

Minutes

Extraordinary Meeting of Council

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 2 December 2013

To complete items listed on Agenda dated
11 November 2013

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 Extraordinary Meeting of Council was held in the Council Chambers, Town Hall, Manly, on Monday 2 December 2013. The meeting commenced at 7.49 pm.

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
Anthony Hewton, Executive Manager, Corporate Support Services
Secretariat Officer

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

NOTICES OF MOTION

Notice of Motion Report No. 73

KPMG Due Diligence Report – Manly 2015, Oval Car Park (MC/13/130076)
Councillor Candy Bingham moved:

In recent times the Manly's Precinct Forum Groups, the Chamber of Commerce and members of the community have expressed concerns and confusion about the financial returns predicted for the proposed Oval car park, and Council's ongoing commitment to two hour free parking. It is therefore proposed that:

- i) As part of the KPMG due diligence of Manly 2015, Council request KPMG to conduct a sensitivity analysis on the financial return from the Oval car park based on 75% concessional usage (i.e. existing 2 hour free parking).
- ii) The KPMG findings use, as their base case scenario, Council's current policy of 2 hours free parking (rather than as a footnote or appendix as was previously provided).
- iii) The complete KPMG due diligence report be provided to all Councillors.

MOTION (Bingham / Burns)

That:

- i) As part of the KPMG due diligence of Manly 2015, Council request KPMG to conduct a sensitivity analysis on the financial return from the Oval car park based on 75% concessional usage (i.e. existing 2 hour free parking).
- ii) The KPMG findings use, as their base case scenario, Council's current policy of 2 hours free parking (rather than as a footnote or appendix as was previously provided).
- iii) The complete KPMG due diligence report be provided to all Councilors.

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**.

Notice of Motion Report No. 75

Beachfront Carparking Assessment (MC/13/130497)

Councillor Burns moved:

That:

Council prepare a comprehensive report into the provision of beachfront parking at Manly.

The report is to include but not be limited to:-

- Identifying the various permits and stickers that residents/ratepayers of Manly can use to obtain parking on the Ocean Beachfront.
- Identifying the revenue from existing beachfront parking machines and telephone payment systems, per day on average e.g. broken down separately to Monday to Friday and weekend day receipts.
- Identifying hourly time of day receipts, if feasible to recover from the machines – i.e. how much revenue would be lost if the parking charges were not applicable to a given modified start time every day say 10.00am. (It appears the machines may hold electronic records where this information may be easily produced.)
- Consideration, by contacting Pittwater and Warringah councils, as to whether a 12 month trial inter-SHOROC Council recognition of designated parking stickers would be supported by either of these two elected Councils. The reserve and beachfront parking utilisation/impact on each LGA from regional users would be assessed in the 12 month trial.
- Assessment of the average time beachgoers arriving by car spent at the Ocean Beaches.
- Consideration of the proposition that the parking charges on the Manly beachfront be abolished entirely and replaced with fixed time limits enforced by rangers (eg set up 2 and possible some 3 hours parking limit zones). Ocean Beach parking permit holders would be exempt from these time limits. Non Ocean Beach Manly residents and visitors seeking longer parking times would be directed to the CBD carparks, where normal fees would

apply after the free 2/3 hour period. (This would free up short duration beachside parking (turnover) and increase utilisation of the CBD carparks.)

The completed report be returned to Council within 3 months.

MOTION (Burns / Aird)

That:

Council prepare a comprehensive report into the provision of beachfront parking at Manly.

The report is to include but not be limited to:-

- Identifying the various permits and stickers that residents/ratepayers of Manly can use to obtain parking on the Ocean Beachfront.
- Identifying the revenue from existing beachfront parking machines and telephone payment systems, per day on average e.g. broken down separately to Monday to Friday and weekend day receipts.
- Identifying hourly time of day receipts, if feasible to recover from the machines – i.e. how much revenue would be lost if the parking charges were not applicable to a given modified start time every day say 10.00am. (It appears the machines may hold electronic records where this information may be easily produced.)
- Consideration, by contacting Pittwater and Warringah Councils, as to whether a 12 month trial inter-SHOROC Council recognition of designated parking stickers would be supported by either of these two elected Councils. The reserve and beachfront parking utilisation/impact on each LGA from regional users would be assessed in the 12 month trial.
- Assessment of the average time beachgoers arriving by car spent at the Ocean Beaches.
- Consideration of the proposition that the parking charges on the Manly beachfront be abolished entirely and replaced with fixed time limits enforced by rangers (eg set up 2 and possible some 3 hours parking limit zones). Ocean Beach parking permit holders would be exempt from these time limits. Non Ocean Beach Manly residents and visitors seeking longer parking times would be directed to the CBD carparks, where normal fees would apply after the free 2/3 hour period. (This would free up short duration beachside parking (turnover) and increase utilisation of the CBD carparks.)

