

## Minutes

### Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly  
on:

**Monday 2 June 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](http://www.manly.nsw.gov.au)

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 2 June 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 Clifton McDonnell, All Saints' Anglican Church Balgowlah.

## 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, 12 May 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 Resolution:** Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

**Against the Resolution:** Nil.

**76/14 RESOLVED: (Le Surf / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 12 May 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
Karen Pitt	36 Stuart Street still not demolished
Judy Brain	Cannot do Council

**SUSPENSION OF STANDING ORDERS (Le Surf / Heasman)**

That Standing Orders be suspended to consider items of public interest being: Notice of Motion Report No. 25 Referendum on Manly Oval Car Park.

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

**Against the Resolution:** Nil.

**77/14 RESOLVED: (Le Surf / Heasman)**

That Standing Orders be suspended to consider items of public interest being: Notice of Motion Report No. 25 Referendum on Manly Oval Car Park.

\*\*\*\*\*

Notice of Motion Report No. 25

**Referendum on Manly Oval Car Park (MC/14/62404)**

The following person addressed the meeting on this item:

In support Michael Peters

**Councillor Barbara Aird moved:**

**MOTION (Aird /Burns)**

In view of ongoing significant concerns and objections from both the Joint Precincts and the broader community, that the elected members of Council respect those strong sentiments by deferring further action on the multi-million dollar proposal to build a car park under Manly Oval until Manly Council conducts a referendum. The referendum information is to be completely factual, not biased, and the results honoured.

**AMENDMENT (C Griffin / Bingham)**

That Manly Council:

- i) seek to determine the community support for the construction of a car park under the oval via the Community Panel. The Community Panel should be statistically double the current size; and
- ii) the final report on the result of the poll be made available to Councillors for consideration along with the Office of Local Government Report.

**For the Amendment:** Councillors Bingham and C Griffin

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

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

**MOTION (Aird /Bingham)**

In view of ongoing significant concerns and objections from both the Joint Precincts and the broader community, that the elected members of Council respect those strong sentiments by deferring further action on the multi-million dollar proposal to build a car park under Manly Oval until Manly Council conducts a referendum. The referendum information is to be completely factual, not biased, and the results honoured.

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

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

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

\*\*\*\*\*

**RESUMPTION OF STANDING ORDERS****MOTION (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 AM

**Against the Resolution:** Nil.

**78/14 RESOLVED: (Le Surf / Heasman)**

That Standing Orders be resumed.

**NOTICES OF MOTION**

Notice of Motion Report No. 22

**Removal of Abandoned Bikes (MC/14/61449)**

**Councillor Candy Bingham moved:**

**MOTION (Bingham / C Griffin)**

That:

1. The process in relation to abandoned bikes be published as a policy on the website;
2. All permit holders for bicycles in the secure parking cage in the Whistler Street car park be notified that a bicycle audit is underway, and that bicycles no longer in use will be removed;
3. Council explore appropriate options for disposal of abandoned bicycles which include recycling options or donating to an appropriate charity; and
4. Council implement the plan to install additional double decker racks in the Manly Wharf Precinct area.

**This Motion was withdrawn.**

\*\*\*\*\*

Notice of Motion Report No. 23

**Boundary Markers for Leased Footpath Areas (MC/14/62146)**

**Councillor Hugh Burns moved:**

**MOTION (Burns / Heasman)**

That Manly progressively install permanent outdoor seating boundary markers. The cost of these could be absorbed by Council (and progressively rolled out) or recovered by means of an application or establishment charge levied on businesses applying for outside seating areas.

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

**Against the Resolution:** Councillors Le Surf

**79/14 RESOLVED: (Burns / Heasman)**

That Manly progressively install permanent outdoor seating boundary markers. The cost of these could be absorbed by Council (and progressively rolled out) or recovered by means of an application or establishment charge levied on businesses applying for outside seating areas.

