

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 9 November 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 November 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, Deputy Mayor (arrived 9.00pm)
Councillor A Le Surf
Councillor S Pickering

ALSO PRESENT

Henry Wong, General Manager
Anthony Hewton, Executive Manager, Corporate Support Services
Helen Lever, Manager Administration
Secretariat Officer

OPENING PRAYER

The Opening Prayer was given by Rev. Graham Perry, Uniting Church: Sydney North Presbytery.

APOLOGIES

MOTION (Le Surf / Burns)

Apologies were tendered on behalf of Councillor Heasman, for non-attendance and Clr J Griffin for lateness.

137/15 RESOLVED: (Le Surf / Burns)

Apologies were tendered on behalf of Councillor Heasman, for non-attendance and Clr J Griffin for lateness.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Le Surf / Bingham)

That copies of the Minutes of the Ordinary Meeting held on Tuesday, 06 October 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, Bingham, Pickering, Le Surf, C Griffin and Hay AM
Against the Motion: Nil.

138/15 RESOLVED: (Le Surf / Bingham)

That copies of the Minutes of the Ordinary Meeting held on Tuesday, 06 October 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.

CONFIRMATION OF MINUTES

MOTION (Le Surf / Bingham)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 November 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, Bingham, Pickering, Le Surf, C Griffin and Hay AM
Against the Motion: Nil.

139/15 RESOLVED: (Le Surf / Bingham)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 02 November 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
Bronwyn Morris	Better Clean Up of Manly Cove
Bruce Kitson	Car Parking Operational Update

NOTICES OF MOTION

Notice of Motion Report No. 46

Review Commercial Dog Walking Policy (MC/15/137866)

The following persons addressed the meeting on this item:

In support Beth McDonald / Laura Worley

Councillor Candy Bingham moved:

MOTION (Bingham / Aird)

That:

1. A review be undertaken of Council's current Commercial Dog Walking Policy, and public areas available for use by dog walkers, both commercial and owners.
2. A public position be resolved in relation to the future use of LM Graham Reserve by dogs, as the area becomes more active with sporting commitments, following consultation with the relevant stakeholder groups.
3. A report be brought back to Council.

AMENDMENT (Burns / Hay)

That Council investigate other options for creating fully fenced dog exercise areas including working with adjacent councils and offering licenses to be granted on a merit basis.

For the Amendment: Councillors Burns, Pickering, Le Surf and Hay AM

Against the Amendment: C Griffin, Bingham and Aird

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

MOTION (Burns / Hay AM)

That Council investigate other options for creating fully fenced dog exercise areas including working with adjacent Councils and licenses granted on merit basis.

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

Against the Motion: C Griffin

140/15 RESOLVED: (Burns / Hay AM)

That Council investigate other options for creating fully fenced dog exercise areas including working with adjacent Councils and licenses granted on merit basis.

Notice of Motion Report No. 47

Composting Toilet for Little Manly Reserve (MC/15/137870)

The following person addressed the meeting on this item:

In support Dr Ian Lang Co-chair Little Manly Precinct

Councillor Candy Bingham moved that:

The General Manager prepare a report investigating the option of providing Eco Composting toilets at Little Manly Reserve where the need for public toilets has been identified.

MOTION (Bingham / C Griffin)

That the General Manager prepare a report investigating the option of providing Eco Composting toilets at Little Manly Reserve where the need for public toilets has been identified.

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

Against the Motion: Nil.

141/15 (Bingham / C Griffin)

That the General Manager prepare a report investigating the option of providing Eco Composting Toilets at Little Manly Reserve where the need for public toilets has been identified.

SUSPENSION OF STANDING ORDERS (Pickering / Le Surf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion No 49 – Refurbishment of Fairy Bower Pool.

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

Against the Motion: Nil.

141/15 RESOLVED: (Pickering / Le Surf)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion No 49 – Refurbishment of Fairy Bower Pool.

