

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 15 July 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

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 15 July 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
Councillor A Le Surf, Deputy Mayor
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 presented by David Rowe, Minister Seaforth Baptist Church.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 May 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.

104/13 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 May 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 Ordinary Meeting held on Monday, 03 June 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.

105/13 RESOLVED: (Le Surf / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 03 June 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
Wendy Springett	Street Tree Management and Streetscape Planning
David Parsons	Duties and responsibilities
Karen Pitt	Governance
David Barr	Council's relationship with Ausgrid

MAYORAL MINUTES

Mayoral Minute Report No. 8

Queen's Birthday Honours 2013 (MC/13/80924)**MOTION (Hay AM)**

That the Mayor writes to the Manly LGA Honours recipients congratulating them on their awards.

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

Against the Resolution: Nil.

106/13 RESOLVED: (Hay AM)

That the Mayor writes to the Manly LGA Honours recipients congratulating them on their awards.

SUSPENSION OF STANDING ORDERS (Aird / Hay AM)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 42, Proposed Upgrade of Manly Swim Centre; Notice of Motion Report No. 37, Development Control Plan; Notice of Motion Report No. 38, Strategic Plan for Youth and Children's Services in the Manly LGA; Notice of Motion Report No 39, Craig Avenue Dinghy Storage Area; Notice of Motion Report No.46, Ensuring Council's Community Consultation for Major Projects; Items for Brief mention Report No. 8, Manly Properties and Report of Committees

Report No. 21 Minutes for adoption by Council – Public Domains Advisory Committee – 19 June 2013.

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

Against the Resolution: Nil.

107/13 RESOLVED: (Aird / Hay)

That Standing Orders be suspended to allow for consideration of items of public interest i.e. Notice of Motion Report No. 42, Proposed Upgrade of Manly Swim Centre; Notice of Motion Report No. 37, Development Control Plan; Notice of Motion Report No. 38, Strategic Plan for Youth and Children's Services in the Manly LGA; Notice of Motion Report No 39, Craig Avenue Dinghy Storage Area; Notice of Motion Report No.46, Ensuring Council's Community Consultation for Major Projects; Items for Brief mention Report No. 8, Notices of Motion Status Report Stuart Street Manly Properties and Report of Committees Report No. 21 Minutes for adoption by Council – Public Domains Advisory Committee – 19 June 2013.

NOTICES OF MOTION

Notice of Motion Report No. 42

Proposed Upgrade of Manly Swim Centre (MC/13/83226)

The following person addressed the meeting on this item:

In support of the Motion: John Kissane

Councillor Barbara Aird moved:

That Council supports and implements the requests of the regular pool users and community as outlined below.

Background

Some pool users of the Andrew Boy Charlton Swim Centre are deeply concerned, many outraged, at the massive and unnecessary expense to alter the centre, especially when the proposal does not address current or likely future needs of the users. Indeed, there is widespread objection across the community over the grandiose \$15million proposal.

The recent community survey / questionnaire was flawed in that it only offered participants options to comment on new indoor pools, rather than providing for consideration of the choice of improved outdoor pool facilities, which both individual users and groups prefer.

Many pool users are calling for the planning, design and spending on this project to be revisited including consideration for:

- the full remediation of the existing 25 m outdoor pool.
- the construction of a new multi-purpose outdoor pool than can have removable cover or sheltering adjustments to make it an all-weather facility. Optimally, this pool should be 33 1/3 metres by 25 metres, minimum 8 lanes, with a moveable bottom. Such a pool would radically improve capacity, expanding potential user groups while freeing up space in the 50 metre pool.

- the review of proposed Indoor facilities.

Fairlight Precinct Minutes of May 2013 state "The Precinct supported the outdoor pool being upgraded but not the installation of a new indoor pool".

That Manly Council reconsider the Andrew Boy Charlton Swim Centre upgrade proposal to include an increase in capacity by keeping the two existing outdoor pools and including a new, additional indoor pool in the proposal.

MOTION (Aird / Burns)

That Council:

1. Supports and implements the requests of the regular pool users and community as outlined below;

Some pool users of the Andrew Boy Charlton Swim Centre are deeply concerned, many outraged, at the massive and unnecessary expense to alter the centre, especially when the proposal does not address current or likely future needs of the users. Indeed, there is widespread objection across the community over the grandiose \$15million proposal.

