



Minutes - Supplementary

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Tuesday 24 July 2012

Resumption of Ordinary Meeting 16 July 2012

All minutes are subject to confirmation at a subsequent meeting.

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www.manly.nsw.gov.au

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PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor B Aird
Councillor H Burns
Councillor C Griffin
Councillor A Le Surf, Deputy Mayor
Councillor D Murphy
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Beth Lawsen, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Executive Manager, Corporate Support Services
Secretariat Officer

APOLOGIES

Apologies were tendered on behalf of Councillors Elder, Heasman, Macdonald, Morrison, Norek for non-attendance.

The Mayor reconvened the Ordinary Meeting at 7.05pm.

RESUMPTION OF STANDING ORDERS (Hay / Griffin)

For the Resolution: Councillors Hay, Whitting, Murphy, LeSurf, Griffin, Aird and Burns
Against the Resolution: Nil.

MOTION (Whitting / Burns)

That the apologies received from Councillors Elder, Heasman, Macdonald, Morrison, Norek be accepted and leave be granted.

146/12 RESOLVED: (Whitting / Burns)

That the apologies received from Councillors Elder, Heasman, Macdonald, Morrison, Norek be accepted and leave be granted.

For the Resolution: Councillors Hay, Whitting, Murphy, LeSurf, Griffin, Aird and Burns
Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

NOTICES OF MOTION

Notice of Motion Report No. 25

Proposed works on Manly Swim Centre

Councillor Hugh Burns moved:

That Council bring back a report on the proposed redevelopment of the Manly Swim Centre at Fairlight fully detailing the currently proposed upgrading works and the budget for the works. Additionally the report is to including options for:

- (i) staging the upgrading works over several terms of council;
- (ii) scaling back the proposed swim center pool upgrading project to be a more modest improvement;
- (iii) spending some of the proposed pool upgrading funds on recreating the Wonder Pool at West Esplanade with a lesser upgrade of the swim center
- (iv) Council is to consult the community on the 3 options including a public meeting, referral to precincts etc. Any documents issued for consultation are to be approved by Council prior to issue by staff.

To avoid conflict with a previous resolution to defer consideration of reconstructing the Wonder Pool until after the September elections, the report on the Wonder Pool option is only to consider applying a notional amount of \$10M to rebuild this pool for the purposes of assessing the impact of a reduction of the budget to improve the existing Swim Centre and to assess public opinion on recreating the Wonder Pool as an option. No detailed design or feasibility assessment is to be done on the Wonder Pool itself as part of this motion.

MOTION (Burns / Murphy)

That Council bring back a report on the proposed redevelopment of the Manly Swim Centre at Fairlight fully detailing the currently proposed upgrading works and the budget for the works. Additionally the report is to including options for:

- (i) staging the upgrading works over several terms of council;
- (ii) scaling back the proposed swim center pool upgrading project to be a more modest improvement;
- (iii) spending some of the proposed pool upgrading funds on recreating the Wonder Pool at West Esplanade with a lesser upgrade of the swim center
- (iv) Council is to consult the community on the 3 options including a public meeting, referral to precincts etc. Any documents issued for consultation are to be approved by Council prior to issue by staff.

To avoid conflict with a previous resolution to defer consideration of reconstructing the Wonder Pool until after the September elections, the report on the Wonder Pool option is only to consider applying a notional amount of \$10M to rebuild this pool for the purposes of assessing the impact of a reduction of the budget to improve the existing Swim Centre and to assess public opinion on recreating the Wonder Pool as an option. No detailed design or feasibility assessment is to be done on the Wonder Pool itself as part of this motion.

AMENDMENT (Griffin / Aird)

That Council bring back a report to the next Ordinary Meeting on the 6 August 2012 on the proposed Manly Swim Centre upgrade/redevelopment and an estimate for the proposal.

For the Amendment: Councillors Hay, Whitting, Griffin, Aird and Burns

Against the Amendment: Councillors Murphy and LeSurf

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

147/12 RESOLVED: (Griffin / Aird)

That Council bring back a report to the next Ordinary Meeting on the 6 August 2012 on the proposed Manly Swim Centre upgrade/redevelopment and an estimate for the proposal.