Notice of Motion Report No. 49

Refurbishment of Fairy Bower Pool (MC/15/137883)

The following person addressed the meeting on this item:

In support Robyn Hall

Councillor Hugh Burns moved:

MOTION (Burns / C Griffin)

1. That, in the short term and following consultation with the Fairy Bower Precinct, Council:
 - a. Drain the Fairy Bower pool (at suitable tides) and machine remove all loose concrete from the bottom and re-concrete the bottom as required to once again restore a smooth inner surface as the same approximate sloping level and height as the existing bottom.
 - b. Similarly repair the edges and tops of the walkways around the pool so they are also smooth to walk on for swimmers with bare feet and have no rough sections.
2. For next year's Council budget fully prepare a project and budget submission to restore the pools appearance by fully pressure and mechanical cleaning the interior and walkways to enable repainting it to return it to its former glory.

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

Against the Motion: Nil.

142/15 RESOLVED: (Burns / C Griffin)

1. That, in the short term and following consultation with the Fairy Bower Precinct, Council:
 - a. Drain the Fairy Bower pool (at suitable tides) and machine remove all loose concrete from the bottom and re-concrete the bottom as required to once again restore a smooth inner surface as the same approximate sloping level and height as the existing bottom.
 - b. Similarly repair the edges and tops of the walkways around the pool so they are also smooth to walk on for swimmers with bare feet and have no rough sections.
2. For next year's Council budget fully prepare a project and budget submission to restore the pools appearance by fully pressure and mechanical cleaning the interior and walkways to enable repainting it to return it to its former glory.

RESUMPTION OF STANDING ORDERS (Pickering / Le Surf)

That Standing Orders be resumed.

MOTION (Pickering / Le Surf)

That Standing Orders be resumed.

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

143/15 RESOLVED: (Pickering / Le Surf)

That Standing Orders be resumed.

Councillor J Griffin entered the Chamber at 9.00pm

Notice of Motion Report No. 48

**Residential Parking Permits (MC/15/137879)
Councillor Hugh Burns moved:****MOTION (Burns / Aird)**

That the General Manager, for the purpose of enforcement, be requested to use his statutory discretion to extend the period of expiry of a residential parking permit by one month following its date of expiry.

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

144/15 RESOLVED: (Burns / Aird)

That the General Manager, for the purpose of enforcement, be requested to use his statutory discretion to extend the period of expiry of a residential parking permit by one month following its date of expiry.

Notice of Motion Report No. 50

State Council Amalgamation Campaign Response (MC/15/137886)

Councillor Hugh Burns moved:

MOTION (Burns / C Griffin)

That Council:

1. Extend the *Smaller is Better* information campaign in the local paper to reinforce the community's wish for Manly to standalone, and placing a *Smaller is Better* banner at the front of the Town Hall;
2. Expose Warringah Council's misinformation and over inflated financial benefits of the amalgamating Councils on the Northern Beaches into one mega Council; and
3. Part of any further information campaign is a call to action campaign which includes encouraging residents to contact the Local Member and Premier.

AMENDMENT (Hay / Le Surf)

That Council:

1. Extend the *Smaller is Better* information campaign in the local paper to reinforce the community's wish for Manly to standalone, and placing a *Smaller is Better* banner at the front of the Town Hall; and
2. Expose Warringah Council's misinformation and over inflated financial benefits of the amalgamating Councils on the Northern Beaches into one mega Council.

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

Against the Amendment: Burns, Aird and C Griffin

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

MOTION (Le Surf / Hay AM)

That Council:

1. Extend the *Smaller is Better* information campaign in the local paper to reinforce the community's wish for Manly to standalone, and placing a *Smaller is Better* banner at the front of the Town Hall; and
2. Expose Warringah Council's misinformation and over inflated financial benefits of the amalgamating Councils on the Northern Beaches into one mega Council.

