



Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 14 November 2011

All minutes are subject to confirmation at a subsequent meeting.

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 14 November 2011. The meeting commenced at 7.36pm.

PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided
Councillor H Burns
Councillor L Elder
Councillor C Griffin
Councillor A Heasman
Councillor A Le Surf, Deputy Mayor
Councillor D Murphy
Councillor M Norek, arrived 8.31pm
Councillor C Whitting

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability
Ross Fleming, Deputy General Manager, People, Place & Infrastructure
Anthony Hewton, Head of Strategy, Acting Executive Manager, Corporate Services
Secretariat Officer

OPENING PRAYER

The Opening Prayer was presented by Rev. Clifton McDonnell from All Saints' Anglican Church, Balgowlah.

APOLOGIES

Apologies were tendered on behalf of Councillors Macdonald, Aird and Morrison for non-attendance.

MOTION (Burns / Whitting)

That the apologies received from Councillors Macdonald, Aird and Morrison, be accepted and leave be granted.

193/11 **RESOLVED: (Burns / Whitting)**

That the apologies received from Councillors Macdonald, Aird and Morrison, be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Elder / Le Surf)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 17 October 2011, 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.

194/11 **RESOLVED: (Elder / LeSurf)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 17 October 2011, 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, Elder, Heasman, Whitting, Murphy, LeSurf, Griffin and Burns

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Karen Pitt	Damage to netting by boat at Harbour beach, Manly Cove
David Parsons	Rezoning at Little Manly

MAYORAL MINUTES

Mayoral Minute Report No. 12

North Head Sewage Treatment Plant**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

In support of the Motion: Ray Mathieson

MOTION (Hay)

That Council requests the NSW Office of Environment and Heritage, which licenses the polluting discharges from the North Head Sewage Treatment Plant to immediately review the current operations of the North Head Sewage Treatment Plant against world best practice, and take action to reduce the overall quantities and permissible concentrations of harmful pollutants that are currently allowed to be discharged by the Plant into the marine environment off the Manly coastline.

195/11 **RESOLVED: (Hay)**

That Council requests the NSW Office of Environment and Heritage, which licenses the polluting discharges from the North Head Sewage Treatment Plant to immediately review the current operations of the North Head Sewage Treatment Plant against world best practice, and take action to reduce the overall quantities and permissible concentrations of harmful pollutants that are

currently allowed to be discharged by the Plant into the marine environment off the Manly coastline.

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

Against the Resolution: Nil.

Councillor Norek entered the chamber at 8.31pm.

NOTICES OF MOTION

Notice of Motion Report No. 30

Traffic Management Report to improve traffic flow during Manly Tourism Events

Councillor Craig Whitting moved:

That Manly Council investigates and provides a Traffic Management Report that will improve the traffic flows in and around Manly's CBD during Major Manly Events i.e. Food & Wine and Jazz Festivals.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In support of the Motion: Jake Rowe

MOTION (Whitting / Elder)

1. That Manly Council investigates and provides a Traffic Management Report that incorporates a review on the current Traffic Management Plan for all events that will improve the traffic flows in and around Manly's CBD during Major Manly Events i.e. Food & Wine and Jazz Festivals.
2. That Council installs temporary bike racks during special events.

AMENDMENT (Norek / Murphy)

1. That Manly Council investigates and provides a Traffic Management Report that incorporates a review on the current Traffic Management Plan for all events that will improve the traffic flows in and around Manly's CBD during Major Manly Events i.e. Food & Wine and Jazz Festivals.
2. That the report includes looking into a Park and Ride facility on weekends.
3. That Council installs temporary bike racks during special events.

For the Amendment: Councillors Norek and Murphy

Against the Amendment: Councillors Hay, Elder, Heasman, Whitting, LeSurf, Griffin and Burns

The **Amendment** was declared **Lost**.

196/11 **RESOLVED: (Whitting / Elder)**

1. That Manly Council investigates and provides a Traffic Management Report that incorporates a review on the current Traffic Management Plan for all events that will improve the traffic flows in and around Manly's CBD during Major Manly Events i.e. Food & Wine and Jazz Festivals.
2. That Council installs temporary bike racks during special events.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin and Burns

Against the Resolution: Councillor Le Surf

RECOMMITTAL MOTION (Murphy / Whitting)

That Resolution No. 193/11 – “Apologies” be recommitted.

197/11 **RESOLVED: (Murphy / Whitting)**

That Resolution No. 193/11 – “Apologies” be recommitted.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

RECOMMITTAL MOTION (Murphy / Whitting)

That “Apologies” be amended to include Councillor Morrison as an apology for the meeting.

