

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 9 February 2015

All minutes are subject to confirmation at a subsequent meeting.

*Copies of business papers are available at the Customer Service Counters
at Manly Council, Manly Library and Seaforth Library and are available on
Council's website:*

www.manly.nsw.gov.au

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 9 February 2015. The meeting commenced at 7.30pm.

PRESENT

Her Worship, The Mayor, Jean Hay AM, who presided
Councillor B Aird
Councillor C Bingham
Councillor H Burns
Councillor C Griffin
Councillor J Griffin (arrived at 8.30pm)
Councillor A Heasman
Councillor A Le Surf
Councillor S Pickering Deputy Mayor

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 Tim Giovanelli, Senior Pastor of Manly Life Church.

APOLOGIES

MOTION (Bingham / Pickering)

That the apology for lateness received from Councillor James Griffin, 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.

1/15 RESOLVED: (Bingham / Pickering)

That the apology for lateness received from Councillor James Griffin, be accepted and leave be granted.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Cllr James Griffin	Notice of Motion Report No 4 – Telstra Phone Booths	Due to work associations.

CONFIRMATION OF MINUTES**MOTION (Le Surf / Heasman)**

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

2/15 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 08 December 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 (Le Surf / Heasman)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 February 2015, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Motion: Nil

3/15 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 February 2015, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
David Parsons	Governance
Terry LeRoux	Boarding House DA in North Harbour Precinct
Ian Littlemore	Activities within Little Manly Reserve

NOTICES OF MOTION

Notice of Motion Report No. 1

Coal Seam Gas Mining in NSW (MC/15/13209)

The following person addressed the meeting on this item:

In support – Clara Williams Roldan

Councillor Cathy Griffin moved:

MOTION (C Griffin / Aird)

That Manly Council declares its support for a safe and secure water and food supply for the residents of Manly and the Northern Beaches and writes to the Member for Manly, The Premier, and the Minister for Resources and Energy and express Council's deep concern regarding the continuation of coal seam gas (CSG) mining in NSW and coal mining in Sydney's drinking water catchment.

In addition Manly Council calls for:

- A ban on CSG exploration and extraction in the Sydney Water Catchment Special Areas.
- Cancellation of the licence held by Dart Energy to drill for coal seam gas that is in operation over the Sydney basin including parts of the Manly Local Government Area (PEL 463);
- A ban on CSG exploration and mining off the coast of NSW. Specifically cancellation of the licence held by Advent Energy Ltd., exploration permit (PEP11), which is off the coast of Manly.
- A ban on the expansion of coal mining in the Sydney Water Catchment Special Areas and a plan for phasing out existing coal mining. Mining in the catchment is currently costing three billion litres of water each year and this will grow if coal mining expands.
- A permanent freeze on new CSG exploration licence applications, (noting that there is a temporary freeze which was extended to September 2015)
- A stop to all existing CSG activity, including the Narrabri and Gloucester projects, until CSG extraction technology develops to a point where it is proven safe for water supplies and public health.
- Establishment of an Environmental rehabilitation fund to address possible legacy issues and ensure the costs and impacts of the current CGS industry activities are not a burden on the community.
- Establishment of an independent Mining and Petroleum Authority to take over the oversight of all approved mining developments in NSW from the Department of Resources and Energy.

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

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

With the voting being equal the Mayor used her **casting vote** and the **motion was lost**.

SUSPENSION OF STANDING ORDERS (Heasman / LeSurf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 5 Outstanding Plaque to be Erected and Notice of Motion Report No. 6 – Establishment of Little Manly Reserve Community Park.

Councillor J Griffin entered the Chamber at 8.30pm.

Notice of Motion Report No. 5

Outstanding Plaque to be Erected (MC/15/13603)

The following person addressed the meeting on this item:

In support – David Hay

Councillor Candy Bingham moved:

MOTION (Bingham / Heasman)

That a report be prepared correctly identifying the land and historic event referred to in the Manly Daily article on 30/1/15 with the view to erecting a plaque to honour the then Lands Minister Jack Renshaw, Alderman Frank Preacher and all the Manly alderman of the time who were responsible for saving the land “below Cutler Road” from development.

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

Against the Motion: Nil.

4/15 RESOLVED: (Bingham / Heasman)

That a report be prepared correctly identifying the land and historic event referred to in the Manly Daily article on 30/1/15 with the view to erecting a plaque to honour the then Lands Minister Jack Renshaw, Alderman Frank Preacher and all the Manly alderman of the time who were responsible for saving the land “below Cutler Road” from development.

