

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 20 April 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 20 April 2015. The meeting commenced at 7.34pm.

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
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
Secretariat Officer

OPENING PRAYER

The Opening Prayer was given by Father John Hannon, St Mary's Catholic Church Manly.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor James Griffin	Notice of Motion No. 16 – Report of Total Costs for Manly 2015 Plan	Employee of Company that prepared a due diligence report for Council on Manly 2015.

CONFIRMATION OF MINUTES

MOTION (Heasman / Le Surf)

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 March 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,
J Griffin, C Griffin and Hay AM

Against the Motion: Nil.

35/15 RESOLVED: (Heasman / Le Surf)

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 March 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 (Extraordinary Meeting)**MOTION (Heasman / Le Surf)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 30 March 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, J Griffin, C Griffin and Hay AM

Against the Motion: Nil.

36/15 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 30 March 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
Peter Checketts	Bikeway on Marine Parade
Stephen Russell	Noise in The Corso

NOTICES OF RESCISSION

Notice of Rescission Report No. 1

Rescission Motion (MC/15/44951)

Councillors Barbara Aird, Hugh Burns, and Candy Bingham moved:

The following person addressed the meeting on this item:

In support: Mr Terry Le Roux

MOTION (Aird / Burns)

That the Council's decision of 9 March 2015 being Notice of Motion No. 14 in respect of Compromise Option for expanding car parking capacity in Manly CBD 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

Having previously declared an interest, Councillor J Griffin left the Chamber

Notice of Motion Report No. 16

Report of Total Costs for Manly 2015 Plan (MC/15/43876)

Councillor Candy Bingham moved that:

MOTION (Bingham / C Griffin)

That the General Manager provide a report to Council's 11/5/15 Ordinary Meeting of the costs incurred to date in relation to the Manly 2015 Plan.

This should include, but not be limited to:

- The development of the Masterplan
- Design & planning fees
- Due diligence consultancy reports
- Traffic Studies
- Marketing materials & community consultation (*including website; brochures; advertisements in Manly Daily newspaper and online & Bus Shelter at Stocklands; artwork & design; presentation events; information booths*)
- Estimated cost of staff time
- Facilitation of Councillors' workshops
- Capital works undertaken to date

The report should include a summary description of the work carried out or service provided, in respect of each item listed.

AMENDMENT (Pickering / Heasman)

That Council:

1. Acknowledge the Manly2015 Masterplan has been in Council's adopted Management Plans, Integrated Planning and Reporting, and Council's Community Strategic Plans since 2008;
2. accept the General Manager's advice that work associated with the Manly2015 Masterplan is funded and resourced by Council's CSP; and
3. request the General Manager to include an update on expenditure on Manly2015 projects in his Monthly Report to Councillors.

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

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

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

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

MOTION (Pickering / Heasman)

That Council:

1. Acknowledge the Manly2015 Masterplan has been in Council's adopted Management Plans, Integrated Planning and Reporting, and Council's Community Strategic Plans since 2008;
2. accept the General Manager's advice that work associated with the Manly2015 Masterplan is funded and resourced by Council's CSP; and
3. request the General Manager to include an update on expenditure on Manly2015 projects in his Monthly Report to Councillors.

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

Against the Motion: Councillors Aird, Bingham and C Griffin

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

37/15 RESOLVED: (Pickering / Heasman)

That Council:

1. Acknowledge the Manly2015 Masterplan has been in Council's adopted Management Plans, Integrated Planning and Reporting, and Council's Community Strategic Plans since 2008;
2. accept the General Manager's advice that work associated with the Manly2015 Masterplan is funded and resourced by Council's CSP; and
3. request the General Manager to include an update on expenditure on Manly2015 projects in his Monthly Report to Councillors.

Councillor J Griffin returned to the Chamber.

Notice of Motion Report No. 18

Formation of a Manly Ferry and Wharf Monitoring Committee by Council (MC/15/44425)

Councillor Hugh Burns moved:

MOTION (Burns / Hay)

That Council:

1. Auspice the establishment of a Manly Ferry and Wharf Monitoring Working Party. The Working Party is to include representatives from all relevant stakeholders: RMS, Council, Wharf lessee, the two ferry operators and representatives of public and business community;
2. seek approval and funding from the Secretary for Transport for NSW for the development of a Masterplan for Manly Wharf; and
3. Seek the provision of bicycle destination infrastructure be incorporated by the Working Party.

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

Against the Motion: Nil.

38/15 RESOLVED: (Burns / Hay AM)

That Council:

1. Auspice the establishment of a Manly Ferry and Wharf Monitoring Working Party. The Working Party is to include representatives from all relevant stakeholders: RMS, Council, Wharf lessee, the two ferry operators and representatives of public and business community;
2. seek approval and funding from the Secretary for Transport for NSW for the development of a Masterplan for Manly Wharf; and
3. seek the provision of bicycle destination infrastructure be incorporated by the Working Party.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 5

Items For Brief Mention (MC/15/30716)

MOTION (Burns / Le Surf)

That the IFBM reports 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.

