

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 18 October 2004

*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*



The Ordinary Meeting of Manly Council was held in the Council Chambers, Town Hall, Manly, on Monday 18 October 2004. The meeting commenced at 7:35 pm.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor R Morrison, Deputy Chairperson
Councillor B Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Control
Melinda Aitkenhead, Office Manager General Manager's Unit
Julia Paul, Minute Secretariat

OPENING PRAYER

(File A8/2)

The Opening Prayer was presented by David Rowe, Seaforth Baptist Church Minister.

APOLOGIES

(File A8/2)

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

(File A8/2)

Name:	Item Number:	Nature of Interest:
Councillor Pedersen	ESD Report 80	Resides in the Precinct

CONFIRMATION OF MINUTES (File C17/23)

RESOLVED (Pedersen/Lambert)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 20 September 2004, 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, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

PUBLIC FORUM (File C17/43)

NAME	SUBJECT/PUBLIC SPEAKERS
Tim Fiddes	Tim Priest's Comments in Manly Daily regarding a Needle Exchange Bus to operate in Manly and the briefing provided by Clr Daley on this issue.
George Champion	Historical Matter regarding the erection of a plaque as part of the celebrations in September 2006 commemorating 150 years since construction of a wharf in Manly. The plaque would be commemorating the spearing of Governor Phillip at Manly Cove on 7 September 1790.

SUSPENSION OF STANDING ORDERS (Aird/Hay)

That **Standing Orders** be suspended for consideration of Environmental Services Division Report No. 80: Manly Wharf Upgrade, and items of public interest being: Mayoral Minute No. 18, Maintaining the Momentum for a New Manly Hospital, Mayoral Minute No. 19, Support for Manly Drug Education and Counselling Centre, Notice of Motion No. 42, the RUSH Service, Notice of motion No. 43, Motions for Hospital Debate, Notice of motion No. 44, Smoke Free Zones in Manly Municipality, and General Manager's Report No. 39, Seaforth Local Area Traffic Management Scheme and to vote on the following items as a Block Vote as per the Code of Meeting Practice: Items for Brief Mention No. 7 and Corporate Services Division Report No. 21, Accounts - Report on Investments as at 30 September, 2004.

153/04 RESOLVED: (Aird/Hay)

That **Standing Orders** be suspended for consideration of Environmental Services Division Report No. 80: Manly Wharf Upgrade, and items of public interest being: Mayoral Minute No. 18, Maintaining the Momentum for a New Manly Hospital, Mayoral Minute No. 19, Support for Manly Drug Education and Counselling Centre, Notice of Motion No. 42, the RUSH Service, Notice of motion No. 43, Motions for Hospital Debate, Notice of motion No. 44, Smoke Free Zones in Manly Municipality, and General Manager's Report No. 39, Seaforth Local Area Traffic Management Scheme and to vote on the following items as a Block Vote as per the Code of Meeting Practice: Items for Brief Mention No. 7 and Corporate Services Division Report No. 21, Accounts - Report on Investments as at 30 September, 2004.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 80

Manly Wharf Upgrade (DA49/04)

<u>Application Lodged:</u>	30 January 2004.
<u>Applicant:</u>	NSW Department of Commerce Government Architects Office
<u>Owner:</u>	Waterways Authority
<u>Estimated Cost:</u>	\$7,000,000
<u>Zoning:</u>	W1 General Waterways, Under SREP No.23 and W2 under draft SREP (Sydney Harbour Catchment), SEPP No.56 and Council's Manly Cove Policy applicable
<u>Surrounding Development:</u>	Manly Cove Public Transport Facility and Recreation Open Space, Multi Storey Commercial and Residential Buildings opposite in East and West Esplanade
<u>Heritage:</u>	Yes – Listed under MLEP (Façade and street returns only) and State Heritage Register

SUMMARY:

1. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR ALTERATIONS AND UPGRADE WORKS TO THE OUTER PORTION OF THE WHARF FACILITY.
2. THE APPLICATION WAS NOTIFIED TO NEARBY PROPERTY OWNERS WITH SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO APPROPRIATE EXTERNAL AUTHORITIES FOR COMMENT.
4. THE APPLICATION WAS REFERRED TO THE CORSO PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION WAS REFERRED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF THE 6 SEPTEMBER 2004 WHERE COUNCIL RESOLVED: "THAT COUNCIL **DEFER** CONSIDERATION OF DEVELOPMENT APPLICATION NO. 49/04 FOR ALTERATIONS AND UPGRADE TO MANLY WHARF, IN VIEW OF THE FACT THAT IT CONSIDERS THAT THE DESIGN IS NOT OPTIMAL AND THAT IT ENCOURAGE WATERWAYS TO FACILITATE A WIDER CONSULTATION PROCESS (SUCH AS A ONE DAY WORKSHOP) OF STAKEHOLDERS BEING WATERWAYS, MANLY COUNCIL, THE TRANSPORT USERS, COMMUNITY, SYDNEY FERRIES AND TMG, AS A MATTER OF URGENCY."
6. A MEETING WAS HELD WITH THE PRINCIPAL PARTIES ON 7 OCTOBER 2004. THE OUTCOME OF THAT MEETING WAS THAT THE CURRENT PROPOSAL BE DETERMINED AND AN APPLICATION TO MODIFY THE PROPOSAL, IN LINE WITH REVISIONS AS DISCUSSED, BE SUBMITTED.

MOTION: (Morrison/Hay)

- A. That in respect of Development Application No.49/04 for Alterations and Upgrade to Manly Wharf, the applicant be advised that the application is acceptable to Council subject to the imposition of the following conditions;
1. This approval relates to drawings/plans No. DA01 – DA16 dated February 2004 received by Council 27 February 2004.
 2. A Construction Environmental Management Plan as described on page 13 of the Statement of Environmental Effects being submitted to the satisfaction of Council before work commences. Compliance with the Plan at all times throughout the construction phase.

3. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
4. A sign must be erected on the subject construction area in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

5. All demolition is to be carried out in accordance with AS2601-1991.
6. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
7. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
8. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
9. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.
10. Submission of a full and detailed design and assessment report prepared by a suitably qualified and experienced access consultant that fully complies with the DDA 1992, Council's access DCP and the relevant BCA and Australian standards, including provision of toilets for disabled persons and details of comprehensive accessible signage that compliments and is integrated with other signage in the remainder of the wharf and its general locality.
11. All works are to be constructed and made operational in accordance with the design that meets the DDA 1992, Council's Access DCP, the relevant Australian Standards and BCA requirements. A certificate of compliance in respect of these matters is to be issued by a suitably qualified and experienced specialist access consultant, prior to occupation.
12. Compliance with Heritage Council of NSW conditions of approval as detailed in NSW Heritage Office correspondence to Government Architect's Office dated 19 April 2004.
13. Photographs of the interior of the wharf are required **prior to the new work commencing and are to be included in the archival record**. A copy of which is to be provided to Council to be located in the Local Studies section of Manly Library.
14. As required in the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce) the 'final detail of the proposed service duct cupboards are to be recessed further behind the adjacent curved return'. This detail is to be **submitted to Council prior to commencement of construction**.
15. The reinstatement and reconstruction of the original roof and parapet over the eastern section of the ferry ramp is to match the original design.

