

## Minutes

### Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly  
on:

**Monday 11 November 2013**

*All minutes are subject to confirmation at a subsequent meeting.*

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

*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 11 November 2013. 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  
Jenny Nascimento, Chief Financial Officer  
Secretariat Officer

## **OPENING PRAYER**

The Opening Prayer was presented by John Barker, Balgowlah Uniting Church.

## **APOLOGIES**

Nil

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

Nil.

## **CONFIRMATION OF MINUTES**

### **MOTION**

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 October 2013, 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.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 October 2013, 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 Resolution:** Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

**Against the Resolution:** Nil.

*Note from the Manager, Administration ; Advice from the DLG was sought and received regarding the Minutes of 9 September 2013.*

**194/13 RESOLVED: (Le Surf / Pickering)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 October 2013, 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, 04 November 2013, 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 Resolution:** Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay

**Against the Resolution:** Nil.

**195/13 RESOLVED: (Le Surf / Heasman)**

That copies of the Minutes of the Planning and Strategy Committee held on Monday, 04 November 2013, 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
Michael Peters	Precincts communication

**Mayoral Minute Report No. 16****Stuart Street Properties**

The following person addressed the meeting on this item:

Judy Brain

**MOTION (Hay AM)**

That:

1. Council endorses the recommendations of the Public Domains Advisory Committee;
2. The Rescission Notice in the names of Clrs H Burns, B Aird and C Griffin on Stuart Street Rezoning be deferred to the December Ordinary Meeting, and
3. a report to the December Ordinary Meeting on a business case be prepared as follows:
  - (i)
    - a) retain 40 Stuart Street Manly for 8-10 years as a rental property and review the loan structure to a 'paying interest only' loan;
    - b) relocate the MEC to 34 Stuart Street Manly and utilise it for a Manly Coastal Environment Centre and/or other community groups (noting that this may offset expenses by \$70k pa);
    - c) Elevate the 34 Stuart Street building to provide level access to the street; and
    - d) Offer secured under building storage as a premium service for dinghy/kayak/boat owners to increase income potential.
  - (ii) Demolish the property at No. 36 Stuart Street to enable the land to be for

community use, such as for open parkland and increased storage for craft.

- (iii) Review and give consideration to the Manyo Design scheme for Little Manly as presented by Mr Jeremy Hodges as Stage 1 of the project in terms of Points 1 and 2 above.
- (iv) Review and consider an increase in the Environment Levy by \$0.50 per week, per household, to fund reserve improvements, which would bring contributions up to 2013 parity from the original rate that established the Levy.

In the report to Council on the business case, the timeline for public consultation and referral to the Minister on the levy increase be examined.

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

**Against the Resolution:** Nil.

**196/13 RESOLVED: (Hay AM)**

That:

1. Council endorses the recommendations of the Public Domains Advisory Committee;
2. The Rescission Notice in the names of Clrs H Burns, B Aird and C Griffin on Stuart Street Rezoning be deferred to the December Ordinary Meeting, and
3. a report to the December Ordinary Meeting on a business case be prepared as follows:
  - (i) a) retain 40 Stuart Street Manly for 8-10 years as a rental property and review the loan structure to a 'paying interest only' loan;
  - b) relocate the MEC to 34 Stuart Street Manly and utilise it for a Manly Coastal Environment Centre and/or other community groups (noting that this may offset expenses by \$70k pa);
  - c) Elevate the 34 Stuart Street building to provide level access to the street; and
  - d) Offer secured under building storage as a premium service for dinghy/kayak/boat owners to increase income potential.
- (ii) Demolish the property at No. 36 Stuart Street to enable the land to be for community use, such as for open parkland and increased storage for craft.
- (iii) Review and give consideration to the Manyo Design scheme for Little Manly as presented by Mr Jeremy Hodges as Stage 1 of the project in terms of Points 1 and 2 above.
- (iv) Review and consider an increase in the Environment Levy by \$0.50 per week, per household, to fund reserve improvements, which would bring contributions up to 2013 parity from the original rate that established the Levy.

In the report to Council on the business case, the timeline for public consultation and referral to the Minister on the levy increase be examined.

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**SUSPENSION OF STANDING ORDERS (Heasman / Pickering)**

That Standing Orders be suspended to consider items of public interest being: Corporate Services Division Report No. 30 - Financial Statements for the Year Ended 30 June 2013, Notice of Rescission Report No. 5 – A new Development application for redevelopment of Manly Swim Centre, Notice of Motion Report No. 74 - Car Sharing Policy, Environmental Services Division Report No. 36 – Proposed Amendment to Manly Development Control Plan 2013 – Boarding Houses, Environmental Services Division Report No. 37 – Proposed rezoning of Manly Reservoir, Fairlight, Notice of Motion Report No 76 – Save our Streets – Real Action on Alcohol Now Campaign.