\*\*\*\*\*

Notice of Motion Report No. 24

**Amendments/inclusions to Manly Community Strategic Plan Beyond 2024 (MC/14/62387)**

**Councillor Cathy Griffin moved:**

**MOTION (C Griffin / Aird)**

Manly Council include the following four projects in the *Manly Community Strategic Plan beyond 2024*, specifically in the Four Year Delivery Program 2013 -2017 under:

Social Goal 3	<i>Maintain and support connected Manly neighbourhood &amp; amenities.</i>
Strategy 3.1	<i>Maintain community, open space and sports facilities.</i>
Four Year Plan 3.1.1	<i>Construct and maintain open space and recreation facilities to cater for a range of community groups &amp; support changes in future usage needs and is safe and accessible.</i>

Insert under One Year Plan 2014-2015:

- 3.1.1.6 prepare landscaping options for the Little Manly Beach Community Park
- 3.1.1.7 prepare a master plan for the Ivanhoe Botanic Gardens and Park (including possible change of use of current buildings)
- 3.1.1.8 prepare a master plan for Marine Parade, Shelly Beach and Cabbage Tree Bay Aquatic Reserve
- 3.1.1.9 prepare public domains treatment of South Steyne public amenities (showers, lockers, bike racks etc)

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

**Against the Resolution:** Nil.

**80/14 RESOLVED: (C Griffin / Aird)**

Manly Council include the following four projects in the *Manly Community Strategic Plan beyond 2024*, specifically in the Four Year Delivery Program 2013 -2017 under:

Social Goal 3 *Maintain and support connected Manly neighbourhood & amenities.*  
 Strategy 3.1 *Maintain community, open space and sports facilities.*  
 Four Year Plan 3.1.1 *Construct and maintain open space and recreation facilities to cater for a range of community groups & support changes in future usage needs and is safe and accessible.*

Insert under One Year Plan 2014-2015:

- 3.1.1.6 prepare landscaping options for the Little Manly Beach Community Park
- 3.1.1.7 prepare a master plan for the Ivanhoe Botanic Gardens and Park (including possible change of use of current buildings)
- 3.1.1.8 prepare a master plan for Marine Parade, Shelly Beach and Cabbage Tree Bay Aquatic Reserve
- 3.1.1.9 prepare public domains treatment of South Steyne public amenities (showers, lockers, bike racks etc)

\*\*\*\*\*

Councillor Le Surf Left the Chamber at 9.18pm.

**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 8

**Items For Brief Mention (MC/14/56111)****1. Complaints made to the General Manager**

Received	Nature of complaint	Status
Nil		

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

The following Notices of Motion are currently in progress. lapses

Res No.	Meeting Date	Subject	Resolution/Precis	Status
69/14	12 May	Notice of Motion Report 21 - Kenneth Road Traffic Conditions	This be referred back to the Traffic Committee to review the traffic speed limits. Determine the accuracy of the boundary fence in situ via a survey	Item listed for Traffic Committee Survey in progress
68/14	12 May	Notice of Motion Report 17 - Changes to Garbage Collection Times, Market Lane	Council staff investigate and prepare a report on how garbage collection times in the shared pedestrian areas of Market Lane could be restricted to prevent garbage trucks servicing the area during busy pedestrian times	Report being prepared
66/14	12 May	Notice of Motion Report 20 - Noise mitigation measures for Manly Cove	That Council request a consultant's report regarding noise around Manly Cove. Request RMS to develop a masterplan for the Manly Wharf precinct  Council investigate the installation and use of a noise analyser to monitor noise activities.	Outgoing correspondence completed  In progress