16. The portal frame on the eastern side of the wharf which was removed as a result of the installation of the A-frame hydraulic ramp is to be reconstructed to match the original. The five of the remaining nine portal frames which had their centre leg removed to accommodate the ramps, stairs, and hydraulic gangways are to have their centre leg reconstructed and reinstated particularly on the eastern side of the wharf where the ramps, stairs and hydraulic gangways are being removed. The missing portal frame in Area E is to be reinstated. **Details of these conservation works are to be provided to Council prior to commencement of construction** and no new additions are to be attached to the portal frames.
17. Details of the 'minor structural adjustments' necessary to lower the revised clerestory windows on the roof, is required to be provided **prior to commencement of construction.**
18. The dimensions of the new canopy profile are **to be submitted to Council prior to commencement of construction.**
19. The tie rods which tie the new canopies back to the wharf parapet are to be located such that the impact on the original fabric is mitigated. Details of this mitigation are to be submitted to Council **prior to commencement of construction.**
20. Details and dimensions, including the height of the proposed stainless steel palisade style gates is required. It is required that glass barriers are kept to a minimum and as low as possible. This detail is to be **submitted to Council prior to commencement of construction.**
21. A floor plan showing the existing and proposed areas of flooring and the material is to be provided to Council **prior to commencement of construction.** Details of the retention and reinstatement of timber decking on the southern apron is required to be submitted to Council **prior to commencement of construction.** The final finish of the material is to reflect the maritime/industrial character of the wharf and as much original fabric is to be retained. Details of the final flooring are to be submitted **to Council prior to commencement of construction.**
22. All original fabric is to be retained in-situ where ever possible, including the original flooring material.
23. Conservation works to the walls and windows are to match the original detail, material, finish and colour scheme, including the proposed re-instated eastern walls.
24. The repair and reinstatement of the windows in the eastern, western and southern walls is to be in accordance with the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce) and match the original detail.
25. Details of the new internal western window blinds are **to be submitted to Council prior to commencement of construction.** These blinds are to be designed to have minimal visual impact externally and be discretely retractable internally.
26. Details of the new roller door of a 'less intrusive design' are required **to be submitted to Council prior to commencement of construction.**
27. Any new signage is to be consistent with section 6.3.14 of the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce) and details of all new signage are to be **submitted to Council.**

28. The proposed light fittings are to be pendant style sympathetic to the original light fittings as shown in early photographs of the wharf in the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce). Details of which to **be submitted to Council prior to commencement of construction.**
 29. Any new seating is to reflect the style of early remnant seating in a contemporary way and that the existing early seat is to be retained and restored. This detail is to be **submitted to Council prior to commencement of construction.**
 30. The comments and recommendations of Section 7.1 and 7.2 of the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce), page 54 are to be complied with.
 31. The roof is to be reinstated to match the original over the removed staff amenities on the mezzanine level.
 32. The works are to be in accordance with the Appendix A: Manly Wharf Survey of Original Fabric report recommendations located in the SHI (Manly Wharf Statement of Heritage Impact, December 2003, Report #03/42, prepared by The Government Architects Office, NSW Department of Commerce).
 33. No new roof structures additional to the original are permitted, except for the lowered clerestory on the western side of the wharf over the ferry ramp area.
 34. Specific design details of the proposed balustrade shown on plan DA12 for the western and eastern elevations **are to be provided to Council for approval prior to commencement of construction.** The original fencing detail on the east apron boarding steps is to be retained and any new fencing is to be sympathetic to the original.
 35. The size of the mezzanine ferry waiting area is to be reduced to the western half of the wharf only and is not to be enclosed to maintain the openness of the wharf structure. This detail is to be **submitted to Council prior to commencement of construction.**
 36. Details of the fire engineered solutions required to minimize impact on the heritage significance of the building are required to be provided to Council **prior to commencement of construction.**
 37. Details of the proposed 'moving ram section of the height adjustment system 2.2metres above the platform level' and measures to mitigate any adverse impacts on the heritage significance of the wharf are to be submitted **to Council prior to commencement of construction.**
- B. Upon receipt by the Council of the written agreement of the applicant, delegated authority be granted to the General Manager to determine the application.

154/04 RESOLVED: (Morrison/Hay)

- B. That in respect of Development Application No.49/04 for Alterations and Upgrade to Manly Wharf, the applicant be advised that the application is acceptable to Council subject to the imposition of the following conditions;
1. This approval relates to drawings/plans No. DA01 – DA16 dated February 2004 received by Council 27 February 2004.

2. A Construction Environmental Management Plan as described on page 13 of the Statement of Environmental Effects being submitted to the satisfaction of Council before work commences. Compliance with the Plan at all times throughout the construction phase.
3. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.
4. A sign must be erected on the subject construction area in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