198/11 **RESOLVED: (Murphy / Whitting)**

That “Apologies” be amended to include Councillor Morrison as an apology for the meeting.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

Notice of Motion Report No. 31

Far West School

Councillor Hugh Burns moved:

1. That Council writes to the NSW Minister of Education (The Right Honourable Adrian Piccoli MP), the NSW Premier and the local State Member to express Council's strong concerns over, and objection to, the possible transfer and demolition of existing Education department facilities to provide financial advantage to the Royal Far West Scheme (by means of a commercial hotel development on the existing school site), when the adjacent

public infants school - Manly Village Public School - is in desperate need of expansion to cope with very high local demand for primary school places.

2. That Council advertise and call a public meeting to discuss the proposed redevelopment of the Far West site and its impact on the Manly community, particularly including the needs of Manly Village Public School.

MOTION (Burns/ Griffin)

1. That Council writes to the NSW Minister of Education (The Right Honourable Adrian Piccoli MP), the NSW Premier and the local State Member to express Council's strong concerns over, and objection to, the possible transfer and demolition of existing Education department facilities to provide financial advantage to the Royal Far West Scheme (by means of a commercial hotel development on the existing school site), when the adjacent public infants school - Manly Village Public School - is in desperate need of expansion to cope with very high local demand for primary school places.
2. That Council advertise and call a public meeting after the submissions close on 30 November 2011 and invite the Department of Planning and the developer to discuss the proposed redevelopment of the Far West site and its impact on the Manly community, particularly including the needs of Manly Village Public School.
3. That Council write to the Minister for Planning to halt the process of the Part 3A consideration for the RFW Concept Plan. The applicant to conduct genuine community consultation regarding the use of parcels of land owned by the DET.

199/11 **RESOLVED: (Burns / Griffin)**

1. That Council writes to the NSW Minister of Education (The Right Honourable Adrian Piccoli MP), the NSW Premier and the local State Member to express Council's strong concerns over, and objection to, the possible transfer and demolition of existing Education department facilities to provide financial advantage to the Royal Far West Scheme (by means of a commercial hotel development on the existing school site), when the adjacent public infants school - Manly Village Public School - is in desperate need of expansion to cope with very high local demand for primary school places.
2. That Council advertise and call a public meeting after the submissions close on 30 November 2011 and invite the Department of Planning and the developer to discuss the proposed redevelopment of the Far West site and its impact on the Manly community, particularly including the needs of Manly Village Public School.
3. That Council write to the Minister for Planning to halt the process of the Part 3A consideration for the RFW Concept Plan. The applicant to conduct genuine community consultation regarding the use of parcels of land owned by the DET.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Norek, Griffin, Le Surf and Burns

Against the Resolution: Councillor Murphy

Notice of Motion Report No. 32

Street Lighting

Councillor Hugh Burns moved:

That Council produce a plan to be brought back to Council within two months to improve control of all street, reserve and plaza lighting, so as to ensure lights are not being operated in daylight. Such a plan is to include investigating the current controls in use, verifying their correct operation (function and light level settings) and if necessary upgrading them to a better more modern light level based control systems or converting to a central control that is based on light level. (Note due to changing sunset and sunrise times a clock based approach is not efficient.)

MOTION (Burns / Elder)

That Council produce a plan to be brought back to Council within two months to improve control of all street, reserve and plaza lighting, so as to ensure lights are not being operated in daylight. Such a plan is to include investigating the current controls in use, verifying their correct operation (function and light level settings) and if necessary upgrading them to a better more modern light level based control systems or converting to a central control that is based on light level. (Note due to changing sunset and sunrise times a clock based approach is not efficient.)

200/11 **RESOLVED:** (Burns / Elder)

That Council produce a plan to be brought back to Council within two months to improve control of all street, reserve and plaza lighting, so as to ensure lights are not being operated in daylight. Such a plan is to include investigating the current controls in use, verifying their correct operation (function and light level settings) and if necessary upgrading them to a better more modern light level based control systems or converting to a central control that is based on light level. (Note due to changing sunset and sunrise times a clock based approach is not efficient.)

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 18

Items for Brief Mention

1. Complaints made to the General Manager as at October 2011

Matter No.	Received	Nature of complaint	Outcome	Status
COMP2011-10-01	October	Complaint re compliance matter	Being assessed	Pending

2. Notices of Motion status report.

The following Notices of Motion are currently in progress.

