

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 9 March 2009**

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*[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 9 March 2009. The meeting commenced at 7:43pm.

## 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, Deputy Mayor  
Councillor A Le Surf  
Councillor Dr P Macdonald  
Councillor R Morrison  
Councillor D Murphy  
Councillor M Norek  
Councillor C Whitting

## ALSO PRESENT

Henry Wong, General Manager  
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services  
Amanda Spalding, Deputy General Manager, Strategy and Strategic Projects  
Ross Fleming, Divisional Manager Corporate Services  
Liz Rich, Minute Taker

## OPENING PRAYER

The Opening Prayer was presented by Rev. Dave Rowe.

## APOLOGIES

Nil

## DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Whitting	Notice of Motion Report No.9, Seaforth TAFE Site	Was Teachers Federation Rep at time of closing of Seaforth TAFE and currently works for Northern Beaches TAFE
Councillor Heasman	Items for Brief Mention Report No.3, Item 2, Manly Traffic Committee, Alan Avenue, Seaforth	Has close relative living in area.

## SUSPENSION OF STANDING ORDERS (Hay / Elder)

That Standing Orders be suspended to allow for consideration of Item for Brief Mention Report No.3, and Public Forum.

23/09      **RESOLVED:**      (Hay / Elder)

That Standing Orders be suspended to allow for consideration of Item for Brief Mention Report No.3, and Public Forum.

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

**Against the Resolution:**      Nil.

At 7.44pm Councillor Heasman left the Chamber, having previously declared a Conflict of Interest in the following item.

## ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 3

### Items For Brief Mention

**1. Minutes of Meetings without recommendations of a substantial nature:**

i) Joint Services Committee Minutes – 19<sup>th</sup> February 2009.

**2. The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:**

**i) Manly Traffic Committee – 9 February 2009**

**a) Item 04/09 Alan Avenue, Seaforth – Results of community Consultation**

Recommendation

1. That Council adopt Option 2 as defined by the Committee at its meeting of 30 June 2008, namely:
  - a. The northern carriageway of Alan Avenue to be One Way eastbound;
  - b. The southern carriageway of Alan Avenue to be One Way westbound;
  - c. The slip lane outside No. 6 Alan Ave and No. 1 Salisbury Square to be One Way northbound;
  - d. a Give Way control to be installed where the eastbound (northern) carriageway of Alan Avenue intersects with Salisbury Square;
  - e. a Give Way control to be installed where the slip lane outside No. 6 Alan Avenue and No. 1 Salisbury Square;
  - f. turning points across the central nature strip to be installed outside Nos. 17 and 18 Alan Avenue and Nos. 26 and 27 Alan Avenue; and
  - g. physical barriers to be installed to prevent illegal parking on, and damage to, the central nature strip.
2. That the proposed works be included in the Council's works improvement program for future funding (A budget bid be made to Council for future funding).

### **MOTION (Hay / Burns)**

1. That the recommendations of **Minutes of Meeting**, as listed in **item 1**, being Joint Services Committee Minutes – 19<sup>th</sup> February 2009, be **adopted**.
- 2 i) That the minutes of the **Manly Traffic Committee -9 February 2009** be **adopted**, except for the following recommendation of a substantial nature, which be **DEFERRED** until the Planning and Strategy Meeting on 6 April 2009, to allow Councillors to conduct a site

inspection on 18<sup>th</sup> March 2009:

a) **Item 04/09 Alan Avenue, Seaforth – Results of Community Consultation**

1. That Council adopt Option 2 as defined by the Committee at its meeting of 30 June 2008, namely:
  - a. The northern carriageway of Alan Avenue to be One Way eastbound;
  - b. The southern carriageway of Alan Avenue to be One Way westbound;
  - c. The slip lane outside No. 6 Alan Ave and No. 1 Salisbury Square to be One Way northbound;
  - d. a Give Way control to be installed where the eastbound (northern) carriageway of Alan Avenue intersects with Salisbury Square;
  - e. a Give Way control to be installed where the slip lane outside No. 6 Alan Avenue and No. 1 Salisbury Square;
  - f. turning points across the central nature strip to be installed outside Nos. 17 and 18 Alan Avenue and Nos. 26 and 27 Alan Avenue; and
  - g. physical barriers to be installed to prevent illegal parking on, and damage to, the central nature strip.
2. That the proposed works be included in the Council's works improvement program for future funding (A budget bid be made to Council for future funding).

