

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 1 June 2015

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 1 June 2015. 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
Councillor A Le Surf
Councillor S Pickering Deputy Mayor

ALSO PRESENT

Henry Wong, General Manager
Beth Lawsen, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Executive Manager, Corporate Support Services
Helen Lever, Manager Administration
Jenny Nascimento, Chief Financial Officer
Secretariat Officer

OPENING PRAYER

The Opening Prayer was given by John Barker, Balgowlah Uniting Church.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 11 May 2015, 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.

RECOMMENDATION:

That copies of the Minutes of the Ordinary Meeting held on Monday, 11 May 2015, 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
Craig Smith	Parking in and around Manly
Alison Dodd	Improving Council's community consultation
Michael Bradley	Manly Council's project management capabilities

NOTICES OF MOTION

Notice of Motion Report No. 25

Expression of Interest Process (MC/15/60512)

The following person addressed the meeting on this item:

In support: Denise Keen

**Councillor Candy Bingham moved:
MOTION (Bingham /Aird)**

In relation to the Expression of Interest (EOI) briefs issued for construction of a car park under Manly Oval and the leasing and redevelopment of the Whistler Street Car Park/Library site I move that:

1. The EOI process be open and transparent with the outcome of submissions reported to an open session of Council.
2. Should Council decide to progress any of the ideas, that full public input be sought.
3. In the event that the EOI invitations result in invitation(s) to tender for any proposed projects, that the plans to be the subject of development applications or amendments thereto, must be subject to formal reports to Council for consideration and approval, prior to the lodging of such applications.

AMENDMENT (Griffin J / Pickering)

That:

1. The EOI process remain open and transparent;
2. Council's Procurement Policy, which was incorporated in the EOI Invitation Briefs for Manly Oval Carpark and the Whistler CBD, applies to all procurement processes;
3. Consistent with Council's resolution of the 20 April 2015, the outcome of EOI submissions will be reported to an open Council for a decision;
4. Encourage public input whereby all EOI's received be placed on public display for a minimum of 28 days upon closure of the acceptance process; and

5. Should the EOI assessment result in an invitation to tender being issued, the plans and project itself be subject to the appropriate applicable planning controls.

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

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

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

MOTION (Griffin J / Pickering)

That:

1. The EOI process remain open and transparent;
2. Council's Procurement Policy, which was incorporated in the EOI Invitation Briefs for Manly Oval Carpark and the Whistler CBD, applies to all procurement processes;
3. Consistent with Council's resolution of the 20 April 2015, the outcome of EOI submissions will be reported to an open Council for a decision;
4. Encourage public input whereby all EOI's received be placed on public display for a minimum of 28 days upon closure of the acceptance process; and
5. Should the EOI assessment result in an invitation to tender being issued, the plans and project itself be subject to the appropriate applicable planning controls.

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

Against the Motion: Councillors Aird, Burns and C Griffin

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

65/15 RESOLVED: (J Griffin / Pickering)

That:

1. the EOI process remain open and transparent;
2. Council's procurement Policy, which was incorporated in the EOI Invitation Briefs for Manly Oval Carpark and the Whistler CBD, applies to all procurements;
3. Consistent with Council's resolution of the 20 April 2015, the outcome of EOI submissions will be reported to an open Council for a decision;
4. Encourage public input that all EOI's received be placed on public display for a minimum of 28 days upon closure of the acceptance process; and
5. Should the EOI assessment result in an invitation to tender being issued, the plans and project itself be subject to the appropriate applicable planning controls.

SUSPENSION OF STANDING ORDERS (Heasman / Le Surf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. General Managers Division Report No. 7 – Manly Community Strategic Plan 2025.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 7

Manly Community Strategic Plan 2025 (MC/15/57342)

The following person addressed the meeting on this item:

Against: Douglas Browne

MOTION (Pickering / Le Surf)

That, subject to the CapEx in the One Year Operational Plan 2015-2016 for the Manly Oval carpark component of the Manly2015 Master plan being preserved until Council, by a further resolution confirming spending and following the assessment and the public placement of the concepts received from the invitation for Expressions of Interests (EOI's) for the Oval carpark and the Village Centre redevelopment opportunity for a period of 28 days, that Council:

Part 1

1. Adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2025* and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Four Year Delivery Program 2013-2017 and One Year Operational Plan 2015-2016 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2015-2016;
2. Write to the parties who made submissions to the above Integrated Plans, thanking them for their comments, and providing a response to the points raised by them.
3. That the General Manager be authorised to draw down loan borrowings as follows:
 - Manly2015 - \$17 Million;
 - Public Works Infrastructure - \$1 Million; and
 - Manly2015 Public Domains Upgrade - \$4.0 million.
4. Entry fees and charges for the Art Gallery be deleted to provide for free admission.

Part 2

1. Make the rates and charges as follows for 2015-2016:

a. Ordinary Rates

- (i) An Ordinary Rate (Residential) of **0.155085** cents in the dollar be made for the year 2015-2016 on the land value of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the *Local Government Act 1993*, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of **\$788.00**;

- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.711403** cents in the dollar be made for the year 2015-2016 on the land value of all rateable land categorised as Business in accordance with S.518 of the *Local Government Act 1993*, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of **\$1029.00**;
- (iii) An Ordinary Rate – Business - Other of **0.422509** cents in the dollar be made for the year 2015-2016 on the land value of all rateable land categorised Business in accordance with S.518 of the *Local Government Act 1993*, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of **\$1029.00**.

b. Special Rate – Manly Business Centre Improvements

- (i) That whereas the Council, being of the opinion that works related to the provision of on-going and proposed capital and maintenance works, including the Manly Business Centre, The Corso and the Ocean Beach Front improvements, provide services, facilities and activities of specific benefit to the area, and are of special benefit to that portion of Manly as delineated on Plan Number 1/280A previously defined and adopted by Council, and whereas Council having adopted the Manly Community Strategic Plan Beyond 2025, incorporating the estimates of income and expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.23720** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2015-2016.
- (ii) That in accordance with the provisions of Section 548 of the *Local Government Act, 1993*, that no minimum amount of the Special Rate - Manly Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

c. Special Rate – Balgowlah Business Centre Improvements

- (i) That whereas the Council being of the opinion that works related to the provision of on-going and proposed capital and maintenance works including the off-street car parks in Condamine Street, provide services, facilities and activities of specific benefit to the area and is of special benefit to that portion of Balgowlah delineated on Plan Number 5/005B, and whereas Council having adopted the Manly Community Strategic Plan beyond 2024, incorporating the estimates of income and expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.159451** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2015-2016.
- (ii) That in accordance with the provisions of Section 548 of the *Local Government Act, 1993*, it is hereby resolved that no minimum amount of the Special Rate - Balgowlah Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

d. Interest

In accordance with the provisions of S.566(3) of the *Local Government Act, 1993*, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, being **8.5%** per annum in respect of accrual on a simple basis.

e. Domestic Waste Management Services

In accordance with S.496 of the *Local Government Act, 1993*, that an annual charge of **\$640** per annum be made for the year 2015-2016, for each domestic waste management service rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service, a 120 litre recycling bin and a 240 litre green waste bin (monthly);

In accordance with S.502 of the *Local Government Act, 1993*, that an annual charge of **\$640** per annum be made for the year 2015-2016, for each additional 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings (excluding green waste and recycling service);

f. Stormwater Management Service Charge

In accordance with the *Local Government (General) Regulation 2005* and the *Local Government Act, 1993*, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

Land categorised as Residential:	\$25.00	for a single residential dwelling
Residential strata lots:	\$12.50	for each strata unit
Residential flats, community title, tenants-in-common residential units:	\$12.50	for each flat/unit
Land categorised as Business	\$25.00	Plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres up to a maximum charge of \$200.00
Business Strata Lots, Business Company Title	\$5.00	Minimum \$5.00 or the relevant portion of the maximum annual charge that would apply to the strata scheme if it were a parcel of land subject to the land categorised as business charge \$200.00

AMENDMENT (Aird / Bingham)

That:

1. Council adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2025* and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Four Year Delivery Program 2013-2017 and One Year Operational Plan 2015-2016 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2015-2016. That the adoption of the motion is conditional on the removal of all references and expenditure relating to the Oval Car Park and redevelopment of Whistler Street car park and library until such time as a poll of residents and rate payers is undertaken on this matter.
2. Council write to the parties who made submissions to the above Integrated Plans, thanking them for their comments.

