

## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly  
on:

**Monday 6 August 2012**

*All minutes are subject to confirmation at a subsequent meeting.*

*Copies of business papers are available at the Customer Service Counters  
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Council's website:*

*[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 6 August 2012. The meeting commenced at 7:34 PM.

## PRESENT

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

## ALSO PRESENT

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

## OPENING PRAYER

The Opening Prayer was presented by Pastor Tim Giovanelli, Manly Life Church (new Manly Baptist Pastor).

## APOLOGIES

Apologies were tendered on behalf of Councillors Dr Peter Macdonald OAM and Norek, for non-attendance / lateness.

## MOTION (Burns / LeSurf)

That the apologies received from Councillors Dr Peter Macdonald OAM and Norek, be accepted and leave be granted.

## 152/12 RESOLVED: (Burns / LeSurf)

That the apologies received from Councillors Dr Peter Macdonald OAM and Norek, be accepted and leave be granted.

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

**Against the Resolution:** Nil.

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

**CONFIRMATION OF MINUTES****MOTION (LeSurf / Whitting)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 16 July 2012 and adjourned meeting of 24 July 2012, 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.

**153/12 RESOLVED: (LeSurf / Whitting)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 16 July 2012 and adjourned meeting of 24 July 2012, 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, Whitting, Murphy, LeSurf, Griffin, Aird, Burns and Heasman.

**Against the Resolution:** Nil.

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
David Parsons	Governance – Stuart Street

**SUSPENSION OF STANDING ORDERS (Hay/Heasman)**

That Standing Orders be suspended to allow for consideration of items of public interest Items for Brief Mention Report No. 10 Item 1 Manly Andrew Boy Charlton Swim Centre proposed Upgrade/Redevelopment.

**154/12 RESOLVED: (Hay / Heasman)**

That Standing Orders be suspended to allow for consideration of items of public interest Items for Brief Mention Report No. 10 Item 1 Manly Andrew Boy Charlton Swim Centre proposed Upgrade/Redevelopment.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 10

**Items For Brief Mention Report**

1. **Manly Andrew Boy Charlton Swim Centre Proposed Upgrade / Redevelopment**

**PUBLIC ADDRESSES**

The following person addressed the meeting on this item:

Narelle Simpson

In Support of - Manly Andrew Boy Charlton Swim Centre proposed Upgrade/Redevelopment

**MOTION (LeSurf / Heasman)**

That:

The report on Manly Andrew Boy Charlton Swim Centre upgrade/redevelopment be received and noted.

**AMENDMENT (Aird /Whitting)**

That:

- a) The proposed upgrade of the Swim Centre to the extent of \$15 million be deferred until there is proper, thorough community consultation undertaken.
- b) Council conduct a deliberative community consultation to determine the community needs and views on any upgrade of the Manly Swim Centre.
- c) As part of this consultation process the Council prepare a business plan for the Manly Swim Centre outlining any proposed revenue streams expected from the upgraded Swim Centre.

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

**Against the Amendment:** Councillors Hay, Elder, Murphy, LeSurf and Heasman

The Amendment was declared **LOST**.

**155/12 RESOLVED: (LeSurf / Heasman)**

That:

The report on Manly Andrew Boy Charlton Swim Centre upgrade/redevelopment be received and noted.

**For the Resolution:** Councillors Hay, Elder, Murphy, LeSurf and Heasman

**Against the Resolution:** Councillors Whitting, Griffin, Aird and Burns

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

\*\*\*\*\*

**RESUMPTION OF STANDING ORDERS (Hay / Heasman)**

That Standing Orders be resumed:

**156/12 RESOLVED: (Hay / Heasman)**

That Standing Orders be resumed:

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**MAYORAL MINUTES**

Mayoral Minute Report No. 9

**Final Report on 2008 2012 Council Term****MOTION (Hay)**

That:

1. The Mayoral Minute be received and noted.
2. A framed certificate of merit be issued under Council seal to retiring Councillors.