24/09 **RESOLVED: (Hay / Burns)**

1. That the recommendations of **Minutes of Meeting**, as listed in **item 1**, being Joint Services Committee Minutes – 19<sup>th</sup> February 2009, be **adopted**.
- 2 i) That the minutes of the **Manly Traffic Committee -9 February 2009** be **adopted**, except for the following recommendation of a substantial nature, which be **DEFERRED** until the Planning and Strategy Meeting on 6 April 2009, to allow Councillors to conduct a site inspection on 18<sup>th</sup> March 2009:

a) **Item 04/09 Alan Avenue, Seaforth – Results of Community Consultation**

1. That Council adopt Option 2 as defined by the Committee at its meeting of 30 June 2008, namely:
  - a. The northern carriageway of Alan Avenue to be One Way eastbound;
  - b. The southern carriageway of Alan Avenue to be One Way westbound;
  - c. The slip lane outside No. 6 Alan Ave and No. 1 Salisbury Square to be One Way northbound;
  - d. a Give Way control to be installed where the eastbound (northern) carriageway of Alan Avenue intersects with Salisbury Square;
  - e. a Give Way control to be installed where the slip lane outside No. 6 Alan Avenue and No. 1 Salisbury Square;
  - f. turning points across the central nature strip to be installed outside Nos. 17 and 18 Alan Avenue and Nos. 26 and 27 Alan Avenue; and
  - g. physical barriers to be installed to prevent illegal parking on, and damage to, the central nature strip.
2. That the proposed works be included in the Council's works improvement program for future funding (A budget bid be made to Council for future funding).

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

**Against the Resolution:** Nil.

Councillor Heasman returned to the Chamber at 7.46pm.

## PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
John Taylor	Possibility of acquiring sand for Little Manly Beach from the redevelopment of the Manly Civic Club.
Gail Lynch	Will Council re-open the dialogue with the community about Conservation Areas for Manly, as previous attempts were not fully explained to residents.

### RESUMPTION OF STANDING ORDERS (LeSurf / Norek)

That Standing Orders be resumed.

25/09 **RESOLVED:** (LeSurf / Norek)

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

### CONFIRMATION OF MINUTES

#### MOTION (Elder / Griffin)

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 February 2009, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting, following an amendment to the voting for Notice of Motion 1, Manly Jetcats, with Councillor Whitting being recorded as voting against the Motion.

26/09 **RESOLVED:** (Elder / Griffin)

That copies of the Minutes of the Ordinary Meeting held on Monday, 09 February 2009, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting, following an amendment to the voting for Notice of Motion 1, Manly Jetcats, with Councillor Whitting being recorded as voting against the Motion.

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

**Against the Resolution:** Nil.

### SUSPENSION OF STANDING ORDERS (Hay / Macdonald)

That Standing Orders be suspended to allow for consideration of items of public interest, being Notice of Motion Report No.7, Clean Up Australia Day and Notice of Motion Report No.9, Seaforth TAFE site.

27/09 **RESOLVED:** (Hay / Macdonald)

That Standing Orders be suspended to allow for consideration of items of public interest, being

Notice of Motion Report No.7, Clean Up Australia Day and Notice of Motion Report No.9, Seaforth TAFE site.

