

## Minutes

### Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly  
on:

**Monday 8 September 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 8 September 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 A Heasman, Deputy Mayor  
Councillor A Le Surf  
Councillor S Pickering

## **ALSO PRESENT**

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 Councillor Adele Heasman.

## **APOLOGIES**

### **MOTION (Burns / Le Surf)**

That the apologies received from Councillor J Griffin, and the General Manager H Wong be accepted and leave be granted.

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

**Against the Motion:** Nil.

### **127/14 RESOLVED: (Burns / Le Surf)**

That the apologies received from Councillor J Griffin, and the General Manager H Wong be accepted and leave be granted.

## **DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

Nil.

## **CONFIRMATION OF MINUTES**

### **MOTION (Burns / Pickering)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 11 August 2014, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Motion:** Nil.

**128/14 RESOLVED: (Burns / Pickering)**

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

## CONFIRMATION OF MINUTES

### MOTION (Bingham / Le Surf)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 1 September 2014, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Motion:** Nil.

**129/14 RESOLVED: (Bingham / Le Surf)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 1 September 2014, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

## PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Leon Faulkner & Dale Beaumont - Golf rocks Local & International Junior Golf Academy	To formally present Golf Rocks Local & International Junior Golf Academy to Councillors.
Terry Le Roux - Chair - North Harbour Precinct	Oval carpark.

## NOTICES OF MOTION

Notice of Motion Report No. 38

**25th Anniversary Sydney Coastal Councils Group (MC/14/106168)**

**Councillor Cathy Griffin moved:**

### MOTION (C Griffin / Aird)

That:

1. Manly Council writes to the Sydney Coastal Council Group (SCCG) congratulating them on reaching the milestone of 25 years of collaboration on the Sydney coastline; and
2. Manly Council also acknowledge its own role in the SCCG as a member and continue to support and participate in the work of the SCCG.

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

**130/14 RESOLVED: (C Griffin / Aird)**

That:

1. Manly Council writes to the Sydney Coastal Council Group (SCCG) congratulating them on reaching the milestone of 25 years of collaboration on the Sydney coastline; and
2. Manly Council also acknowledge its own role in the SCCG as a member and continue to support and participate in the work of the SCCG.

\*\*\*\*\*

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

That Standing Orders be suspended to consider items of public interest being: Notice of Motion Report No. 41 – Review of Hop, Skip & Jump Community Bus Service.

**131/14 RESOLVED: (Le Surf / Heasman)**

That Standing Orders be suspended to consider items of public interest being: Notice of Motion Report No. 41 – Review of Hop, Skip & Jump Community Bus Service.

Notice of Motion Report No. 41

**Review of Hop, Skip & Jump Community Bus Service (MC/14/105924)**  
**Councillor Candy Bingham moved:**

**MOTION (Bingham / C Griffin)**

That the General Manager:

1. Undertake an audit and provide an update on the current usage of the service, by route, by whom, including most popular routes and times;
2. Request the Precincts to provide feedback on the service and any improvements that could be made, including alternative routes and times;
3. Survey the current users of the service requesting their feedback and ideas; and
4. Prepare a report to Council on the outcomes of the Precinct feedback and the survey conducted.

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

**132/14 RESOLVED: (Bingham / C Griffin)**

That the General Manager:

1. Undertake an audit and provide an update on the current usage of the service, by route, by whom, including most popular routes and times;

2. Request the Precincts to provide feedback on the service and any improvements that could be made, including alternative routes and times;
3. Survey the current users of the service requesting their feedback and ideas; and
4. Prepare a report to Council on the outcomes of the Precinct feedback and the survey conducted.

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

That Standing Orders be resumed.

**133/12 RESOLVED: (Le Surf / Heasman)**

That Standing Orders be resumed.

\*\*\*\*\*

Notice of Motion Report No. 39

**10/50 Vegetation Clearing Code of Practice for NSW (MC/14/105317)**

The following person addressed the meeting on this item:

In support of the item – Stuart Barrie

**Councillor Steve Pickering moved:**

**MOTION (Pickering / Bingham)**

That:

1. Manly Council write to the Premier Mike Baird, the Minister for Natural Resources, Lands & Water, Kevin Humphries MP and the NSW Rural Fire Service Commissioner expressing concern that the current legislation, may be used inappropriately by homeowners to remove unwanted trees in built-up suburban areas and therefore seeking removal of / exemption for Manly Council areas from the legislation where the risk is being managed competently and/or where there is an overall low risk of bushfire from the 10/50 Vegetation Clearing Code of Practice for NSW;
2. Council offer a consultative service to accurately determine whether any planned tree removal is allowed under the current legislation;
3. Council investigate the prosecution of the illegal lopping of any trees outside of the current 10 metre limit; and
4. Manly Council staff be congratulated for responding very promptly to the concerns of Seaforth residents when trees were recently being removed from nearby properties.