The recent community survey / questionnaire was flawed in that it only offered participants options to comment on new indoor pools, rather than providing for consideration of the choice of improved outdoor pool facilities, which both individual users and groups prefer.

Many pool users are calling for the planning, design and spending on this project to be revisited including consideration for:

- the full remediation of the existing 25 m outdoor pool.
- the construction of a new multi-purpose outdoor pool than can have removable cover or sheltering adjustments to make it an all-weather facility. Optimally, this pool should be 33 1/3 metres by 25 metres, minimum 8 lanes, with a moveable bottom. Such a pool would radically improve capacity, expanding potential user groups while freeing up space in the 50 metre pool.
- the review of proposed Indoor facilities.

Fairlight Precinct Minutes of May 2013 state "The Precinct supported the outdoor pool being upgraded but not the installation of a new indoor pool".

2. That Manly Council reconsider the Andrew Boy Charlton Swim Centre upgrade proposal to include an increase in capacity by keeping the two existing outdoor pools and including a new additional pool in the proposal.

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**.

Notice of Motion Report No. 37

Development Control Plan (MC/13/82014)

The following person addressed the meeting on this item:

In support of the Motion: Terry Le Roux

Councillor Adele Heasman moved:

That Council amend their Development Control Plan (DCP) to include appropriate Development Standards for all Affordable Housing / Boarding House Development Applications.

The controls should include but not be limited to car parking requirements, Bulk, Streetscape, FSR and Architectural Design.

Background

In the past year Manly Council has received 5 similar development applications that fall under the "Affordable Living" (low cost rental) development banner. All these developments will assist those moderate to low income workers to afford to live and work in the Manly Local Government Area.

Manly Council needs to have a DCP that sets out controls for applicants to ensure that the amenity of the surrounding neighbourhood is not compromised by the presence of these developments.

The issues that most concern the community are the lack of carparking in relation to the number of residents on the site together with the bulk, height, setback and design of the residence.

MOTION (Heasman / Burns)

That Council:

1. Urgently amend their Development Control Plan (DCP) to include appropriate Development Standards for all Affordable Housing / Boarding House Development Applications.

The controls should include but not be limited to car parking requirements, Bulk, Streetscape, FSR and Architectural Design.

2. Write to Manly's local MP, the Hon Mike Baird noting our concerns and requesting the State Government to review the affordable housing SEPP.

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

Against the Resolution: Nil.

108/13 RESOLVED: (Heasman / Burns)

That Council:

1. Urgently amend their Development Control Plan (DCP) to include appropriate Development Standards for all Affordable Housing / Boarding House Development Applications.

The controls should include but not be limited to car parking requirements, Bulk, Streetscape, FSR and Architectural Design.

2. Write to Manly's local MP, the Hon Mike Baird noting our concerns and requesting the State Government to review the affordable housing SEPP.

Notice of Motion Report No. 38

Strategic Plan for Youth and Children's Services in the Manly LGA (MC/13/83113)

The following person addressed the meeting on this item:

In support of the Motion: Mark Bateman

Councillor Cathy Griffin moved:

That Manly Council prepare a Strategic Plan and Vision for the future delivery of children and youth services in the Manly LGA.

MOTION (C Griffin / Aird)

1. That Manly Council prepare a Strategic Plan and Vision for the future delivery of children and youth services in the Manly LGA;
2. In order to develop such a plan, Council provides an in depth discussion paper to form the basis of a workshop for staff and councillors on all aspects of the future provision of services for under 18 year olds in the Manly LGA;
3. This Strategic Plan or outcome of the discussion paper and workshop be placed on public exhibition and be distributed to the families using Manly Council youth and children's services;
4. This discussion paper should include all youth and childcare services currently provided by Manly Council, including long day care, childcare, occasional care, kindergarten services, before and after school care, vacation care and family day care as well as asset management and the location of these services;
5. The Manly Council Family Day Care not be divested or transferred to Warringah Council, but remain as a service provided by Manly Council until the conclusion of the review; and
6. To write to the Prime Minister, Minister for Child Care and Employment, the Honorable Tony Abbott and the Shadow Minister for Child Care and Employment in relation to the affordability and accessibility of child care services.

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

Against the Resolution: Nil.

