Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 13 July 2009

Copies of business papers are available at the Customer Services Counter 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 13 July 2009. The meeting commenced at 7:42pm.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor B Aird
Councillor H Burns
Councillor C Griffin
Councillor A Heasman, Deputy Mayor
Councillor A Le Surf
Councillor Dr P Macdonald
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

Henry Wong, General Manager
Ross Fleming, Divisional Manager Corporate Services
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. David Barrie.

APOLOGIES

Apologies were tendered on behalf of Councillors Elder, Morrison and Whitting for non-attendance.

MOTION (Macdonald / Murphy)

That the apologies received from Councillors Elder, Morrison and Whitting, be accepted and leave be granted.

85/09 **RESOLVED: (Macdonald / Murphy)**

That the apologies received from Councillors Elder, Morrison and Whitting, be accepted and leave be granted.

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

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Burns / Heasman)

That copies of the Minutes of the Ordinary Meeting held on Monday, 15 June 2009, 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.

86/09 **RESOLVED: (Burns / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 15 June 2009, 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 Hay, Heasman, Murphy, LeSurf, Norek, Griffin, Aird, Burns and Macdonald
Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 21

Continued listing on State Heritage Register of former Manly Ferry "Baragoola"
Councillor Hugh Burns moved:

That Manly Council supports the maintaining the listing of the Baragoola on the State Heritage Register and calls on the Department of Planning Heritage Branch to work with and coordinate the participation of all stakeholders and interested parties, to best ensure the continued preservation of this irreplaceable and historically valuable ship, for future generations.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Gary Stocks

MOTION (Burns / Griffin)

That Manly Council supports the maintaining the listing of the Baragoola on the State Heritage Register and calls on the Department of Planning Heritage Branch to work with and coordinate the participation of all stakeholders and interested parties, to best ensure the continued preservation of this irreplaceable and historically valuable ship, for future generations.

87/09 **RESOLVED: (Burns / Griffin)**

That Manly Council supports the maintaining the listing of the Baragoola on the State Heritage Register and calls on the Department of Planning Heritage Branch to work with and coordinate the participation of all stakeholders and interested parties, to best ensure the continued preservation of this irreplaceable and historically valuable ship, for future generations.

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

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SUSPENSION OF STANDING ORDERS (LeSurf / Murphy)

That Standing Orders be suspended to allow for consideration of an item of public interest, being Civic and Urban Services Division Report No.7, Manly CBD Parking Study.

88/09 **RESOLVED: (LeSurf / Murphy)**

That Standing Orders be suspended to allow for consideration of an item of public interest, being Civic and Urban Services Division Report No.7, Manly CBD Parking Study.

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

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CIVIC AND URBAN SERVICES DIVISION

Civic and Urban Services Division Report No. 7

Manly CBD Parking Study

SUMMARY

For Council to consider the findings and recommendations of the CBD Parking Study prepared by Gennaoui Consulting Pty Ltd.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

Against the Recommendation: Richard Hewitt

MOTION (Aird / Heasman)

1. That Council **DEFER** the report on the Manly CBD Parking Study, and that a Councillor Workshop be held with Council's Traffic Engineers to discuss its recommendations and formulate responses. Discussions to include:
a. optimisation of turnover of on-street parking
b. an audit of all signage with a view to rationalisation and consistency of signage and parking times
c. night-time parking (after 6pm) and impacts on neighbouring residential streets
d. enforcement (including ranger numbers and working times)
e. review of parking fees
f. promoting parking facilities and advertising opening hours
g. advantages and disadvantages of parking meters

2. That the Parking Study prepared by Gennaoui Consulting Pty Ltd be circulated to all Councillors before the Workshop.
3. A copy of the report to be sent to the Chamber of Commerce.
4. Access Committee members to be consulted re study recommendations for disabled parking.

89/09 **RESOLVED: (Aird / Heasman)**

1. That Council **DEFER** the report on the Manly CBD Parking Study, and that a Councillor Workshop be held with Council's Traffic Engineers to discuss its recommendations and formulate responses. Discussions to include:

a. optimisation of turnover of on-street parking
b. an audit of all signage with a view to rationalisation and consistency of signage and parking times
c. night-time parking (after 6pm) and impacts on neighbouring residential streets
d. enforcement (including ranger numbers and working times)
e. review of parking fees
f. promoting parking facilities and advertising opening hours
g. advantages and disadvantages of parking meters

2. That the Parking Study prepared by Gennaoui Consulting Pty Ltd be circulated to all Councillors before the Workshop.
3. A copy of the report to be sent to the Chamber of Commerce.
4. Access Committee members to be consulted re study recommendations for disabled parking.