65/14	12 May	Notice of Motion 19 - Formation of the Little Manly Park Landscaping Group	Council refer the following item to the next Public Domains Committee	Item to go to the next meeting of advisory committee
63/14	12 May	Notice of Motion 16 Objection to Clontarf Marine Development	Council notes and supports the objections of all Precincts in opposing the amended Clontarf Marina DA.	Complete. Correspondence sent.
44/14	7 Apr	Notice of Motion Report 10 - Report on Crown Lands Legislation White Paper	Manly Council staff prepare a report on the implications for Manly LGA of the recommendations on White Paper on Crown Lands Legislation.	Being progressed
48/14	7 Apr	Notice of Motion Report 14 - Revisit DA Prepared for Upgrade of Manly Library	The General Manager make the Development Application and all supporting plans, reports and information available to Councillors.	Listed
29/14	10 Mar	Notice of Motion Report 7 - Ausgrid Street Tree Removal & Pruning	Council prepares a motion to the LG Conference in October to this effect.	Listed
10/14	10 Feb	Clock to be Replaced on Manly Surf Pavilion	That Councillor Burns consult with the General Manager of the Manly Surf Club regarding their plans for installing a new clock on the facade of the building.	Being progressed

### 3. Tabled Documents

Date	Author	Subject
7 May 14	Ben Taylor Executive Director SHOROC	SHOROC Incorporated Link: <a href="#">SHOROC Board Meeting Minutes 7 May 2014</a>
12 May 14	Ross Woodward Chief Executive Office of Local Government	Reply to Council's letter regarding pruning and removal of street trees located under power lines in Manly local Government area.
23 May 14	Steve Beaman Director Waste and Resource Recovery Environment Protection Authority	Reply to Council's letter regarding container deposit legislation.

#### MOTION (Le Surf / Burns)

That Item For Brief Mention Reports 1, 2 and 3 be received and noted.

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

**Against the Resolution:** Nil.

#### 81/14 RESOLVED: (Le Surf / Burns)

That Item For Brief Mention Reports 1, 2 and 3 be received and noted.

\*\*\*\*\*

Councillor Le Surf was not in the Chamber when the voting took place.

\*\*\*\*\*

Councillor Le Surf returned to the Chamber 9.28pm.

**REPORTS OF COMMITTEES**

Report Of Committees Report No. 18

**Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/14/60673)**

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

**MOTION (Heasman / Burns)**

1.	Audit & Risk Committee	5 March 2014
2.	Manly Arts Festival Working Group	2 April 2014
3.	Sports & Recreational Facilities Advisory Committee	4 April 2014
4.	Manly Sister Cities Advisory Committee	30 April 2014
5.	Manly Scenic Walkway Advisory Committee	6 May 2014
6.	Heritage & Local History Advisory Committee	7 May 2014
7.	Community Safety & Place Management Advisory Committee	8 May 2014
8.	Playground Advisory Committee	8 May 2014
9.	Surf Club Liaison Working Group Committee	20 May 2014

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

**Against the Resolution:** Nil.

**82/14 RESOLVED: (Heasman / Burns)**

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

1.	Audit & Risk Committee	5 March 2014
2.	Manly Arts Festival Working Group	2 April 2014
3.	Sports & Recreational Facilities Advisory Committee	4 April 2014
4.	Manly Sister Cities Advisory Committee	30 April 2014
5.	Manly Scenic Walkway Advisory Committee	6 May 2014
6.	Heritage & Local History Advisory Committee	7 May 2014
7.	Community Safety & Place Management Advisory Committee	8 May 2014
8.	Playground Advisory Committee	8 May 2014
9.	Surf Club Liaison Working Group Committee	20 May 2014

\*\*\*\*\*

**GENERAL MANAGERS DIVISION**

General Managers Division Report No. 6

**Manly Community Strategic Plan Beyond 2024 (MC/14/59864)****SUMMARY**

The Manly Council Integrated Planning and Reporting plan including the *Community Strategic Plan Beyond 2024*, including the Community Strategic Plan (Part 1), Revised Resourcing Strategy (Part 2), Four Year Delivery Program 2013 -2017 (Part 3) and new One Year Operational Plan 2014-2015 including Draft Budget Revenue and Financial Plan and Fees and Charges 2014-2015, Operational Plan and Budget 2014-2015 have been exhibited for the statutory period (28 days) and is submitted for adoption by Council.