109/13 RESOLVED: (C Griffin / Aird)

1. That Manly Council prepare a Strategic Plan and Vision for the future delivery of children and youth services in the Manly LGA;
2. In order to develop such a plan, Council provides an in depth discussion paper to form the basis of a workshop for staff and councillors on all aspects of the future provision of services for under 18 year olds in the Manly LGA;
3. This Strategic Plan or outcome of the discussion paper and workshop be placed on public exhibition and be distributed to the families using Manly Council youth and children's services;
4. This discussion paper should include all youth and childcare services currently provided by Manly Council, including long day care, childcare, occasional care, kindergarten services,

before and after school care, vacation care and family day care as well as asset management and the location of these services;

5. The Manly Council Family Day Care not be divested or transferred to Warringah Council, but remain as a service provided by Manly Council until the conclusion of the review; and
6. To write to the Prime Minister, Minister for Child Care and Employment, the Honorable Tony Abbott and the Shadow Minister for Child Care and Employment in relation to the affordability and accessibility of child care services.

The Ordinary meeting was adjourned at 10.15pm.

The meeting was reconvened at 10.20pm.

Notice of Motion Report No. 39

Craig Avenue Dinghy Storage Area (MC/13/83123)

The following person addressed the meeting on this item:

In support of the Motion: David Howe

Councillor Cathy Griffin moved:

Manly Council write to the owners of the dinghies currently stored in the Craig Avenue dinghy storage area to clarify the Council's intentions for the future of the Craig Avenue dinghy storage area and explain how it will continue to be operated, if not by Council.

MOTION (C Griffin / Aird)

1. That Council write to the owners of the dinghies currently stored in the Craig Avenue dinghy storage area to clarify the Council's intentions for the future of the Craig Avenue dinghy storage area and explain how it will continue to be operated, if not by Council.
2. That Councillors be furnished with the independent legal advice on the strength and long term effect of the covenant on 34 Stuart Street.

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

Against the Resolution: Nil.

110/13 RESOLVED: (C Griffin / Aird)

1. That Council write to the owners of the dinghies currently stored in the Craig Avenue dinghy storage area to clarify the Council's intentions for the future of the Craig Avenue dinghy storage area and explain how it will continue to be operated, if not by Council.
2. That Councillors be furnished with the independent legal advice on the strength and long term effect of the covenant on 34 Stuart Street.

Notice of Motion Report No. 44

Risk Assessment of Kangaroo Lane at Night (MC/13/83851)
Councillor Hugh Burns moved:

The risk assessment is to be undertaken as per the background below and to be brought back to Council as a report for the August 2013 meeting.

Background

That Council conducts a risk assessment of pedestrian and vehicle safety when travelling through Kangaroo Lane at night. The assessment is to consider lighting levels and placement in relation to Australian Standards, the access, condition and safety of footpaths, particularly including the fouling by parked vehicles, and the safety of pedestrians sharing the road space in the presence of moving vehicles.

MOTION (Burns / Aird)

That the matter be referred to the Community Safety Committee.

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

Against the Resolution: Nil.

111/13 RESOLVED: (Burns / Aird)

That the matter be referred to the Community Safety Committee.

Notice of Motion Report No. 46

Ensuring Council's Community Consultation for Major Projects (MC/13/83915)

The following person addressed the meeting on this item:

In support of the Motion: Bruce Kitson

Councillor Hugh Burns moved:

That Manly Council develop a revised major works consultation policy as per the details noted below to ensure adequate, proper and rigorous community consultation before decisions on major capital works are taken on projects costing over \$500,000.

MOTION (Burns / Aird)

That:

1. Manly Council develop a revised major works consultation policy as per the details noted below to ensure adequate, proper and rigorous community consultation before decisions on major capital works are taken on projects costing over \$500,000 and before major acquisitions and divestments are undertaken by Council;
2. The new public works policy is to include, but not be limited to, Councillor workshops to review proposals and project communication plans, early referral of projects to appropriate Council expert committees such as the public domain committee, preparation of public

project impact reports to assist community decision making, referral of proposals at early and final planning stages to precinct committees, calling of regular public meetings to brief the community and seek community feedback on particular proposals and options, use of Precincts focus groups and community polling based on fair unbiased questionnaires overseen and approved by the Councillors before issue; and

3. Independent audit of projects that have been completed be undertaken.

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**.