For the Resolution: Councillors Hay, Whitting, Griffin, Aird and Burns

Against the Resolution: Councillors Murphy and LeSurf

Notice of Motion Report No. 26

Former Seaforth TAFE Site

Councillor Burns, in accordance with Clause 6.9(5)(a) of the Code of Meeting Practice, in the absence of Councillor Morrison moved:

That:

1. Prior to the official opening of the invitation or expressions of interest for occupation and use of the former Seaforth TAFE site, a report is to be submitted to Council regarding the proposed nature and terms of the invitation.
2. The report is to also address critical issues that staff may have identified, as well as the following:
 - a. The status of the site in regard to Council's existing zoning and development control provisions;
 - b. The status of existing improvements on the site in terms of:
 - i. The presence, if any, of asbestos;
 - ii. Fire safety;
 - iii. Access for disabled persons;
 - iv. Provisions for on-site parking; and
 - c. Details of any existing business plan that supports the proposition that the purchase will prove to be self-financing.
3. The adopted report is to be published on Council's website and advertised in the Manly Daily; and
4. An open day for inspection of the site is to be held.

MOTION (Burns / Murphy)

That:

1. Prior to the official opening of the invitation or expressions of interest for occupation and use of the former Seaforth TAFE site, a report is to be submitted to Council regarding the proposed nature and terms of the invitation.
2. The report is to also address critical issues that staff may have identified, as well as the following:

- a. The status of the site in regard to Council's existing zoning and development control provisions;
 - b. The status of existing improvements on the site in terms of:
 - i. The presence, if any, of asbestos PCB's or other hazardous materials;
 - ii. Fire safety;
 - iii. Access for disabled persons;
 - iv. Provisions for on-site parking; and
 - c. Details of any existing business plan that supports the proposition that the purchase will prove to be self-financing.
3. The adopted report is to be published on Council's website and advertised in the Manly Daily;
 4. An open day for inspection of the site is to be held; and
 5. Advise on the establishment of the Community Reference Group.

148/12 RESOLVED: (Burns / Murphy)

That:

1. Prior to the official opening of the invitation or expressions of interest for occupation and use of the former Seaforth TAFE site, a report is to be submitted to Council regarding the proposed nature and terms of the invitation.
2. The report is to also address critical issues that staff may have identified, as well as the following:
 - a. The status of the site in regard to Council's existing zoning and development control provisions;
 - b. The status of existing improvements on the site in terms of:
 - i. The presence, if any, of asbestos PCB's or other hazardous materials;
 - ii. Fire safety;
 - iii. Access for disabled persons;
 - iv. Provisions for on-site parking; and
 - c. Details of any existing business plan that supports the proposition that the purchase will prove to be self-financing.
3. The adopted report is to be published on Council's website and advertised in the Manly Daily;
4. An open day for inspection of the site is to be held; and
5. Advise on the establishment of the Community Reference Group.

For the Resolution: Councillors Whitting, Murphy, Griffin, Aird and Burns
Against the Resolution: Councillors Hay and LeSurf

Notice of Motion Report No. 27**Training for Rangers****Councillor Craig Whitting moved:**

That Manly Council provides on-going Customer Service, Conflict Resolution and Conflict Management training courses to assist their Rangers and Parking officers in their job.

MOTION (Whitting / Burns)

That Manly Council provides on-going Customer Service, Conflict Resolution and Conflict Management training courses to assist their Rangers and Parking officers in their job.

For the Resolution: Councillors Whitting and Burns**Against the Resolution:** Councillors Hay, Murphy, LeSurf, Griffin and Aird

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

Notice of Motion Report No. 28**EOI for 2013 Cabbage Tree Bay Aquatic Reserve Diving Licence****Councillor Craig Whitting moved:**

That Manly Council asks for Expressions of Interest (EOI) by 31 August 2012 from Diving Companies who wish to apply for a 2013 Cabbage Tree Bay Aquatic Reserve Diving Licence.

That the 2013 Cabbage Tree Bay Aquatic Reserve (EOI) Licence Process should include clearly defined weighting and rating system that will be used by the assessment panel that matches each criteria.

That Council limits total access to what is considered reasonable to ensure the protection of the Cabbage Tree Bay Aquatic Reserve and that dive companies are diving accredited operators within environmentally sustainable credentials.