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

**Against the Resolution:** Nil.

## NOTICES OF MOTION

Notice of Motion Report No. 7

### **Clean Up Australia Day**

Councillor Cathy Griffin moved:

That Manly Council write to;

1. The Premier of NSW, seeking the reasons why CDL cannot be introduced in NSW and urging him to include a CDS in the NSW waste management portfolio in order to make the National Packaging Covenant 2010 targets attainable and to;
  - a. Reduce the volume of litter in our parks, beaches and roadsides by 12-15%
  - b. Increase Australia's recycling by over 630,000 tonnes p.a.
  - c. Achieve a 6% diversion of all Municipal Solid Waste ("MSW") waste away from landfill
  - d. Reduce Australia's greenhouse gas emissions by over 1.3 million tonnes of CO<sub>2</sub>e per year (equivalent to 197,000 homes switching to 100% renewable energy)
  - e. Save enough water to permanently supply over 24,000 Australian homes
  - f. Deliver the same level of Australian air quality improvements as taking 140,000 cars off the road
  - g. Provide 250,000+ Australian homes with access to recycling services for the first time
  - h. Save rate payers over \$59.8 million per annum
  - i. Significantly reduce the number of turtles, lizards, seals and birds killed by litter across Australia
  - j. Create at least 1,000 new jobs, mostly in rural and regional Australia
2. Mike Baird urging him to support the Waste Avoidance and Resource Recovery (Container Recovery) Bill 2008.

## PUBLIC ADDRESSES

The following person addressed the meeting in relation to this item:

In Support of the Recommendation: Keelah Lam

### **MOTION (Griffin / Aird)**

That Manly Council write to;

1. The Premier of NSW, and the leader of the Opposition, seeking the reasons why CDL cannot be introduced in NSW and urging the Premier to include a CDS in the NSW waste management portfolio in order to make the National Packaging Covenant 2010 targets attainable and to;
  - a. Reduce the volume of litter in our parks, beaches and roadsides by 12-15%
  - b. Increase Australia's recycling by over 630,000 tonnes p.a.

- c. Achieve a 6% diversion of all Municipal Solid Waste ("MSW") waste away from landfill
- d. Reduce Australia's greenhouse gas emissions by over 1.3 million tonnes of CO<sub>2</sub>e per year (equivalent to 197,000 homes switching to 100% renewable energy)
- e. Save enough water to permanently supply over 24,000 Australian homes
- f. Deliver the same level of Australian air quality improvements as taking 140,000 cars off the road
- g. Provide 250,000+ Australian homes with access to recycling services for the first time
- h. Save rate payers over \$59.8 million per annum
- i. Significantly reduce the number of turtles, lizards, seals and birds killed by litter across Australia
- j. Create at least 1,000 new jobs, mostly in rural and regional Australia

2. Mike Baird, Local Member for Manly and Shadow Treasurer; Carmel Tebbutt, Deputy Premier and Minister for Climate Change and the Environment; and Catherine Cusack, Shadow Minister for Climate Change and Environmental Sustainability, urging them to support the Waste Avoidance and Resource Recovery (Container Recovery) Bill 2008.

3. The Federal Minister for the Environment calling on him to implement a national Container Deposit Legislation and to include his quote from 1998, when he was President of the Australian Conservation Foundation, asking him if and why his view has changed.

In 1998 he said, "Container deposits are a sensible and timely idea. They work well in other places so why not here? I am convinced they are a practical way of reducing the huge amounts of packaging which are a blight on our natural and built environments."

28/09      **RESOLVED:      (Griffin / Aird)**

That Manly Council write to;

1. The Premier of NSW, and the leader of the Opposition, seeking the reasons why CDL cannot be introduced in NSW and urging the Premier to include a CDS in the NSW waste management portfolio in order to make the National Packaging Covenant 2010 targets attainable and to;

- a. Reduce the volume of litter in our parks, beaches and roadsides by 12-15%
- b. Increase Australia's recycling by over 630,000 tonnes p.a.
- c. Achieve a 6% diversion of all Municipal Solid Waste ("MSW") waste away from landfill
- d. Reduce Australia's greenhouse gas emissions by over 1.3 million tonnes of CO<sub>2</sub>e per year (equivalent to 197,000 homes switching to 100% renewable energy)
- e. Save enough water to permanently supply over 24,000 Australian homes
- f. Deliver the same level of Australian air quality improvements as taking 140,000 cars off the road
- g. Provide 250,000+ Australian homes with access to recycling services for the first time
- h. Save rate payers over \$59.8 million per annum
- i. Significantly reduce the number of turtles, lizards, seals and birds killed by litter across Australia
- j. Create at least 1,000 new jobs, mostly in rural and regional Australia