ITEMS FOR BRIEF MENTION

Items For Brief Mention (MC/13/69192)

Judith Brain addressed the meeting on the item, Notices of Motion Status Report regarding the Mayoral Minute No.12, entitled "Stuart Street, Manly Properties".

1. Complaints made to the General Manager

In the month of July 2013, the General Manager dealt with the following complaints:

Received	Nature of complaint	Status
February	Code of Conduct	Complete
April	Code of Conduct	Being assessed
May	Code of Conduct	Being assessed

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
203/12	10 Dec	Mayoral Minute Report No. 12	Stuart Street Manly Properties	Public Notice is complete. LEP Amendment being considered
208/12	10 Dec	NoM No. 46	Master Plan for the Ivanhoe Botanic Gardens area.	Held meetings with Precinct representatives.
202/12	10 Dec	NoM No. 11	Manly Pathway of Olympians	Awaiting for final responses from Olympians.
28/13	11 March	NoM No. 12	Relocation of Manly Environment Centre	August OM
05/13	11 Feb	NoM No. 5	Feasibility report on reinstating a mural at Lagoon Park	Being installed in July.
40/13	8 April	NoM No. 13	Street Furniture upgrade Program	With the Public Domains Committee
64/13	13 May	NoM No. 21	Proposed changes to Manly Council's collection of recycling and vegetation	With the Waste Committee

66/13	13 May	NoM No. 24	Audit of Usage of Council's Existing Four Car Parks	In progress
67/13	13 May	NoM No. 26	Commonwealth's Industry Innovation Precincts Program	Contacted ICMA to co-ordinate an application

3. Tabled Documents

	Date	Author	Matter
1	7 June	Vaughan Macdonald Independent Local Government Review Panel	Metropolitan Councils Workshop – thank you. Future directions for NSW Local Government Northern Beaches Regional Grouping Options
2	11 June 2013	Kerrie Mather Chief Executive Officer Sydney Airport Corporation Limited	Letter re Sydney Airport Preliminary Draft Master Plan 2033 http://www.sydneyairport.com.au/corporate/master-plan.aspx
3	11 June	Stepan Kerkyasharian AO Community Relations Commission	Community Relations Report 2012
4	15 June 2013	Sydney Coastal Council's Group incl.	Minutes for the Ordinary Meeting Saturday 15 June 2013
5	18 June	Ben Taylor Executive Director SHOROC	Media Release – SHOROC councils lobby for commonwealth support for health and transport
6	25 June 2013	Sam Haddad Director General Planning & Infrastructure NSW Government	Letter regarding NSW Budget 2013-14
7	26 June 2013	Ben Taylor Executive Director SHOROC	SHOROC Incorporated Board Meeting Minutes 26 June 2013
8	27 June 2013	Steve Enticott General Manager Transport Planning, Planning & Programs	Sydney's Ferry Future (28 page booklet)
9	27 June 2013	Ross Woodward Chief Executive, Local Government	Circular to Councils 13-28 Amendments to Section 296 of the <i>Local Government Act 1993</i> relating to the conduct of elections
10	1 July 2013	Ross Woodward Chief Executive, Local Government	Circular to Councils 13-30 Local Government Amendment (Early Intervention) Act 2013
11	9 July 2013	The Hon Don Page MP Minister for Local Government Minister for the North Coast The Hon Greg Smith SC MP Attorney General Minister for Justice	Ministerial Circular M13-05 Graffiti Removal Day 2013

MOTION (Heasman / Le Surf)

That reports 1, 2 and 3 be received and noted.

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

Against the Resolution: Nil.

112/13 RESOLVED: (Heasman / Le Surf)

That reports 1, 2 and 3 be received and noted.

Report Of Committees Report No. 21

Minutes for adoption by Council - Public Domains Advisory Committee - 19 June 2013 (MC/13/82208)

The following person addressed the meeting on this item:

Not in support of the Motion: Peter Monckton

RESUMPTION OF STANDING ORDERS (Aird / Hay AM)

That Standing Orders be resumed.