**157/12 RESOLVED: (Hay)**

That:

1. The Mayoral Minute be received and noted.
2. A framed certificate of merit be issued under Council seal to retiring Councillors.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**NOTICES OF MOTION**

Notice of Motion Report No. 31

**Manly Swim Centre - Relocation of Structures****Councillor Hugh Burns moved:**

That in addition to the motion passed last month calling for a report on the proposed upgrade works, that Council also review the proposed design of the Manly Swim Centre redevelopment, so as to reduce the visual impact of the extensions to both surrounding residents and users of the adjacent park.

**MOTION (Burns/)**

That in addition to the motion passed last month calling for a report on the proposed upgrade works, that Council also review the proposed design of the Manly Swim Centre redevelopment, so as to reduce the visual impact of the extensions to both surrounding residents and users of the adjacent park.

**Due to the lack of a Seconder the Motion lapsed.**

\*\*\*\*\*

Notice of Motion Report No. 32

**Improvements to trade waste collection in Manly Tourist Precincts**

**Councillor Hugh Burns moved:**

- 1) That Council immediately liaises with all trade waste contractors operating in CBD areas and explores appropriate negotiation and/or regulation to limit bins being placed out onto footpaths to before 09:00 or after 18:00 in nominated tourist and high pedestrian precincts.
- 2) If this fails to achieve an acceptable and reliable outcome in management of waste and recycling bins, that Council then writes to the appropriate Minister(s) to seek approval to operate limited trade waste collection in high visibility tourist precincts, immediately following expiry of the commercial agreement with the successful tenderer, to reduce the impact from rubbish and recycling bins being left out on the footpaths for extended periods.

The Council is to consult with the Chamber of Commerce and the local Precincts as regards implementing this initiative.

**MOTION (Burns/Aird)**

That:

- 1) Council immediately liaises with all trade waste contractors operating in areas in the CBD Manly local government areas and explores appropriate negotiation and/or regulation to limit bins being placed out onto footpaths to before 09:00 or after 18:00 in nominated tourist and high pedestrian precincts.
- 2) If this fails to achieve an acceptable and reliable outcome in management of waste and recycling bins, that Council then writes to the appropriate Minister(s) to seek approval to operate limited trade waste collection in high visibility tourist precincts, immediately following expiry of the commercial agreement with the successful tenderer, to reduce the impact from rubbish and recycling bins being left out on the footpaths for extended periods.

The Council is to consult with the Chamber of Commerce and the local Precincts as regards implementing this initiative.

- 3) Council explore if it is necessary to have advertising on the side of the bins.

**158/12 RESOLVED: (Burns / Aird)**

That:

- 1) Council immediately liaises with all trade waste contractors operating in areas in the CBD Manly local government areas and explores appropriate negotiation and/or regulation to limit bins being placed out onto footpaths to before 09:00 or after 18:00 in nominated tourist and high pedestrian precincts.
- 2) If this fails to achieve an acceptable and reliable outcome in management of waste and recycling bins, that Council then writes to the appropriate Minister(s) to seek approval to operate limited trade waste collection in high visibility tourist precincts, immediately following expiry of the commercial agreement with the successful tenderer, to reduce the impact from rubbish and recycling bins being left out on the footpaths for extended periods.

The Council is to consult with the Chamber of Commerce and the local Precincts as regards implementing this initiative.

- 3) Council explore if it is necessary to have advertising on the side of the bins.



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

**Against the Resolution:** Nil.

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

\*\*\*\*\*

**Councillor Whitting left the meeting, the time being 09:36 pm**

Notice of Motion Report No. 33

**Submission of DA for Works presently being carried out at the former Seaforth TAFE site  
Councillor Hugh Burns will move:**

That the works at the Seaforth TAFE site are immediately suspended while Council prepares plans and obtains the necessary DA approval for the redevelopment works that are currently underway.

**MOTION (Burns/ Aird)**

- a) That Council prepares plans for the redevelopment work that is currently underway and obtains the necessary DA approval for the redevelopment works.
- b) That Council prepare a proposal to cover the entire roof with solar panels on the flat roof.

