

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 15 October 2007

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 15 October 2007. The meeting commenced at 7:40pm.

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Executive Manager Environmental Services
Ross Fleming, Divisional Manager Corporate Services/Chief Financial Officer
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev John Hannon.

APOLOGIES

Apologies were tendered on behalf of Councillor Daley for non-attendance.

MOTION (Hay / Heasman)

That the apology received from Councillor Daley be accepted and leave be granted.

15/7/07 **RESOLVED: (Hay / Heasman)**

That the apology received from Councillor Daley be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES**MOTION (Lambert / Aird)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 17 September 2007, 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, with the following correction:

That in General Managers Division Report No.29, Election of Deputy Mayor, the statement following the election, that "The Mayor Councillor Macdonald and the Returning Officer congratulated Councillor Norek on his election as Deputy Mayor and thanked Councillor Pedersen for the previous year's service", be deleted.

158/07 RESOLVED: (Lambert / Aird)

That copies of the Minutes of the Ordinary Meeting held on Monday, 17 September 2007, 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, with the following correction:

That in General Managers Division Report No.29, Election of Deputy Mayor, the statement following the election, that "The Mayor Councillor Macdonald and the Returning Officer congratulated Councillor Norek on his election as Deputy Mayor and thanked Councillor Pedersen for the previous year's service", be deleted.

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

Against the Resolution: Nil.

CONFIRMATION OF MINUTES (Extraordinary Meeting)**MOTION (Cant / Evans)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 24 September 2007, 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.

159/07 RESOLVED: (Cant / Evans)

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 24 September 2007, 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 Aird, Cant, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Chris Fletcher	Reduced parking at Esplanade park and Bolingbroke Parade

SUSPENSION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to consider items of public interest, being Mayoral Minute Report No.24, Human Rights Torch Relay and Corporate Services Division Report No.36, Financial Statements for the Year Ended 30 June 2007.

160/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be suspended to consider items of public interest, being Mayoral Minute Report No.24, Human Rights Torch Relay and Corporate Services Division Report No.36, Financial Statements for the Year Ended 30 June 2007.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 24

Human Rights Torch Relay

PUBLIC ADDRESSES

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

In Favour: Mr Stephen Milne

MOTION (Macdonald)

That:

1. Manly Council acknowledge the arrival of the Human Rights Torch Relay at Manly Wharf on Saturday October 27th 2007
2. Councillors, staff and members of the community be invited to join the walk through Manly
3. Council offer any reasonable logistical assistance to the organizers of the Torch Relay
4. Manly Council write to the Department of Foreign Affairs and the Embassy of the People's Republic of China expressing its concerns about allegations of persecution and concerns about the content of the Matas/Kilgour external report on persecutions of Falun Gong practitioners.

161/07 **RESOLVED: (Macdonald)**

That:

1. Manly Council acknowledge the arrival of the Human Rights Torch Relay at Manly Wharf on Saturday October 27th 2007
2. Councillors, staff and members of the community be invited to join the walk through Manly
3. Council offer any reasonable logistical assistance to the organizers of the Torch Relay

4. Manly Council write to the Department of Foreign Affairs and the Embassy of the People's Republic of China expressing its concerns about allegations of persecution and concerns about the content of the Matas/Kilgour external report on persecutions of Falun Gong practitioners.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 36

Financial Statements for the Year Ended 30 June 2007

SUMMARY

The Local Government Act, 1993, requires a Council to present its Audited Financial Reports for the financial year ended 30 June 2007, together with the Auditor's Report, at a meeting of Council within 5 weeks of receipt of the Auditor's Report.

Council's Auditors Mr Norm Mah-Chut and Mr Brett Hanger presented their report and were available to answer Councillor's questions.

MOTION (Heasman / Pedersen)

That:

1. The Annual Financial Report for the Year ended 30 June 2007 together with the Auditors Report be received;
2. Council's Auditors, Spencer Steer Chartered Accountants, be thanked for their attendance.

162/07 **RESOLVED: (Heasman / Pedersen)**

That:

1. The Annual Financial Report for the Year ended 30 June 2007 together with the Auditors Report be received;
2. Council's Auditors, Spencer Steer Chartered Accountants, be thanked for their attendance.