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

**Against the Motion:** Nil.

**134/14 RESOLVED: (Pickering / Bingham)**

1. Manly Council write to the Premier Mike Baird, the Minister for Natural Resources, Lands & Water, Kevin Humphries MP and the NSW Rural Fire Service Commissioner expressing concern that the current legislation, may be used inappropriately by homeowners to remove unwanted trees in built-up suburban areas and therefore seeking removal of / exemption for Manly Council areas from the legislation where the risk is being managed competently and/or where there is an overall low risk of bushfire from the 10/50 Vegetation Clearing Code of Practice for NSW;
2. Council offer a consultative service to accurately determine whether any planned tree removal is allowed under the current legislation;
3. Council investigate the prosecution of the illegal lopping of any trees outside of the current 10 metre limit; and
4. Manly Council staff be congratulated for responding very promptly to the concerns of Seaforth residents when trees were recently being removed from nearby properties.

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Notice of Motion Report No. 40

**Management of NSW Bushfire Zone Vegetation Rules (MC/14/106154)**

**Councillor Candy Bingham withdrew her motion by consolidating it with Notice of Motion No. 39.**

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Notice of Motion Report No. 42

**Opal Card Reform (MC/14/106530)**

**Councillor Hugh Burns moved:**

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

**Against the Motion:** Councillor Le Surf

**135/14 RESOLVED: (Burns / Aird)**

1. That Council writes to the Transport Minister, the Premier (Local Member) and Opposition Leader calling for reform of the Opal card fare structure to:
  - a) be based on a ticket price of cash fare less 20% (as per existing multi-trip tickets);
  - b) move to a zonal/distance mode-independent method of charging fares;
  - c) allow a weekly periodical function like the Myki card (and more - monthly, yearly etc.); and
  - d) allow MasterCard, PayPass and Visa PayWave operation with credit/debit cards (as Cubic the card provider do in Europe and USA)

2. That Council also write to IPART requesting information as to whether they have considered/reviewed the Opal Card pricing structure, and secondly that they review the impact of the new Opal fare model as part of their next Sydney Transport fare review and determination.

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## ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 13

### Items For Brief Mention (MC/14/104476)

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

In the month of August the General Manager finalised the following complaints:

Received	Nature of complaint	Outcome	Finalised
Nil			

#### 2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution Précis	Status
118/14	11 Aug	Notice of Motion Report No. 35 - Proposed cut to fast ferry service	Council writes to the local member and the Minister for Transport regarding the tender terms and scope.	Completed
116/14	11 Aug	Notice of Motion Report No. 32 - ANZAC Centenary	Manly Council to coordinate an ANZAC Centenary Projects Working Group for community organisations.	In progress
115/14	11 Aug	Notice of Motion Report No. 31 - Manly Village Public School	That Council assist the school and community and write to the Department of Education in relation to this matter.	In progress
97/14	14 July	Notice of Motion Report 28 – Replica Royal Surfboard	That Council research the protocol of commissioning a full size replica of the surfboard presented to their Royal Highnesses the Duke & Duchess of Cambridge.	Advice received
79/14	02 June	Notice of Motion Report 23 - Boundary Markers for Leased Footpath Areas	That Manly progressively install permanent outdoor seating boundary markers.	Completed

#### 3. Tabled Documents

Date	Author	Subject
29 Aug 14	Michael Wright Acting Deputy Chief Executive National Parks and Wildlife Service Office of Environment & Heritage NSW Government	Regarding shark meshing
29 Aug 14	Steffen Faurby Chief Executive Officer Harbour City Ferries	Noise Mitigation for Manly Cove - Ferry Noise

**MOTION (Pickering / Burns)**

That the Items for Brief Mention, Reports 1, 2 and 3 are received and noted.

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

**Against the Motion:** Nil.

**136/14 RESOLVED: (Pickering / Burns)**

That the Items for Brief Mention, Reports 1, 2 and 3 are received and noted.

