

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 11 August 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

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 11 August 2014. The meeting commenced at 7.30pm.

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
Beth Lawsen, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Executive Manager, Corporate Support Services
Helen Lever, Manager Administration
Secretariat Officer

OPENING PRAYER

The Opening Prayer was given by Rev Graham Perry, Balgowlah Uniting Church.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Clr Adele Heasman	Notice of Motion 30 & 31 – Manly Village Public School	Manly Community Centre Board member.

CONFIRMATION OF MINUTES

MOTION (Le Surf/ Burns)

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 July 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, J Griffin, C Griffin and Hay AM
Against the Motion: Nil.

111/14 RESOLVED: (Le Surf / Burns)

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 July 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 / Burns)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 04 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, J Griffin, C Griffin and Hay AM

Against the Motion: Nil.

112/14 RESOLVED: (Le Surf / Burns)

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 04 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 (Extraordinary Meeting)**MOTION (Le Surf / Burns)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 04 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, J Griffin, C Griffin and Hay AM

Against the Motion: Nil.

113/14 RESOLVED: (Le Surf / Burns)

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 04 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.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Matt Clifton	Manly 2015

MAYORAL MINUTES

Mayoral Minute Report No. 7

Joint Regional Organisation Status Update (MC/14/94658)**MOTION (Hay AM)**

That:

The Mayoral Minutes 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.

114/14 RESOLVED: (Hay AM)

That:

The Mayoral Minutes be received and noted.

NOTICES OF RESCISSION

Notice of Rescission Report No. 1

Notice of Rescission (MC/14/94320)

The following person addressed the meeting on this item:

In support of the item – Michael Peters

Councillor Barbara Aird, Councillor Cathy Griffin, and Councillor Hugh Burns moved:

MOTION (Aird / Bingham)

“That the Council’s decision of 2 June 2014 being Notice of Motion Report No. 25 in respect of Referendum on Manly Oval Car Park be and is hereby rescinded.”

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

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

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

NOTICES OF MOTION

Councillor Heasman left the Chamber at 8.31pm having declared a conflict of interest in this report.

Notice of Motion Report No. 30

Manly Village Public School (MC/14/93050)

Councillor Steve Pickering moved:

MOTION (Pickering / Burns)

That Council:

1. work cooperatively with the Manly Village Public School Principal and P&C and Department of Education and Communities senior officers to seek a community solution to the accommodation crisis facing the school; and
2. writes to The Department of Education (copied to the local Member and Minister for Education) on the matter, outlining Council's desire to be involved and assist the school and the Department, and as a first step seeking the demographic and enrolment projections to 2020 (based on the previous and new catchment boundaries).

AMENDMENT (C Griffin)

Council write to the MVPS, Dean White and State Member, Mike Baird thanking them for the work they are currently engaged in resolving the accommodation crisis at MVPS.

Due to the lack of a **seconder** the amendment **lapsed**

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

Against the Motion: Nil.

Councillor Heasman was not in the Chamber when the voting took place.

115/14 RESOLVED: (Pickering / Burns)

That Council:

1. work cooperatively with the Manly Village Public School Principal and P&C and Department of Education and Communities senior officers to seek a community solution to the accommodation crisis facing the school; and
2. writes to The Department of Education (copied to the local Member and Minister for Education) on the matter, outlining Council's desire to be involved and assist the school and the Department, and as a first step seeking the demographic and enrolment projections to 2020 (based on the previous and new catchment boundaries).

Clr Heasman returned to the Chamber

Notice of Motion Report No. 31

Manly Village Public School (MC/14/93097) – withdrawn

Notice of Motion Report No. 32

ANZAC Centenary (MC/14/92150)
Councillor Steve Pickering moved:

MOTION (Pickering / Heasman)

Manly Council brings together representatives of Manly sporting clubs to discuss and coordinate ANZAC Centenary Projects that are being undertaken to commemorate the service and sacrifice of their servicemen and women members in the First World War.

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

Against the Motion: Nil.

116/14 RESOLVED: (Pickering / Heasman)

Manly Council brings together representatives of Manly sporting clubs to discuss and coordinate ANZAC Centenary Projects that are being undertaken to commemorate the service and sacrifice of their servicemen and women members in the First World War.

Notice of Motion Report No. 33

Noise Mitigation for Manly Cove - Ferry Noise (MC/14/92883)
Councillor Cathy Griffin moved:

MOTION (C Griffin / Bingham)

That Manly Council write to our State MP Mike Baird, the Minister for Transport Gladys Berejiklian and the Maritime Management Centre requesting that they:

- 1) Ensure all existing fast ferries operate without excessive noise; and
- 2) Ensure that any future contracts entered into with Fast Ferry operators have adequate requirements to ensure appropriate noise limits are applied and Council also write to the service provider and ask that they review and address the noise concerns raised.

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

Against the Motion: Nil.

