

Manly Council

Minutes

Extraordinary Meeting of Council

Held at Council Chambers, 1 Belgrave Street Manly on:

Tuesday 12 June 2007

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The Extraordinary Meeting of Council was held in the Council Chambers, Town Hall, Manly, on Tuesday 12 June 2007. The meeting commenced at 9.05pm.

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
Ross Fleming, Chief Financial Officer
Jim Hunter, Executive Director, Major Projects
Elayne Becker, Minute Taker

APOLOGIES

Apologies were tendered on behalf of Councillor J Hay and Councillor S Cant for non-attendance.

MOTION (Pedersen / Murphy)

That the apologies received from Councillor J Hay and Councillor S Cant be accepted and leave be granted.

70/07 RESOLVED: (Pedersen / Murphy)

That the apologies received from Councillor J Hay and Councillor S Cant be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

MAYORAL MINUTES

Mayoral Minute Report No.14

Storms of 8-10 June 2007

The Storm of last weekend which struck our coastlines with heavy downpours, strong winds, and 5m high waves and caused extensive damage to property and loss of life on the Central Coast and Hunter Region of NSW had also caused extensive property damage in Manly and on the Northern Beaches.

Braving the storms and heavy conditions in Manly were our highly trained and skilled men and women volunteers of the SES, who in their very practical way, restored calm and peace of mind for the many whom they assisted in the three day storm.

Also out there in the heavy goings were Council's staff who responded to calls for help and battled against the elements to keep drains and the lagoon flowing, and moved fallen trees from harms way and tonnes of sand drift from North Steyne.

Other groups who braved the storms to protect our community include our emergency services and utilities personnel.

As Mayor, I am proud of the selfless work of those who in times of natural disaster put themselves in harms way in the protection of our community. To them, we owe our debt of gratitude.

I would like Council to note that Manly Beach faired extremely well in the storm due to a prior sudden build up of as much as one metre of sand along the full length of the beach. As a result, the seawall was well protected from wave action.

Further, the heavy sand drift and consequential build up of a sand mountain from the three day storm on the Queenscliff end of Manly beach was an unexpected occurrence. Although it caused some difficulties during the storm, the phenomenon and mechanism that caused the sand build up should be studied. As such, I would like to refer the matter as a case study to the Coastline Committee for their comment and analysis.

MOTION (Macdonald)

That Council:

1. Thank the men and women of the SES, other emergency services personnel and Council staff for their selfless work during the three day storm.
2. Offer assistance to the Councils in the Hunter in their recovery work, and
3. Observe a minute silence as a mark of respect for those who lost their lives in the weekend's storm and the recent tragedy in the Victorian train crossing accident last week.

71/07 RESOLVED: (Macdonald)

That Council:

1. Thank the men and women of the SES, other emergency services personnel and Council staff for their selfless work during the three day storm.
2. Offer assistance to the Councils in the Hunter in their recovery work, and
3. Observe a minute silence as a mark of respect for those who lost their lives in the weekend's storm and the recent tragedy in the Victorian train crossing accident last week.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 17

Sustainable Investment for Local Councils - Funding Agreement

SUMMARY

Council at the Extraordinary Meeting of 4 June 2007 considered a report regarding participating in a pilot program to develop a sustainable investment policy for local councils.

MOTION (Pedersen / Lambert)

That:

1. The report be received and noted
2. Council enter into the required Funding Agreement enabling active participation in the pilot Sustainable Investment Local Government project.

72/07 RESOLVED: (Pedersen / Lambert)

That:

1. The report be received and noted
2. Council enter into the required Funding Agreement enabling active participation in the pilot Sustainable Investment Local Government project.

For the Resolution: Councillors Aird, Daley, Evans, Heasman, Lambert, Morrison, Pedersen and Macdonald

Against the Resolution: Councillors Murphy and Norek

CLOSED COUNCIL MEETING

In accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005, the following business is of a kind as referred to in section 10A(2) of the Act, and are to be considered in Closed Committee of Council.

Pursuant to section 10A(4), the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received from the public.

CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 16

Property Matter Lots 1 to 4 Addiscombe Road, Manly Vale

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as the item is classified CONFIDENTIAL under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

General Managers Division Report No. 12

Kimbriki Recycling and Waste Disposal Centre

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as the item is classified CONFIDENTIAL 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.

General Managers Division Report No. 13

Balgowah Road - Council Depot - Improved Infrastructure and Rationalisation of Operational Requirements

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as the item is classified CONFIDENTIAL under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

General Managers Division Report No. 14

Property Matters - Council Lands Associated with the Totem Development Being Balgowlah Baby Health Centre, Part Laneway 34 and Toilet Block in Condamine Street, Balgowlah

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as the item is classified CONFIDENTIAL under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

General Managers Division Report No. 15

Tender for Supply of Materials and Services - The Corso Stage 2

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as the item is classified CONFIDENTIAL 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.

PROCEDURAL MOTION (Pedersen / Lambert)

That the meeting move into Closed Session to consider the following items:

General Managers Division Report No.16, Lots 1 to 4 Addiscombe Road, Manly Vale.