Notice of Motion Report No. 6

Establishment of Little Manly Reserve Community Park (MC/15/13738)

The following person addressed the meeting on this item:

In support – Peter Monckton

Councillor Barbara Aird moved:

MOTION (Aird / Burns)

That Council re-affirms its commitment to establish a community park at Little Manly Reserve, and in line with the long held vision and community expectations, accordingly undertakes genuine steps to progress the matter by implementing the recommendations of the Public Domains Committee.

Amendment (Pickering / Heasman)

That Council re-affirms its commitment to establish a community park at Little Manly Reserve, and in line with the long held vision and community expectations, acknowledges that work has been progressing and will continue to progress as funds become available.

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

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

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

MOTION (Pickering / Heasman)

That Council re-affirms its commitment to establish a community park at Little Manly Reserve, and in line with the long held vision and community expectations, acknowledges that work has been progressing and will continue to progress as funds become available.

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

Against the Motion: Councillors Aird and C Griffin

5/15 RESOLVED: (Pickering / Heasman)

That Council re-affirms its commitment to establish a community park at Little Manly Reserve, and in line with the long held vision and community expectations, and acknowledges that work has been progressing and will continue to progress as funds become available.

RESUMPTION OF STANDING ORDERS (Le Surf/ Heasman)

That Standing Orders be resumed.

RESOLVED: (Le Surf/ Heasman)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Notice of Motion Report No. 2

Commission of History of Manly Council (MC/15/13495)

Councillor Cathy Griffin moved:

MOTION (C Griffin / Heasman)

That:

1. Manly Council refer to the Heritage Committee the proposal to commission a book on the history of Manly Council to be completed ideally by September 2016; and
2. The Committee consider the Terms of Reference, options for funding and publishing and

report back to Council for further consideration and to proceed to call for Expressions of Interest.

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

Against the Motion: Councillor Aird

6/15 RESOLVED: (C Griffin / Heasman)

That:

1. Manly Council refer to the Heritage Committee the proposal to commission a book on the history of Manly Council to be completed ideally by September 2016; and
2. The Committee consider the Terms of Reference, options for funding and publishing and report back to Council for further consideration and to proceed to call for Expressions of Interest.

Notice of Motion Report No. 3

Audit & Strategic Plan for Cycling in Manly (MC/15/13571)

Councillor Candy Bingham moved:

MOTION (Bingham / C Griffin)

That:

A report be prepared administratively and circulated to Councillors on Council's bicycling networks and facilities.

This will include, but not be limited to:

- a) Information on the condition of existing cycleways and any maintenance or upgrade that is needed;
- b) Information on signage;
- c) A map of all existing bike paths and bike racks;
- d) Recommendations for the improvement and upgrading of existing facilities;
- e) Recommendations for future bike paths, bike storage and bike racks; and
- f) Funding opportunities through grants and otherwise.

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

Against the Motion: Nil.

7/15 RESOLVED: (Bingham / C Griffin)

That:

A report be prepared administratively and circulated to Councillors on Council's bicycling networks and facilities.

This will include, but not be limited to:

- a) A review of the condition of existing cycleways and any maintenance or upgrade that is needed;
- b) A review of signage;
- c) A map of all existing bike paths and bike racks;
- d) Recommendations for the improvement and upgrading of existing facilities;
- e) Recommendations for future bike paths, bike storage and bike racks; and
- f) Funding opportunities through grants and otherwise.

Councillor J Griffin left the Chamber after declaring a conflict of interest in the item below.

Notice of Motion Report No. 4

Telstra Phone Booths (MC/15/13579)

Councillor Candy Bingham moved:

MOTION (Bingham / Heasman)

That:

1. Telstra be requested to justify the installation of these booths in relation to demand and positioning;
2. The General Manager be requested to contact Telstra and seek their agreement for a more appropriate colour be used for public phone booths erected in the Manly CBD; and
3. A report setting out the heritage significance of Manly's streetscape and ocean beach, together with suggestions on what would be a more appropriate colour (such as the blue) for the area, be included with the request.

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

Against the Motion: Nil.

Councillor J Griffin was not in the Chamber when the voting took place having earlier declared an interest in this item.

8/15 RESOLVED: (Bingham / Heasman)

That:

1. Telstra be requested to justify the installation of these booths in relation to demand and positioning;
2. The General Manager be requested to contact Telstra and seek their agreement for a more appropriate colour be used for public phone booths erected in the Manly CBD; and
3. A report setting out the heritage significance of Manly's streetscape and ocean beach, together with suggestions on what would be a more appropriate colour (such as the blue) for the area, be included with the request.