MOTION (Whitting / Burns)

That Manly Council asks for Expressions of Interest (EOI) by 31 August 2012 from Diving Companies who wish to apply for a 2013 Cabbage Tree Bay Aquatic Reserve Diving Licence.

That the 2013 Cabbage Tree Bay Aquatic Reserve (EOI) Licence Process should include clearly defined weighting and rating system that will be used by the assessment panel that matches each criteria.

That Council limits total access to what is considered reasonable to ensure the protection of the Cabbage Tree Bay Aquatic Reserve and that dive companies are diving accredited operators within environmentally sustainable credentials.

AMENDMENT (Griffin / Aird)

That Manly Council review the process of issuing of diving licences for access to the ocean and harbour and bring back a report to the next Council outlining options for improved management of beaches and beach reserves in relation to recreational and commercial diving access.

For the Amendment: Councillors Hay, Murphy, LeSurf, Griffin and Aird**Against the Amendment:** Councillors Whitting and Burns

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

149/12 RESOLVED: (Griffin / Aird)

That Manly Council review the process of issuing diving licences for access to the ocean and harbour and bring back a report to the next Council outlining options for improved management of beaches and beach reserves in relation to recreational and commercial diving access.

For the Resolution: Councillors Hay, Murphy, LeSurf, Griffin, Aird and Burns

Against the Resolution: Councillor Whitting

Councillor Griffin left the Chamber.

At 8.20pm the meeting was suspended for lack of quorum.

Councillor Griffin returned to the Chamber.

The meeting resumed at 8.25pm.

Notice of Motion Report No. 29

Feasibility Analysis for the Seaforth TAFE Site

Councillor Craig Whitting moved:

That Council provide a Feasibility Analysis for the Seaforth TAFE Site.

This report must answer the following:

1. How much asbestos is at the site and how much will it cost to remove;
2. What are the usage options for the site and what are the projected revenue cash-flows from these options;
3. What will be the costs and impacts of renewal, maintenance and repair work of the site;
4. What is the impact of the repayments on principle and interest on council's 10 year Strategic Plan;
5. What are the impacts of the increased depreciation on the 10 year Strategic Plan;
6. What are the net financial liabilities ratio and interest cover ratio targets; and
7. What steps will council take if Council does not meet the required income needed to operate and manage the site.

MOTION (Whitting / Burns)

That Council provide a Feasibility Analysis for the Seaforth TAFE Site.

This report must answer the following:

1. How much asbestos is at the site and how much will it cost to remove;
2. What are the usage options for the site and what are the projected revenue cash-flows from these options;
3. What will be the costs and impacts of renewal, maintenance and repair work of the site;
4. What is the impact of the repayments on principle and interest on council's 10 year Strategic Plan;
5. What are the impacts of the increased depreciation on the 10 year Strategic Plan;
6. What are the net financial liabilities ratio and interest cover ratio targets;
7. What steps will Council take if Council does not meet the required income needed to operate

- and manage the site; and
8. Council ensure that when preparing the report that the points of Notice of Motion 26 be addressed.

150/12 RESOLVED: (Whitting / Burns)

That Council provide a Feasibility Analysis for the Seaforth TAFE Site.

This report must answer the following:

1. How much asbestos is at the site and how much will it cost to remove;
2. What are the usage options for the site and what are the projected revenue cash-flows from these options;
3. What will be the costs and impacts of renewal, maintenance and repair work of the site;
4. What is the impact of the repayments on principle and interest on council's 10 year Strategic Plan;
5. What are the impacts of the increased depreciation on the 10 year Strategic Plan;
6. What are the net financial liabilities ratio and interest cover ratio targets;
7. What steps will Council take if Council does not meet the required income needed to operate and manage the site; and
8. Council ensure that when preparing the report that the points of Notice of Motion 26 be addressed.

For the Resolution: Councillors Whitting, Murphy, Aird and Burns

Against the Resolution: Councillors Hay, Griffin and LeSurf

**Notice of Motion Report No. 30
Rates Instalment Notices Online
Councillor Barbara Aird moved:**

That Manly Council offers the option to ratepayers to receive rates instalment notices electronically.

MOTION (Aird / Griffin)

That Manly Council offers the option to ratepayers to receive rates instalment notices electronically.

151/12 RESOLVED: (Aird / Griffin)

That Manly Council offers the option to ratepayers to receive rates instalment notices electronically.