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**REPORTS OF COMMITTEES**

Report Of Committees Report No. 26

**Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/14/104423)**

**MOTION (Le Surf / Heasman)**

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

1. Sister Cities Committee – 23 July 2014
2. Manly Lagoon Catchment Coordinating Committee – 31 July 2014
3. Sports & Recreation Facility Advisory Committee – 1 August 2014
4. Waste Advisory Committee – 6 August 2014
5. Manly Traffic Committee – 11 August 2014
6. Meals on Wheels Advisory Committee – 13 August 2014
7. Community Environment Advisory Committee – 13 August 2014
8. Community Safety and Place Management Advisory Committee – 14 August 2014
9. Access & Mobility Advisory Committee – 19 August 2014

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

**Against the Motion:** Nil.

**137/14 RESOLVED: (Le Surf / Heasman)**

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

1. Sister Cities Committee – 23 July 2014
2. Manly Lagoon Catchment Coordinating Committee – 31 July 2014
3. Sports & Recreation Facility Advisory Committee – 1 August 2014
4. Waste Advisory Committee – 6 August 2014
5. Manly Traffic Committee – 11 August 2014
6. Meals on Wheels Advisory Committee – 13 August 2014
7. Community Environment Advisory Committee – 13 August 2014
8. Community Safety and Place Management Advisory Committee – 14 August 2014
9. Access & Mobility Advisory Committee – 19 August 2014

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Report Of Committees Report No. 27

**Minutes for notation by Council - Economic Development & Tourism Advisory Committee  
7 August 2014 (MC/14/105211)**

**MOTION (Le Surf / Heasman)**

That the minutes of the Economic Development & Tourism Advisory Committee meeting held on 7 August 2014 be received and noted including Item 6 – General Business regarding the sculpture at the Wharf.

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

**Against the Motion:** Nil.

**138/14 RESOLVED: (Le Surf / Heasman)**

That the minutes of the Economic Development & Tourism Advisory Committee meeting held on 7 August 2014 be received and noted including Item 6 – General Business regarding the sculpture at the Wharf.

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Report Of Committees Report No. 28

**Minutes for notation by Council - Public Domains Advisory Committee  
20 August 2014 (MC/14/105825)**

**MOTION (Le Surf /Burns)**

That the minutes of the Public Domains Advisory Committee meeting on 20 August 2014 be received and noted including the following items:

**1. ITEM 7 CONSTRUCTION OF TAXI RANK SHELTER AT NORTH STEYNE LATE  
NIGHT TAXI RANK**

**Recommendation:**

The Committee recommend to the General Manager that the proposal is supported with the following:

1. Installation of a bus shelter with no advertising in the Council's corporate JCDecaux style be progressed.
2. That the location for installation be on the rear / southern side of the existing access ramp and Norfolk Island pine from North Steyne roadway onto the promenade, providing adequate space and access way for pedestrians from road to beach front.
3. The lighting currently installed for clear light and vision of taxi rank, the queuing line and the bus bay be amended to provide additional lighting (southwards) shining into the bus shelter once it is installed.

**2. ITEM 8 DA 149/14 – CONSTRUCTION OF A PERMANENT KIOSK – ON COUNCIL LAND ADJACENT TO 90 THE CORSO MANLY**

The Committee recommend to the General Manager that the DA application is not supported.

**3. ITEM 9 CAPITAL WORKS PROGRAM REPORT (extract)**

That the Committee recommends to the General Manager that staff provide the Committee with a simple initial plan for the organisation of dinghy and craft to provide the community with access to the newly created area of green space.

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

**Against the Motion:** Nil.

**139/14 RESOLVED: (Le Surf / Burns)**

That the minutes of the Public Domains Advisory Committee meeting on 20 August 2014 be received and noted including the following items:

**1. ITEM 7 CONSTRUCTION OF TAXI RANK SHELTER AT NORTH STEYNE LATE NIGHT TAXI RANK**

That the Committee recommend to the General Manager that the proposal is supported with the following:

1. Installation of a bus shelter with no advertising in the Council's corporate JCDecaux style be progressed.
2. That the location for installation be on the rear / southern side of the existing access ramp and Norfolk Island pine from North Steyne roadway onto the promenade, providing adequate space and access way for pedestrians from road to beach front.
3. The lighting currently installed for clear light and vision of taxi rank, the queuing line and the bus bay be amended to provide additional lighting (southwards) shining into the bus shelter once it is installed.

**2. ITEM 8 DA 149/14 – CONSTRUCTION OF A PERMANENT KIOSK – ON COUNCIL LAND ADJACENT TO 90 THE CORSO MANLY**

The Committee recommend to the General Manager that the DA application is not supported.

**3. ITEM 9 CAPITAL WORKS PROGRAM REPORT (extract)**

That the Committee recommends to the General Manager that staff provide the Committee with a simple initial plan for the organisation of dinghy and craft to provide the community with access to the newly created area of green space.