39/15 RESOLVED: (Burns / Le Surf)

That the IFBM reports be received and noted.

REPORTS OF COMMITTEES

Report Of Committees Report No. 4

Minutes for notation by Council - Special Purpose Advisory Committee without recommendations of a significant nature. (MC/15/31618)

MOTION (Le Surf / J Griffin)

That the minutes of the following Special Purpose Advisory Committee and Working Group meetings are tabled at this meeting.

1. Sustainable Transport Advisory Committee – 5 February 2015
2. ANZAC Centenary 2015 Working Party – 18 February 2015
3. Manly Sister Cities Advisory Committee – 25 February 2015
4. Sports & Recreational Facilities Advisory Committee – 27 February 2015
5. Audit & Risk Advisory Committee – 4 March 2015
6. Heritage & Local History Advisory Committee – 4 March 2015
7. ANZAC Centenary 2015 Working Party – 4 March 2015
8. Meals on Wheels Advisory Committee – 11 March 2015
9. Community Gardens Advisory Committee – 11 March 2015
10. Art & Culture Advisory Committee – 17 March 2015

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

Against the Motion: Nil.

40/15 RESOLVED: (Le Surf / J Griffin)

That the minutes of the following Special Purpose Advisory Committee and Working Group meetings be noted:

1. Sustainable Transport Advisory Committee – 5 February 2015
2. ANZAC Centenary 2015 Working Party – 18 February 2015
3. Manly Sister Cities Advisory Committee – 25 February 2015
4. Sports & Recreational Facilities Advisory Committee – 27 February 2015
5. Audit & Risk Advisory Committee – 4 March 2015
6. Heritage & Local History Advisory Committee – 4 March 2015
7. ANZAC Centenary 2015 Working Party – 4 March 2015
8. Meals on Wheels Advisory Committee – 11 March 2015
9. Community Gardens Advisory Committee – 11 March 2015
10. Art & Culture Advisory Committee – 17 March 2015

Councillors Heasman left the Chamber 9.15pm

GENERAL MANAGERS DIVISION

General Managers Division Report No. 5

Review of Fencing at Jump Rock (MC/15/30958)

MOTION (Le Surf / Burns)

That Council retain the fence at Jump Rock.

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.

41/15 RESOLVED: (Le Surf / Burns)

That Council retain the fence at Jump Rock.

Councillor Heasman returned to the Chamber at 9.21pm

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 9

List of LEC Appeals relating to DAs during March 2015 (MC/15/30708)**MOTION (Burns / J Griffin)**

THAT the information 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.

42/15 RESOLVED: (Burns / J Griffin)

THAT the information be received and noted.

Environmental Services Division Report No. 10

Development Applications Processed for the month of April 2015 (MC/15/30709)**MOTION (Le Surf / J Griffin)**

THAT the information 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.

43/15 RESOLVED: (Le Surf / J Griffin)

THAT the information be received and noted.

Environmental Services Division Report No. 11

Draft LEP Amendment – Resolution of Deferred Matters at Manly Hospital and Dalwood Childrens' Home. Post Exhibition Submissions (MC/15/42256)**MOTION (Heasman / Burns)**

THAT Council proceed to prepare and make the Draft Amendment to the Manly Local Environmental Plan in relation to Manly Hospital and Dalwood Children's' Home, as exhibited.

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

Against the Motion: Nil.

44/15 RESOLVED: (Heasman / Burns)

THAT Council proceed to prepare and make the Draft Amendment to the Manly Local Environmental Plan in relation to Manly Hospital and Dalwood Children's Home, as exhibited.

Environmental Services Division Report No. 12

Proposed Amendment to Manly LEP 2013 Regarding Noise Mitigation Measures for Licensed Premises (MC/15/42271)**MOTION (Le Surf / J Griffin)**

That:

1. Council adopt the Planning Proposal to amend the Manly LEP 2013 to insert a specific LEP noise provision regarding noise mitigation measures for licensed premises; and
2. Council Submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.

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

Against the Motion: Nil.

45/15 RESOLVED: (Le Surf / J Griffin)

That:

1. Council adopt the Planning Proposal to amend the Manly LEP 2013 to insert a specific LEP noise provision regarding noise mitigation measures for licensed premises; and
2. Council Submit the Planning Proposal to the Department of Planning and Environment's LEP Gateway Determination Panel for determination and making of the Amending Manly LEP 2013 under delegation.

Environmental Services Division Report No. 13

Proposed Rezoning of Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial, to Zone B6 Enterprise Corridor. (MC/15/44571)**MOTION (Le Surf / Pickering)**

That:

Council prepare to make a Planning Proposal to amend the Manly LEP 2013 to rezone land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor at the Manly Industrial Estate, Balgowlah.

