / Heasman)

1. That reports 1, 2 and 3 be received and noted.

Councillor left the Chamber at 10.54pm

REPORTS OF COMMITTEES

Report Of Committees Report No. 30

Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature (MC/14/111615)

MOTION (Le Surf / Heasman)

That the minutes of the following Special Purpose Advisory Committee meetings be noted:

1. Community Garden Advisory Committee – 11 June 2014
2. Surf Club Liaison Working Group – 19 August 2014
3. Manly LEP/DCP Working Group – 27 August 2014
4. Sister Cities Advisory Committee – 27 August 2014
5. Community Garden Advisory Committee – 3 September 2014
6. Community Safety & Place Management Advisory Committee – 11 September 2014
7. Audit & Risk Advisory Committee – 17 September 2014

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

Against the Resolution: Nil.

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

160/14 RESOLVED: (Le Surf / Heasman)

That the minutes of the following Special Purpose Advisory Committee meetings be noted:

1. Community Garden Advisory Committee – 11 June 2014
2. Surf Club Liaison Working Group – 19 August 2014
3. Manly LEP/DCP Working Group – 27 August 2014
4. Sister Cities Advisory Committee – 27 August 2014
5. Community Garden Advisory Committee – 3 September 2014
6. Community Safety & Place Management Advisory Committee – 11 September 2014
7. Audit & Risk Advisory Committee – 17 September 2014

Councillor returned to the Chamber at 10.59pm.

Report Of Committees Report No. 31

Minutes for notation by Council - Heritage & Local History Advisory Committee – 3 September 2014 (MC/14/110788)

MOTION (Heasman / Burns)

That the minutes of the Heritage & Local History Advisory Committee meeting on 3 September 2014 be received and noted:

ITEM 4.5 Items of moveable heritage within the Art Gallery (extract)

The Committee recommends to the General Manager that:

- i) Council, over the next 12 months, prepare a moveable heritage register;
- ii) Council staff provide a plan to investigation options of ongoing suitable storage facilities for documents and artifacts of Heritage significance.

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

Against the Motion: Nil.

161/14 RESOLVED: (Heasman / Burns)

That the minutes of the Heritage & Local History Advisory Committee meeting on 3 September 2014 be received and noted:

ITEM 4.5 Items of moveable heritage within the Art Gallery (extract)

The Committee recommends to the General Manager that:

- i) Council, over the next 12 months, prepare a moveable heritage register;
- ii) Council staff provide a plan to investigation options of ongoing suitable storage facilities for documents and artifacts of Heritage significance.

Report Of Committees Report No. 32

Minutes of notation by Council - Community Environment Advisory Committee – 10 September 2014 (MC/14/119512)

MOTION (C Griffin / Heasman)

That the minutes of the Community Environment Advisory Committee meeting on 10 September 2014 be received and noted:

1. ITEM 9 LITTLE PENGUIN REPORT

9a. Penguin Warden Report

That Council write to NSW Surf Life Saving, requesting that they advise all clubs and visitors who train in North Harbour, that they should take care, as Little Penguins are returning to their nests two hours before or after dark

9b. Penguin Recovery Team Actions

That Council write to OEH requesting:

- The release of the Monitoring Report and the appropriate media release; and
- When it is proposed to hold the much needed Information Night and the format of the evening, including the brochure.

2. ITEM 10 SYDNEY WATER ISSUES (part)

d. Odours from Trade Waste Customers

Manly Council should write to the Managing Director of Sydney Water requesting information on the name of the companies involved, what they are discharging and why they are discharging it into the NSOOS, given the contribution they are making to odour problems in Manly and at the North Head Wastewater Treatment Plant

3. ITEM 12 SQUID FISHING IN NORTH (SYDNEY) HARBOUR AQUATIC RESERVE

That Council write a letter to Mike Baird stating that we do not support the removing of restrictions on fishing for squid in the North (Sydney) Harbour Aquatic Reserve and North Harbour area.

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

Against the Motion: Nil.

162/14 RESOLVED: (C Griffin / Heasman)

That the minutes of the Community Environment Advisory Committee meeting on 10 September 2014 be received and noted:

1. ITEM 9 LITTLE PENGUIN REPORT

9a. Penguin Warden Report

That Council write to NSW Surf Life Saving, requesting that they advise all clubs and visitors who train in North Harbour, that they should take care, as Little Penguins are returning to their nests two hours before or after dark.

9b. Penguin Recovery Team Actions

That Council write to OEH requesting:

- The release of the Monitoring Report and the appropriate media release; and
- When it is proposed to hold the much needed Information Night and the format of the evening, including the brochure.

2. ITEM 10 SYDNEY WATER ISSUES (part)**d. Odours from Trade Waste Customers**

Manly Council should write to the Managing Director of Sydney Water requesting information on the name of the companies involved, what they are discharging and why they are discharging it into the NSOOS, given the contribution they are making to odour problems in Manly and at the North Head Wastewater Treatment Plant.