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Report Of Committees Report No. 29

**Minutes for notation by Council - Manly Scenic Walkway Committee  
2 September 2014 (MC/14/106928)**

**MOTION (C Griffin / Hay AM)**

That the minutes of the Manly Scenic Walkway Committee meeting on 2 September 2014 be received and noted; including the following item:

**ITEM 9 Grant Funding Update**

1. That the Committee receives and notes the report; and
2. The Manly Scenic Walkway Committee recommends to the General Manager and Council that Council accepts the grant funding offered for the Nolans Bush/Tania Park weed control project.

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

**Against the Motion:** Nil.

**140/14 RESOLVED: (C Griffin / Hay AM)**

That the minutes of the Manly Scenic Walkway Committee meeting on 2 September 2014 be received and noted; including the following item:

**ITEM 9 Grant Funding Update**

1. That the Committee receives and notes the report.
2. The Manly Scenic Walkway Committee recommends to the General Manager and Council that Council accepts the grant funding offered for the Nolans Bush/Tania Park weed control project.

**Note:** *Council would like to acknowledge and congratulate Council's staff for their efforts in obtaining the Grants.*

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 17

**Report on Council Investments as at 31 August 2014 (MC/14/104478)**

**MOTION (Le Surf / Heasman)**

That the statement of Bank Balances and Investment Holdings as at 31 August 2014 be received and noted.

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

**Against the Motion:** Nil.

**141/14 RESOLVED: (Le Surf / Heasman)**

That the statement of Bank Balances and Investment Holdings as at 31 August 2014 be received and noted.

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**QUESTIONS WITHOUT NOTICE****QWN54/14 Councillor Bingham - Oval Car Park**

What budget would be required for Council to prepare a full development application for the Oval Car park with the view to submitting it to the Joint Regional Planning Panel. This should include the cost of all necessary design drawings including engineering, road and drainage works; environmental impact statement; heritage study; any necessary property acquisitions and all lodgement and other fees?

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

**QWN55/14 Councillor Heasman - Dilapidated and unsafe plaque**

Could we ask Council staff to remove the old dilapidated and unsafe plaque stand for the former Brighton College as this type of plaque stand is not Council Standard for plaques?

*At the request of the Mayor the Deputy General Manager advised a new plaque was being prepared.*

**QWN56/14 Councillor Burns - Beach Front parking**

Advise if there is an internal procedure in place if a vehicle doesn't display a ticket on the windscreen?

*At the request of the Mayor the Deputy General Manager, Landuse & Sustainability advised he was aware of this particular incident and it was due to a power outage/fault.*

**QWN57/14 Councillor Burns - Land collapse in Warringah**

Would it be possible to have a flow chart prepared and uploaded to the public website when something happens on a development site of what to do / who to contact in such circumstances.

*At the request of the Mayor the Deputy General Manager, Landuse & Sustainability advised he would look into this matter.*

**QWN58/14 Councillor Aird - Plaque on ocean front**

Would Council attend to the restoration of the plaque at the ocean beach front.

*At the request of the Mayor the Deputy General Manager, People, Place & Infrastructure advised that there was a request in place for work to be done.*

**Stencils re AFZ**

Would Council refresh the stencils around the CBD advising of the Alcohol Free Zones as the have become very faint.

*At the request of the Mayor the Deputy General Manager, Landuse & Sustainability advised the would have Council attend to these matters.*

**QWN59/14 Councillor Aird - Harris Farm site**

Can Council do anything to improve on the aesthetics and tidiness of the Harris Farm site as it is the gateway to Manly and it is currently in a degraded state.

*At the request of the Mayor the Deputy General Manager, Landuse & Sustainability advised that he would attend to this.*

**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Human Services And Facilities Division Report No. 4

**Grant Applications (MC/14/104444)**

*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.*

Environmental Services Division Report No. 33

**Tenders (MC/14/102754)**

*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 items.

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

**Against the Motion:** Nil.

**142/14 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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Human Services And Facilities Division Report No. 4

**Grant Applications (MC/14/104444)**

**MOTION (C Griffin / Heasman)**

Progressed as discussed in closed session.

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

**Against the Motion:** Nil.

**143/14 RESOLVED: (C Griffin / Heasman)**

Progressed as discussed in closed session.

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Environmental Services Division Report No. 33

**Tenders (MC/14/102754)**

**MOTION (C Griffin / Burns)**

Progressed as discussed in closed session.

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

**Against the Motion:** Nil.

**144/14 RESOLVED: (C Griffin / Burns)**

Progressed as discussed in closed session.

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**CLOSE**

The meeting closed at [9.43pm](#)

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

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**MAYOR**

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