Res No.	Meeting Date	Subject	Resolution	Status
154/11	12 Sept 2011	The Grove ("Freedom" Bike Track)	4. Council develop an unstructured recreational strategy and policy that provides guidance to recreational groups, such as dirt jump riders, that want to use parcels of public land.	Being drafted.

3. Documents to be tabled

Date	Author	Subject
04/11/11	Planning and Infrastructure	Public exhibition of the Codes SEPP – Housekeeping Amendment Discussion Paper
04/11/11	Cr Keith Rhoades AFSM, President Local Government Association	Administration of the 2012 Local Government elections
03/11/11	Penny Sharpe MLC, Shadow Minister for Transport	Helmet Safety
03/11/11	Premier & Cabinet (DLG)	Circular: Council administered elections 2012
01/11/11	Scouts Australia	2010/2011 Annual Review

MOTION (Heasman / Le Surf)

1. That the information be received and noted.
2. That the information be received and noted.
3. That the documents tabled at this meeting be received and noted.

201/11 **RESOLVED: (Heasman / LeSurf)**

1. That the information be received and noted.
2. That the information be received and noted.
3. That the documents tabled at this meeting be received and noted.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

REPORTS OF COMMITTEES

Report Of Committees Report No. 50

Minutes for adoption by Council - Special Purpose Committees - without recommendations of a substantial nature.

The minutes of the following Special Purpose Committee meeting is tabled at this meeting.

- i) Manly Local Environmental Plan and Development Control Plan Working Group - 20 September 2011
- ii) Harbour Foreshores Committee – 11 October 2011

- iii) Audit and Risk Committee – 11 October 2011
- iv) Surf Club Liaison Working Group – 18 October 2011
- v) Community Environment Committee – 19 October 2011

MOTION (Le Surf / Burns)

That the minutes of the following Special Purpose Committee meeting be adopted:

- i) Manly Local Environmental Plan and Development Control Plan Working Group - 20 September 2011
- ii) Harbour Foreshores Committee – 11 October 2011
- iii) Audit and Risk Committee – 11 October 2011
- iv) Surf Club Liaison Working Group – 18 October 2011
- v) Community Environment Committee – 19 October 2011

202/11 RESOLVED: (LeSurf / Burns)

That the minutes of the following Special Purpose Committee meeting be adopted:

- i) Manly Local Environmental Plan and Development Control Plan Working Group - 20 September 2011
- ii) Harbour Foreshores Committee – 11 October 2011
- iii) Audit and Risk Committee – 11 October 2011
- iv) Surf Club Liaison Working Group – 18 October 2011
- v) Community Environment Committee – 19 October 2011

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 42

First Quarterly Update on Four Year Delivery Program 2011 - 2015 and Quarterly Budget Review 2011 - 2015**SUMMARY**

This report provides an update on achievements and progress of Council's Four Year Delivery Program 2011-2015 and One Year Operational Plan 2011-2012 for the period 1 July 2011 to 30 September 2011, in accordance with the requirements of the *Local Government Act, 1993*. Attached is also a detailed matrix and graphs showing progress with the Delivery Program.

Quarterly Financial Review Reports for the period ending 30 September 2011, including variation recommendations is also discussed and detailed in the Agenda attachments.

MOTION (Heasman / Burns)

That:

1. The progress report with the Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 30 September 2011, including the revised

estimates and recommended variations contained within the report, be adopted.

203/11 **RESOLVED: (Heasman / Burns)**

That:

1. The progress report with the Delivery Program 2011-2015 be received and noted.
2. The Financial Statement for the quarter ended 30 September 2011, including the revised estimates and recommended variations contained within the report, be adopted.

For the Resolution: Councillors Hay, Elder, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

Councillor Heasman was not in the chamber when the voting took place.

Corporate Services Division Report No. 43

Report on Council Investments as at 30 September 2011

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 September 2011 be received and noted.

204/11 **RESOLVED: (Heasman / LeSurf)**

That the statement of Bank Balances and Investment Holdings as at 30 September 2011 be received and noted.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

Corporate Services Division Report No. 44

2012 Council Elections

SUMMARY

To obtain Council approval to appoint the NSW Electoral Commission to conduct the 2012 elections for Manly Council.

MOTION (Burns / Le Surf)

That the Council appoint the NSW Electoral Commission to conduct the 2012 election for Manly Council due in September 2012 and the General Manager be authorised to execute the necessary agreement.