113/13 RESOLVED: (Aird / Hay AM)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

MOTION (Heasman / Le Surf)

That the recommendations of the subject reports be adopted;

Notice of Motion Report No. 43	Report of June Notices of Motion not accepted by the General Manager
Report of Committees Report No. 19	Minutes for adoption without recommendations of a substantial nature
Report of Committees Report No. 20	Minutes for adoption by Council – Sports and Recreational Facilities Advisory Committee 7 June 2013
Report Of Committees Report No. 21	Minutes for adoption by Council - Public Domains Advisory Committee - 19 June 2013
Environmental Services Division	Development Applications Being Processed During

Report No. 18	July 2013
Environmental Services Division Report No. 19	Current appeals Report
Corporate Services Division Report No. 15	Report on Council Investments as at 30 June 2013
Corporate Services Division Report No. 16	Report on Council Investments as at 30 June 2013

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

Against the Resolution: Nil.

114/13 RESOLVED: (Heasman / Le Surf)

That the recommendations of the subject reports be adopted;

Notice of Motion Report No. 43	Report of June Notices of Motion not accepted by the General Manager
Report of Committees Report No. 19	Minutes for adoption without recommendations of a substantial nature
Report of Committees Report No. 20	Minutes for adoption by Council – Sports and Recreational Facilities Advisory Committee 7 June 2013
Environmental Services Division Report No. 18	Development Applications Being Processed During July 2013
Environmental Services Division Report No. 19	Current appeals Report
Corporate Services Division Report No. 15	Report on Council Investments as at 30 June 2013
Corporate Services Division Report No. 16	Report on Council Investments as at 30 June 2013

REPORTS OF COMMITTEES

Report Of Committees Report No. 19

Minutes for adoption by Council - Special Purpose Advisory Committees without recommendations of a substantial nature (MC/13/74963)

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

- i) Sister Cities Advisory Committee – 22 May 2013
- ii) Surf Club Liaison Working Group – 28 May 2013
- iii) Heritage & Local History Advisory Committee – 5 June 2013
- iv) Audit & Risk Advisory Committee – 6 June 2013
- v) Meals on Wheels Advisory Committee – 12 June 2013
- vi) Community Safety and Place Management Advisory Committee – 13 June 2013
- vii) Community Environment Advisory Committee – 13 June 2013
- viii) Playground Advisory Committee – 13 June 2013
- ix) Manly Local Traffic Advisory Committee – 17 June 2013
- x) Access & Mobility Advisory Committee – 18 June 2013
- xi) Manly Arts Festival Working Group – 3 July 2013

MOTION (Heasman / Le Surf)

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

- i) Sister Cities Advisory Committee – 22 May 2013
- ii) Surf Club Liaison Working Group – 28 May 2013
- iii) Heritage & Local History Advisory Committee – 5 June 2013
- iv) Audit & Risk Advisory Committee – 6 June 2013
- v) Meals on Wheels Advisory Committee – 12 June 2013
- vi) Community Safety and Place Management Advisory Committee – 13 June 2013
- vii) Community Environment Advisory Committee – 13 June 2013
- viii) Playground Advisory Committee – 13 June 2013
- ix) Manly Local Traffic Advisory Committee – 17 June 2013
- x) Access & Mobility Advisory Committee – 18 June 2013
- xi) Manly Arts Festival Working Group – 3 July 2013

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

Against the Resolution: Nil.

115/13 RESOLVED: (Heasman / Le Surf)

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

- i) Sister Cities Advisory Committee – 22 May 2013
- ii) Surf Club Liaison Working Group – 28 May 2013
- iii) Heritage & Local History Advisory Committee – 5 June 2013
- iv) Audit & Risk Advisory Committee – 6 June 2013
- v) Meals on Wheels Advisory Committee – 12 June 2013
- vi) Community Safety and Place Management Advisory Committee – 13 June 2013
- vii) Community Environment Advisory Committee – 13 June 2013
- viii) Playground Advisory Committee – 13 June 2013
- ix) Manly Local Traffic Advisory Committee – 17 June 2013
- x) Access & Mobility Advisory Committee – 18 June 2013
- xi) Manly Arts Festival Working Group – 3 July 2013

Report Of Committees Report No. 20

Minutes for Adoption by Council - Sports and Recreational Facilities Advisory Committee - 7 June 2013 (MC/13/82583)

This report was dealt with at the Sports and Recreational Facilities Advisory Committee meeting of 7 June 2013 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

ITEM 4 Off Leash Dog Areas and Sporting Fields

The Committee discussed the option of a fenced off leash dog run at LM Graham Reserve. In consideration of the information provided, the Committee was in favour of a designated off leash dog area because it would provide some separation for both user groups on sport match days and at training times, allowing dog owners to utilise a designated area at any time.