The completed report be returned to Council within 3 months.

AMENDMENT (Hay / Le Surf)

That:

Subject to statutory requirements, Council to change weekday meter parking on the beachfront to start from 8am.

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

Against the Amendment: Councillor Burns

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

MOTION (Hay AM / Le Surf)**That:**

Subject to statutory requirements, Council to change weekday meter parking on the beachfront to start from 8am.

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

Against the Resolution: Councillor Burns

204/13 RESOLVED: (Hay AM / Le Surf)**That:**

Subject to statutory requirements, Council to change weekday meter parking on the beachfront to start from 8am.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 15

Items for Brief Mention (MC/13/124578)**1. Complaints made to the General Manager**

Received	Nature of complaint	Status
August	Code of Conduct	Being assessed

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
79/13	3 June	NoM No. 28	Plan to Protect our Street Trees	Report expected in December.
134/13	12 Aug	NoM No. 54	Iconic Norfolk Island Pines Management Plan 2013	Being progressed with consultants.
178/13	14 Oct	NoM No. 68	Provision of bus shelter at Condamine Street Hop, Skip and Jump bus terminal	Item being progressed with Council's bus shelter supplier.
179/13	14 Oct	NoM No. 69	Create a Designated Swim zone in Cabbage Tree Bay	Advice being sought from RMS

3. Tabled Documents

Date	Author	Matter
28 Oct 13	Jill Berwick Principal Environmental Scientist Sydney Water	North Head Wastewater Treatment Plant – Review of Environmental Factors and drop in session
7 Nov 13	Hon Brad Hazzard MP Minister for Planning & Infrastructure NSW Government	Response to Council's letter concerning the new planning system

MOTION (Pickering / Heasman)

1. That IFBM Reports 1, 2 and 3 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.

205/13 RESOLVED: (Pickering / Heasman)

1. That IFBM Reports 1, 2 and 3 be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 36

Minutes for adoption by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/13/129370)

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

- i) Harbour Foreshores & Coastline Management Advisory Committee 10 September 2013
- ii) Sustainable Transport Advisory Committee – 3 October 2013
- iii) Meals on Wheels Advisory Committee – 9 October 2013
- iv) Community Environment Advisory Committee – 9 October 2013
- v) Manly Local Traffic Committee – 14 October 2013
- vi) Public Domains Advisory Committee – 16 October 2013

MOTION (Le Surf / Pickering)

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

- i) Harbour Foreshores & Coastline Management Advisory Committee 10 September 2013
- ii) Sustainable Transport Advisory Committee – 3 October 2013
- iii) Meals on Wheels Advisory Committee – 9 October 2013
- iv) Community Environment Advisory Committee – 9 October 2013
- v) Manly Local Traffic Committee – 14 October 2013
- vi) Public Domains Advisory Committee – 16 October 2013

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

Against the Resolution: Nil.

206/13 RESOLVED: (Le Surf / Pickering)

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

- i) Harbour Foreshores & Coastline Management Advisory Committee 10 September 2013
- ii) Sustainable Transport Advisory Committee – 3 October 2013
- iii) Meals on Wheels Advisory Committee – 9 October 2013
- iv) Community Environment Advisory Committee – 9 October 2013
- v) Manly Local Traffic Committee – 14 October 2013
- vi) Public Domains Advisory Committee – 16 October 2013

Report Of Committees Report No. 37

Minutes for adoption by Council - Human Services Planning & Policy Advisory Committee - 22 October 2013 (MC/13/129989)

These reports were dealt with at the Human Services Planning & Social Planning Advisory Committee meeting of 22 October and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 4 Home & Community Care (HACC) Services.