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

**Against the Resolution:** Nil.

**197/13 RESOLVED: (Heasman / Pickering)**

That Standing Orders be suspended to consider items of public interest being: Corporate Services Division Report No. 30 - Financial Statements for the Year Ended 30 June 2013, Notice of Rescission Report No. 5 – A new Development application for redevelopment of Manly Swim Centre, Notice of Motion Report No. 74 - Car Sharing Policy, Environmental Services Division Report No. 36 – Proposed Amendment to Manly Development Control Plan 2013 – Boarding Houses, Environmental Services Division Report No. 37 – Proposed rezoning of Manly Reservoir, Fairlight, Notice of Motion Report No 76 – Save our Streets – Real Action on Alcohol Now Campaign.

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Corporate Services Division Report No. 30

**Financial Statements for the Year Ended 30 June 2013 (MC/13/103869)**

The following person addressed the meeting on this item:

Bruce Kitson

*A representative from Council Auditors, Hill Rogers Spencer Steer, Chartered Accountants, gave a presentation on the Financial Statements for the financial year ended 30 June 2013.*

**SUMMARY**

Presentation of the Audited General Purpose and Special Purpose Financial Statements for the financial year ended 30 June 2013.

**MOTION (Aird / Bingham)**

That these financial statements be deferred until next Monday when an Extra Ordinary meeting will be arranged.

**AMENDMENT (Le Surf / Heasman)**

- i) Council support the staff recommendation that Council's Special Purpose Financial Statements for the Year Ended 30 June 2013 together with the Auditors Reports be received and noted; and
- ii) Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants be thanked for their attendance.

**For the Amendment:** Councillors Heasman, Pickering, Le Surf, J Griffin and C Griffin

**Against the Amendment:** Councillors Aird, Burns, Bingham and Hay

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

**MOTION (Le Surf / Heasman)**

That:

- i) Council support the staff recommendation that Council's Special Purpose Financial Statements for the Year Ended 30 June 2013 together with the Auditors Reports be received and noted; and
- ii) Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants be thanked for their attendance.

**For the Resolution:** Councillors Heasman, Pickering, Le Surf, J Griffin and C Griffin

**Against the Resolution:** Councillors Aird, Burns, Bingham and Hay

**198/13 RESOLVED: (Le Surf / Heasman)**

- i) Council support the staff recommendation that Council's Special Purpose Financial Statements for the Year Ended 30 June 2013 together with the Auditors Reports be received and noted; and
- ii) Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants be thanked for their attendance.

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**NOTICES OF RESCISSION**

Notice of Rescission Report No. 5

**A new Development Application for redevelopment of Manly Swim Centre. (MC/13/130479)**

The following person addressed the meeting on this item:

In support of the Motion: Colin Wardle

**Councillors Aird, Burns and C Griffin moved:**

That Council's decision of 14 October 2013, Notice of Motion Report No. 63, Manly Swim Centre is hereby rescinded.

**MOTION (Aird / C Griffin)**

That Council's decision of 14 October 2013, Notice of Motion Report No. 63, Manly Swim Centre is hereby rescinded.

**For the Resolution:** Councillors Aird, Burns, Bingham and C Griffin

**Against the Resolution:** Councillors Heasman, Pickering, Le Surf, J Griffin and Hay

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

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Notice of Motion Report No. 74

**Car Sharing Policy (MC/13/130082)**

The following person addressed the meeting on this item:

In support of the Motion: Fiona Shadbolt

**MOTION (Bingham / Burns)**

That:

1. Manly Council decide in principle to adopt a Car Sharing Policy for the Manly LGA; and
2. The General Manager prepares a draft policy for consideration by council using as a guide the policies adopted by other Sydney Councils.

The Motion was withdrawn by the mover.

**MOTION (Pickering / Heasman)**

That Staff prepare a report on the feasibility and implications for residents for adopting a car sharing policy for the Manly LGA using examples such as Waverley and the City of Sydney Car Sharing Policies as examples.

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

**Against the Resolution:** Councillor Le Surf

**199/13 RESOLVED: (Pickering / Heasman)**

That Staff prepare a report on the feasibility and implications for residents for adopting a car sharing policy for the Manly LGA using examples such as Waverley and the City of Sydney Car Sharing Policies as examples.