205/11 **RESOLVED: (Burns / LeSurf)**

That the Council appoint the NSW Electoral Commission to conduct the 2012 election for Manly Council due in September 2012 and the General Manager be authorised to execute the necessary agreement.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

Corporate Services Division Report No. 45

Adoption of Draft Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors**SUMMARY**

Council is required to adopt a Policy, following public exhibition, concerning payment of expenses and the provision of facilities to the Mayor and Councillors within five (5) months after the end of each year, and to forward a copy of the Policy to the Director General.

MOTION (Burns / Le Surf)

That:

1. Pursuant to section 253 (3) of the Local Government Act 1993, the draft Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors as placed on public exhibition be adopted and the Policy Register be updated accordingly.
2. A copy of the Policy be forwarded to the Director General, Division of Local Government.

206/11 **RESOLVED: (Burns / LeSurf)**

That:

1. Pursuant to section 253 (3) of the Local Government Act 1993, the draft Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors as placed on public exhibition be adopted and the Policy Register be updated accordingly.
2. A copy of the Policy be forwarded to the Director General, Division of Local Government.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, Norek, Griffin, Le Surf and Burns

Against the Resolution: Nil

QUESTIONS WITHOUT NOTICE**QWN93/11 Councillor Burns - The Grove**

As part of our resolution of the Grove we agreed to start a liaison committee. What stage is this at?

At the request of the Mayor the General Manager advised that the Councils resolution predicates on the bike users group forming into an incorporated organisation. From recent briefings, they are about to join an existing incorporated organisation and when that happens we will meet with them.

We have handed over some of the processes to Warringah Council as the land is in their area and it is understood from the same briefing that Warringah Council is in contact with them. They have no fixed address to write to at present.

QWN94/11 Councillor Burns - Trade Waste

Can the General Manager please give a brief report on how the changeover is going with the trade waste?

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

QWN95/11 Councillor Norek - DA Changes

What constitutes substantial changes to a DA? When does a S96 application need to be made?

At the request of the Mayor the Deputy General Manager advised that if it is essentially the same development then a S96 is not required.

QWN96/11 Councillor Murphy - Parking Levies

Some DA approvals require a parking levy to be paid for parking that cannot be provided. Sometimes parking levies have already been paid in part or in full on a property and sometimes concessions are granted but often there appears to be inconsistency.

Please advise how parking levies are calculated, particularly where it is physically impossible to provide parking and also give examples of where concessions are warranted.

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

QWN97/11 Councillor Murphy - Market Lane Parking Levies - *Manly2015*

The Council as part of its *Manly2015* plans has made it clear it wishes for the back of the Corso shops that front Market Lane to be opened up as shopfronts to invigorate the lane. This area is currently opposite an existing car park which will be inconvenienced for several years if Whistler Street car park is demolished.

Does Council have any concessions on parking levies in this area or plans to introduce any to encourage shopfronts on Market Lane given it is physically impossible to provide parking under these buildings?

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

QWN98/11 Councillor Whitting - Four Year Delivery Program 2011-2015

This question stems from Manly's Councils first Quarterly Update on Four Year Delivery Program 2011-2015 (C Environment page 22).

What does Manly Council hope to achieve with the ongoing partnership with Warringah Council?

What has been suggested is a large under-road bore and sleeve pipe connecting a waterway under Pittwater Road from west to east, alongside Hinkler Park to increase the Hydroflow. Does Council see this request/suggestion feasible and deliverable within the next four years?

At the request of the Mayor the General Manager advised that if it is in the plan it will be delivered. On this occasion, Manly Council will deliver the Site 3 proposal. Site 1 and 2 are complete and site 3 is next.

QWN98/11 Councillor Heasman - Net Damage

Can Council (in light of a recent incident involving a boat causing a hole in the pool net) follow up again with Waterways regarding banning boats anchoring between the wharf and the net?

At the request of the Mayor the General Manager advised that Council has heavily petitioned the Waterways Authority to revise their management plan for that Manly Cove area.

Councillor Heasman requested that Council write to Waterways again, and the General Manager agreed to do so.

QWN99/11 Councillor Griffin - Pecuniary Interest Forms

Can the General Manager please clarify whether or not we are going to ask members of the special purpose committees to fill in the pecuniary interest forms?

At the request of the Mayor the General Manager advised that he has formed the view after seeking Counsel advice on the question of designated persons, that committee members are not designated persons but if they still wish to make a submission to Council they may do so. Council wrote out to members on Friday informing them.

CLOSE

The meeting closed at 10.04pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 12 December 2011.

MAYOR

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