3. the General Manager be authorised to draw down loan borrowings as follows:
 - Public Works Infrastructure - \$1 Million;
 - Public Domains Upgrade - \$4.0 million;
 - Entry fees and charges for the Art Gallery be deleted to provide for free admission.
4. For clarification, all existing resolutions for staff action are not affected (re market testing)

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**.

MOTION (Pickering / Le Surf)

That, subject to the CapEx in the One Year Operational Plan 2015-2016 for the Manly Oval carpark component of the Manly2015 Master plan being preserved until Council, by a further resolution confirming spending and following the assessment and the public placement of the concepts received from the invitation for Expressions of Interests (EOI's) for the Oval carpark and the Village Centre redevelopment opportunity for a period of 28 days, that Council:

Part 1

1. Adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2025* and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Four Year Delivery Program 2013-2017 and One Year Operational Plan 2015-2016 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2015-2016;
2. Write to the parties who made submissions to the above Integrated Plans, thanking them for their comments, and providing a response to the points raised by them.
3. That the General Manager be authorised to draw down loan borrowings as follows:
 - Manly2015 - \$17 Million;
 - Public Works Infrastructure - \$1 Million; and
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4. Entry fees and charges for the Art Gallery be deleted to provide for free admission.

Part 2

1. Make the rates and charges as follows for 2015-2016:

a. Ordinary Rates

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- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.711403** cents in the dollar be made for the year 2015-2016 on the land value of all rateable land categorised as Business in accordance with S.518 of the *Local Government Act 1993*, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of **\$1029.00**;
- (iii) An Ordinary Rate – Business - Other of **0.422509** cents in the dollar be made for the year 2015-2016 on the land value of all rateable land categorised Business in accordance with S.518 of the *Local Government Act 1993*, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of **\$1029.00**.

b. Special Rate – Manly Business Centre Improvements

- (i) That whereas the Council, being of the opinion that works related to the provision of on-going and proposed capital and maintenance works, including the Manly Business Centre, The Corso and the Ocean Beach Front improvements, provide services, facilities and activities of specific benefit to the area, and are of special benefit to that portion of Manly as delineated on Plan Number 1/280A previously defined and adopted by Council, and whereas Council having adopted the Manly Community Strategic Plan Beyond 2025, incorporating the estimates of income and expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.23720** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2015-2016.
- (ii) That in accordance with the provisions of Section 548 of the *Local Government Act, 1993*, that no minimum amount of the Special Rate - Manly Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

c. Special Rate – Balgowlah Business Centre Improvements

- (i) That whereas the Council being of the opinion that works related to the provision of on-going and proposed capital and maintenance works including the off-street car parks in Condamine Street, provide services, facilities and activities of specific benefit to the area and is of special benefit to that portion of Balgowlah delineated on Plan Number 5/005B, and whereas Council having adopted the Manly Community Strategic Plan beyond 2024, incorporating the estimates of income and expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.159451** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2015-2016.
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d. Interest

In accordance with the provisions of S.566(3) of the *Local Government Act, 1993*, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, being **8.5%** per annum in respect of accrual on a simple basis.

e. Domestic Waste Management Services

In accordance with S.496 of the *Local Government Act, 1993*, that an annual charge of **\$640** per annum be made for the year 2015-2016, for each domestic waste management service rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service, a 120 litre recycling bin and a 240 litre green waste bin (monthly);

In accordance with S.502 of the *Local Government Act, 1993*, that an annual charge of **\$640** per annum be made for the year 2015-2016, for each additional 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings (excluding green waste and recycling service);

f. Stormwater Management Service Charge

In accordance with the *Local Government (General) Regulation 2005* and the *Local Government Act, 1993*, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

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Land categorised as Business	\$25.00	Plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres up to a maximum charge of \$200.00
Business Strata Lots, Business Company Title	\$5.00	Minimum \$5.00 or the relevant portion of the maximum annual charge that would apply to the strata scheme if it were a parcel of land subject to the land categorised as business charge \$200.00