MOTION (Heasman / Le Surf)

That the minutes of the Sports and Recreational Facilities Advisory Committee meeting on 7 June 2013 be adopted including the following items:

ITEM 4 Off Leash Dog Areas and Sporting Fields

The Committee recommended to the General Manager that a designated off leash area is a good compromise to help with delineation of the sporting and passive uses of the area, and would assist in releasing the conflicts with user groups.

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

Against the Resolution: Nil.

116/13 RESOLVED: (Heasman / Le Surf)

That the minutes of the Sports and Recreational Facilities Advisory Committee meeting on 7 June 2013 be adopted including the following items:

ITEM 4 Off Leash Dog Areas and Sporting Fields

The Committee recommended to the General Manager that a designated off leash area is a good compromise to help with delineation of the sporting and passive uses of the area, and would assist in releasing the conflicts with user groups.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 18

Development Applications Being Processed During July 2013. (MC/13/69196)**SUMMARY**

List of Development Application currently with Council during July 2013.

MOTION (Heasman / Le Surf)

THAT the report be noted.

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

Against the Resolution: Nil.

117/13 RESOLVED: (Heasman / Le Surf)

THAT the report be noted.

Environmental Services Division Report No. 19

Current Appeals Report (MC/13/69155)**SUMMARY**

List of Appeals currently with the Land & Environment Court relating to Development Application.

MOTION (Heasman / Le Surf)

THAT the information be noted.

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

Against the Resolution: Nil.

118/13 RESOLVED: (Heasman / Le Surf)

THAT the information be noted.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 15

Report on Council Investments as at 31 May 2013 (MC/13/69132)**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 (Heasman / Le Surf)

That: the statement of Bank Balances and Investment Holdings as at 31 May 2013 be received and noted.

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

Against the Resolution: Nil.

119/13 RESOLVED: (Heasman / Le Surf)

That: the statement of Bank Balances and Investment Holdings as at 31 May 2013 be received and noted.

Corporate Services Division Report No. 16

Report on Council Investments as at 30 June 2013 (MC/13/83350)**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 (Heasman / Le Surf)

That: the statement of Bank Balances and Investment Holdings as at 30 June 2013 be received and noted.

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

Against the Resolution: Nil.

120/13 RESOLVED: (Heasman / Le Surf)

That: the statement of Bank Balances and Investment Holdings as at 30 June 2013 be received and noted.

NOTICES OF MOTION

Notice of Motion Report No. 40

Increase capacity at the Manly Swim Centre (MC/13/83970)

Councillor Cathy Griffin moved:

That Manly Council reconsider the Andrew Boy Charlton Swim Centre upgrade proposal to include an increase in capacity by keeping the two existing outdoor pools and including a new, additional pool in the proposal.

MOTION (C Griffin / Aird)

That Manly Council reconsider the Andrew Boy Charlton Swim Centre upgrade proposal to include an increase in capacity by keeping the two existing outdoor main pools and including a new, additional pool in the proposal.

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

Against the Resolution: Nil.

121/13 RESOLVED: (C Griffin / Aird)

That Manly Council reconsider the Andrew Boy Charlton Swim Centre upgrade proposal to include an increase in capacity by keeping the two existing outdoor main pools and including a new, additional pool in the proposal.

Notice of Motion Report No. 45

Delays in fixing Ausgrid's defective street lighting (MC/13/83905)

Councillor Hugh Burns moved:

That due to safety concerns that Council write to Ausgrid to determine:

- 1) What Ausgrid's inspection or other detection regime is used for finding defective street lighting
(i.e. is the public expected to report them as the only method of detection?)
- 2) What their normal repair time is once a fitting has been found to be defective or reported as such.

MOTION (Burns / Hay)

That due to safety concerns that Council write to Ausgrid to determine:

- 1) What Ausgrid's inspection or other detection regime is used for finding defective street lighting
(i.e. is the public expected to report them as the only method of detection?); and
- 2) What their normal repair time is once a fitting has been found to be defective or reported as such.