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

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RESUMPTION OF STANDING ORDERS (Heasman / Aird)

That Standing Orders be resumed.

90/09 **RESOLVED: (Heasman / Aird)**

That Standing Orders be resumed.

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

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NOTICES OF MOTION

Notice of Motion Report No. 22

No cuts to Manly Library opening hours
Councillor Barbara Aird moved:

In recognition of the invaluable community service which it provides to our residents, that Manly Library continues to operate seven days per week, with no reduction in current opening hours, especially on weekends.

MOTION (Aird / Heasman)

In recognition of the invaluable community service which it provides to our residents, that Manly Library continues to operate seven days per week, with no reduction in current opening hours, especially on weekends.

91/09 **RESOLVED: (Aird / Heasman)**

In recognition of the invaluable community service which it provides to our residents, that Manly Library continues to operate seven days per week, with no reduction in current opening hours, especially on weekends.

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

Against the Resolution: Nil.

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Notice of Motion Report No. 23

Bowel Cancer Screening Campaign
Councillor Barbara Aird moved:

1. That Manly Council calls upon the Federal Government to extend bowel cancer screening to all Australians over 50 yrs of age by fully implementing the National Bowel Cancer Screening Program by the year 2012 with 2 yearly screening for everyone over 50 yrs of age.

2. That Council disseminates Cancer Council campaign information to the community.

Note: Local Government can help bowel screening campaign by calling on the Australian Government to extend bowel cancer screening to all Australians over 50, councils can play a part in supporting the Cancer Council's latest campaign - Get Behind Bowel Screening.

According to Professor Ian Olver, CEO of Cancer Council Australia, Bowel Cancer is "Australia's second biggest cancer killer, yet nearly all cases can be cured if found early. We know the current National Bowel Cancer Screening Program is saving lives but it is grossly underfunded and limited to those turning 50, 55 or 65. That means more than five million Australians are currently missing out on a simple test which could save their lives."

Professor Olver said that according to conservative estimates, the Government could save the lives of more than 30 Australians each week by expanding the program to include all Australians 50 and over. Further delays in program expansion would lead to "more unnecessary deaths. One in 12 Australians will get bowel cancer, so the Government should not waste any time in implementing this vital program," Professor Olver said.

Cancer Council is calling on all Australians to log on to www.getbehindbowelscreening.com.au and send an email to pressure the Government to fully implement the National Bowel Cancer Screening Program.

MOTION (Aird / Heasman)

That:
1. Manly Council calls upon the Federal Government, specifically the Health Minister, to extend bowel cancer screening to all Australians over 50 yrs of age by fully implementing the National Bowel Cancer Screening Program by the year 2012 with 2 yearly screening for everyone over 50 yrs of age.
2. Council also writes to the local Federal member, Tony Abbott.
3. Council disseminates Cancer Council campaign information to the community, including through the Mayoral column in the Manly Daily.

92/09 **RESOLVED: (Aird / Heasman)**

That:
1. Manly Council calls upon the Federal Government, specifically the Health Minister, to extend bowel cancer screening to all Australians over 50 yrs of age by fully implementing the National Bowel Cancer Screening Program by the year 2012 with 2 yearly screening for everyone over 50 yrs of age.
2. Council also writes to the local Federal member, Tony Abbott.
3. Council disseminates Cancer Council campaign information to the community, including through the Mayoral column in the Manly Daily.

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

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ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 13

Items for Brief Mention

1. Update on Seaforth TAFE Seaforth

Further to my response to Council about the above, the Department of Education and Training has now provided a response to Council on the issues raised by Council at its meeting with the Minister.

MOTION (Macdonald / Aird)

1. That the letter from the Department of Education and Training be received and noted.
2. That Council prepares a proposed development plan for the site for submission to the Minister of Education and the Department of Education and Training with:
   a. Full market price on the basis of being unrestricted of covenants excepting for not permitting private educational use
   b. For a concessional sale price based on restricted community use.

93/09 **RESOLVED: (Macdonald / Aird)**

1. That the letter from the Department of Education and Training be received and noted.
2. That Council prepares a proposed development plan for the site for submission to the Minister of Education and the Department of Education and Training with:
   a. Full market price on the basis of being unrestricted of covenants excepting for not permitting private educational use
   b. For a concessional sale price based on restricted community use.

