MINUTES OF THE ORDINARY MEETING OF MOSMAN MUNICIPAL COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOSMAN SQUARE,
ON TUESDAY 2 JULY 2019 COMMENCING AT 7:00PM

1. PRESENT

The Mayor (Councillor C Corrigan) in the Chair
Councillor R Bendall
Councillor D Cook
Councillor P S Menzies
Councillor T Sherlock
Councillor J Willoughby
General Manager
Director Community Development
Director Corporate Services
Director Environment and Planning
Manager Governance
Governance Officer
Manager Communications

2. WELCOME TO VISITORS INCLUDING ACKNOWLEDGEMENT OF COUNTRY

The total number present in the Gallery was approximately 30.

3. NOTICE OF MEETING WEBCAST

The Mayor advised the gallery that proceedings of the meeting in open session are webcast live, recorded and archived on Council's website.

4. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Councillors Moline.

Motion Menzies/Willoughby
That the apologies be received and leave of absence be granted.
CARRIED UNANIMOUSLY

5. DISCLOSURES OF PECUNIARY INTERESTS

There were no disclosures of Non-Pecuniary / Pecuniary Interest from Councillors or Senior Staff.

6. DISCLOSURES OF NON-PECUNIARY INTERESTS

There were no disclosures of Non-Pecuniary / Pecuniary Interest from Councillors or Senior Staff.

7. CONFIRMATION OF MINUTES

Motion Menzies/Cook
That the Minutes of the Ordinary Meeting of Council held on 4 June 2019, as typed and circulated, be confirmed.
CARRIED

For: Bendall, Cook, Corrigan, Menzies, Willoughby
Against: Sherlock
Councillor Sherlock having been absent from the 4 June 2019 Council Meeting, abstained from voting on this item and is recorded as having voted in the negative pursuant to Part 11.4 of the Model Code of Meeting Practice for Local Council in NSW.

8. MAYORAL MINUTES

The Mayor submitted one Mayoral Minute which was dealt with as follows:

MM/6 Local Strategic Planning Statement (LSPS)

Recommendation

That Council:

1. Run a public meeting to present the key points on the Local Strategic Planning Statement (LSPS) ahead of the close of public consultation on 7 August 2019.

2. That the details, including date of meeting, format and advertising be delegated to be finalised by the Mayor and the General Manager.

COUNCIL RESOLUTION

Motion Corrigan/Menzies
That the Mayoral Minute be adopted.
CARRIED UNANIMOUSLY

9. ITEMS NOT CALLED FOR INDIVIDUAL CONSIDERATION

Councillor Cook had the call.

Motion Menzies/Cook
That the Officer's Recommendation be adopted in relation to the following items:

- CS/16 Investments June 2019
- EP/24 Report from Mosman Council Traffic Committee Meeting 29 May 2019
- EP/30 Amenities Upgrade

CARRIED UNANIMOUSLY

CS/16 Investments June 2019

Officer's Recommendation

The Chief Financial Officer recommends that the Schedule of Investments for the month of June 2019 be adopted.

COUNCIL RESOLUTION

Motion Menzies/Cook
That the Officer's Recommendation be adopted.
CARRIED UNANIMOUSLY

EP/24 Report from Mosman Council Traffic Committee Meeting 29 May 2019

Officer’s Amended Recommendation

The Director Environment and Planning recommends that the Minutes of the Local Traffic Committee Meeting held on 29 May 2019 be noted.
COUNCIL RESOLUTION

Motion Menzies/Cook
That the Officer's Amended Recommendation be adopted.
CARRIED UNANIMOUSLY

EP/30 Amenities Upgrade

Officer's Recommendation

The Manager Property and Works recommends that:

1. In accordance with the Local Government (General) Regulation 2005 Clause 178 Subclause (1)(a), Council accept the tender from ATG (Sydney) Project and Property Solutions Pty Ltd for a lump sum price of $587,000 ex GST for the Amenities Upgrade project;

2. The scope of works be limited to the three Balmoral Facilities being the Tramshed Amenities, Bathers Public Amenities and Balmoral Baths Amenities.