**AMENDMENT (Griffin/Heasman)**

- i) That Council prepare a proposal to cover the entire southern and northern quarter of the roof with solar panels on the former Seaforth TAFE site, to determine the amount of power generated and devise a plan to resell the power to the tenants as well as obtain any off sets resulting from the generation of solar power in order to finance the panels.
- ii) That Council place a banner on the outside of Seaforth TAFE announcing the fact that Council has purchased the property.
- iii) That Council thank staff and the contractors for the work done to date.

**For the Amendment:** Councillors Hay, Elder, LeSurf, Griffin and Heasman

**Against the Amendment:** Councillors Murphy, Aird and Burns

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

**159/12 RESOLVED: (Griffin / Heasman)**

- i) That Council prepare a proposal to cover the entire southern and northern quarter of the roof with solar panels on the former Seaforth TAFE site, to determine the amount of power generated and devise a plan to resell the power to the tenants as well as obtain any off sets resulting from the generation of solar power in order to finance the panels.
- ii) That Council place a banner on the outside of Seaforth TAFE announcing the fact that Council has purchased the property.
- iii) That Council thank staff and the contractors for the work done to date.

**For the Resolution:** Councillors Hay, Elder, LeSurf, Griffin, Aird, Burns and Heasman

**Against the Resolution:** Councillor Murphy

\*\*\*\*\*

Notice of Motion Report No. 34

**Parking Permits - Report on Designated Permits**  
**Councillor Barbara Aird moved:**

In relation to the recent massive fee increase for Designated Parking Permits, from (\$60 to \$500 for additional permits to the 2 free designated parking permits per rateable property), that the General Manager brings back a report to the next Council meeting advising of the number of permits, additional to the 2 free designated permits per rateable property, that have been applied for and granted, in relation to (a) residents and (b) non residents in each of the last 4 years. The report is also to include details of any evidence or reports of misuse.

**MOTION (Aird/ Burns)**

That the General Manager brings back a verbal report to the next Council meeting advising of the number of permits, additional to the 2 free designated permits per rateable property, that have been applied for and granted, in relation to (a) residents and (b) non residents in each of the last 4 years. The report is also to include details of any evidence or reports of misuse.

**160/12 RESOLVED: (Aird / Burns)**

That the General Manager brings back a verbal report to the next Council meeting advising of the number of permits, additional to the 2 free designated permits per rateable property, that have been applied for and granted, in relation to (a) residents and (b) non residents in each of the last 4 years. The report is also to include details of any evidence or reports of misuse.

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

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Notice of Motion Report No. 35

**Parking Permits - Report on Residential Parking Scheme**  
**Councillor Barbara Aird will move:**

In relation to ongoing concerns over a number of years, especially from residents of Little Manly and Ocean Beach precincts, regarding a "black market" in resident parking permits, that the General Manager brings back a report to the next Council meeting, detailing what steps have been taken by Manly Council to trial an online registration system for parking permits and what proposals could be considered and implemented to overcome the problem.

**MOTION (Aird/Elder)**

That in relation to ongoing concerns over a number of years, especially from residents of Little Manly and Ocean Beach precincts, regarding a "black market" in resident parking permits, the General Manager brings back a report to the next Council meeting, detailing what steps have been taken by Manly Council to trial an online registration system for parking permits and what proposals could be considered and implemented to overcome the problem.

**161/12 RESOLVED: (Aird / Elder)**

That in relation to ongoing concerns over a number of years, especially from residents of Little Manly and Ocean Beach precincts, regarding a "black market" in resident parking permits, the General Manager brings back a report to the next Council meeting, detailing what steps have been taken by Manly Council to trial an online registration system for parking permits and what proposals could be considered and implemented to overcome the problem.

**For the Resolution:** Councillors Hay, Elder, Aird, Burns and Heasman

**Against the Resolution:** Councillors Murphy, LeSurf and Griffin

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## ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 10

### Items For Brief Mention Report

#### 2. Notices of Motion status report.

##### MOTION (LeSurf / Heasman)

That the Notice of Motions status report be received and noted.

**162/12 RESOLVED: (LeSurf / Heasman)**

That the Notice of Motions status report be received and noted.