3. ITEM 12 SQUID FISHING IN NORTH (SYDNEY) HARBOUR AQUATIC RESERVE

That Council write a letter to Mike Baird stating that we do not support the removing of restrictions on fishing for squid in the North (Sydney) Harbour Aquatic Reserve and North Harbour area.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 34

Development Applications being processed during October 2014 (MC/14/111263)**SUMMARY**

Development applications being processed during October 2014.

MOTION (Le Surf / J Griffin)

THAT the information be received and noted.

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

Against the Motion: Nil.

163/14 RESOLVED: (Le Surf / J Griffin)

THAT the information be received and noted.

Environmental Services Division Report No. 35

List of LEC Appeals relating to DAs during October 2014 (MC/14/111267)**SUMMARY**

A list of appeals relating to Development Applications currently listed with the Land and Environment Court.

MOTION (Le Surf / Heasman)

MOTION (

THAT the information be received and noted.

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

Against the Motion: Nil.

164/14 RESOLVED: (Le Surf / Heasman)

THAT the information be received and noted.

Environmental Services Division Report No. 36

Report on Planning Proposal to rezone land associated with Manly Hospital and Dalwood Children's Home (MC/14/113850)

SUMMARY

This report details a Planning Proposal to rezone land associated with Manly Hospital and Dalwood Children's Home. The land is currently a 'Deferred Matter' in the Manly Local Environmental Plan (MLEP) 2013. The Planning Proposal is to rezone the land to E2 Environmental Conservation and SP2 Health Services Facility, as exhibited in the Draft Manly LEP 2011.

MOTION (Le Surf / C Griffin)

That Council:

1. Adopt the Planning Proposal to amend the Manly LEP 2013 in applying the exhibited Draft Manly LEP 2011 development standards for the land associated with Manly Hospital and Dalwood Children's Home contained in the report.
2. Submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.

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

Against the Motion: Nil.

165/14 RESOLVED: (Le Surf / C Griffin)

That Council:

1. Adopt the Planning Proposal to amend the Manly LEP 2013 in applying the exhibited Draft Manly LEP 2011 development standards for the land associated with Manly Hospital and Dalwood Children's Home contained in the report.
2. Submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP

2013 under delegation.

Environmental Services Division Report No. 37

**Report on minor planning amendment to correct Royal Far West site mapping
(MC/14/120183)**

SUMMARY

This report details two minor mapping errors found at the Royal Far West site. The errors were discussed with the Department of Planning and Environment (the Department) who advised that the errors can be corrected under Section 73A of the *Environmental Planning and Assessment Act 1979*. No public exhibition or planning proposal is needed for the correction, however a resolution of Council is required to approach the Department of Planning and Environment to correct the errors.

MOTION (Heasman / Le Surf)

That Council:

1. Request the Minister of Planning to make the plan under Section 70 and Section 73A of the *Environmental Planning and Assessment Act 1979* to resolve the minor mapping errors:
 - i) Remove the 'Deferred Matter' from the Manly LEP Land Application Map, resolving the discrepancy between the LAP map and all other maps, being consistent with the objective of Manly LEP Amendment 3
 - ii) Highlight and Label '22 Wentworth Street – the Drummond House Far West Home' on Manly LEP Heritage Maps, ensuring the correct mapping of a heritage item.

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

Against the Motion: Nil.

166/14 RESOLVED: (Heasman / Le Surf)

That Council:

1. Request the Minister of Planning to make the plan under Section 70 and Section 73A of the *Environmental Planning and Assessment Act 1979* to resolve the minor mapping errors:
 - i) Remove the 'Deferred Matter' from the Manly LEP Land Application Map, resolving the discrepancy between the LAP map and all other maps, being consistent with the objective of Manly LEP Amendment 3
 - ii) Highlight and Label '22 Wentworth Street – the Drummond House Far West Home' on Manly LEP Heritage Maps, ensuring the correct mapping of a heritage item.

Environmental Services Division Report No. 38

**Proposal to Amend Manly Local Environmental Plan 2013 in relation to minor Heritage
Corrections (MC/14/120188)**

SUMMARY

This report identifies a series of minor map labelling errors on Council's Heritage maps, which is used to help identify heritage items in the MLEP 2013. The labelling errors do not affect the status of heritage listed buildings in Manly. Correcting the errors will enable the public and landowners to

more easily identify the correct description of a listed item using the maps. This report proposes to amend the MLEP 2013 in regards to the minor mapping errors to the Heritage maps.

MOTION (Le Surf / J Griffin)

THAT Council request the Department of Planning and Environment to progress minor corrections to Manly LEP Heritage Maps and Schedule 5 including a request that the Minister delegate the making of the plan to the General Manager.