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

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

66/15 RESOLVED: (Pickering / Le Surf)

That, subject to the CapEx in the One Year Operational Plan 2015-2016 for the Manly Oval carpark component of the Manly2015 Master plan being preserved until Council, by a further resolution confirming spending and following the assessment and the public placement of the concepts received from the invitation for Expressions of Interests (EOI's) for the Oval carpark and the Village Centre redevelopment opportunity for a period of 28 days, that Council:

Part 1

1. Adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2025* and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Four Year Delivery

Program 2013-2017 and One Year Operational Plan 2015-2016 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2015-2016;

2. Write to the parties who made submissions to the above Integrated Plans, thanking them for their comments, and providing a response to the points raised by them.
3. That the General Manager be authorised to draw down loan borrowings as follows:
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b. Special Rate – Manly Business Centre Improvements

- (i) That whereas the Council, being of the opinion that works related to the provision of on-going and proposed capital and maintenance works, including the Manly Business Centre, The Corso and the Ocean Beach Front improvements, provide services, facilities and activities of specific benefit to the area, and are of special benefit to that portion of Manly as delineated on Plan Number 1/280A previously defined and adopted by Council, and whereas Council having adopted the Manly Community Strategic Plan Beyond 2025, incorporating the estimates of income and expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.23720** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2015-2016.
- (ii) That in accordance with the provisions of Section 548 of the *Local Government Act, 1993*, that no minimum amount of the Special Rate - Manly Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

c. Special Rate – Balgowlah Business Centre Improvements

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d. Interest

In accordance with the provisions of S.566(3) of the *Local Government Act, 1993*, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, being **8.5%** per annum in respect of accrual on a simple basis.

e. Domestic Waste Management Services

In accordance with S.496 of the *Local Government Act, 1993*, that an annual charge of **\$640** per annum be made for the year 2015-2016, for each domestic waste management service rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service, a 120 litre recycling bin and a 240 litre green waste bin (monthly);

In accordance with S.502 of the *Local Government Act, 1993*, that an annual charge of **\$640** per annum be made for the year 2015-2016, for each additional 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings (excluding green waste and recycling service);

f. Stormwater Management Service Charge

In accordance with the *Local Government (General) Regulation 2005* and the *Local Government Act, 1993*, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

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Land categorised as Business	\$25.00	Plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres up to a maximum charge of \$200.00

Business Strata Lots, Business Company Title	\$5.00	Minimum \$5.00 or the relevant portion of the maximum annual charge that would apply to the strata scheme if it were a parcel of land subject to the land categorised as business charge \$200.00
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RESUMPTION OF STANDING ORDERS (LeSurf / Heasman)

That Standing Orders be resumed.

RESOLVED: (Le Surf/ Heasman)

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.

Notice of Motion Report No. 26

Ride of Silence 2015 (MC/15/62543)

Councillor Cathy Griffin moved:

MOTION (C Griffin/ Heasman)

That Manly Council writes to the NSW Premier and Minister for Roads expressing their support for the families and friends of those who have lost their lives or been injured while cycling on NSW roads. In addition seek support for cycling infrastructure to be integrated into our roads and transport systems as well initiating education programs to make cycling safer on our roads.

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

Against the Motion: Nil.

67/15 RESOLVED: (C Griffin / Heasman)

That Manly Council writes to the NSW Premier and Minister for Roads expressing their support for the families and friends of those who have lost their lives or been injured while cycling on NSW roads. In addition seek support for cycling infrastructure to be integrated into our roads and transport systems as well initiating education programs to make cycling safer on our roads.

Councillor J Griffin left the Chamber 9.50pm.

Notice of Motion Report No. 27

Public Library Funding (MC/15/62545)

Councillor Cathy Griffin moved:

MOTION (C Griffin / Heasman)

That Manly Council writes to the NSW Premier calling on the NSW Government to:

- a. support a Parliamentary inquiry into public libraries including the benefits of library services to the community, and
- b. replace the Library Regulation 2010, which is due to expire in 2015, with regulations that deliver fair and adequate state funding for libraries.