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

122/13 RESOLVED: (Burns / Hay AM)

That due to safety concerns that Council write to Ausgrid to determine:

- 1) What Ausgrid's inspection or other detection regime is used for finding defective street lighting
(i.e. is the public expected to report them as the only method of detection?); and
- 2) What their normal repair time is once a fitting has been found to be defective or reported as such.

Notice of Motion Report No. 36

Yellow road edge lines in areas of No stopping and No parking (MC/13/80466)
Councillor Adele Heasman moved:

That Manly Council investigate the installation of yellow road edge lines in areas of No stopping and No parking with a view to removing the associated No stopping and No parking signage that proliferates in such areas.

This may include writing to the Roads and Maritime Services to request a change in the Road Regulations.

MOTION (Heasman / Le Surf)

That Council:

1. Investigate the installation of yellow road edge lines in areas of No stopping and No parking with a view to removing the associated No stopping and No parking signage that proliferates in such areas;
2. This may include writing to the Roads and Maritime Services to request a change in the Road Regulations; and
3. This matter be referred to the Traffic Committee.

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

123/13 RESOLVED: (Heasman / Le Surf)

That Council:

1. Investigate the installation of yellow road edge lines in areas of No stopping and No parking with a view to removing the associated No stopping and No parking signage that proliferates in such areas;
2. This may include writing to the Roads and Maritime Services to request a change in the Road Regulations; and

3. This matter be referred to the Traffic Committee.

Notice of Motion Report No. 41

Referendum on Recognising Local Government in the Constitution (MC/13/83220)
Councillor Barbara Aird moved:

That Manly Council writes to Tony Abbott, expressing its deep concern and disappointment at the statements made by him regarding the upcoming Referendum, and requesting that he reconsiders his statement to voters "If you are not fully persuaded don't vote for it, because our constitution is far too important to be trifled with".

Manly Council, together with all of Local Government, has given full and proper consideration to this issue and requests Tony Abbott to publically support his local councils and all councils on this vital referendum.

MOTION (Aird / C Griffin)

That:

1. Manly Council write to Tony Abbott, expressing its deep concern and disappointment at the statements made by him regarding the upcoming Referendum, and requesting that he reconsiders his statement to voters "If you are not fully persuaded don't vote for it, because our constitution is far too important to be trifled with".
2. Manly Council, together with all of Local Government, has given full and proper consideration to this issue and requests Tony Abbott to publically support his local councils and all councils on this vital referendum.

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

Against the Resolution: Nil.

124/13 RESOLVED: (Aird / C Griffin)

That:

1. Manly Council write to Tony Abbott, expressing its deep concern and disappointment at the statements made by him regarding the upcoming Referendum, and requesting that he reconsiders his statement to voters "If you are not fully persuaded don't vote for it, because our constitution is far too important to be trifled with".
2. Manly Council, together with all of Local Government, has given full and proper consideration to this issue and requests Tony Abbott to publically support his local councils and all councils on this vital referendum.

QUESTIONS WITHOUT NOTICE**QWN29/13 Councillor Bingham - Community Consultation Plan for 2015**

Would the General Manager provide the Community Consultation Plan for the Manly 2015 consultation?

At the request of the Mayor the General Manager advised that advisory communications were provided to Councillors, including Cllr Bingham.

QWN30/13 Councillor Bingham

Would the General Manager provide confirmation or otherwise if an Agent has been appointed to sell 34 & 36 Stuart Street and on what basis?

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

QWN31/13 Councillor Heasman - Removing graffiti on private property

Would the General Manager clarify the situation with removing graffiti from private property. Are there any situations where we can do this? (This has arisen from a situation with a property in the Manly flats area).

At the request of the Mayor the Deputy General Manager advised that Council could not go onto private property.

QWN32/13 Councillor Burns

1. What is Council's method of determining when it is necessary to replace filter bubbler cartridges in bubblers?
2. What is Council doing about the missing lamps / lamp covers in Market Lane near the Library?
3. How is Council cleaning the paving in The Corso as it is looking very shabby?

At the request of the Mayor the Deputy General Manager advised as follows:

1. *Replacement of cartridges is determined by the pressure. If the pressure goes down when flushed they are replaced. These cartridges are replaced three times over summer but less regularly in the winter months;*
2. *He would look into this matter of missing lamps / covers; and*
3. *The pavers are scrubbed and cleaned daily starting at 5am. They are cleaned from one end of the pavers to the other by a sweeper and scrubber. We have a hot water high pressure cart that comes in to get the fixed material off and twice a year we get the "gum busters" to get off the chewing gum and the harder materials.*

QWN33/13 Councillor Burns - Cost of seat plaques

Would the General Manager advise the cost of seat plaques and if the tenure has been increased to 10 years?