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

145/15 RESOLVED: (Le Surf / Hay AM)

That Council:

1. Extend the *Smaller is Better* information campaign to reinforce the community's wish for Manly to standalone, and placing a *Smaller is Better* banner at the front of the Town Hall; and
2. Expose Warringah Council's misinformation and over inflated financial benefits of the amalgamating Councils on the Northern Beaches into one mega Council.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 16

Items For Brief Mention (MC/15/134811)

1. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
128/15	14 Sep	Notice of Motion Report No. 39 - Completion of Manly Plaza, Short Street	The General Manager prepares a report to Council setting out when the Manly Plaza is expected to be completed and works outstanding	Awaiting for the holding of an AGM by Manly National.
123/15	14 Sep	Notice of Motion Report No. 37 - Smoke Free Zone – Market Place & Market Lane	That the General Manager prepare a report investigating the possibility of Market Place & Market Lane becoming a designated "Smoke-Free Zone".	Report will be presented to a December Meeting of Council.
93/15	13 July	Notice of Motion 32 – Clearing of Former Tramway Reservation from Terminus to Manly road for a Public Walking Track	Council sufficiently clear the former tramway line right-of-way from the Spit Terminus near Manly Road to enable the public to walk and inspect the route, including interpretive signage.	Being progressed by two Special Purpose Committees.
55/15	11 May	Notice of Motion No. 19 – Community Art Project	Report on developing and supporting a Manly Community Art Project.	Draft paper completed and recommendations received for discussion of options.
25/15	9 Mar	Notice of Motion No. 13 - Digitisation of Manly Council Minutes/ Agendas	Council to progressively digitise its Council Meeting papers between 1960 and 2004.	Project expected to be delivered before the end of the year.

2. Tabled Documents

Date	Author	Subject
30 Oct 15	Tim Hurst Acting Chief Executive	50% discount registration fee for desexed animals sold by an eligible pound or shelter
3 Nov 15	Mike Baird MP	Reply to Council's letter concerning Circular Quay upgrade.
4 Nov 15	Kerry Doyle, PSM Chief Executive – NSW Heart Foundation	2015 Heart Foundation Local Government Awards booklet

MOTION (Le Surf / J Griffin)

- That items 1 and 2 be received and noted.

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

Against the Motion: Nil.

146/15 RESOLVED: (Le Surf / J Griffin)

- That items 1 and 2 be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 29

Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/15/137265)

RECOMMENDATION (Le Surf / J Griffin)

That the following Special Purpose Advisory Committee minutes are tabled at the meeting, for formal notation.

- Harbour Foreshores & Coastline Management Advisory Committee – 8 September 2015
- Sports & Recreations Faculties Advisory Committee – 2 October 2015
- Audit & Risk Advisory Committee – 6 October
- Community Safety & Place Management Advisory Committee – 8 October 2015
- Sustainable Transport Advisory Committee – 8 October 2015
- Manly Local Traffic Committee – 12 October 2015
- Community Environment Advisory Committee – 14 October 2015
- Human Services & Social Planning Advisory Committee – 27 October 2015

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

Against the Motion: Nil.

147/15 RESOLVED: (Le Surf / J Griffin)

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

1. Harbour Foreshores & Coastline Management Advisory Committee – 8 September 2015
2. Sports & Recreations Faculties Advisory Committee – 2 October 2015
3. Audit & Risk Advisory Committee – 6 October 2015
4. Community Safety & Place Management Advisory Committee – 8 October 2015
5. Sustainable Transport Advisory Committee – 8 October 2015
6. Manly Local Traffic Committee – 12 October 2015
7. Community Environment Advisory Committee – 14 October 2015
8. Human Services & Social Planning Advisory Committee – 27 October 2015

GENERAL MANAGERS DIVISION

General Managers Division Report No. 11

Period Summary Report – Code of Conduct (MC/15/138954)**SUMMARY**

Under the Model Code of Conduct Procedures and Council's Complaint Management Policy (C120), a report is to be provided to Council on a range of complaints statistics within three months of the end of September each year. This report has been completed to fulfil these requirements.

MOTION (Le Surf / Burns)

That Council receive and note this report.

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

Against the Motion: Nil.

148/15 RESOLVED: (Le Surf / Burns)

That Council receive and note this report.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 20

Report on Council Investments as at October 2015 (MC/15/5244)**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 (Le Surf / Pickering)

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

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

Against the Motion: Nil.