This will affect how current service providers do business as there will be no advance quarterly grant funding. Council-run HACC services are affected as it is estimated that about 20% of HACC services are run by Councils and they are not necessarily set up to run services based on a full fee paying model.

ITEM 5 Service Provider Updates - Ellie Hunt, President of Manly Women's Shelter

The Committee noted with sadness the passing of Ellie Hunt, President of the Manly Women's Shelter. The Shelter has assisted over 100 women in its 3 years of operation.

MOTION (Le Surf / Heasman)

That the minutes of the Human Services Planning & Social Planning Advisory Committee meeting on 22 October 2013 be adopted including the following items:

ITEM 4 Home & Community Care (HACC) Services.

The Committee recommends to the General Manager that:

1. A link to the My Aged Care Gateway be included on Council's website; and
2. Papers from the HACC Regional Forum on 23 October 2013 be distributed to the Committee.

ITEM 5 Service Provider Updates - Ellie Hunt, President of Manly Women's Shelter

The Committee recommends to the General Manager that:

Council formally acknowledge its appreciation of the great work of Ellie Hunt as a founder and President of the Manly Women's Shelter, and that this acknowledgement be conveyed to Ms Hunt's family in writing.

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

Against the Resolution: Nil.

207/13 RESOLVED: (Le Surf / Heasman)

That the minutes of the Human Services Planning & Social Planning Advisory Committee meeting on 22 October 2013 be adopted including the following items:

ITEM 4 Home & Community Care (HACC) Services.

The Committee recommends to the General Manager that:

1. A link to the My Aged Care Gateway be included on Council's website; and
2. Papers from the HACC Regional Forum on 23 October 2013 be distributed to the Committee.

ITEM 5 Service Provider Updates - Ellie Hunt, President of Manly Women's Shelter

The Committee recommends to the General Manager that:

Council formally acknowledge its appreciation of the great work of Ellie Hunt as a founder and President of the Manly Women's Shelter, and that this acknowledgement be conveyed to Ms Hunt's family in writing.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 29

First Quarter Report (1 July to 30 September 2013) – Progress with Four Year Delivery Program 2013-2017, Operational Plan 2013-2014 and Budget 2013-14 (MC/13/109500)**SUMMARY**

This report provides the first progress report on Council's Four Year Delivery Program 2013-2017 and One Year Operational Plan 2013-14 for the period 1 July to 30 September 2013, in accordance with the requirements of section 404(5) of the *Local Government Act, 1993*.

Attached is a detailed matrix and graphs showing Council's progress in the first quarter of its 2013-2017 Delivery Program as adopted by Council in 4 June 2013.

Quarterly Financial Review Reports for the quarter ending 30 September 2013, including variation recommendations are also discussed and detailed in the Attachments.

MOTION (Le Surf / J Griffin)**THAT**

1. The first quarterly report for the 2013-14 Operational Plan and progress report with the second year of Council's Delivery Program 2013-2017 be received and noted; and
2. The Financial Statement for the quarter ended 30 September 2013, including the revised estimates and recommended variations contained within the report, be adopted.

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

Against the Resolution: Nil.

208/13 RESOLVED: (Le Surf / J Griffin)

THAT

1. The first quarterly report for the 2013-14 Operational Plan and progress report with the second year of Council's Delivery Program 2013-2017 be received and noted; and
2. The Financial Statement for the quarter ended 30 September 2013, including the revised estimates and recommended variations contained within the report, be adopted.

Corporate Services Division Report No. 31

Council Investments as at 31 October 2013 (MC/13/128019)

SUMMARY

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

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

MOTION (Heasman / Le Surf)

That: the statement of Bank Balances and Investment Holdings as at 31 October 2013 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.

209/13 RESOLVED: (Heasman / Le Surf)

That: the statement of Bank Balances and Investment Holdings as at 31 October 2013 be received and noted.

QUESTIONS WITHOUT NOTICE

QWN61/13 Councillor Heasman - North Harbour Reserve

Can Council clarify or confirm that North Harbour Reserve is **not** on the list of Manly Council Reserves where licensees can be issued to fitness trainers?