Notice of Motion Report No. 7

Market Lane Sewage Odours (MC/15/13770)

Councillor Hugh Burns moved:

MOTION (Burns / C Griffin)

That:

Council work with Sydney Water to develop a plan to remove odours emitted from the sewage pumping station located in front of the Whistler Street Carpark. This plan should involve the installation of mechanical air handling equipment to ventilate the pump chamber. This solution could involve:

1. a riser and air discharge at roof level incorporated in to the new external lift well, under preliminary consideration as part of the Whistler Street Car Park refurbishment (with underground duct route from pumping chamber to side of car park);
2. Odour scrubbers with an exhaust air discharge stack 3m above the street above the pumping station location;
1. Staff work with Sydney Water to look for more suitable locations for the ventilated stack; and
2. Council install a sign to advise the public of how to advise Sydney Water of issues or complaints relating to the facility.

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

Against the Motion: Nil.

9/15 RESOLVED: (Burns / C Griffin)

That:

Council work with Sydney Water to develop a plan to remove odours emitted from the sewage pumping station in front of the Whistler Street Carpark. This plan should involve the installation of mechanical air handling equipment to ventilate the pump chamber. This solution could involve:

1. a riser and air discharge at roof level incorporated in to the new external lift well, under preliminary consideration as part of the Whistler Street Car Park refurbishment (with underground duct route from pumping chamber to side of car park);
2. Odour scrubbers with an exhaust air discharge stack 3m above the street above the pumping station location;
3. Staff work with Sydney Water to look for more suitable locations for the ventilated stack; and
4. Council install a sign to advise public of any complaints near the facility.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

Items For Brief Mention (MC/15/13774)

Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Report number and subject	Précis	Status
199/14	8/12	Notice of Motion No. 65 – Council car parks	Scoping Parking Study to increase utilisation of Council's Carparks	Being prepared.
198/14	8/12	Notice of Motion No. 64 - Feasibility of becoming an Internet Service Provider (ISP) as part of the National Broadband Network (NBN)	Request that SHOROC undertake a preliminary feasibility study/analysis and brief report to Council.	SHOROC letter sent awaiting response
197/14	8/12	Notice of Motion No. 63 – Sydney's drug problem	Responding to the escalating Sydney drug problem	Letter sent, awaiting response
196/14	8/12	Notice of Motion No. 62 – Boat Trailers	Boat storage and boat trailer initiatives	Harbour Foreshores and Coastline Management Committee
195/14	8/12	Notice of Motion No. 61 – East Esplanade Reserve	Improve toilet facilities at East Esplanade	In progress – Cleaning of sandstone is schedule for late February.
178/14	10/11	Notice of Motion No. 53 - Manly Wharf Signpost	Signpost be designed and installed at Manly Wharf	In progress

			directing people to the key attractions of Manly.	
156/14	13/10	Notice of Motion No. 50 - Upgrading of Electronic display of Car Park Free Spaces	That parking availability of Council car parks be published on line and mobile devices or App.	App being scoped.
158/14	13/10	Notice of Motion No. 52 - Council Report on the Bat Camp at Burnt Bridge Creek	Council staff bring back the Management Plan to Council in regards to the bat camp located adjacent to Burnt Bridge Creek	In progress – for March OM

MOTION (J Griffin / Heasman)

That the report be received and noted.

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

Against the Motion: Nil.

10/15 RESOLVED: (J Griffin / Heasman)

That the report be received and noted.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 4

Review of Hop, Skip & Jump Community Bus Service (MC/14/153286)**MOTION (Bingham / Heasman)**

That:

1. the report be received and noted;
2. A further report of the outcome of sponsorship recommendations, review of timetables, installation of signs and promotion of the service be prepared when information is available; and
3. Council look into the feasibility of extending the services for 1 hour in summer months (in the evening).

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

Against the Motion: Nil.

11/15 RESOLVED: (Bingham / Heasman)

That:

1. the report be received and noted;
2. A further report of the outcome of sponsorship recommendations, review of timetables, installation of signs and promotion of the service be prepared when information is available; and
3. Council look into the feasibility of extending the services for 1 hour in summer months (in the evening).

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 1

Report on Council Investments as at 31 December 2014 (MC/15/4512)**MOTION (Le Surf / Pickering)**

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

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

Against the Motion: Nil.