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

QWN34/13 Councillor C Griffin - Baringa Bush Community Garden

Council promised the Baringa Bush Community Garden a tap and shelter would be installed approximately 12 months ago. When will the tap and shelter be installed?

At the request of the Mayor the Deputy General Manager advised there has been a hold up, however, he would try to get the tap installed as soon as possible. He was chasing the shelter up.

QWN35/13 Councillor C Griffin - Clear rubbish and litter from the Fishos carpark

Will Council organise to clear the rubbish and litter from the Fishos car park adjacent to the Kangaroo Street Centre?

At the request of the Mayor the General Manager advised that he would have this matter dealt with.

QWN36/13 Councillor Aird - 2015 Communication Sessions

With regard to the 2015 Communication Sessions that are under way – why are the CBD sessions being held at the Hotel Pacific and not Council Chambers? And what is the cost of putting on the sessions including room hire etc at separately Balgowlah and the Manly CBD?

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

QWN37/13 Councillor Aird - Proposed changes to Manly's recycling

With regard to the proposed changes to the Manly's collection recycling and vegetation – NOM status report indicates it is with the Waste Committee, however, the Waste Committee is waiting for the report.

At the request of the Mayor the Deputy General Manager apologised and advised he was aware of this error and that the Report would go shortly to the Committee.

Councillor Bingham requested that her Notice of Motion Report No. 35 be discussed in Open Session and a vote was taken.

MOTION (Bingham / C Griffin)

That Notice of Motion Report No. 35 - Progress Report on Seaforth TAFE site be discussed in Open Session:

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

Against the Resolution: Nil.

That Notice of Motion Report No. 35 - Progress Report on Seaforth TAFE site be discussed in Open Session:

NOTICES OF MOTION

Notice of Motion Report No. 35

Progress Report on Seaforth TAFE site (MC/13/75091)

Councillor Candy Bingham moved:

That the General Manager provide a written report to the August Ordinary meeting of Council on the current status of the TAFE site including:

1. Expenditure to date on the rehabilitation of the building and surrounding site;
2. Expenditure to date on the marketing of the building;
3. What further works need to be completed;
4. A report from Colliers on leasing the building and their recommendations (due to commercial in confidence this report may need to be in closed session); and
5. What progress has been made in obtaining an anchor tenant.

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

Against the Resolution: Nil.

125/13 RESOLVED: (Bingham / Pickering)

That the General Manager provide a written report to the August Ordinary meeting of Council on the current status of the TAFE site including:

1. Expenditure to date on the rehabilitation of the building and surrounding site;
2. Expenditure to date on the marketing of the building;
3. What further works need to be completed;
4. A report from Colliers on leasing the building and their recommendations (due to commercial in confidence this report may need to be in closed session); and
5. What progress has been made in obtaining an anchor tenant.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Corporate Services Division Report No. 14

Appointment of Auditor for the period 1 July 2013 to 30 June 2019 (MC/13/74038)

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.

General Managers Division Report No. 13

Staff Matter (MC/13/75090)

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 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.

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

Against the Resolution: Nil.

126/13 RESOLVED: (Le Surf / Heasman)

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

OPEN COUNCIL RESUMED

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

Corporate Services Division Report No. 14

Appointment of Auditor for the period 1 July 2013 to 30 June 2019 (MC/13/74038)

MOTION (Le Surf / C Griffin)

Progressed as discussed in closed session.

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

Against the Resolution: Nil.

127/13 RESOLVED: (Le Surf / C Griffin)

Progressed as discussed in closed session.

General Managers Division Report No. 13

Staff Matter (MC/13/75090)

MOTION (Le Surf / Heasman)

Progressed as discussed in closed session.

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

Against the Resolution: Councillor Burns

128/13 RESOLVED: (Le Surf / Heasman)

Progressed as discussed in closed session.

CLOSE

The meeting closed at [1.05am Tuesday 16 July 2013](#).

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [12 August 2013](#).

MAYOR

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