3. The General Manager be delegated authority to make necessary arrangements to enter into the contract; and


COUNCIL RESOLUTION

Motion Menzies/Cook
That the Officer's Recommendation be adopted.
CARRIED UNANIMOUSLY

10. SUSPENSION OF STANDING ORDER

Motion Sherlock/Bendall
That Standing Order be suspended in order to deal with Notice of Motion NM/6 Use of Glyphosate and NM/7 MOCC in view of the number of residents present for this item.
CARRIED UNANIMOUSLY

Standing Order was suspended at 7.10pm.

11. NOTICES OF MOTION

NM/7 Notice of Motion: MOCC

Ms Pat Purcell, Ms Sheree Hardy and Ms Tanya Dellicompagni addressed the meeting.

NOTICE OF MOTION

That:

1. Council conduct a public consultation as to the value of Mosman Occasional care within Mosman, likely future demand for child care places post December 2019, and impacts on single mothers, families, and the community. The consultation would invite written submissions from the community via a Council on-line web page which would be then provided in a report back to Council within the next two months.
2. Council prepare a report on alternative sites to host MOCC should the Development Application for the Alan Border Oval Design be denied and this also be provided to Council within the next two months.

COUNCIL RESOLUTION

Motion Bendall/ Willoughby
That:

1. Council conduct a public consultation as to the value of Mosman Occasional care within Mosman, likely future demand for child care places post December 2019, and impacts on single mothers, families, and the community. The consultation would invite written submissions from the community via a Council on-line web page which would be then provided in a report back to Council within the next two months.

2. Council prepare a report on alternative sites to host MOCC should the Development Application for the Alan Border Oval Design be denied and this also be provided to Council within the next two months.

Amendment Sherlock/Cook
That:

1. Council acknowledge the high value that MOCC provides the community. Council will invite public comment as to the value of MOCC within Mosman. An online feedback web page will be provided for a period of 6 weeks.

2. Council staff continue to look for all options to provide Occasional Care in a manner currently provided by MOCC.

3. The feedback commentary will be made available to Councillors at the completion of the survey period and considered at the same time as the DA for Allan Border Oval returns to Council.

CARRIED and upon being put as the MOTION CARRIED

For: Cook, Corrigan, Menzies, Sherlock, Willoughby
Against: Bendall

Councillor Menzies was absent from the meeting at the conclusion of this item from 8:06pm to 8:08pm.

NM/6 Notice of Motion: Use of Glyphosate (Round up)

NOTICE OF MOTION

Use of glyphosate (Round up)

1. Council notes that recent US court cases that have linked exposure to glyphosate with cancer and other neurological disorders.

2. Council liaises with other Councils that have found alternatives to the use of glyphosate for example Cook Shire Council, City of South Perth, and further liaises with Fairfield City Council and Georges River Council who recently announced a ban on the use of glyphosate.

3. Council conducts further trials on an alternative to the use of glyphosate including the possible use of a plant-derived spray called pelargonic acid.

4. That results of the above mentioned trials are reported back to Council by April 2020 with a view to phasing out usage within 12 months.
COUNCIL RESOLUTION

Motion Bendall/Willoughby

A. Council notes that recent US court cases that have linked exposure to glyphosate with cancer and other disorders for those working with the product.

B. Council liaises with other Councils that have found alternatives to the use of glyphosate for example Cook Shire Council, City of South Perth, and further liaises with Fairfield City Council and Georges River Council who recently announced a ban on the use of glyphosate.

C. Council also liaises with Australian Pesticides Veterinary Medical Association (APVMA) to determine if scientific data has been updated since 2016 reports on Glyphosate.

D. That staff report back to council by April 2020 with any updated data and recommendations, including the option of phasing out Glyphosate.