2. Mike Baird, Local Member for Manly and Shadow Treasurer; Carmel Tebbutt, Deputy Premier and Minister for Climate Change and the Environment; and Catherine Cusack, Shadow Minister for Climate Change and Environmental Sustainability, urging them to support the Waste Avoidance and Resource Recovery (Container Recovery) Bill 2008.

3. The Federal Minister for the Environment calling on him to implement a national Container Deposit Legislation and to include his quote from 1998, when he was President of the Australian Conservation Foundation, asking him if and why his view has changed.

In 1998 he said, "Container deposits are a sensible and timely idea. They work well in other places



so why not here? I am convinced they are a practical way of reducing the huge amounts of packaging which are a blight on our natural and built environments.”

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

**Against the Resolution:** Nil.

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At 8.28pm Councillor Whitting left the Chamber, having previously declared a Conflict of Interest in the following item.

Notice of Motion Report No. 9

**Seaforth TAFE Site**

Councillor Hugh Burns moved:

1. That Council prepare a comprehensive urgent report on the issue of possible acquisition of the Seaforth Tafe Site by Council.

The report should include:

- a. independent confidential valuations of the former TAFE site as zoned for original educational use and zoned as required under all development schemes previously proposed for the site by State Government agencies, including the site compatibility certificate issue recently and being rezoned for conversion to commercial office space use (existing buildings).
- b. preliminary inquiries as to whether the NSW Department of Education and Training is prepared to negotiate a sale/transfer price for the whole site to Council
- c. if so the mechanism by which the market price can be agreed
- d. any deadline for the sale by the department to meet budgetary requirements.
- e. initial inquiries with Commercial estate agents as to the leasability of the site and likely income to Council for the existing buildings (with basic renovation for commercial office use)
- f. an assessment of Contamination of the site/existing buildings by asbestos
- g. an assessment of the impact on Council's borrowing and future rates if the property was able to be purchased for the various valuation figures obtained, allowing for the projected rental income to Council.

2. That the confidential report be brought back to Council within one month.

**PUBLIC ADDRESSES**

The following person addressed the meeting in relation to this item:

Against the Recommendation: George Citer

**MOTION (Burns / Aird)**

**Part A**

1. Council conduct preliminary inquiries as to whether the NSW Department of Education and Training is prepared to negotiate a sale/transfer price for the whole site to Council

2. If so, the mechanism by which the market price can be agreed.

**Part B**

1. In the event that there is a prospect of progress, that Council prepare a comprehensive urgent report on the issue of possible acquisition of the Seaforth Tafe Site by Council.

The report should include:

- a. independent confidential valuations of the former TAFE site as zoned for original educational use and zoned as required under all development schemes previously proposed for the site by State Government agencies, including the site compatibility certificate issued recently and being rezoned for conversion to commercial office space use (existing buildings).
  - b. any deadline for the sale by the department to meet budgetary requirements.
  - c. initial inquiries with Commercial estate agents as to the leasability of the site and likely income to Council for the existing buildings (with basic renovation for commercial office use)
  - d. an assessment of Contamination of the site/existing buildings by asbestos
  - e. an assessment of the impact on Council's borrowing and future rates if the property was able to be purchased for the various valuation figures obtained, allowing for the projected rental income to Council.
2. That the confidential report be brought back to Council within one month.

**AMENDMENT (Norek / Morrison)****Part A**

1. Council conduct preliminary inquiries as to whether the NSW Department of Education and Training is prepared to negotiate a sale/transfer price for the whole site to Council
2. If so, the mechanism by which the market price can be agreed.