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

Against the Motion: Nil.

Councillor J Griffin was not in the Chamber when the voting took place.

68/15 RESOLVED: (C Griffin / Heasman)

That Manly Council writes to the NSW Premier calling on the NSW Government to:

- a. support a Parliamentary inquiry into public libraries including the benefits of library services to the community, and
- b. replace the Library Regulation 2010, which is due to expire in 2015, with regulations that deliver fair and adequate state funding for libraries.

Councillor J Griffin returned to the Chamber at 9.55pm

Notice of Motion Report No. 28

No Forced Council Amalgamations Public Declaration (MC/15/62603)

Councillor Hugh Burns moved that Council:

MOTION (Burns / Aird)

That Council:

Write to the local member, and N.S.W. Premier, the Hon. Mike Baird M.L.A. calling for him to publicly commit to his local and NSW constituents that the NSW government will not force any council amalgamation that is opposed by a majority of local residents and ratepayers in an existing LGA (whether an amalgamation initiator or target).

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

Against the Motion: Nil.

69/15 RESOLVED: (Burns / Aird)

Write to the local member, and N.S.W. Premier, the Hon. Mike Baird M.L.A. calling for him to publicly commit to his local and NSW constituents that the NSW government will not force any council amalgamation that is opposed by a majority of local residents and ratepayers in an existing LGA (whether an amalgamation initiator or target).

Notice of Motion Report No. 29

Sale of Sydney Water Land at Seaforth (MC/15/62606)

Councillor Hugh Burns moved:

MOTION (Burns / Aird)

That Council writes to the local member, the relevant minister and the CEO of Sydney Water to:-

- 1) object to the sale of land from the 1892 Seaforth Reservoir site due to it being surrounded by National Park and itself being bushland;
- 2) suggest that if the land is truly surplus to Sydney Water's operational requirements, that it be excised from their site and transferred to the adjacent National Park;
- 3) Council make a separate submission to Sydney Water requesting the land be retained in the spirit in which the War Memorial park was created in 1939;
- 4) express concern that scarce surviving remnant bushland, in the Manly LGA, that is State Government (or Agency) controlled Crown Land is actively being targeted for sale to property developers. Council notes this land provides rare habitat for native animals and amenity to local residents; and
- 5) call for a change in State government policy to ensure the proper protection of remnant urban bushland and reserves that are in the hands of NSW State government authorities, that are no longer required for operational purposes. The example of the Commonwealth's Sydney Harbour Federation Trust taking over the surplus Defence lands can be noted.

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

Against the Motion: Nil.

70/15 RESOLVED: (Burns / Aird)

That Council writes to the local member, the relevant minister and the CEO of Sydney Water to:-

- 1) object to the sale of land from the 1892 Seaforth Reservoir site due to it being surrounded by National Park and itself being bushland;
- 2) suggest that if the land is truly surplus to Sydney Water's operational requirements, that it be excised from their site and transferred to the adjacent National Park;
- 3) Council make a separate submission to Sydney Water requesting the land be retained in the spirit in which the War Memorial park was created in 1939;
- 4) express concern that scarce surviving remnant bushland, in the Manly LGA, that is

State Government (or Agency) controlled Crown Land is actively being targeted for sale to property developers. Council notes this land provides rare habitat for native animals and amenity to local residents; and

- 5) call for a change in State government policy to ensure the proper protection of remnant urban bushland and reserves that are in the hands of NSW State government authorities, that are no longer required for operational purposes. The example of the Commonwealth's Sydney Harbour Federation Trust taking over the surplus Defence lands can be noted.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 8

Items For Brief Mention (MC/15/56654)

1. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
57/15	11 May	Notice of Motion No. 21 – Removal of Lorikeet Aviary in Gilbert Park	Prepare a report on the removal of the Lorikeet Aviary in Gilbert Park and recommendations For improving the aesthetic of the area.	Report being prepared
55/15	11 May	Notice of Motion No. 19 – Community Art Project	Report on developing and supporting a Manly Community Art Projects	Research and report being prepared
38/15	20 Apr	Notice of Motion No. 18 - Formation of a Manly Ferry and Wharf Monitoring Committee by Council	Establish Manly Ferry and Wharf Monitoring Working Party. The Working Party for the development of a Masterplan for the Wharf area.	Terms of Reference in draft.
25/15	9 Mar	Notice of Motion No. 13 - Digitisation of Manly Council Minutes/ Agendas	Council to progressively digitise its Council Meeting papers between 1960 and 2004.	Project in progress.
24/15	9 Mar	Notice of Motion No. 12 - Manly 2015 - Sydney Road CBD Upgrade	Council develop the Manly2015 Sydney Road public domains upgrade to enable its exhibition for public comment by June 2015; and design for construction by September 2015.	Project on track with timeframe
21/15	9 Mar	Notice of Motion No. 14 - Compromise Option for expanding car parking capacity in Manly	<ul style="list-style-type: none"> • Council request proposals (conduct market testing) from interested parties for the construction of the oval carpark. • Council also request for proposals for the long term lease of the existing Whistler car park site for a mixed use development 	Public EOI notices issued

199/14	8 Dec	Notice of Motion No. 65 – Council car parks	Scoping Parking Study to increase utilisation of Council's Carparks	Study in progress.
178/14	10 Nov	Notice of Motion No. 53 - Manly Wharf Signpost	Signpost be designed and installed at Manly Wharf directing people to the key attractions of Manly.	Signage drafted and being reviewed

2. Tabled Documents:

Date	Author	Subject
13 April 2015	NSW Remuneration Tribunals	Local Government Remuneration Tribunal – Annual Report and Determination: http://www.remtribunals.nsw.gov.au/local-government/current-lgrr-determinations
19 May 2015	Paul Toole MP Minister for Local Government	Media Release Special Rate Variations further proof that Local Government Reform needed

MOTION (Le Surf / Burns)

That IFBM reports 1 and 2 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.

71/15 RESOLVED: (Le Surf / Burns)

That IFBM reports 1 and 2 be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 8

Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/15/57336)

MOTION (Le Surf / J Griffin)

That the minutes of the following Special Purpose Advisory Committee meetings are tabled for notation at this meeting.

1. Harbour Foreshores & Coastline Management Advisory Committee – 10 March 2015
2. Manly LGA Flood Study Working Group – 26 March 2015
3. Sustainable Transport Committee – 2 April 2015
4. Sister Cities Committee – 22 April 2015
5. Human Services & Social Planning – 28 April 2015
6. Manly Scenic Walkway – 5 May 2015
7. Heritage and Local History – 6 May 2015
8. Waste Committee – 13 May 2015
9. Manly LEP & DCP Working Group – 20 May 2015

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

Against the Motion: Nil.

72/15 RESOLVED: (Le Surf / J Griffin)

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

1. Harbour Foreshores & Coastline Management Advisory Committee – 10 March 2015
2. Manly LGA Flood Study Working Group – 26 March 2015
3. Sustainable Transport Committee – 2 April 2015
4. Sister Cities Committee – 22 April 2015
5. Human Services & Social Planning – 28 April 2015
6. Manly Scenic Walkway – 5 May 2015
7. Heritage and Local History – 6 May 2015
8. Waste Committee – 13 May 2015
9. Manly LEP & DCP Working Group – 20 May 2015

Report Of Committees Report No. 9

Minutes for notation by Council - Meals on Wheels Advisory Committee - 13 May 2015 (MC/15/60845)

MOTION (Le Surf / Heasman)

This report was dealt with at the Meals on Wheels Advisory Committee meeting of 13 May 2015 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal notation by Council.

ITEM 3 CONFIRMATION OF MINUTES & MATTERS ARISING (section)

The Committee supported meeting bi-monthly given the Commonwealth Community Care Common Standards advised management committees need to meet 'regularly' and benchmarking with other management committees found they met either bi-monthly or quarterly. Suggested forward meeting dates for 2015 are: 8 July, 9 September, 11 November, then February 2016. Reports to be forwarded to Committee in the non-meeting months.

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

Against the Motion: Nil.