12/15 RESOLVED: (Le Surf / Pickering)

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

Corporate Services Division Report No. 2

Report on Council Investments as at 31 January 2015 (MC/15/5116)**MOTION (Le Surf / J Griffin)**

That the statement of Bank Balances and Investment Holdings as at 31 January 2015 be received and noted.

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

Against the Motion: Nil.

13/15 RESOLVED: (Le Surf / J Griffin)

That the statement of Bank Balances and Investment Holdings as at 31 January 2015 be received and noted.

Corporate Services Division Report No. 3

Second Quarter Report (1 October 2014 to 31 December 2014) – Progress with the Delivery Program 2013-2017 and Budget 2014-15 (MC/15/11817)

MOTION (Le Surf / Heasman)

That:

1. The second quarterly report for the 2014-15 Operational Plan and progress report with the second year of Council's Delivery Program 2013-2017 be received and noted;
2. The Financial Statement for the quarter ended 31 December 2014, including the revised estimates and recommended variations contained within the report, be adopted; and
3. Council staff are acknowledged for the outcomes achieved.

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

Against the Motion: Nil.

14/15 RESOLVED: (Le Surf / Heasman)

That:

1. The second quarterly report for the 2014-15 Operational Plan and progress report with the second year of Council's Delivery Program 2013-2017 be received and noted;
2. The Financial Statement for the quarter ended 31 December 2014, including the revised estimates and recommended variations contained within the report, be adopted; and
3. Council staff are acknowledged for the outcomes achieved.

QUESTIONS WITHOUT NOTICE

QWN1/15 Councillor Bingham - Sale of fresh flowers at Manly Produce Markets

Given that we have two long established Florists in Manly who pay substantial rent and operate here 7 days a week, would the General Manager review the sale of fresh flowers as part of the Manly Produce Markets, which is seen as unfair competition for existing retailers?

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

QWN2/15 Councillor Bingham - Councillors Bi Monthly report

Would the General Manager provide his Bi Monthly report to Councillors in a suitable format for screen enlargement that can be zoomed-out on the screen and printed, give that the information provided is not of a confidential nature and currently difficult to read on screen?

At the request of the Mayor the General Manager advised that it was already in that format and he would personally show her how to do this.

QWN3/15 Councillor Heasman - Vegetation height

Can Council approach the landowner (RMS or NPWS) to:

Firstly, reduce the height of the vegetation adjacent to the footpath of Manly Road (South) between Avona Crescent and Heaton Avenue Clontarf; and

Secondly, currently the width of the pedestrian pathway has been reduced by overgrown weeds and plants and should be cleared by the landowner.

At the request of the Mayor the General Manager advised that the route in question is not properly constructed as a footpath, the adjacent properties do have vegetation that encroach onto that route. Council are in the process of negotiation with the RMS with a view to widening the footpath.

QWN4/15 Councillor Burns - Manly Town Hall

Will Council attend to the parapets on top of the Town Hall building as they are looking quite worn?

At the request of the Mayor the General Manager advised that we would have the area cleaned. The Town Hall was painted three years ago so it is a matter of getting the dirt/grime off, that has built up since then.

QWN5/15 Councillor Burns - Downloading Special Purpose Committee Agendas

As some external agencies are having trouble accessing the PDF Agenda's and Minutes, is it possible to revert to the old system?

At the request of the Mayor the General Manager advised he would attend to this.

QWN6/15 Councillor Aird - Grass at East Esplanade

The grass at East Esplanade is very long and needs maintenance, could this be attended to?

At the request of the Mayor the General Manager advised that he would have staff attend to this.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 2

Staff Matter 1 (MC/15/15413)

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.

Mayoral Minute Report No. 3

Staff Matter 2 (MC/15/15416)

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 / Heasman)

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

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

Against the Motion: Nil.

15/15 RESOLVED: (Le Surf / Heasman)

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

OPEN COUNCIL RESUMED

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

Mayoral Minute Report No. 2

Staff Matter 1 (MC/15/15413)

MOTION (Le Surf / Heasman)

That the Committee's recommendation be adopted.

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

Against the Motion: Councillors Aird and C Griffin

16/15 RESOLVED: (Le Surf / Heasman)

That the Committee's recommendation be adopted.

Mayoral Minute Report No. 3
Staff Matter 2 (MC/15/15416)

MOTION (Le Surf / Heasman)

Progressed as discussed in closed Committee.

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

Against the Motion: Councillors Aird and C Griffin

17/15 RESOLVED: (Le Surf / Heasman)

Progressed as discussed in closed Committee.

CLOSE

The meeting closed at 11.45pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [9 March 2015](#).

MAYOR

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