5. All demolition is to be carried out in accordance with AS2601-1991.
6. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
7. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
8. The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.
9. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.
10. Submission of a full and detailed design and assessment report prepared by a suitably qualified and experienced access consultant that fully complies with the DDA 1992, Council's access DCP and the relevant BCA and Australian standards, including provision of toilets for disabled persons and details of comprehensive accessible signage that compliments and is integrated with other signage in the remainder of the wharf and its general locality.
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18. The dimensions of the new canopy profile are **to be submitted to Council prior to commencement of construction.**
19. The tie rods which tie the new canopies back to the wharf parapet are to be located such that the impact on the original fabric is mitigated. Details of this mitigation are to be submitted to Council **prior to commencement of construction.**
20. Details and dimensions, including the height of the proposed stainless steel palisade style gates is required. It is required that glass barriers are kept to a minimum and as low as possible. This detail is to be **submitted to Council prior to commencement of construction.**
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 35. The size of the mezzanine ferry waiting area is to be reduced to the western half of the wharf only and is not to be enclosed to maintain the openness of the wharf structure. This detail is to be **submitted to Council prior to commencement of construction.**
 36. Details of the fire engineered solutions required to minimize impact on the heritage significance of the building are required to be provided to Council **prior to commencement of construction.**
 37. Details of the proposed 'moving ram section of the height adjustment system 2.2metres above the platform level' and measures to mitigate any adverse impacts on the heritage significance of the wharf are to be submitted **to Council prior to commencement of construction.**
- B. Upon receipt by the Council of the written agreement of the applicant, delegated authority be granted to the General Manager to determine the application.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

PUBLIC ADDRESSES
(File C17/43)

NAME	SUBJECT/PUBLIC SPEAKERS
Mrs Sandra Hudspith	In support of: Mayoral Minute 18, Maintaining the Momentum for a new Manly Hospital
Mr Michael Darby	Opposed to: Mayoral Minute 18, Maintaining the Momentum for a new Manly Hospital
Mr Phillip O'Grady	Opposed to: Mayoral Minute 19, Support for Manly Drug Education and Counselling Centre
Ms Denise Keen	Opposed to: NoM No. 42, The RUSH Service
Mr Phil Jacombs	In support of: NoM No. 43, Motions for Hospital Debate
Mr Michael Darby	Opposed to: NoM No. 43, Motions for Hospital Debate
Ms Anne Jones	In support of: NoM No. 44, Smoke Free Zones in Manly Municipality
Mr Phil Jacombs	In support of: General Managers Report No. 39, Seaforth Local Area Traffic Management Scheme

MAYORAL MINUTES

Mayoral Minute Report No. 18

Maintaining the Momentum for a New Manly Hospital

MOTION: (Macdonald)

That Council:

1. Indicate its support for the Brookvale Bus Depot site, based on the documentation received from Northern Sydney Health.
2. Request that Northern Sydney Health proceed with a detailed investigation of the site and prepare options for the site.
3. Meet with and brief the members of the community consultative committee on Council's resolution.
4. Call on Northern Sydney Health and the Minister for Health to ensure the maintenance of the existing Manly Hospital's services until such time as the new Level 4/5 Hospital is operational.
5. Call on the State Government to retain Manly Hospital as a health care facility.

AMENDMENT: (Norek/Morrison)

That Council

1. Use the Precinct System to obtain feedback on this matter.
2. Do a survey of the local area.
3. Look at forming a Working Party on this matter and prepare a report on the preferred site.

For the Amendment: Councillor Norek.

Against the Amendment: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Macdonald.

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

155/04 RESOLVED: (Macdonald)

That Council:

1. Indicate its support for the Brookvale Bus Depot site, based on the documentation received from Northern Sydney Health.
2. Request that Northern Sydney Health proceed with a detailed investigation of the site and prepare options for the site.
3. Meet with and brief the members of the community consultative committee on Council's resolution.
4. Call on Northern Sydney Health and the Minister for Health to ensure the maintenance of the existing Manly Hospital's services until such time as the new Level 4/5 Hospital is operational.
5. Call on the State Government to retain Manly Hospital as a health care facility.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Macdonald.

Against the Resolution: Councillor Norek.

Mayoral Minute Report No. 19

Support for Manly Drug Education and Counselling Centre (MDECC)**MOTION: (Macdonald/Evans)**

That Council:

1. Express its confidence in the work of Manly Drug Education and Counselling Centre (MDECC).
2. Condemn the unwarranted attacks on the MDECC by Councillor Daley.

AMENDMENT: (Heasman/Norek)

That Council:

1. Express its confidence in the work of Manly Drug Education and Counselling Centre (MDECC).

For the Amendment: Councillors Heasman, Murphy, Daley, Morrison and Norek.