**Part B**

1. In the event that there is a prospect of progress, that Council prepare a comprehensive urgent report on the issue of possible acquisition of the Seaforth Tafe Site by Council.

The report should include:

- a. independent confidential valuations of the former TAFE site as zoned for original educational use and zoned as required under all development schemes previously proposed for the site by State Government agencies, including the site compatibility certificate issued recently and the 2/3 storey proposal, as put to the community in Question 2 of the Poll of Electors, held on 3 May 2008.
- b. any deadline for the sale by the department to meet budgetary requirements.
- c. initial inquiries with Commercial estate agents as to the leasability of the site and likely income to Council of the proposed 2/3 storey development, as put to the community in Question 2 of the Poll of Electors, held on 3 May 2008.
- d. an assessment of Contamination of the site/existing buildings by asbestos

e. an assessment of the impact on Council's borrowing and future rates if the property was able to be purchased for the various valuation figures obtained, allowing for the projected rental income to Council.

2. That the report be brought back to Council within one month.

**For the Amendment:** Councillors Murphy, Morrison and Norek

**Against the Amendment:** Councillors Hay, Elder, Heasman, LeSurf, Griffin, Aird, Burns and Macdonald

The Amendment was declared **LOST** and the Motion was put and was carried.

29/09 **RESOLVED: (Burns / Aird)**

**Part A**

1. Council conduct preliminary inquiries as to whether the NSW Department of Education and Training is prepared to negotiate a sale/transfer price for the whole site to Council
2. If so, the mechanism by which the market price can be agreed.

**Part B**

1. In the event that there is a prospect of progress, that Council prepare a comprehensive urgent report on the issue of possible acquisition of the Seaforth Tafe Site by Council.

The report should include:

- a. independent confidential valuations of the former TAFE site as zoned for original educational use and zoned as required under all development schemes previously proposed for the site by State Government agencies, including the site compatibility certificate issued recently and being rezoned for conversion to commercial office space use (existing buildings).
  - b. any deadline for the sale by the department to meet budgetary requirements.
  - c. initial inquiries with Commercial estate agents as to the leasability of the site and likely income to Council for the existing buildings (with basic renovation for commercial office use)
  - d. an assessment of Contamination of the site/existing buildings by asbestos
  - e. an assessment of the impact on Council's borrowing and future rates if the property was able to be purchased for the various valuation figures obtained, allowing for the projected rental income to Council.
2. That the confidential report be brought back to Council within one month.

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

**Against the Resolution:** Councillors Murphy, LeSurf, Morrison and Norek

At 9.40pm Councillor Whitting returned to the Chamber.

**RESUMPTION OF STANDING ORDERS (Elder / Murphy)**

That Standing Orders be resumed.

30/09 **RESOLVED: (Elder / Murphy)**

That Standing Orders be resumed.

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

**Against the Resolution:** Nil.

## MAYORAL MINUTES

Mayoral Minute Report No. 4

### **Outstanding Surf Rescue Performed by Members of Manly Life Saving Club**

#### **MOTION (Hay)**

That:

1. The Mayor write to the President of Manly Life Saving Club on behalf of Manly Council commending its members on the brilliant skills, unflappable determination and devotion they exhibited in helping to save the life of a young swimmer.
2. The Mayor write to the Manly Ambulance unit to congratulate them on their important role in this incident and their ongoing efforts in support of our community.
3. The Surf Life Saving Sydney Northern Beaches be advised of the contents of this Mayoral Minute and that they also be congratulated for the support TIPS unit gave in assisting the Manly LSC members deal with the trauma many experienced following such a harrowing event.

31/09 **RESOLVED: (Hay)**

That:

1. The Mayor write to the President of Manly Life Saving Club on behalf of Manly Council commending its members on the brilliant skills, unflappable determination and devotion they exhibited in helping to save the life of a young swimmer.
2. The Mayor write to the Manly Ambulance unit to congratulate them on their important role in this incident and their ongoing efforts in support of our community.
3. The Surf Life Saving Sydney Northern Beaches be advised of the contents of this Mayoral Minute and that they also be congratulated for the support TIPS unit gave in assisting the Manly LSC members deal with the trauma many experienced following such a harrowing event.