It appears that there is more than 1 is group now using North Harbour Reserve for group fitness.

At the request of the Mayor the General Manager advised that signage needs to be reviewed and he had personally received a few complaints regarding fitness groups using North harbour Reserve.

QWN62/13 Councillor J Griffin - Little Manly pool enclosure

Can council please provide an update on the Little Manly pool enclosure and remediation works.

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

QWN63/13 Councillor Le Surf - Resident Parking Permits

At last months' Ordinary Meeting, we heard from resident Ms Fiona Shadbolt of the Ocean Beach Precinct Committee, in regards to the practices of *Go-Get* car sharing company, whereby persons hiring these vehicles are allegedly handing over their resident parking permits to *Go Get*, thus allowing a private company to utilise existing resident parking at no cost. Given that Precinct Committees particularly those in the Manly flat area often complain about allegedly fraudulent use of Resident Parking Permits:

1. Are these alleged practices being investigated?
2. Will such an investigation be included in the feasibility study currently being prepared as a result of the motion passed in November 2013?
3. Should it be found that *Go-Get* is currently acting in an illegal manner will any contract currently entered into with *Go-Get* be cancelled and
4. Will *Go-Get* be precluded from participating in future any car sharing policy implemented within the Manly LGA?

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

QWN64/13 Councillor Burns - Bubblers & Filters

Problems with low flow, the water is always dribbling out. How does Council assesses the need to repair the bubblers and is there a regular inspection routine in place?

At the request of the Mayor the General Manager advised that low flow is a problem and the explanation provided by the plumber is that there is a regulator in the system and once that is adjusted properly it should compensate for low flow Council will further investigate the complaint.

QWN65/13 Councillor Burns - The Corso Lighting

The street lights in The Corso are ablaze from one end of The Corso to the other in broad daylight. What do we use to turn these lights off, do we use a time close or a photo cell.

At the request of the Mayor the General Manager advised the photo cell malfunctioned in the recent storm.

QWN67/13 Councillor Aird - Save our Streets

At Council's Ordinary Meeting of 11 November under the Notice of Motion "Save our Streets Real Action on Alcohol Now Campaign"? Council resolved a number of things, including informing our Precincts of the campaign and seeking their support and publishing Council's support for the campaign on the front page of Council's our web link.

Have not seen this at all since it has been resolved, would staff clarify?

At the request of the Mayor the General Manager advised that he believed all letters have gone out as he had signed letters to the Premier and the Leader of Opposition and Shadow Ministers for Health, Police, Racing and Gaming and the Attorney General as far as the other actions are concerned I will check and if they haven't been undertaken we will launch that.

QWN68/13 Councillor Aird - Traffic Assessment

Council completed a traffic assessment for submission to the JRPP in relation to the DA for the Swim Centre. This was completed in October 2013 and it was not on Council's website until 20 November, 1 month after completion but only 6 days before the DA was considered by the JRPP.

Would Council explain why the report was not uploaded to the website for the community to see?

At the request of the Mayor the Deputy General Manager advised the assessment was uploaded to the website the day after it was received and that a copy was sent to the JRPP.

MATTERS OF URGENCY

Councillor Aird moved a Matter of Urgency.

The Mayor ruled the matter put by Councillor Aird was not of an urgent nature

CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 14

Senior Staff (MC/13/131642)

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) (a) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual

It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

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

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

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

Against the Resolution: Nil.

210/13 RESOLVED: (Le Surf / Bingham)

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.

Mayoral Minute Report No. 14

Senior Staff (MC/13/131642)**MOTION (Hay AM)**

Progressed as discussed in closed session.

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

Against the Resolution: Nil

Councillors Aird and C Griffin were not in the Chamber when the voting took place.

211/13 RESOLVED: (Hay AM)

Progressed as discussed in closed session.

ADDENDUM MOTION (Bingham / Pickering)

Progressed as discussed in closed session.

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

Against the Resolution: Nil

Councillors Aird and C Griffin were not in the Chamber when the voting took place.

212/13 RESOLVED: (Bingham / Pickering)

Progressed as discussed in closed session.

CLOSE

The meeting closed at 9.45pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 10 February 2014.

MAYOR

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