Against the Amendment: Councillors Hay, Lambert, Cant, Pedersen, Aird, Evans and Macdonald.

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

156/04 RESOLVED: (Macdonald/Evans)

That Council:

1. Express its confidence in the work of Manly Drug Education and Counselling Centre (MDECC).
2. Condemn the unwarranted attacks on the MDECC by Councillor Daley.

For the Resolution: Councillors Hay, Lambert, Cant, Pedersen, Aird, Evans and Macdonald.

Against the Resolution: Councillors Heasman, Murphy, Daley, Morrison and Norek.

NOTICES OF MOTION

Notice of Motion Report No. 42

The RUSH Service**MOTION: (Daley/Norek)**

This Council requests that the NSW Department of Health provide the following information to Council in a written report regarding the operations of the shop front needle distribution centre (RUSH) on Pittwater Road, Manly.

1. When was the centre established in Manly?
2. Has this particular centre operated in any part of Sydney and NSW and what role did this Council play regarding its establishment in Manly?
3. How many clients have been supplied needles during the last twelve months and what is the return rate of needles? What is RUSH doing to increase return rate?
4. From information which can be obtained from clients, what type of drug is being used eg heroin, cocaine, methadone. Are large gauge needles supplied?
5. What percentage of clients also have an alcohol problem?
6. What is the referral rate to full recovery programs and what percentage of clients actually attend clinics after referral.
7. What is the referral rate to methadone or other drug programs?
8. Any breakdown re: percentages on sex and age? How many are from the LGA?
9. Any age limit for clients eg are needles given to people under 18? If under 18 are parents or guardian advised. ?
10. That the Council also obtain from the Police appropriate information (which can be released) regarding their Drug Law Enforcement strategies in Manly
eg
 - a) arrest rates for drugs last 3 years dealing and possession
 - b) current policing strategies eg use of dogs
 - c) policing strategies in and around needle distribution centres eg targeting dealers

AMENDMENT: (Pedersen/Hay)

1. That Dr Graham Stone be requested to brief Council on both the MDECC and the RUSH Centre and respond to questions raised by Councillors including those raised in Councillor Daley's Notice of Motion.
2. That Council acknowledge the valuable work of MDECC and RUSH.
3. That the Safety Committee be requested to consider a public meeting with concerned residents and local health bodies informing them of relevant local issues.

For the Amendment: Councillors Hay, Heasman, Lambert, Cant, Morrison, Pedersen, Aird, Evans and Macdonald.

Against the Amendment: Councillors Murphy, Daley and Norek.

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

157/04 RESOLVED: (Pedersen/Hay)

1. That Dr Graham Stone be requested to brief Council on both the MDECC and the RUSH Centre and respond to questions raised by Councillors including those raised in Councillor Daley's Notice of Motion.
2. That Council acknowledge the valuable work of MDECC and RUSH.
3. That the Safety Committee be requested to consider a public meeting with concerned residents and local health bodies informing them of relevant local issues.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

Notice of Motion Report No. 43

Motions for Hospital Debate**MOTION: (Norek/Daley)**

That:

1. Council note the results of an independent questionnaire carried out by Councillor Norek.
2. Council convene an independent community working party to advise it and the community on health and hospital issues.
3. Council raise with precinct forums the health and hospital issues.
4. Manly Council write a "social contract" with North Sydney Area Health and the State Government over the future of the Manly Hospital site to be used only as an aged care facility.

For the Motion: Councillors Murphy, Daley and Norek.

Against the Motion: Councillors Hay, Heasman, Lambert, Cant, Morrison, Pedersen, Aird, Evans and Macdonald.

The **Motion** was declared **Lost**.

At 11.30pm Councillor Daley departed the meeting.

Notice of Motion Report No. 44

Smoke Free Zones In Manly Municipality

MOTION: (Aird/Macdonald)

That further to the resolution of the Ordinary Meeting of 17 May 2004 to enforce a smoke free zone within playgrounds, sporting grounds, ocean and harbour beaches with appropriate signage, that Manly Council extend it's smoke free zones to include:-

1. Areas within 10 metres of the entrances to Council owned or managed buildings, as well as balconies or covered areas of those buildings.
2. Al fresco dining areas on public land.
3. Specific requirements that this policy be enforced in any leases, licences or other estates that apply to Council owned and managed lands and properties.