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

**Against the Resolution:** Nil.

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

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## NOTICES OF MOTION

Notice of Motion Report No. 8

### **Alcohol Free Zones**

Councillor Craig Whitting moved:

That Council:

1. Update the current Alcohol Free Zones (AFZ) signs or erect more prominent signage particularly along the Ocean Beach front to help Manly Rangers and Manly Police enforce the non-drinking rules.
2. Begin a Community AFZ Education campaign by informing residents of Manly's designated AFZ.
3. Ask Manly Council Rangers as well as our local Superintendent Dave Darcy to provide a report to council how the present AFZ are being managed and adhered to.

### **Background**

Manly Precinct Committees' have reported issues with:

1. Alcohol being consumed in Alcohol Free Zones.
2. Underage drinking.

### **MOTION (Whitting / Aird)**

That Council:

1. Update the current Alcohol Free Zones (AFZ) signs or erect more prominent signage particularly along the Ocean Beach front to help Manly Rangers and Manly Police enforce the non-drinking rules.
2. Begin a Community AFZ Education campaign by informing residents of Manly's designated AFZ.
3. Ask Manly Council Rangers as well as our local Superintendent Dave Darcy to provide a report to council how the present AFZ are being managed and adhered to.

32/09      **RESOLVED: (Whitting / Aird)**

That Council:

1. Update the current Alcohol Free Zones (AFZ) signs or erect more prominent signage particularly along the Ocean Beach front to help Manly Rangers and Manly Police enforce the non-drinking rules.
2. Begin a Community AFZ Education campaign by informing residents of Manly's designated AFZ.
3. Ask Manly Council Rangers as well as our local Superintendent Dave Darcy to provide a report to council how the present AFZ are being managed and adhered to.

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

**Against the Resolution:** Nil.

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### **GENERAL MANAGERS DIVISION**

General Managers Division Report No. 5

**Internal Audit Committee**

**SUMMARY**

To report on the establishment of an Internal Audit Committee as required by the Local Government Act.

**MOTION (Burns / Heasman)**

That:

- A. Council establish an Internal Audit Committee.
- B. Council determine the Councillors representation on the Committee, and such representation to include all existing Councillor representatives on the Performance and Audit Committee.
- C. Expressions of Interest be called for two independent representatives with the requisite qualification and experience to join the Internal Audit Committee.
- D. The Mayor, Deputy Mayor and General Manager interview and recommend the appointment of the independent representatives.
- E. Council note the General Manager's proposal to work collaboratively with four other councils to jointly appoint an internal auditor.
- F. As a consequence of statutory requirements to establish an Independent Internal Audit Committee, that Council dissolve the Audit Special Purpose Committee.

33/09      **RESOLVED: (Burns / Heasman)**

That:

- A. Council establish an Internal Audit Committee.
- B. Council determine the Councillors representation on the Committee, and such representation to include all existing Councillor representatives on the Performance and Audit Committee.
- C. Expressions of Interest be called for two independent representatives with the requisite qualification and experience to join the Internal Audit Committee.
- D. The Mayor, Deputy Mayor and General Manager interview and recommend the appointment of the independent representatives.
- E. Council note the General Manager's proposal to work collaboratively with four other councils to jointly appoint an internal auditor.
- F. As a consequence of statutory requirements to establish an Independent Internal Audit Committee, that Council dissolve the Audit Special Purpose Committee.

**For the Resolution:** Councillors Hay, Elder, Heasman, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Councillors Whitting and Aird

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 6

**Report on Council Investments as at 31 January 2009**

**SUMMARY**

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

**MOTION (LeSurf / Heasman)**

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

34/09 **RESOLVED: (LeSurf / Heasman)**

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

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

**Against the Resolution:** Nil.

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**QUESTIONS WITHOUT NOTICE****QWN15/09 Councillor Elder - Committee change**

Because of work commitments, can I move from the Safety Committee to the Community Environment Committee?