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**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 36

**Proposed Amendment to Manly Development Control Plan 2013 – Boarding Houses (MC/13/115298)**

The following person addressed the meeting on this item:



In support of the Motion: Michael Ford

### SUMMARY

This report recommends the adoption of exhibited amendments to Manly Development Control Plan (DCP) 2013 providing further guidance in the development of boarding houses / affordable accommodation for Manly.

### MOTION (Heasman / Burns)

THAT Council adopt exhibited amendments to Manly DCP 2013 as reported.

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

**Against the Resolution:** Nil.

### 200/13 RESOLVED: (Heasman / Burns)

THAT Council adopt exhibited amendments to Manly DCP 2013 as reported.

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Environmental Services Division Report No. 37

### Proposed rezoning of Manly Reservoir, Fairlight (MC/13/126851)

The following person addressed the meeting on this item:

Not in support of the Motion: Marion Hambly

### SUMMARY

This report informs Council of the outcome of correspondence between Council officers and Sydney Water - the land owner of Manly Reservoir, Fairlight, a deferred matter in the Manly LEP 2013. Sydney Water has determined to proceed with a planning proposal to rezone the entire site as Zone R1 – General Residential.

### MOTION (J Griffin / Burns)

THAT Council

- i) receive and note this report; and
- ii) continue its support of local residents to have the site made available for public open space and that it be rezoned RE1.

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

**Against the Resolution:** Nil.

### 201/13 RESOLVED: (J Griffin / Burns)

THAT Council

- i) receive and note this report; and
- ii) continue its support of local residents to have the site made available for public open space

and that it be rezoned RE1.

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Notice of Motion Report No. 76

**Save our Streets - Real Action on Alcohol Now Campaign (MC/13/130581)**

**Councillor Barbara Aird moved:**

That:

Council support 'Save our Streets....Real Action on Alcohol Now' Campaign and take the following immediate action:

1. Write to the Premier and Leader of the Opposition in support of the campaign, and also to Ministers and shadow Ministers for Health, Police, Racing and Gaming, and Attorney-General (cc to our local Police Commander);
2. Inform NAAPA of our support and also become a member of the Alliance;
3. Inform Local Govt. Asscn. of our support for NAAPA and urge other councils to also support the Alliance;
4. Inform our Precincts of the campaign and seek their support; and
5. Publish Council's support for the NAAPA campaign and their weblink [www.naapa.org.au](http://www.naapa.org.au) on the front page of Council's website.

**MOTION (Aird / C Griffin)**

That:

Council support 'Save our Streets....Real Action on Alcohol Now' Campaign and take the following immediate action:

1. Write to the Premier and Leader of the Opposition in support of the campaign, and also to Ministers and shadow Ministers for Health, Police, Racing and Gaming, and Attorney-General (cc to our local Police Commander);
2. Inform NAAPA of our support and also become a member of the Alliance;
3. Inform Local Govt. Asscn. of our support for NAAPA and urge other councils to also support the Alliance;
4. Inform our Precincts of the campaign and seek their support;
5. Publish Council's support for the NAAPA campaign and their weblink [www.naapa.org.au](http://www.naapa.org.au) on the front page of Council's website; and
6. Bring the matter back to the Community Safety & Place Management Advisory Committee's next meeting.

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

**Against the Resolution:** Nil.

**202/13 RESOLVED: (Aird / C Griffin)**

That:

Council support 'Save our Streets....Real Action on Alcohol Now' Campaign and take the following immediate action:

1. Write to the Premier and Leader of the Opposition in support of the campaign, and also to Ministers and shadow Ministers for Health, Police, Racing and Gaming, and Attorney-General (cc to our local Police Commander);
2. Inform NAAPA of our support and also become a member of the Alliance;
3. Inform Local Govt. Asscn. of our support for NAAPA and urge other councils to also support the Alliance;
4. Inform our Precincts of the campaign and seek their support;
5. Publish Council's support for the NAAPA campaign and their weblink [www.naapa.org.au](http://www.naapa.org.au) on

- the front page of Council's website; and
6. Bring the matter back to the Community Safety & Place Management Advisory Committee's next meeting.

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**MOTION (Bingham / Burns)**

In accordance with clause 6.26 of the Manly Code of Meeting Practice, the meeting be closed and the balance of the agenda that has not yet been considered be listed for council's consideration at its scheduled meetings in December 2013.

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

**Against the Resolution:** Nil.

**203/13 RESOLVED: (Bingham / Burns)**

In accordance with clause 6.26 of the Manly Code of Meeting Practice, the meeting be closed and the balance of the agenda that has not yet been considered be listed for council's consideration at its scheduled meetings in December 2013.

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**CLOSE**

The meeting closed at [11.54pm](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [9 December 2013](#).

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**MAYOR**

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