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

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CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 15

Local Government Association of New South Wales - Annual Conference 2009

SUMMARY

1. Advice from the Local Government Association of New South Wales has been received regarding the arrangements for the Association's Annual Conference to be held from 24-28 October 2009 at Tamworth.

2. The purpose of this report is to seek nominations for delegates and observers to attend the Conference, and to call for Motions to be submitted on behalf of Council to the Conference.

MOTION (Heasman / Macdonald)

1. That Council be represented at the Local Government Association of New South Wales 2009 Annual Conference in Tamworth from 24-28 October 2009 and that Council meet the registration, accommodation and associated costs for each attendee.

2. That Councillors Hay, Heasman and Griffin be the three (3) Councillor delegates and Councillors Aird and LeSurf be the two (2) observers to attend the Conference.

3. That Council note that Motions to be submitted to the conference must be received by the Local Government Association of New South Wales by 10 August 2009.

4. That Motions to be submitted to the Conference be received by the General Manager by Thursday 28 July 2009.

94/09 **RESOLVED: (Heasman / Macdonald)**

1. That Council be represented at the Local Government Association of New South Wales 2009 Annual Conference in Tamworth from 24-28 October 2009 and that Council meet the registration, accommodation and associated costs for each attendee.

2. That Councillors Hay, Heasman and Griffin be the three (3) Councillor delegates and Councillors Aird and LeSurf be the two (2) observers to attend the Conference.

3. That Council note that Motions to be submitted to the conference must be received by the Local Government Association of New South Wales by 10 August 2009.

4. That Motions to be submitted to the Conference be received by the General Manager by Thursday 28 July 2009.

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

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Corporate Services Division Report No. 16

Report on Council Investments as at 31 May 2009

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 / LeSurf)

That the statement of Bank Balances and Investment Holdings as at 31 May, 2009 be received and noted.

95/09 **RESOLVED: (Heasman / LeSurf)**

That the statement of Bank Balances and Investment Holdings as at 31 May, 2009 be received and noted.

For the Resolution: Councillors Hay, Heasman, Murphy, LeSurf, Norek, Griffin, Burns and Macdonald
Against the Resolution: Nil.

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

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QUESTIONS WITHOUT NOTICE

QWN60/09 Councillor Griffin - Sponsorship of Manly Jazz Festival

Please can I be informed of the process for Council obtaining sponsorship for the Jazz Festival, how much is it worth, and was there a tender process involved?

At the request of the Mayor, the General Manager advised that Council has sought for many years to get sponsorship for events such as the Jazz Festival. He will take it on notice as to the details of the process.

QWN61/09 Councillor Norek - Marquees at Clontarf Reserve

Why can't a citizen place a marquee on Clontarf Reserve when they can have a marquee on any other reserve? Has there been a policy change in relation to the hire of marquees on LGA reserves?

At the request of the Mayor, the General Manager advised that Clontarf Precinct has expressed its concerns to Council about the use of marquees by Clonny's Restaurant, and ancilliary uses such as late-night loud music. There has not been a ban as such, but there is an issue of how those marquees are used.

QWN62/09 Councillor Aird - Request to RTA to change speed limit in CBD

Could the issue of our request to the RTA to reduce the speed limit in the Manly CBD from 50 to 40 kmh be followed up through the Traffic Committee as soon as possible?

At the request of the Mayor, the General Manager advised that yes it could.

QWN63/09 Councillor Burns - DAU reports published on Council website

Are DAU reports published on the Council's website?

At the request of the Mayor, the General Manager advised that yes they were.

QWN64/09 Councillor Burns - Council's business papers on the website

Can all Council business papers for the last 10 years be put up on the website?

At the request of the Mayor, the General Manager advised that the electronic business paper system only started in 2005, but he would look into it.

Councillor Burns then asked how far back do we hold electronic minutes?

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

QWN65/09 Councillor Macdonald - Progress on rebuilding the Grove cycle track

Can Council be provided with an update on the progress of rebuilding the Grove cycle track?
At the request of the Mayor, the General Manager advised that the working party consisting of the young people involved as well as council representatives has agreed on a plan and an agreement has been secured with the landowners of the site. A budget that will operate from 1 July will go towards building the track. The kids will help build it and a management regime is in place. He will take it on notice as to the timing of the project.

Councillor Griffin then asked if there had been community consultation?

At the request of the Mayor, the General Manager advised that there has been precinct involvement.

Councillor Griffin then asked if there had been a DA submitted for the track.

At the request of the Mayor, the General Manager advised that he was not sure if a DA was required. Any environmental concerns would have been picked up by staff.