Public submissions to the Integrated Plans are also presented to Council for consideration in the attached Matrix.

Following the adoption of the above Council is required to make the Rates and Charges for the year 2014-2015.

**MOTION (Pickering / J Griffin)**

That:

The detailed estimates of income and expenditure of the General Fund, for the year commencing 1 July 2014, were considered by Council at an Extraordinary Meeting on 28 April 2014, and having given public notice in accordance with S.405 of the *Local Government Act, 1993*, to allow public submissions on or before 27 May 2014, and whereas the Manly Community Strategic Plan incorporating the Delivery Program, Operational Plans, and estimates of Income and Expenditure for the year commencing 1 July 2014, were adopted by Council at the meeting of 2 June 2014, and having considered any matters in accordance with S.406 of the *Local Government Act, 1993*, Council hereby resolves, subject to the capital expenditure items related to the Manly Oval car park being preserved in the One Year Operational Plan 2014-2015 and with confirmation of spending subject to meeting all requirements of the Office of Local Government (OLG) Capital Expenditure Review and followed by the tabling and consideration of the Review after its release at the next meeting of Council to:

**Part 1:**

1. Adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2024* 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 2014-2015 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2014-2015;
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;
  - Detention Tank Manly Oval Car Park - \$1.65 Million;
  - Public Works Infrastructure - \$1 Million;

**Part 2:**

## 1. Make the rates and charges as follows for 2014-2015

**a. Ordinary Rates**

- (i) An Ordinary Rate (Residential) of **0.170743** cents in the dollar be made for the year 2014-2015 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 **\$768.80**;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.87011** cents in the dollar be made for the year 2014-2015 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 **\$1004.80**;
- (iii) An Ordinary Rate – Business - Other of **0.469457** cents in the dollar be made for the year 2014-2015 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 **\$1004.80**.

**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 2024, 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 **0.291698** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2014-2015.
- (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 2023, 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 **0.216325** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2014-2015.

- (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 **\$595** per annum be made for the year 2014-2015, 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 **\$595** per annum be made for the year 2014-2015, 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

**MOTION (Pickering / J Griffin)**

That:

The detailed estimates of income and expenditure of the General Fund, for the year commencing 1 July 2014, were considered by Council at an Extraordinary Meeting on 28 April 2014, and having given public notice in accordance with S.405 of the *Local Government Act, 1993*, to allow public submissions on or before 27 May 2014, and whereas the Manly Community Strategic Plan incorporating the Delivery Program, Operational Plans, and estimates of Income and Expenditure for the year commencing 1 July 2014, were adopted by Council at the meeting of 2 June 2014, and having considered any matters in accordance with S.406 of the *Local Government Act, 1993*, Council hereby resolves, subject to the capital expenditure items related to the Manly Oval car park being preserved in the One Year Operational Plan 2014-2015 and with confirmation of spending subject to meeting all requirements of the Office of Local Government (OLG) Capital Expenditure Review and followed by the tabling and consideration of the Review after its release at the next meeting of Council to:

**Part 1:**

1. Adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2024* 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 2014-2015 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2014-2015;
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;
  - Detention Tank Manly Oval Car Park - \$1.65 Million;
  - Public Works Infrastructure - \$1 Million;

**Part 2:**

1. Make the rates and charges as follows for 2014-2015

**a. Ordinary Rates**

- (i) An Ordinary Rate (Residential) of **0.170743** cents in the dollar be made for the year 2014-2015 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 **\$768.80**;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.87011** cents in the dollar be made for the year 2014-2015 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 **\$1004.80**;
- (iii) An Ordinary Rate – Business - Other of **0.469457** cents in the dollar be made for the year 2014-2015 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 **\$1004.80**.