149/15 RESOLVED: (Le Surf / Pickering)

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

Corporate Services Division Report No. 21

First Quarter Report (1 July to 30 September 2015) - Progress with Four Year Delivery Program 2013 - 2017, Operational Plan 2015-16 and Budget 2015-16 (MC/15/136409)

MOTION (Le Surf / Burns)

That:

1. The first quarterly report for the 2015-16 Operational Plan and progress report with the third year of Council's Delivery Program 2013-2017 be received and noted; and
2. The Financial Statement for the quarter ended 30 September 2015, including the revised estimates and recommended variations contained within the report, be adopted.

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

Against the Motion: Nil.

150/15 RESOLVED: (Le Surf / Burns)

That:

1. The first quarterly report for the 2015-16 Operational Plan and progress report with the third year of Council's Delivery Program 2013-2017 be received and noted; and
2. The Financial Statement for the quarter ended 30 September 2015, including the revised estimates and recommended variations contained within the report, be adopted.

QUESTIONS WITHOUT NOTICE**QWN66/15 Councillor Bingham - Detention Tank**

Would the General Manager provide the following information in relation to the Storm Water Detention Tank to be installed at the western end of Many Oval, commencing in February 2016?

- a. Has the location changed since the original plan in 2012?
- b. Does Council require a heritage assessment and development consent for this project, if so have these been obtained?
- c. Has there been any public exhibition of the proposal and if so, what public representations were received?

At the request of the Mayor, the General Manager advised that:

- a. *the location has not changed;*
- b. *Consent was granted in July 2014 following LIRS approval in 2013; and*
- c. *No, because the application was undertaken through a Part V assessment (which included heritage).*

QWN67/15 Councillor Burns - Paving

Have we done a detailed analysis of the how the paving of Sydney Road will meet and marry up with the paving pattern of The Corso?

At the request of the Mayor, the General Manager advised that the matter has been addressed by Council's Landscape Architect in conjunction with a specialist Architect. There may be a water feature installed at this location which will assist the transition of the two grids.

QWN68/15 Councillor Burns - Short Street

In relation to the Manly Plaza / Short Street project does the project include work to the lane way between Short Street and Whistler Street which is a very popular walkway?

At the request of the Mayor, the General Manager advised that the linkage between Short Street and Whistler Street was not included in the original plan however it may be considered given its use and importance.

QWN69/15 Councillor Aird - Public place bins chained to poles in The Corso

There are a number of red public place bins in The Corso chained to poles outside both the NAB Bank and St George Bank which are often overflowing and are an eyesore.

Given that there are Council installed / public timber bins housing in very close proximity, can the red plastic bins be removed?

At the request of the Mayor, the General Manager advised that he would look into the matter immediately as there should not be any orphan bins in The Corso as commercial businesses must accommodate commercial waste bins on their own property.

QWN70/15 Councillor Aird - Boat Ramp at Shelly Beach

Can the General Manager investigate the use of chemicals to clean the ramp in response to concerns from the community re health impacts on beach goers and the marine environment?

At the request of the Mayor, the General Manager advised that she would look into the matter and requested Cllr Aird to provide her with any photos she had regarding the matter.

QWN71/15 Councillor C Griffin - Kerb ramps in Manly LGA

Why aren't the kerb ramps in Manly LGA compliant with AS14281 (Australian Standard – Design for access and mobility).

At the request of the Mayor, the General Manager advised that Council has more than 120 kms of road and must consider members of the public with both prams and wheelchairs at each intersection. The General Manager further requested Cllr Griffin identify the ramps in question and Council would be more than happy to investigate the matter.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic and Urban Services Division Report No. 8

SHOROC T04/15 – Provision of Road Construction Services and Materials (MC/15/135462)

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

151/15 RESOLVED: (Le Surf / J Griffin)

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

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

Against the Motion: Nil.

152/15 RESOLVED: (Le Surf / J Griffin)

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

OPEN COUNCIL RESUMED

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

Civic and Urban Services Division Report No. 8

SHOROC T04/15 – Provision of Road Construction Services and Materials (MC/15/135462)

MOTION (Pickering / Bingham)

As progressed in closed session.

153/15 RESOLVED: (Le Surf / Bingham)

As progressed in closed session.

CLOSE

The meeting closed at [10.29pm](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [14 December 2015](#).

MAYOR

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