QWN66/09 Councillor Murphy - Maximum gradients for driveways

The maximum possible gradient under our MDCP for a private road or driveway is 25% or 1:4. As it is also a Building Code of Australia maximum, is it a guideline or an allowable maximum (assuming that sitelines etc are all acceptable)?

At the request of the Mayor, the General Manager advised that 1:6 is the maximum probable, but on private land 1:4 is allowable on the proviso that you have site distance and other safety factors built into the design.

Councillor Murphy then asked if it was a guideline or an allowable maximum?

At the request of the Mayor, the General Manager advised that he thought it was a guideline as he knows of a steeper driveway that Council has allowed, because of its design.

Councillor Murphy then asked that given our DCP tries to minimise excavation and gets people to build in line with the topography of the land, would a driveway that featherhugs the topography of the land but was a little steeper, be seen as more desirable than one where you would have to excavate madly.

At the request of the Mayor, the General Manager advised that he didn’t know the surrounding circumstances, but certainly the design of a driveway or any piece of road needs to take into account the cut and fill requirements as well as gradients and is a matter for the applicant to submit plans and for them to be certified by a civil engineer.

Councillor Murphy then asked that the reason for the question was that all of that has been done and our assessing staff are fine with it, but our engineer has said he doesn’t care if it’s 25%, he wants 20%.

At the request of the Mayor, the General Manager advised that he doesn’t know what the issue is, but if Councillor Murphy gives him the details he will try and chase it up.

QWN67/09 Councillor Aird - Food and Wine Festival slogan

For the last 15 years, Council has used the slogan "Great Taste Less Waste" for the Food and Wine Festival. Why was it not used this year and can it be reinstated.

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

Planning And Strategy Division Report No. 27

T2009/04: Manly Council Carbon Neutral by 2010 and beyond - successful tenderer recommendation

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.

CLOSED SESSION

MOTION (Heasman / Aird)

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

The Mayor, Councillor Hay asked if any members of the public gallery objected to the matters being heard in Closed Session.

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

96/09 **RESOLVED: (Heasman / Aird)**

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

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

Against the Resolution: Nil.

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OPEN COUNCIL RESUMED

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

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Planning And Strategy Division Report No. 27

T2009/04: Manly Council Carbon Neutral by 2010 and beyond - successful tenderer recommendation

MOTION (Griffin / Aird)

That Council award contract T2009/04 *Manly Council Carbon Neutral by 2010 and beyond* to

Kinesis Pty Ltd, including the main contract (Council component) in addition to the separable portion (community component), for the following amounts (excluding GST):

- Main contract - Council Component (Deliverables 1-3): $69,920 + annual CCAP Licence Fee of $30,000 (for next 3 years – annual Licence cost to be reviewed following 3 years) = total of $159,920 over a 3 year period.

- Separable Portion – Community Component (Deliverable 4): $29,750 + annual Licence Fee of $10,000 (for next 3 years – annual Licence cost to be reviewed following 3 years) = total of $59,750 over a 3 year period.

The total value of the contract over a 3 year period for all contract deliverables (council plus community components) = $219,670 (plus GST). It is recommended that Council's engagement of Kinesis Pty Ltd include licensing for a period of 3 years, noting that Licensing fees will continue beyond this 3 year period.

97/09 **RESOLVED: (Griffin / Aird)**

That Council award contract T2009/04 *Manly Council Carbon Neutral by 2010 and beyond* to Kinesis Pty Ltd, including the main contract (Council component) in addition to the separable portion (community component), for the following amounts (excluding GST):

- Main contract - Council Component (Deliverables 1-3): $69,920 + annual CCAP Licence Fee of $30,000 (for next 3 years – annual Licence cost to be reviewed following 3 years) = total of $159,920 over a 3 year period.

- Separable Portion – Community Component (Deliverable 4): $29,750 + annual Licence Fee of $10,000 (for next 3 years – annual Licence cost to be reviewed following 3 years) = total of $59,750 over a 3 year period.

The total value of the contract over a 3 year period for all contract deliverables (council plus community components) = $219,670 (plus GST). It is recommended that Council's engagement of Kinesis Pty Ltd include licensing for a period of 3 years, noting that Licensing fees will continue beyond this 3 year period.

For the Resolution: Councillors Hay, Heasman, LeSurf, Griffin, Aird and Macdonald
Against the Resolution: Councillors Murphy, Norek and Burns

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CLOSE

The meeting closed at 10.50pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 10 August 2009.

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MAYOR

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