**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 2024, 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 **0.291698** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2014-2015.
- (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 2023, 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 **0.216325** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2014-2015.
- (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 **\$595** per annum be made for the year 2014-2015, 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 **\$595** per annum be made for the year 2014-2015, 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

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

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

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

#### 83/14 RESOLVED: (Pickering / J Griffin)

That:

The detailed estimates of income and expenditure of the General Fund, for the year commencing 1 July 2014, were considered by Council at an Extraordinary Meeting on 28 April 2014, and having given public notice in accordance with S.405 of the *Local Government Act, 1993*, to allow public submissions on or before 27 May 2014, and whereas the Manly Community Strategic Plan incorporating the Delivery Program, Operational Plans, and estimates of Income and Expenditure for the year commencing 1 July 2014, were adopted by Council at the meeting of 2 June 2014, and having considered any matters in accordance with S.406 of the *Local Government Act, 1993*, Council hereby resolves, subject to the capital expenditure items related to the Manly Oval car park being preserved in the One Year Operational Plan 2014-2015 and with confirmation of spending subject to meeting all requirements of the Office of Local Government (OLG) Capital Expenditure Review and followed by the tabling and consideration of the Review after its release at the next meeting of Council to:

#### Part 1:

1. Adopt the Manly Council's Integrated Plans including its *Community Strategic Plan Beyond 2024* 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 2014-2015 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2014-2015;
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;
  - Detention Tank Manly Oval Car Park - \$1.65 Million;
  - Public Works Infrastructure - \$1 Million;



**Part 2:**

1. Make the rates and charges as follows for 2014-2015

**a. Ordinary Rates**

- (i) An Ordinary Rate (Residential) of **0.170743** cents in the dollar be made for the year 2014-2015 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 **\$768.80**;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.87011** cents in the dollar be made for the year 2014-2015 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 **\$1004.80**;
- (iii) An Ordinary Rate – Business - Other of **0.469457** cents in the dollar be made for the year 2014-2015 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 **\$1004.80**.

**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 2024, 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 **0.291698** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2014-2015.
- (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 2023, 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 **0.216325** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2014-2015.

- (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 **\$595** per annum be made for the year 2014-2015, 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 **\$595** per annum be made for the year 2014-2015, 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

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## ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 16

**Development Applications Being Processed During June 2014 (MC/14/56112)**

### SUMMARY

Development applications being processed during June 2014.

**MOTION (Le Surf / Heasman)**

THAT the information be received and noted.

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

**Against the Resolution:** Nil.

**84/14 RESOLVED: (Le Surf / Heasman)**

THAT the information be received and noted.

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Environmental Services Division Report No. 17

**List of LEC Appeals Relating to Development Applications during June 2014 (MC/14/56114)****SUMMARY**

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

**MOTION (Le Surf / Pickering)**

THAT the information be received and noted.

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

**Against the Resolution:** Nil.

**85/14 RESOLVED: (Le Surf / Pickering)**

THAT the information be received and noted.

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 11

**Local Government NSW Annual Conference (MC/14/56129)****SUMMARY**

The Local Government NSW Annual Conference 2014 is to be held from 19 October to 21 October 2014 at Coffs Harbour.

This report will seek nominations for delegates and observers to attend the conference.

The Association would also like to receive input from councils to guide the content of the business sessions and to this end they are requesting that the most important issues causing concern to the Council and / or the local community be identified and provided to them for consideration.

**MOTION (Heasman / Le Surf)**

That:

1. Council be represented at the Local Government New South Wales 2014 Annual Conference in Coffs Harbour 19 – 21 October 2014 and that Council meet the registration and associated costs for each attendee.
2. Council determine the four (4) Councillor delegates and two (2) observers to attend the Conference.
3. Councillors who wish to make a submission should provide same to the General Manager by no later than 27 June 2014.