At the request of the Mayor, the General Manager advised that yes, that would be possible administratively, and your request is in the system and is being facilitated.

**QWN16/09 Councillor Heasman - Parking at Senior Citizen's Centre**

Now the football season has started, there is difficulty parking in the carpark at the Centre for seniors attending night-time activities there. Can we put bollards/cones up to reserve some spaces for seniors for night-time activities?

At the request of the Mayor, the General Manager advised that the matter would be best dealt with by a recommendation from the Senior Citizens Association, telling us exactly what they want. Council will look at the issue and decide whether it is best to physically bar spaces, or by other regulatory means. There is already a time limit imposed in the carpark.

**QWN17/09 Councillor Heasman - Sand management**

In relation to the public forum address from Mr Taylor tonight, can Council look at the possibility of purchasing sand from the Manly Civic Club redevelopment, to be used for Little Manly?

At the request of the Mayor, the General Manager advised that Council can look at the geotechnical information that relates to the site. It is not always environmentally appropriate to move sand from one site to another. The more likely scenario as far as the construction site is concerned is that the builder will have to pay money to export the sand.

**QWN18/09 Councillor Whitting** - Readiness of wheelchair access ramp at Manly Yacht Club

Several members from Sailability Manly have asked why the opening date of the wheelchair ramp at the Manly Yacht Club was changed as the ramp is presently operational?

At the request of the Mayor, the General Manager advised that the ramp was never going to be ready until the end of this month. It has not had a safety audit, the landscaping has not been completed and there is a handrail missing from one side. Someone else seems to have set a date for its opening, assuming council would be ready.

Councillor Whitting then asked if the ramp should be operational now as people were using it last Saturday?

At the request of the Mayor, the General Manager advised that it is not yet officially operational.

**QWN19/09 Councillor Whitting** - On-street parking of boats and yachts

What is Council's present situation regarding the parking of boat trailers within the Manly Area?

At the request of the Mayor, the General Manager advised that unfortunately, Council has no powers to infringe a vehicle that is validly licensed to park on a piece of road. There was a proposal to put certain restrictions in certain areas of Manly where the parking of boats has been problematic, but the Traffic Committee didn't agree with it, so we didn't pursue it any further. The Traffic Committee raised concerns about moving on the problem from one area to another. To date, we have only managed to regulate an area on Griffiths Street, as the parking was seen as hazardous to school children using the road.

**QWN20/09 Councillor Murphy** - Rules governing commencement of DAs

When a DA is approved at Manly Council the applicant has 2 years from the date of approval from which to start construction. Previously the wording required substantial commencement. It has since been amended to just "commencement" ie the word substantial has been removed. Could Council please advise what constitutes commencement and give as many examples as possible?

Do the following constitute commencement?

- Demolition – general
- Demolition necessary to commence construction, ie removal of roof to put on a second storey
- Engineers drawings
- Surveys and marking out of site
- Construction certificate
- Site safety fencing
- Footings



- Order of materials/purchase of materials
- Engagement of a builder and signing of a contract
- Earthworks

Note: to demolish in Manly you need an approved DA. To then commence demolition you need a construction certificate so by definition demolition is construction. Please comment.

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

**QWN21/09 Councillor Morrison - Power outage on 22 March**

Shopkeepers in Balgowlah, abutting Lane 34, between Sydney Road and the Totem site have been served notice they will have their power cut-off on 22 March for the whole day. Were Council aware in the development consent for Stocklands that this would occur, will they compensate shopowners for loss of trade or assist Stocklands in providing generators to these businesses?

At the request of the Mayor, the General Manager advised that Council was not aware of the power cut-off. It is up to Energy Australia not Stocklands to guarantee supplies. The General Manager advised he would take it on notice and enquire of Energy Australia why they can't guarantee supplies on that day.

**QWN22/09 Councillor Morrison - Removal of car parking spaces on Battle Boulevard**

Two car parking spaces have been taken out of Battle Boulevard and "No Stopping" signs put up. This has been done without consultation with the adjoining residents. Can the decision be reversed?