E. That Council put up signage for a couple of days after the use of Glyphosate.

CARRIED UNANIMOUSLY

12. SUSPENSION OF STANDING ORDER

Motion Bendall/Cook
That Standing Order be further suspended in order to deal with Items EP/27 and EP/28 given that members of the public are present to address Council on these items.

CARRIED UNANIMOUSLY

Standing Order was suspended between 8:34pm and 9:19pm

13. REPORTS

EP/27 TR/10 No Right Turn from Avenue Road into Military Road

Mr Peter Abelson addressed the meeting.

Officer’s Recommendation

The Director Environment and Planning recommends that the Manager Engineering’s Recommendation as detailed in the Traffic Committee report for item TR/10 No Right Turn from Avenue Road into Military Road be adopted.

COUNCIL RESOLUTION

Motion Menzies/Cook

That Council proceed to traffic modelling to determine the impact should Council install a No Right Turn and that this matter comes back to Council following consideration at the Traffic Committee Meeting.

CARRIED UNANIMOUSLY

Councillors Bendall and Willoughby were absent from the meeting at the conclusion of this item from 8:56pm to 8:58pm.

EP/28 Retail Land Uses in Business Centres

Ms Yolande Stone addressed the meeting.
Officer’s Recommendation

That:

1. A review of the Mosman Local Environmental Plan 2012 Zones B1 and B2 objectives be undertaken to strengthen the small-scale nature of the neighbourhood centres and the local character and village atmosphere in Mosman Junction.

2. A report be prepared for Council’s consideration on the use of local character overlays to reinforce the local identity and scale of these centres. This report would be prepared after finalisation of the Local Character and Place Guideline and overlays by the Department of Planning, Industry and Environment.

3. The option of limiting the size of retail premises to a maximum gross floor area of 500m$^2$ on key sites within the Military Road Heritage Conservation Area, and the neighbourhood centres of Spofforth Street, Avenue Road and Balmoral, be investigated as part of the Local Environmental Plan review to be undertaken during 2020-2021.

COUNCIL RESOLUTION

Motion Sherlock/Menzies

That:

1. A review of the Mosman Local Environmental Plan 2012 Zones B1 and B2 objectives be undertaken to strengthen the small-scale nature of the neighbourhood centres and the local character and village atmosphere in Mosman Junction.

2. A report be prepared for Council’s consideration on the use of local character overlays to reinforce the local identity and scale of these centres. This report would be prepared after finalisation of the Local Character and Place Guideline and overlays by the Department of Planning, Industry and Environment.

3. The option of limiting the size of retail premises to a maximum gross floor area of 500m$^2$ on key sites within the Military Road Heritage Conservation Area, and the neighbourhood centres of Spofforth Street, Avenue Road and Balmoral, be investigated as part of the Local Environmental Plan review to be undertaken during 2020-2021.

4. That additional material be provided for the community which explains the various permitted uses in the current business zones of Council and that these be put on Council’s website.

CARRIED UNANIMOUSLY

ADJOURNMENT

The meeting was adjourned from 9:19pm to 9:28pm.

GM/4 Strategic Technology and Innovation for Mosman Council

Officer’s Recommendation

That the report be received and noted.

COUNCIL RESOLUTION

Motion Sherlock/Bendall

That the Officer’s Recommendation be adopted.

CARRIED UNANIMOUSLY
EP/25 TR/6 Lower Punch Street - No Stopping Restriction

Officer’s Recommendation

The Director Environment and Planning recommends that the Manager Engineering’s Recommendation as detailed in the Traffic Committee report for item TR/6 Lower Punch Street – No Stopping Restriction be adopted.

COUNCIL RESOLUTION

Motion Menzies/Cook
That Council place signs and yellow lines to illustrate no stopping restrictions at Punch Street and a further report come back to Council on the efficacy of yellow lines as it applies to the 10metre restriction from an intersection.
CARRIED UNANIMOUSLY

EP/26 TR/9 Middle Head Road - Pedestrian Refuge

Officer’s Recommendation

The Director Environment and Planning recommends that the Manager Engineering’s Recommendation as detailed in the Traffic Committee report for item TR/9 Middle Head Road – Pedestrian Refuge be adopted.