73/15 RESOLVED: (Le Surf / Heasman)

That the minutes of the Meals on Wheels Advisory Committee meeting on 13 May 2015 be received and noted:

ITEM 3 CONFIRMATION OF MINUTES & MATTERS ARISING (section)

The Committee recommends to the General Manager that:

The Committee supports meeting bi-monthly with the next meeting date proposed on 8 July 2015.

Report Of Committees Report No. 10

Minutes for notation by Council - Community Safety Advisory Committee - 14 May 2015 (MC/15/61790)

MOTION (Burns / Le Surf)

This report was dealt with at the Community Safety Advisory Committee meeting of 14 May 2015 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal notation by Council.

ITEM 3.1 Confirmation of Minutes of Meeting and Matters Arising

Community safety team conducted a late night safety review of the taxi ranks for the final report for this grant funding. They reported that despite infrastructure improvements the North Steyne rank is still more dangerous than Belgrave St. Several reasons cited for this including less natural surveillance, minimal ambient lighting, more aggressive patrons due to no food distractions between venue and rank and poor pay rates and quality of guards. There have been several assaults on guards at the North Steyne rank. The committee discussed and agreed to make representations to State Government RMS for an additional guard at North Steyne. Amanda Farrar requested that a copy also be sent to Mike Baird's office

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

Against the Motion: Nil.

74/15 RESOLVED: (Burns / Le Surf)

That the minutes of the Community Safety Advisory Committee meeting of 14 May 2015 be received and noted:

ITEM 3.1 Confirmation of Minutes of Meeting and Matters Arising

That the committee recommends to the General Manager that representations be made to the RMS that for safety reasons an additional guard be considered for the North Steyne Secure Taxi rank and that a copy of the letter also be forwarded to Mike Baird MP.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 20

List of LEC Appeals relating to DAs during June 2015 (MC/15/61568)**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.

75/15 RESOLVED: (Le Surf / J Griffin)

THAT the information be received and noted.

Environmental Services Division Report No. 21

Development Applications Processed for the month of May 2015 (MC/15/61570)**SUMMARY**

Development applications being processed during May 2015.

MOTION (Pickering / Le Surf)

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.

76/15 RESOLVED: (Pickering / Le Surf)

THAT the information be received and noted.

Environmental Services Division Report No. 22

**Manly Hospital, Dalwood Children's Hospital, and the Requirement for a DCP (MC/15/62664)
SUMMARY**

NSW Health met with the Department of Planning and Environment on 18th May 2015 to request the removal of Council's requirement for a DCP from the Manly Hospital and Dalwood Children's Home sites. There are considerable implications if this requirement is removed. The Department have advised it is considering NSW Health's request.

MOTION (C Griffin / Burns)

THAT Council does not support NSW Health's request for the removal of the requirement for a DCP from its Planning Proposal for the Manly Hospital and the Dalwood Children's Home sites and write to the NSW Department of Planning and Environment expressing Council's concerns.

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

Against the Motion: Nil.

77/15 RESOLVED: (C Griffin / Burns)

THAT Council does not support NSW Health's request for the removal of the requirement for a DCP from its Planning Proposal for the Manly Hospital and the Dalwood Children's Home sites and write to the NSW Department of Planning and Environment expressing Council's concerns.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 8

**Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal
- 2015-2016 (MC/15/56526)**

SUMMARY

The Local Government Remuneration Tribunal has handed down its Report for 2015-2016 regarding the Category of Councils, and the fees payable to the Mayor and Councillor's as from 1st July 2015.

MOTION (Le Surf / Pickering)

That:

Council reaffirm its previous policy adopted in July 1998, that pursuant to s.248 and 249 of the *Local Government Act, 1993*, Council set the Mayors' and Councillors' remuneration fees for the period 1 July 2015 to 30 June 2016 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$40,090

Councillors Fees - \$18,380

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

Against the Motion: Nil.

78/15 RESOLVED: (Le Surf / Pickering)**That:**

Council reaffirm its previous policy adopted in July 1998, that pursuant to s.248 and 249 of the *Local Government Act, 1993*, Council set the Mayors' and Councillors' remuneration fees for the period 1 July 2015 to 30 June 2016 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$40,090

Councillors Fees - \$18,380

QUESTIONS WITHOUT NOTICE**QWN28/15 Councillor Bingham - Parking area opposite North Harbour Reserve**

Would the General Manager investigate the use of the parking area opposite North Harbour Reserve in Condamine Street which appears to be used as a dumping ground for trailers and boats. Many have been there for a long time and seem to be abandoned?