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

Against the Motion: Nil.

167/14 RESOLVED: (Le Surf / J Griffin)

THAT Council request the Department of Planning and Environment to progress minor corrections to Manly LEP Heritage Maps and Schedule 5 including a request that the Minister delegate the making of the plan to the General Manager.

Environmental Services Division Report No. 39

Proposal to Amend Manly Development Control Plan 2013 in relation to land in LEP Zone B1 Neighbourhood Centre (MC/14/120196)

MOTION (C Griffin / J Griffin)

THAT Council:

1. Resolve to amend Manly DCP 2013 in relation to land zoned B1 Neighbourhood Centres; and
2. Exhibit this proposed amendment to the DCP for a period of twenty-eight (28) days.

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

Against the Motion: Nil.

168/14 RESOLVED: (C Griffin / J Griffin)

THAT Council:

1. Resolve to amend Manly DCP 2013 in relation to land zoned B1 Neighbourhood Centres; and
2. Exhibit this proposed amendment to the DCP for a period of twenty-eight (28) days.

Environmental Services Division Report No. 40

Too Good to Waste (MC/14/120774)

MOTION (Aird / Burns)

That Council endorse *Too Good to Waste* as the Regional Waste Avoidance and Resource Recovery Strategy for the SHOROC region 2014 -2021.

For the Motion: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay AM
Against the Motion: Nil.

169/14 RESOLVED: (Aird / Burns)

That Council endorse *Too Good to Waste* as the Regional Waste Avoidance and Resource Recovery Strategy for the SHOROC region 2014 -2021.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 20

Report on Council Investments as at 30 September 2014 (MC/14/111268)

SUMMARY

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

MOTION (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 30 September 2014 be received and noted.

For the Motion: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay AM
Against the Motion: Nil.

170/14 RESOLVED: (Le Surf / J Griffin)

That: the statement of Bank Balances and Investment Holdings as at 30 September 2014 be received and noted.

QUESTIONS WITHOUT NOTICE**QWN60/14 Councillor Bingham - Car Park Entry**

Could a 'Car Park Entry' sign be put on the door at the Sydney Road at the entrance into Pacific Waves carpark?

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

QWN61/14 Councillor Bingham - Surf City Logo

What decision has been made regarding the duplication of the "Surf City" logo on Councils materials?

At the request of the Mayor the General Manager advised that we need to use both logos so as to protect the Trademark.

QWN62/14 Councillor Burns - Reservoir

How have we progressed with Sydney Water in relation to the Fairlight Reservoir?

At the request of the Mayor the General Manager advised it was a Heritage matter.

QWN63/14 Councillor Burns - Link

Would Council send a letter to the NSW Fast Ferry Tender website operators asking why the link to the data is missing from the website?

At the request of the Mayor the General Manager asked if Cllr Burns could write directly to them regarding this.

QWN64/14 Councillor Aird - Plaque on Ocean front

What is happening with the Plaque on Ocean Beach front?

At the request of the Mayor the Deputy General Manager advised that the plaque has been resurfaced and we are just waiting on the sign writer to complete.

QWN65/14 Councillor Aird - Surf Club Clock

Would you please update us on the progress of the Manly Surf Club Clock?

At the request of the Mayor the Deputy General Manager advised that we have selected a digital clock that can be seen from 300mtrs, it shows both air and water temperature and will be installed within the next few weeks.

QWN66/14 Councillor Aird - Litter banner

Given the Summer season is approaching could we reinstate the *Litter Banner* as this has been very successful in the past?

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

QWN67/14 Councillor Pickering - Le Kiosk

What is the reason for the delay in opening the facility formerly known as Le Kiosk?
Was it in a worse state than we expected?

At the request of the Mayor the Deputy General Manager advised the DA had been approved, but there had been problems with the Certifier and asbestos was found on the property which had to be disposed of in a special manner.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Corporate Services Division Report No. 22

Tender Clontarf Reserve Restaurant & Café (MC/14/104499)

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.

Notice of Motion Report No. 48

Withdrawn.

CLOSED SESSION**MOTION (Le Surf / Heasman)**

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

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

Against the Motion: Nil.

171/14 RESOLVED: (Le Surf / Heasman)

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

OPEN COUNCIL RESUMED

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

Corporate Services Division Report No. 22

Tender Clontarf Reserve Restaurant & Café (MC/14/104499)

MOTION (C Griffin / Heasman)

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

Against the Motion: Nil.

172/14 RESOLVED: (C Griffin / Heasman)

Subject to Crown approval, that Council awarded the Tender to Flare Catering Pty Ltd.

Notice of Motion Report No. 48 – Withdrawn

Questions regarding Andrew “Boy” Charlton Pool

CLOSE

The meeting closed at [12.05am Tuesday 14 October 2014](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [10 November 2014](#).

MAYOR

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