General Managers Division Report No. 12, Kimbriki Recycling and Waste Disposal Centre

General Managers Division Report No. 13, Balgowah Road - Council Depot,

General Managers Division Report No. 14, Council Lands Associated with the Totem Development Being Balgowlah Baby Health Centre, Part Laneway 34 and Toilet Block in Condamine Street, Balgowlah

General Managers Division Report No. 15, Tender for Supply of Materials and Services - The Corso Stage 2.

73/07 RESOLVED: (Pedersen / Lambert)

That the meeting move into Closed Session to consider the following items:

General Managers Division Report No.16, Lots 1 to 4 Addiscombe Road, Manly Vale.
General Managers Division Report No. 12, Kimbriki Recycling and Waste Disposal Centre
General Managers Division Report No. 13, Balgowah Road - Council Depot,
General Managers Division Report No. 14, Council Lands Associated with the Totem Development
Being Balgowah Baby Health Centre, Part Laneway 34 and Toilet Block in Condamine Street,
Balgowah
General Managers Division Report No. 15, Tender for Supply of Materials and Services - The
Corso Stage 2.

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

Against the Resolution: Nil.

Council in Closed Session commenced at 9.15pm. The public and media left the Chamber.

OPEN COUNCIL RESUMED**PROCEDURAL MOTION (Pedersen / Lambert)**

That Council move out of Closed Council and into Open Council.

74/07 RESOLVED: (Pedersen / Lambert)

That Council move out of Closed Council and into Open Council.

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

Against the Resolution: Nil.

Open Council resumed at 10.55pm

RESOLUTIONS OF THE CLOSED SESSION OF COUNCIL

Upon resuming into Open Council, the General Manager read to the meeting the following decisions made on the items considered in Closed Session.

General Managers Division Report No. 16

Property Matter Lots 1 to 4 Addiscombe Road, Manly Vale**75/07 RESOLVED: (Lambert / Aird)**

That Council authorise the Mayor and General Manager to execute all necessary documents to give effect to Council's decision and the intent of the agreement between the parties, including execution under the seal of Council as required.

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

Against the Resolution: Nil.

General Managers Division Report No. 12
Kimbriki Recycling and Waste Disposal Centre

76/07 **RESOLVED: (Evans / Lambert)**

That:

1. The report be received.
2. Council endorse the offer of Warringah Council as outlined in the report in relation to the establishment of the Kimbriki business (NewCo).
3. The Mayor and General Manager be delegated authority to negotiate and enter into any legal document and to have authorisation to execute any such necessary document under seal by 27 July 2007 to bring effect to the establishment of the Kimbriki business (NewCo) by 1 January 2008, consistent with the objectives of actively promoting waste avoidance and recycling, and other forms of waste management systems to manage the region's waste locally and minimising landfill in the long term.
4. The General Manager be delegated authority to submit any further application considered necessary by the solicitors acting for NewCo to amend the initial application submitted in December 2006 under s358 (formation of a company) and s625 (investment of funds) of the Local Government Act, to the Minister for Local Government.
5. The General Manager be delegated authority to take any necessary action to extend the existing 1992 Deed forming the Joint Services Committee to 31 December 2007; actions in relation to the winding up of the Committee and distribution of reserves held by the Committee into NewCo and have authorisation to execute any necessary documentation in relation thereto.

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

Against the Resolution: Nil.

General Managers Division Report No. 13

Balgowah Road - Council Depot - Improved Infrastructure and Rationalisation of Operational Requirements

77/07 **RESOLVED: (Daley / Macdonald)**

That the Resolution of Council in Closed Session remain confidential pending finalisation of negotiations, as the item is classified confidential under section 10A(2)(c) of the Local Government Act 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

For the Resolution: Councillors Aird, Daley, Evans, Heasman, Lambert, Pedersen and Macdonald

Against the Resolution: Councillors Morrison, Murphy and Norek

General Managers Division Report No. 14

Property Matters - Council Lands Associated with the Totem Development Being Balgowlah Baby Health Centre, Part Laneway 34 and Toilet Block in Condamine Street, Balgowlah

78/07 **RESOLVED: (Evans / Aird)**

That the Resolution of Council in Closed Session remain confidential pending finalisation of negotiations, as the item is classified confidential under section 10A(2)(c) of the Local Government Act 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

Against the Resolution: Nil.

Councillor Morrison was absent from the Chamber when the vote was taken.

General Managers Division Report No. 15

Tender for Supply of Materials and Services - The Corso Stage 2

79/07 **RESOLVED: (Macdonald / Pedersen)**

That Council:

1. Proceed in accord with Option 2 in the Executive Director's Report.
2. Subject to contract, acceptance of tender submitted by T&J Concreting for civil works; and
3. Subject to contract, acceptance of tender submitted by Sam the Paving Man for the supply and laying of granite pavers on mortar bedding and subject to any recommendations contained within Professor Shackel's report.

For the Resolution: Councillors Aird, Evans, Heasman, Lambert, Pedersen and Macdonald

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

CLOSE

The meeting closed at 11.00pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 23 July 2007.

MAYOR

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