At the request of the Mayor, the General Manager advised that he would take the question on notice, as he was not aware Council had installed a "No Stopping" sign on Battle Boulevard, without first going through the Traffic Committee process.

**QWN23/09 Councillor Norek - Ivanhoe Park Botanical Garden signs**

Why have the signs for the Ivanhoe Park Botanical Gardens not been erected?

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

**QWN24/09 Councillor Norek - Bus shelter at 125 Sydney Road**

Since the loss of the bus stop outside 125 Sydney Road, there has been no bus shelter there. Is one going to be built?

The Mayor advised that it was currently being built.

**QWN25/09 Councillor Griffin - 3 Cove Avenue**

A resident is looking for a fast resolution of issues enforced by the Land and Environment Court relating to 3 Cove Avenue. Why is Council engaging solicitors in the

matter to resolve the issue not in her favour?

At the request of the Mayor, the General Manager advised that the issues complained about were thoroughly investigated by Council staff. Council's lawyers, responding to a legal letter received from one of the owners in question, suggested getting someone independent to review the decisions of staff. That is why our lawyers have been involved. We are now waiting on a report from the independent town planner.

Councillor Griffin then asked if staff could write to the resident at No.5 explaining what the process is?

At the request of the Mayor, the Deputy General Manager advised that this has already been done.

**QWN26/09 Councillor Griffin - Congratulations on Access ramp behind Sailing Club**

Please pass on my congratulations to staff on the excellent job done on constructing the access ramp behind Manly Yacht Club.

At the request of the Mayor, the General Manager advised that he would.

**QWN27/09 Councillor Aird - History of relationship between Watervue and Crystals**

Can the General Manager provide a briefing on the history of the relationship between the two restaurants, Watervue and Crystals, prior to the Corso redevelopment, in particular:

1. Adverse incidents with dates
2. Rental payment history with dates
3. Other breaches of lease conditions, with dates

At the request of the Mayor, the General Manager advised that he would be happy to provide a briefing to councillors on this issue.

**QWN28/09 Councillor Burns - Consumption of alcohol in Council reserves**

Is the consumption of alcohol allowed in any Council reserve?

At the request of the Mayor, the General Manager advised that in all our reserves, including Crown reserves, alcohol is prohibited. Such policies are applied flexibly and in certain circumstances, it is not unreasonable to let people consume alcohol in moderation when they are not creating any trouble. If people are causing trouble, Council has the powers to act.

**QWN29/09 Councillor Burns - Provision of internal management reports**

Can all weekly, monthly and quarterly internal management reports be provided to those Councilors who request them, for information?

At the request of the Mayor, the General Manager advised that he already provides them on a monthly basis.

**QWN30/09 Councillor Macdonald - Traffic nuisances at Upper Clontarf Street**

Can the General Manager provide a report from the Traffic Engineer regarding the traffic nuisances at Upper Clontarf Street, which is on the boundary of Warringah Council, and, in particular, what cooperation is occurring between the two Councils?

At the request of the Mayor, the General Manager advised that Warringah Council did agree to new jersey kerbs to prevent the use of space for wheelies and donuts. The kerbs have not gone up yet. The General Manager will take it up with the General Manager of Warringah.

## CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 6

### Reserves Lease

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

## CLOSED SESSION

### MOTION (Hay / Heasman)

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

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

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

35/09      **RESOLVED:**      (Hay / Heasman)

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

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

**Against the Resolution:**      Nil.

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## OPEN COUNCIL RESUMED

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

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General Managers Division Report No. 6

### Reserves Lease

**MOTION (Macdonald / Whitting)**

That Council proceed as discussed in the Closed Session of Council.

36/09 **RESOLVED: (Macdonald / Whitting)**

That Council proceed as discussed in the Closed Session of Council.

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

**Against the Resolution:** Nil.

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**CLOSE**

The meeting closed at 11.34pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 20 April 2009.

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**MAYOR**

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