117/14 RESOLVED: (C Griffin / Bingham)

That Manly Council write to our State MP Mike Baird, the Minister for Transport Gladys Berejiklian and the Maritime Management Centre requesting that they:

- 1) Ensure all existing fast ferries operate without excessive noise; and
- 2) Ensure that any future contracts entered into with Fast Ferry operators have adequate requirements to ensure appropriate noise limits are applied and Council also write to the service provider and ask that they review and address the noise concerns raised.

Notice of Motion Report No. 34

**South Steyne between Wentworth and Raglan Sts car free Sundays (MC/14/92905)
Councillor Cathy Griffin moved:**

MOTION (C Griffin / Burns)

That:

1. Council prepare a proposal for exhibition to close South Steyne from Raglan and Wentworth Street on Sundays either weekly or once a month from 10am to 6pm and promote the area as "car free Sundays".
2. The matter be referred to the Traffic Committee, The Corso, Fairy Bower and Little Manly Precincts.

AMENDMENT (Aird / Burns)

That Council Develop a promotion that encourages car free Sundays

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

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

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

MOTION (C Griffin / Burns)

That:

1. Council prepare a proposal for exhibition to close South Steyne from Raglan and Wentworth Street on Sundays either weekly or once a month from 10am to 6pm and promote the area as "car free Sundays".
2. The matter be referred to the Traffic Committee, The Corso, Fairy Bower and Little Manly Precincts.

For the Motion: Councillor C Griffin

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

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

Notice of Motion Report No. 35

Proposed cut to fast ferry service (MC/14/92935)

Councillor Barbara Aird moved that:

MOTION (Aird / Burns)

That:

1. Council seeks an urgent meeting with both the Minister for Transport, Gladys Berejiklian, and our local Member, Mike Baird, to express deep concerns and to call for a review of the decision by Transport NSW to allow only one company to operate the fast ferry service from Manly from April next year; and
2. Council to also seek commitment that there will be no reduction in current frequency of services and no increase in fares as a result of the proposal.

AMENDMENT (J Griffin / Pickering)

Council writes to the local member and the Minister for Transport seeking their assurance that the current level of service is matched without fare increases and the service is not compromised in terms of capacity/number of seats.

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

Against the Amendment: Councillor Aird

Amendment became the **motion** and was put and declared **Carried**.

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

Against the Motion: Councillor Aird

118/14 RESOLVED: (J Griffin / Pickering)

Council writes to the local member and the Minister for Transport seeking their assurance that the current level of service is matched without fare increases and the service is not compromised in terms of capacity/number of seats.

Notice of Motion Report No. 36

Manly Fast Ferry Capacity (MC/14/93106)

Councillor Hugh Burns withdrew this Notice of Motion:

Councillor J Griffin left the Chamber at 9.40pm

Notice of Motion Report No. 37

Dangerous state of pedestrian crossings (MC/14/93085)

Councillor Barbara Aird moved:

MOTION (Aird / C Griffin)

That Manly Council urgently addresses the dangerous state of pedestrian line markings at the major intersection of Wentworth Street and Darley Road.

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

Against the Motion: Nil.

119/14 RESOLVED: (Aird / C Griffin)

That Manly Council urgently addresses the dangerous state of pedestrian line markings at the major intersection of Wentworth Street and Darley Road.

Councillor J Griffin was not in the Chamber when the voting took place.

Councillor J Griffin returned to the Chamber 9.45pm.

Councillor LeSurf left the Chamber at 9.47pm

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 11

Items For Brief Mention (MC/14/84988)

1. Complaints made to the General Manager in the month of July.

Received	Nature of complaint	Outcome	Finalised
Nil			

3. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
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 during their historic and significant visit to Manly, as a memento of their visit.	Enquiry submitted, awaiting response.

79/14	02 June	Notice of Motion Report 23 - Boundary Markers for Leased Footpath Areas	That Manly progressively install permanent outdoor seating boundary markers.	Program in progress.
69/14	12 May	Notice of Motion Report 21 - Kenneth Road Traffic Conditions	This be referred back to the Traffic Committee to review the traffic speed limits and determine the accuracy of the boundary fence in situ via a survey	Speed limit change request is with RMS. Northern boundary works in progress.

MOTION (Heasman / Pickering)

That Item for Brief Mention reports 1 and 2 be received and noted.

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

Against the Motion: Nil.

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

120/14 RESOLVED: (Heasman / Pickering)

That Item for Brief Mention reports 1 and 2 be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 25

Minutes for notation by Council - Special Purpose Advisory committee without recommendations of a significant nature. (MC/14/90172)

MOTION (Heasman / J Griffin)

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

1. Economic Development and Tourism Advisory Committee	26 June 2014
2. Harbour Foreshores & Coastline Management Advisory Committee	8 July 2014
3. Meals on Wheels Advisory Committee	9 July 2014
4. Community Environment Advisory Committee	9 July 2014
5. Playground Advisory Committee	10 July 2014
6. Community Safety & Place Management Advisory Committee	17 July 2014
7. Manly Local Environmental Plan and Development Control Plan W/Group	23 July 2014

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

Against the Motion: Nil.