In addition:

4. That following the decisions by Ireland, Los Angeles, Norway and New York, and the strongly expressed NSW public opinion demanding smoke-free work places, Manly Council express it's concerns and disappointment to the NSW Premier at the long delay (July 2007) in implementing total indoor smoking bans in NSW hotels and clubs. (Note: Tasmania indoor ban from January 2006, Queensland indoor ban from July 2006).

AMENDMENT: (Norek/Murphy)

1. That Manly Council allow smoking in Al fresco dining areas.
2. That Manly Council buy and encourage other businesses to purchase sand boxes provided by a fundraising charity.
3. That a survey be instigated with Al fresco dining areas on this issue.

For the Amendment: Councillors Murphy, Morrison and Norek.

Against the Amendment: Councillors Hay, Heasman, Lambert, Cant, Pedersen, Aird, Evans and Macdonald.

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

158/04 RESOLVED: (Aird/Macdonald) (Aird/Macdonald)

That further to the resolution of the Ordinary Meeting of 17 May 2004 to enforce a smoke free zone within playgrounds, sporting grounds, ocean and harbour beaches with appropriate signage, that Manly Council extend it's smoke free zones to include:-

1. Areas within 10 metres of the entrances to Council owned or managed buildings, as well as balconies or covered areas of those buildings.
2. Al fresco dining areas on public land.
3. Specific requirements that this policy be enforced in any leases, licences or other estates that apply to Council owned and managed lands and properties.

In addition:

4. That following the decisions by Ireland, Los Angeles, Norway and New York, and the strongly expressed NSW public opinion demanding smoke-free work places, Manly Council express it's concerns and disappointment to the NSW Premier at the long delay (July 2007) in implementing total indoor smoking bans in NSW hotels and clubs. (Note: Tasmania indoor ban from January 2006, Queensland indoor ban from July 2006).

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Morrison, Pedersen, Aird, Evans and Macdonald.

Against the Resolution: Councillors Murphy and Norek.

General Manager's Office Report No. 39

Seaforth Local Area Traffic Management Scheme (LATM)

MOTION: (Heasman/Hay)

That:

1. Council adopt the Seaforth Local Area Traffic Management Scheme (LATM) proposed in the report;
2. Council note the concurrence of the Traffic Committee and following this concurrence proceed to implement the scheme.
3. Any devices or schemes for the LATM be "bicycle friendly" and that a representative from the Bicycle Committee advise Council of any bicycle issues that arise in the process of implementing the LATM in the area.
4. A formal follow-up questionnaire be issued by the Precinct after a 6 month trial period.

159/04 RESOLVED: (Heasman/Hay)

That:

1. Council adopt the Seaforth Local Area Traffic Management Scheme (LATM) proposed in the report;
2. Council note the concurrence of the Traffic Committee and following this concurrence proceed to implement the scheme.
3. Any devices or schemes for the LATM be "bicycle friendly" and that a representative from the Bicycle Committee advise Council of any bicycle issues that arise in the process of implementing the LATM in the area.
4. A formal follow-up questionnaire be issued by the Precinct after a 6 month trial period.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 7

**Items for Brief Mention
REPORT**

1. PECUNIARY INTEREST RETURNS.

Section 450A of the *Local Government Act 1993* requires that Pecuniary Interest Returns for the 6 new Councillors elected at the Elections held on 27 March 2004 be tabled at the first Ordinary Council meeting held after 30 September 2004.

All six returns have been received by Council and the register is tabled.

Minutes Of Meetings

2. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 19 AUGUST 2004
3. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 16 SEPTEMBER 2004
4. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 19 AUGUST 2004
5. MANLY HERITAGE COMMITTEE MEETING HELD ON 11 AUGUST 2004.
6. MANLY HERITAGE COMMITTEE MEETING HELD ON 8 SEPTEMBER 2004.
7. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 16 AUGUST 2004
8. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 20 SEPTEMBER 2004
9. MANLY ARTS FESTIVAL COMMITTEE NOTES OF MEETING HELD ON 5 AUGUST 2004
10. PUBLIC ART COMMITTEE MINUTES OF MEETING HELD ON 18 AUGUST 2004
11. MANLY ART GALLERY & MUSEUM LIAISON COMMITTEE MINUTES OF MEETING HELD ON 11 AUGUST 2004
12. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 11 AUGUST 2004
13. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 1 SEPTEMBER 2004
14. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 8 SEPTEMBER 2004
15. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 9 SEPTEMBER 2004

MOTION: (Hay/Heasman)

That the recommendations as listed in the above Reports and Minutes of meetings be received and noted.