COUNCIL RESOLUTION

Motion Menzies/Cook
That the works commence to install the pedestrian refuge at Middle Head Rd and that funding be sort from RMS and that the project be funded by a quarterly adjustment.
CARRIED UNANIMOUSLY

EP/29 Service NSW - Easy to do Business

Officer’s Recommendation

1. That Council delegate authority to the General Manager to enter into an agreement with Service NSW to participate in the Easy to Do Business Program; and

2. The General Manager carry out the necessary work execute the agreement.

COUNCIL RESOLUTION

Motion Bendall/Menzies
That the Officer’s Recommendation be adopted.
CARRIED UNANIMOUSLY

14. RECISSION MOTIONS

RM/1 Rescission Motion: Item EP/22 - Parking Stakeholder Engagement

RESCISSION MOTION

SUBSTANTIVE MOTION

1. That Council revisit the use of enforcement sensors in 12 months after running a trial in the Bridgepoint, Vista Street and cache car parks.

2. That no further action be taken in the village and surrounding streets.

Note by General Manager

Council at its meeting on 4 June 2019 resolved in relation to Director Environment and Planning report Item EP/22 – Parking Stakeholder Engagement:

That the Officer's Recommendation be adopted with a community education program/grace period to run for 2 months prior to enforcement utilisation of the sensors.

The Manager Engineering recommends that:


The recommendations provided in the consultant’s report are:

• Switching on the purple lights in the car parks to identify over-stayers after a suitable grace period
• Use of sensor data for enforcement purposes
• Altering the parking restrictions in the Vista Street car park; 1P to 2P and 4P to 3P

2. An analysis be undertaken on the impact of converting some of the unrestricted parking spaces in Goldsbury Street and Myahgah Road to 2P and this matter be reported back to the Traffic Committee for action.

3. Further reports be prepared to the Council and the Traffic Committee from time to time utilising the date obtained from the technology to make recommendations and improvements to Council’s parking regime.

ACT OF DISORDER

At 10.15pm the Mayor ruled that Councillor Menzies had committed an act of disorder by interrupting her while she was speaking to the item. The Mayor required Councillor Menzies to apologise or leave the meeting pursuant to Part 15 of the Model Code of Meeting Practice for Local Councils in NSW. Councillor Menzies refused to apologise and retired from the meeting at 10.17pm.

COUNCIL RESOLUTION

Motion Bendall/Willoughby

LOST

For: Bendall, Willoughby
Against: Cook, Corrigan, Sherlock
## 15. QUESTIONS WITHOUT NOTICE

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<th><strong>By Councillor Bendall</strong></th>
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<tbody>
<tr>
<td>1.</td>
<td>Could Council examine its investment policy in light of our historical low interest rates by RBA. What strategies or alternate investment opportunities are we looking at?</td>
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<td></td>
<td>Referred to Director Corporate Services for direct response to Councillor.</td>
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<td>2.</td>
<td>Has Council received any correspondence or applications to increase storage facilities at Rawson Oval?</td>
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<td>Referred to Director Environment and Planning for direct response to Councillor.</td>
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<td>3.</td>
<td>Could Council discuss with Mosman Rugby drainage issues at the access road and walkway to Rawson Oval? N.B. During the last heavy rain the access areas became impassable.</td>
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<td>Referred to Director Environment and Planning for Manager Environment and Open Space to contact Mosman Rugby directly.</td>
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### 16. CALL FOR RESCISSION MOTIONS

Prior to the close of the meeting the Mayor sought advice as to whether Rescission Motion/s were to be submitted by Councillors in respect of any matter determined at the meeting.

### 17. CLOSE OF MEETING

The Meeting terminated and Council rose at 10:19 pm.

CONFIRMED:

**MAYOR**

6 August 2019