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

**Against the Resolution:** Nil.

**86/14 RESOLVED: (Heasman / Le Surf)**

That:

1. Council be represented at the Local Government New South Wales 2014 Annual Conference in Coffs Harbour 19 – 21 October 2014 and that Council meet the registration and associated costs for each attendee.
2. Council determine the four (4) Councillor delegates and two (2) observers to attend the Conference.
3. Councillors who wish to make a submission should provide same to the General Manager by no later than 27 June 2014.

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Corporate Services Division Report No. 12

**Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2014 - 2015 (MC/14/58927)****SUMMARY**

The Local Government Remuneration Tribunal has handed down its Report for 2014-2015 regarding the Category of Councils, and the fees payable to the Mayor and Councillor's as from 1<sup>st</sup> July 2014.

**MOTION (Le Surf / Burns)**

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 2014 to 30 June 2015 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$39,110

Councillors Fees - \$17,930

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

**Against the Resolution:** Nil.

**87/14 RESOLVED: (Le Surf / Burns)**

**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 2014 to 30 June 2015 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$39,110

Councillors Fees - \$17,930

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## **QUESTIONS WITHOUT NOTICE**

### **QWN33/14 Councillor Burns - Former Shore Club**

Has Council updated the lease and charges on this property?

*At the request of the Mayor the General Manager advised that we are not owed any money.*

### **QWN34/14 Councillor Burns - Bubblers maintenance**

What is Council's maintenance procedure on the filter part of these drinking water fountains and how do staff know when to change the filters?

*At the request of the Mayor the Deputy General Manager advised that the filters we use now are in place for 20,000 litres before they need to be changed so they only require to be changed about once or twice through the winter and double that in summer.*

### **QWN35/14 Councillor Aird - Status of the ex Seaforth TAFE site DA**

Would the General Manager give the Councillors the current status of the ex Seaforth TAFE site, BUPA lease?

*At the request of the Mayor the General Manager advised that the lease is contingent on the DA and the DA is going to the JRPP. Once the JRPP process is finalised then we will know the future of this matter. The pre lodgement hearing for BUPA is on Wednesday, however we do not have a hearing date for the DA as yet.*

### **QWN36/14 Councillor Aird - Removal of Graffiti**

Who is responsible for the removal of graffiti on the TAFE buildings?

*At the request of the Mayor the General Manager advised that Council is responsible for graffiti removal on Council buildings.*

**QWN37/14 Councillor C Griffin - Little Manly Tree Trimming**

Who authorised the tree trimming that occurred in the Little Manly Precinct in the last week, Council or Ausgrid?

*At the request of the Mayor the General Manager advised that he doubted if Council had carried out any street tree trimming but he would check as Council generally give the neighbours 14 days notice of any activity.*

**QWN38/14 Councillor C Griffin - Long term parking in the Kierle Park and Many Lagoon car parks**

What process will Council be using to determine the "problem" and then resolution of the "long term" parking that is occurring in the Kierle Park and Manly Lagoon car parks. It has also been mentioned as a issue in the Sports & Recreation Facilities Advisory Committee?

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

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Environmental Services Division Report No. 18

**Belrose Waste & Recycling Centre (MC/14/63136)**

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

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

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

The Chairperson, Mayor Jean Hay AM asked if any members of the public gallery objected to the matter being heard in closed Session.

It is noted that no representations were received from the public gallery.

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

**Against the Resolution:** Nil.

**88/14 RESOLVED: (Heasman / Le Surf)**

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

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**OPEN COUNCIL RESUMED**

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

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Environmental Services Division Report No. 18  
**Belrose Waste & Recycling Centre (MC/14/63136)**

**MOTION (Aird / C Griffin)**

As progressed in closed session.

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

**Against the Resolution:** Nil.

**89/14 RESOLVED: (Aird / C Griffin)**

As progressed in closed session.

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**CLOSE**

The meeting closed at [10.20pm](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [14 July 2014](#).

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**MAYOR**

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