160/04 RESOLVED: (Hay/Heasman)

That the recommendations as listed in the above Reports and Minutes of meetings be received and noted.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION REPORTS

Corporate Services Division Report No. 21

Accounts - Report on Investments as at 30 September, 2004 (A2/12)**SUMMARY**

Latest accounting statements for the period to 30 September, 2004.

1. Statement showing general fund bank account balance as at 30 September, 2004.
2. Cash investments as at 30 September, 2004.

MOTION: (Hay/Heasman)

1. That the statement of General Fund Bank Account balance as at 30 September, 2004 be received and noted.
2. That details of Council's cash investments as at 30 September, 2004 be received and noted.

161/04 RESOLVED: (Hay/Heasman)

1. That the statement of General Fund Bank Account balance as at 30 September, 2004 be received and noted.
2. That details of Council's cash investments as at 30 September, 2004 be received and noted.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Aird/Hay)

That **Standing Orders** be resumed.

162/04 RESOLVED: (Aird/Hay)

That **Standing Orders** be resumed.

For the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

PROCEDURAL MOTION: (Norek/)

That Council dissent from the ruling of the Chairperson that the Notice of Rescission No. 9 be dealt with at this meeting due to the timeframe for organising Council's participation in the Sustainability Conference and not deferred until all Councillors lodging the Rescission Motion could be present.

Due to the lack of a seconder the Motion of Dissent lapsed.

NOTICES OF RESCISSION

Notice of Rescission Report No. 9

Corporate Planning and Strategy Division Report No. 43 - Australian New Zealand Sustainability Conference**MOTION: (Norek/Morrison)**

That the Council's decision of 13 September 2004 being Item Corporate Planning and Strategy Division Report No. 43 in respect of Australian New Zealand Sustainability Conference be and is hereby rescinded.

For the Motion: Councillor Norek.

Against the Motion: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans and Macdonald.

The **Notice of Rescission** was declared **Lost**.

Notice of Motion Report No. 45

Limit on Notices of Motion

*Consideration of this item was **deferred**. It will be considered with all other deferred items at an Extraordinary Meeting to be held after the LUM meeting of 1 November 2004.*

Notice of Motion Report No. 46

Safety of Balconies

*Consideration of this item was **deferred**. It will be considered with all other deferred items at an Extraordinary Meeting to be held after the LUM meeting of 1 November 2004.*

GENERAL MANAGER'S OFFICE REPORTS

General Manager's Office Report No. 38

Independent Assessment Panel (IAP)

*Consideration of this item was **deferred**. It will be considered with all other deferred items at an Extraordinary Meeting to be held after the LUM meeting of 1 November 2004.*

HUMAN SERVICES AND FACILITIES UNIT REPORTS

Human Services and Facilities Unit Report No. 4

Community Group Subsidies Allocation 2004/2005 Grants

*Consideration of this item was **deferred**. It will be considered with all other deferred items at an Extraordinary Meeting to be held after the LUM meeting of 1 November 2004.*

QUESTIONS WITHOUT NOTICE**Councillor Hay**

1. Could the General Manager or a Councillor please advise me when the next Companion Animal Committee meeting will be held?

At the request of the Mayor Councillor Morrison advised that the next meeting of the Companion Animal Committee will be held on 26 October 2004, commencing at 6.30pm.

2. Could the General Manager confirm that there is an item in the current budget allocating \$12,000 for Council to spend, at it's discretion, on special events?

At the request of the Mayor, the General Manager advised that he believed this was the amount allocated for special events.

MATTERS OF URGENCY

Nil.

CLOSE

The meeting closed at 12.31pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 15 November 2004.

MAYOR

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