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

Against the Motion: Nil.

46/15 RESOLVED: (Le Surf / Pickering)

That:

Council prepare to make a Planning Proposal to amend the Manly LEP 2013 to rezone land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor at the Manly Industrial Estate, Balgowlah.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 4

Report on Council Investments as at 31 March 2015 (MC/15/5204)**MOTION (Le Surf / J Griffin)**

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

47/15 RESOLVED: (Le Surf / J Griffin)

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

QUESTIONS WITHOUT NOTICE**QWN12/15 Councillor Bingham - Wishing Well Shelter**

What is Council planning to do about the vandalism of the historic Wishing Well building which has been painted pink by the homeless occupants?

At the request of the Mayor the General Manager advised the area had been secured due to unfinished police investigations. Council will repaint the building to the correct colour scheme when the weather permits.

QWN13/15 Councillor Bingham - List of Hearings or Court Cases

Would the General Manager provide a list of any Hearings or Court Cases in relation to matters other than DA's in future Planning & Strategy Reports?

At the request of the Mayor the General Manager advised he would take this question on notice. The reason for that is we conduct prosecutions and insurance matters so these are matters that need discretion to protect Council's interest.

QWN14/15 Councillor Pickering - Council cleaning equipment and antisocial behaviour in The Corso

Is that information provided by the resident speaker in the Public Forum regarding Council equipment operating in the early hours of the morning, and the antisocial behaviour in The Corso correct?

At the request of the Mayor the General Manager advised Council will have a look at operational needs to see if Council can accommodate the petitioners requirements. We are in the CBD area and Council does have a pattern of work which has been in place for a long time. Council has already put in place a number of measures to reduce noise impacts. Being the CBD where a lot of people visit and we are expected to have a pristine public domain area by 7am, so there is not much time we have available to undertake cleansing works required each day.

Council will work with Sgt Darcey to come up with a strategy to overcome some of the antisocial behaviour issues raised.

QWN15/15 Councillor Burns - Campervans

Does Council need to strengthen controls or the existing controls adequate to avoid the problem of campervans staying overnight in parks in this area?

At the request of the Mayor the General Manager advised that Council has adequate powers under the current arrangement to prevent overnight stay of campervans, we have not had much of an issue locally.

QWN16/15 Councillor Burns - Awnings

What is happening in regard to the awning on the Corner of East Esplanade and The Corso and the Council Building in Belgrave Street?

At the request of the Mayor the General Manager advised the awning on the Corner of The Corso and East Esplanade is the subject of orders the new awning is being fabricated and a new awning will go up soon.

In relation to the Belgrave Street awning, Council want to restore the façade back to its original state.

QWN17/15 Councillor Aird - Bins

I have had complaints regarding putrid bins along the Ocean Beach front at various locations from Shelly Beach to Carlton Street and Darley Road as well, the timber bin near the Cenotaph has an extremely bad odour which is quite unsatisfactory and would appear to involve Council and URM. Would the Deputy General Manager give a response to this?

At the request of the Mayor the Deputy General Manager advised he would take the question regarding Shelly Beach on notice and would speak to the shop owners and URM in relation to the bins in Darley Road.

QWN18/15 Councillor Aird - Kenneth Road shared path

Can Council tell how cyclists are expected to ride along the foot path on the southern side of Kenneth Road when there are poles that block half of the cycle way and footpath? Is it Council's jurisdiction or the RMS, if it is Council's then why do we not address the safety concerns?

At the request of the Mayor the General Manager advised that the poles referred to have been there for a long time even before the cycle way was marked as a cycle path.

The poles in question are located at the kerb side of the footpath and Council when it resolved to restore a bike path there was fully aware of these infrastructures and decided to go ahead with it regardless. The pathway does comply with the relevant standards.

QWN19/15 Councillor C Griffin - Flying Fox Management Plan

Has the Flying Fox Management Plan been completed and will it be tabled or come back to Council?

At the request of the Mayor the General Manager advised that the Plan was in draft and the recommendations will be reported back to Council when complete.

QWN20/15 Councillor C Griffin - Harbour Swimming Enclosure

What is the status of the Harbour Swimming Enclosure and when will it be updated?

At the request of the request of the Mayor the Deputy General Manager advised that we have grant money from the Levy to update. We are just waiting for the breeding season to end.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Mayoral Minute Report No. 4

Staff Matter (MC/15/45886)

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.

48/15 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. 4

Staff Matter (MC/15/45886)**MOTION**

Progressed as discussed in closed Committee

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

Against the Motion: Nil.

49/15 RESOLUTION

Progressed as discussed in closed Committee

CLOSE

The meeting closed at [10.32pm](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [11 May 2015](#).

MAYOR

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