At the request of the Mayor, the General Manager advised that he would investigate this matter.

QWN29/15 Councillor Bingham - Redevelopment of site on the corner of Sydney Road & Central Avenue.

Has a DA been approved for redevelopment of the site on the corner of Sydney Road and Central Avenue? If so, what is the likely timing for this redevelopment which will have a major impact on Council's proposed pedestrianisation of Sydney Road.

At the request of the Mayor, the General Manager advised that the DA relates to a Land and Environment decision. The DA was approved with severe modifications to the original application. We have no control over the timing because an applicant is entitled to build within the approved period of between 2 and 5 years.

QWN30/15 Councillor Pickering - Illegal dumping

How big a problem is illegal dumping in Manly?

At the request of the Mayor, the General Manager advised Council was experiencing less illegal dumping now. However, Council's collections were disrupted in April due to the severe storms and there was an issue of timing in removing the rubbish.

The Deputy General Manager, Landuse & Sustainability will be asked to revise the methodology for dealing with illegal dumping.

QWN31/15 Councillor Heasman - Trailers

Could Council's legal counsel clarify recent information in the media: that trailers parked on the street and detached from a registered (comprehensively insured) vehicle

may fail to protect their owners from litigation if a person/or other vehicle is injured/damaged after coming into contact with the said detached trailer.

If in order for these trailers to benefit from comprehensive insurance, they need to be attached to a fully insured vehicle or be comprehensively insured separately.

Could Council staff please clarify this scenario?

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

QWN32/15 Councillor Burns - JRPP

What was the process followed by the JRPP for the hearing of the Royal Far West extension? The issue raised by the constituents reported that residents that put in objections were given no notice of the JRPP hearing and missed their day in court.

At the request of the Mayor the General Manager advised that it is the responsibility of the JRPP to advise all those who made submissions the date of the hearing. The JRPP provided us with a list and copy of their letter. After the determination Council sent letters to all objectors advising the JRPP's decision

QWN33/15 Councillor Burns - Cleaning of Wharf paving

Could Council work out if we are liable for cleaning the paving at the Wharf, as the site was given to us by the State Government to administer up to the boundary line? Is it our responsibility to look after the paving or can we request the State Government clean it at their expense?

At the request of the Mayor, the General Manager advised he would speak to Council's Manager of this team regarding this matter as Council prides itself on looking after all areas, however the disputed area is rather sensitive and we will seek clarification on the boundary line.

QWN34/15 Councillor C Griffin - Litter left at Manly Oval

Manly Oval was left in a disgraceful state after the football match on Saturday afternoon and litter was not cleared until late on Sunday morning.

Who is responsible for the clean up after a football match on Manly Oval and how long can the litter be left before action is taken to clean up.

At the request of the Mayor, the General Manager advised that our Council Staff clean the grounds but rubbish is removed by contractors.

QWN35/15 Councillor C Griffin - Paving in Short Street (Manly Plaza)

New paving in Short Street is suffering with grease marks, would Council look into cleaning.?

At the request of the Mayor the General Manager advised the pavers in Short Street are coated with a coating and the stain can be lifted out. However that isn't the point we would like our traders to look after our pavers and respect the area.

The Deputy General Manager, People, Place & Infrastructure further advised she inspected last week and the grease had been removed.

MATTERS OF URGENCY**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Civic and Urban Services Division Report No. 2

Tender for Minor Capital Works Panel (SHOROC Tender) (MC/15/62539)

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 (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.

79/15 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.

Civic and Urban Services Division Report No. 2
Tender for Minor Capital Works Panel (SHOROC Tender) (MC/15/62539)

MOTION (Le Surf / Pickering)

Progressed as discussed in closed Committee.

80/15 RESOLVED: (Le Surf / Pickering)

Progressed as discussed in closed Committee.

CLOSE

The meeting closed at [11.02pm](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [13 July 2015](#).

MAYOR

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