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

**Against the Resolution:** Nil.

### Item For Brief Mention Report No. 10

#### 3. Complaints to the General Manager Report.

##### MOTION (LeSurf / Heasman)

The complaints to the General Manager's report be received and noted.

**163/12 RESOLVED: (LeSurf / Heasman)**

The complaints to the General Manager's report be received and noted.

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

**Against the Resolution:** Nil.

**Item For Brief Mention Report No. 10****4. Tabled Documents****MOTION (Elder / Le Surf)**

That Council respond to Bunnings expressing how disappointed we are with their letter. Given the size of the organisation we request that they work with Ausgrid to put the power lines underground.

**164/12 RESOLVED: (Elder / Le Surf)**

That Council respond to Bunnings expressing how disappointed we are with their letter. Given the size of the organisation we request that they work with Ausgrid to put the power lines underground.

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

**Against the Resolution:** Nil.

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**REPORTS OF COMMITTEES**

Councillor Burns requested that the minutes of the Sustainable Transport Committee meeting held on 2 August 2012 be added to the Report of Committees Report No. 23.

**Report Of Committees Report No. 23**

**Minutes for adoption by Council - Special Purpose Committees minutes of Sustainable Transport Committee – 2 August 2012.**

**Motion (Burns /Aird)**

That the minutes of the Sustainable Transport Committee meeting held on 2 August 2012 be considered and adopted.

**For the Resolution:** Councillor Burns

**Against the Resolution:** Councillors Hay, Elder, Murphy, LeSurf, Griffin, Aird and Heasman

The **Motion** was **lost**.

\*\*\*\*\*

**Report Of Committees Report No. 23**

**Minutes for adoption by Council - Special Purpose Committees - without recommendations.**

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

- i) Manly Scenic Walkway Committee – 3 July 2012
- ii) Heritage Committee – 4 July 2012
- iii) Traffic Committee – 9 July 2012
- iv) Meals on Wheels Committee – 11 July 2012
- v) Community Safety Committee – 12 July 2012
- vi) Sustainable Transport Committee – 19 July 2012

**MOTION (LeSurf / Heasman)**

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

- i) Manly Scenic Walkway Committee – 3 July 2012
- ii) Heritage Committee – 4 July 2012
- iii) Traffic Committee – 9 July 2012
- iv) Meals on Wheels Committee – 11 July 2012
- v) Community Safety Committee – 12 July 2012
- vi) Sustainable Transport Committee – 19 July 2012

**165/12 RESOLVED: (LeSurf / Heasman)**

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

- i) Manly Scenic Walkway Committee – 3 July 2012
- ii) Heritage Committee – 4 July 2012
- iii) Traffic Committee – 9 July 2012
- iv) Meals on Wheels Committee – 11 July 2012
- v) Community Safety Committee – 12 July 2012
- vi) Sustainable Transport Committee – 19 July 2012

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

**Against the Resolution:** Nil.

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Report Of Committees Report No. 24

**Minutes for adoption by Council - Community Environment Committee - 11 July 2012**

This report was dealt with at the Community Environment Committee meeting of 11 July 2012 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 12 Manly Cove Swimming Enclosure and Restoration of Threatened Seahorse Habitat**

- i) That Council begin monitoring of the seahorse population and provide the Committee with their plans for their “permanent solution”.
- ii) That the habitat net should be put on the inside of the existing net.

**MOTION (LeSurf / Murphy)**

That the minutes of the Community Environment Committee meeting on 11 July 2012 be adopted including the following items:

**ITEM 12 Manly Cove Swimming Enclosure and Restoration of Threatened Seahorse Habitat**

- i) That Council begin monitoring of the seahorse population and provide the Committee with their plans for their "permanent solution".
- ii) That the habitat net should be put on the inside of the existing net.
- iii) That this matter be dealt with by staff as a matter of priority.