For the Resolution: Councillors Hay, Whitting, Murphy, LeSurf, Griffin, Aird and Burns

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN45/12 Councillor Whitting - Possum Plague**

Several residents who live close to Baringa Avenue Seaforth have a bandicoot and possum plague. They would like to know if Manly Council is aware of the problem and what is Council doing/or will do to address their problem?

At the request of the Mayor the General Manager advised that he would take on notice but thought the residents should call WIRES as this is what Council would do.

QWN46/12 Councillor Whitting - Bicycle Crime at Manly Wharf

Is Council aware of the bicycle crime at Manly Wharf, up to 10 bicycles are stolen from the Wharf bike racks each week? What can Council do to address this problem?

At the request of the Mayor the General Manager advised that Council have installed CCTV security at the bike rack which have been operating from day one. Council is also working with the Police by providing CCTV evidence for prosecution as well as working with Sydney Ferries as most of the stolen bikes end up on the ferry.

QWN47/12 Councillor Murphy - Child Care Fees

Clarification from the previous months QWN Councillor Murphy – Child Care Fees 42/12. The question was why can't Family Day Carers set their fee increases when they want, given they are their own companies?

As it hasn't been answered to my satisfaction I will put it another way.

Can Family Day Carer's increase their fees whenever they want or are they bound to the start of the financial year as in the past?

At the request of the Mayor the General Manager advised that Family Day Carers can set their fees. This is up to the individual carer.

QWN48/12 Councillor LeSurf - To Councillor Whitting

I've heard you talk a lot tonight about the transparency of Council decisions, and the only reason you are raising matters is to ensure transparency. Why is it you are not being transparent to the families in Manly by identifying yourself as a Labor Councillor on your current election advertising? Is this now part of Labor Party Policy, considering it is also happening in Eden-Monaro?

Councillor Whitting advised that he was representing Manly families, he has his photo and a message and that is what it is about, it's about working for families in Manly. Local politics from the time I came onto Council and the future is not about political parties.

QWN49/12 Councillor Griffin - NSW Green Paper

Is Manly Council going to respond to the NSW "Green Paper" on Planning?

At the request of the Mayor the General Manager advised that professional strategic and planning staff were working through the Green Paper. There are aspects that staff are concerned about and those issues will be ventilated through a professional group within Council who would put together a submission and that a copy would be provided to all Councillors.

QWN50/12 Councillor Griffin - Cigarette butts outside Manly Hospital

Will Council respond to Frank Bazik, General Manager Manly Hospital's letter regarding smoking and dropping cigarette butts in Darley Road opposite Manly Hospital advising the activities being taken by Council cleaning staff and advising that staff and patients are continuing to drop butts.

At the request of the Mayor the General Manager advised that he would follow up on the matter.

QWN51/12 Councillor Aird - Proposed redevelopment of Manly Swim Centre

Has the fact that the Manly Swim Centre which is located on a flood plain and identified in the Cardno Report on Climate Change been factored into the proposal and independent environmental impact assessment been completed which supports the proposal.

At the request of the Mayor the General Manager advised that the such matters would be fully addressed as part of the planning steps in finalising the proposal prior to construction.

QWN52/12 Councillor Aird - Bike Racks

Is Council on track for implementing Council's resolution to install bike racks in identified locations within 12 months rather than 2 years?

At the request of the Mayor the General Manager advised that more than ½ bike racks nominated in the bike rack strategy were implemented in Stage 1, Council allocated additional funding to achieve Stage 2 in the budget. Most of the bike parking facilities will be centred around the transport nodes and some will be around shopping centres. The balance of bike racks at Manly Wharf have been budgeted for.

QWN53/12 Councillor Burns - External Planners

Would the General Manager advise on the use of external planners in DA assessments and how many projects and hours have been purchased over the last 12 months that were not assessed by permanent employees of Council.

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

QWN54/12 Councillor Burns - Road Resurfacing

Would the General Manager please advise Council of square metres per year completed in road surfacing, renewals and replacements in the last 8 years.

At the request of the Mayor the General Manager advised that the standard we observe is that 1/30 of the area is resurfaced per annum.

CLOSE

The meeting closed at [8.55pm](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [6 August 2012](#).

MAYOR

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