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

121/14 RESOLVED: (Heasman / J Griffin)

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

1. Economic Development and Tourism Advisory Committee	26 June 2014
2. Harbour Foreshores & Coastline Management Advisory Committee	8 July 2014
3. Meals on Wheels Advisory Committee	9 July 2014
4. Community Environment Advisory Committee	9 July 2014
5. Playground Advisory Committee	10 July 2014
6. Community Safety & Place Management Advisory Committee	17 July 2014
7. Manly Local Environmental Plan and Development Control Plan W/Group	23 July 2014

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 28

Report on Draft LEP Amendment 3 regarding Royal Far West and other planning matters - Post Exhibition. (MC/14/92649)

MOTION (Bingham / Burns)

That Council:

1. Support Draft LEP Amendment No. 3 as exhibited; and
2. Proceed to prepare and make the Draft Manly Local Environmental Plan Amendment No. 3 as exhibited.

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

Against the Motion: Nil.

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

122/14 RESOLVED: (Bingham / Burns)

That Council:

1. Support Draft LEP Amendment No. 3 as exhibited.
2. Proceed to prepare and make the Draft Manly Local Environmental Plan Amendment No. 3 as exhibited.

Councillor Le Surf returned to the Chamber at 9.59pm

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 15

Report on Council Investments as at July 2014 (MC/14/84986)**MOTION (Heasman / J Griffin)**

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

123/14 RESOLVED: (Heasman / J Griffin)

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

QUESTIONS WITHOUT NOTICE**QWN47/14 Councillor Bingham - Parking in the basement of the Whistler Street car park**

Would the General Manager report on the current status of parking in the basement of the Whistler Street car park?

At the request of the Mayor the General Manager advised that Council had received a Notice of Intention to Serve an Order requiring Council to undertake certain works to ensure that members of the public cannot use the basement level. It has now been secured and is used only for operational vehicles.

QWN48/14 Councillor Le Surf - Gathering personal information in the Public Gallery

I became aware that during last week's Extraordinary meeting that a document was circulated which sought the name and address of those in the Public Gallery. The document asked people to indicate whether they supported the Manly Oval Carpark or not.

Following that the document was used by others in other arenas.

Is the gathering of such personal information amongst the public gallery allowed in our Code of Meeting Practice?

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

QWN49/14 Councillor Burns - Bus Shelter in Lauderdale Avenue

What is the normal repair time for JCDecaux to replace a bus shelter?

At the request of the Mayor the General Manager advised that JCDecaux usually respond within 24 hours and he would follow up via Ms Lawsen's team.

QWN50/14 Councillor Burns - Art Gallery Pergola

How can repairs on the pergola at the Art Gallery be facilitated? Does this fit into Council's repair budget or do we need additional funding?

At the request of the Mayor the General Manager advised that Council have undertaken a significant amount of work and all rotten timbers have been replaced.

QWN51/14 Councillor Aird - Advertising on bus shelters

Over the last few months I have noticed alcohol advertising on bus shelters and this is not in accordance with their contract with Council?

At the request of the Mayor the General Manager advised he would follow this up with Ms Lawsen's team.

QWN52/14 Councillor Aird - Plaque on beachfront

Could the plaque on the beachfront in front of the Ocean Beach Restaurant which was donated to Council by nuns years ago be restored?

At the request of the Mayor the General Manager advised he would look into restoration of this plaque.

QWN53/14 Councillor C Griffin - Advertising on umbrellas

Are umbrellas and wind breaks with third party advertising permitted in outdoor dining areas in the Manly CBD?

At the request of the Mayor the General Manager advised that Council does not permit advertising on umbrellas and the areas in question are on private land (strata).

CONFIDENTIAL COMMITTEE OF THE WHOLE

Notice of Motion Report No. 38

Notice of Motion - Confidential (MC/14/94748)

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.

Human Services And Facilities Division Report No. 3

Tender Report 1 (MC/14/94749)

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.

Corporate Services Division Report No. 16

Tender Report 2 (MC/14/78826)

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) (c) (d) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND 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 / Pickering)

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

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

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

124/14 RESOLVED: (Heasman / Pickering)

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.

Human Services And Facilities Division Report No. 3
Tender Report 1 (MC/14/94749)

MOTION (Le Surf / Heasman)

As resolved in the Closed Session.

125/14 RESOLVED: (Le Surf / Heasman)

As resolved in Closed Session.

Corporate Services Division Report No. 16
Tender Report 2 (MC/14/78826)

MOTION (Le Surf / J Griffin)

As resolved in Closed Session.

126/14 RESOLVED: (Le Surf / J Griffin)

As resolved in Closed Session.

Notice of Motion Report No. 38

Notice of Motion - Confidential (MC/14/94748) - withdrawn

CLOSE

The meeting closed at [10.30pm](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [8 September 2014](#).

MAYOR

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