**166/12 RESOLVED: (LeSurf / Murphy)**

That the minutes of the Community Environment Committee meeting on 11 July 2012 be adopted including the following items:

**ITEM 12 Manly Cove Swimming Enclosure and Restoration of Threatened Seahorse Habitat**

- i) That Council begin monitoring of the seahorse population and provide the Committee with their plans for their "permanent solution".
- ii) That the habitat net should be put on the inside of the existing net.
- iii) That this be dealt with by staff as a matter of priority.

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

**Against the Resolution:** Nil.

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**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 24

**Development Applications Being Processed as at 1 August 2012.**

**SUMMARY**

A list of development applications being processed as at 1 August 2012.

**MOTION (Murphy / Heasman)**

THAT the information be noted.

**167/12 RESOLVED: (Murphy / Heasman)**

THAT the information be noted.

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

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 25

**Current Legal Appeals Relating to Development Applications as at 1 August 2012.**

**SUMMARY**

A list of legal appeals relating to development applications as at 1 August 2012.

**MOTION (Murphy / Heasman)**

THAT the information be noted.

**168/12 RESOLVED: (Murphy / Heasman)**

THAT the information be noted.

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

**Against the Resolution:** Nil.

\*\*\*\*\*

**QUESTIONS WITHOUT NOTICE**

**QWN55/12 Councillor Heasman - Bike Racks**

When will the bike racks be installed outside the Stocklands Centre and outside the Roseberry Street Cafe in Roseberry Street?

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

**QWN56/12 Councillor Heasman - Council Assistance to Ratepayers emails**

Can I have a response as to the process when a ratepayer sends an email to Council requesting assistance?

Does Council send an acknowledgement of receipt/reply to the email in a short period of time.

Following any such reply how does Council determine the priority in responding to the requests.

*At the request of the Mayor the General Manager advised that if emails are sent directly to [records@manly.nsw.gov.au](mailto:records@manly.nsw.gov.au) an automatic reply goes back to the sender, then Councils records staff allocate this task to the responsible Officer.*

**QWN57/12 Councillor Murphy - Council Stormwater Pipe**

How does a resident find out if there is a Council stormwater pipe running through a property and if there is a Council stormwater pipe running through the property, how do you get permission to tap into it?

If there is no Council or Sydney Water stormwater pipe but the neighbours have a stormwater pipe with a suitable RL, what is the process for connecting to it? ie do you need permission from Sydney Water or Council or anyone else. Is anything else needed?

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

**QWN58/12 Councillor Murphy - Emails**

All Councillors would have thousands of emails. Do we need to keep them for a length of time, do Council copy them onto a memory stick or do they just get deleted if we don't run again?

*At the request of the Mayor the General Manager advised all emails are archived and the archival process is standard in terms of reducing the amount of space it occupies on our disks, it could be retrieved but not that easily, however it is retrievable if we know roughly the time frame the email was generated.*

*Council keep data that is required to enable us to do a full recovery in the event of a system fatal error.*

**QWN59/12 Councillor Aird - Update Stuart Street Matter**

Please provide an update on the progress of establishment of the Community Park at 36 Stuart Street? Has a DA been lodged?

*At the request of the Mayor the General Manager advised that a DA had been lodged but it will probably have to go to MIAP because it is an internal application.*

**QWN60/12 Councillor Burns - Fountain at Wharf and Cycle Maps Funding**

What are the plans for the fountain at the Wharf in this financial year?

Has the cycle map funding of \$3,000 been included in the budget?

*At the request of the Mayor the General Manager advised that he was not aware of timing for the work. To make it operational Council needs need to replace copper and as there is not much space underneath the structure so it will probably need to be decommissioned and bought back to the site.*

*The General Manager advised that he would take on notice the issue of the cycle map funding.*



**QWN61/12 Councillor Burns - Stuart Street**

Can the General Manager confirm that the Contract for the purchase of 40 Stuart has been executed, the seal applied and the exchange will take place tomorrow?

*At the request of the Mayor the General Manager advised that Contracts have been executed in accordance with the Local Government Act.*

**CLOSE**

The meeting closed at [11.08pm](#)

The above minutes will be confirmed at an **Extraordinary Meeting** of Manly Council to be held on [15 October 2012](#).

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**MAYOR**

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