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

163/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 23

Support for Small Bar Legislation

MOTION (Macdonald)

That:

1. Council express support for the *Liquor Amendment (Small Bars and Restaurants) Bill 2007* recently submitted to the NSW Parliament by the Sydney Lord Mayor and NSW Member for Sydney, Clover Moore. This private member's bill seeks to reform the NSW Liquor Act to encourage the establishment of small, boutique licensed premises in this State.
2. Council contact the Office of the Member for Sydney and formally register the Council's support for the Bill and the campaign to make it law.
3. A copy of this Mayoral Minute be provided to the Premier, Morris Iemma, the Opposition leader Barry O'Farrell and the Member for Manly Mr Mike Baird MP.

164/07 **RESOLVED: (Macdonald)**

That:

1. Council express support for the *Liquor Amendment (Small Bars and Restaurants) Bill 2007* recently submitted to the NSW Parliament by the Sydney Lord Mayor and NSW Member for Sydney, Clover Moore. This private member's bill seeks to reform the NSW Liquor Act to encourage the establishment of small, boutique licensed premises in this State.
2. Council contact the Office of the Member for Sydney and formally register the Council's support for the Bill and the campaign to make it law.
3. A copy of this Mayoral Minute be provided to the Premier, Morris Iemma, the Opposition leader Barry O'Farrell and the Member for Manly Mr Mike Baird MP.

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

Against the Resolution: Councillor Murphy

SUSPENSION OF STANDING ORDERS (Lambert / Macdonald)

That Standing Orders be suspended to consider items of public interest, being Notice of Motion Report No.21, Proposed Australian Institute of Police Management (AIPM), and to allow Miss Cathy Griffen as a late submission to address Council on this issue.

165/07 **RESOLVED:** **(Lambert / Macdonald)**

That Standing Orders be suspended to consider items of public interest, being Notice of Motion Report No.21, Proposed Australian Institute of Police Management (AIPM), and to allow Miss Cathy Griffen as a late submission to address Council on this issue.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 21

Proposed Australian Institute of Police Management (AIPM) Development

Councillor Lambert moved:

That Manly Council, as matter of some urgency, and in support of a Resolution of the Little Manly Precinct Community Forum passed unanimously at its meeting of 10 October 2007, write to the Federal Member for Warringah, The Hon Tony Abbott; the Federal Minister for Justice & Customs, The Hon. David Johnston; the Federal Minister for the Environment & Water Resources, The Hon. Malcolm Turnbull; the Shadow Minister for Climate Change, the Environment & Heritage, Peter Garrett; and the Shadow Minister for Justice & Customs, Arch Bevis; seeking from each of them prior to the forthcoming Federal election a commitment to review the decision for a \$21 million redevelopment and expansion of the Australian Institute of Police Management facility at Spring Cove, and in its place to request the Australian Federal Police to put to the Sydney Harbour Federation Trust, a proposal for longer-term leasing of facilities at the former School of Artillery site.

PUBLIC ADDRESSES

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

In Favour: Miss Cathy Griffen

MOTION (Lambert / Aird)

That Manly Council, as matter of some urgency, and in support of a Resolution of the Little Manly Precinct Community Forum passed unanimously at its meeting of 10 October 2007, write to the Federal Member for Warringah, The Hon Tony Abbott; the Federal Minister for Justice & Customs, The Hon. David Johnston; the Federal Minister for the Environment & Water Resources, The Hon. Malcolm Turnbull; the Shadow Minister for Climate Change, the Environment & Heritage, Peter Garrett; and the Shadow Minister for Justice & Customs, Arch Bevis; seeking from each of them prior to the forthcoming Federal election a commitment to review the decision for a \$21 million redevelopment and expansion of the Australian Institute of Police Management facility at Spring Cove, and in its place to request the Australian Federal Police to put to the Sydney Harbour Federation Trust, a proposal for longer-term leasing of facilities at the former School of Artillery site.

166/07 **RESOLVED:** **(Lambert / Aird)**

That Manly Council, as matter of some urgency, and in support of a Resolution of the Little Manly Precinct Community Forum passed unanimously at its meeting of 10 October 2007, write to the

Federal Member for Warringah, The Hon Tony Abbott; the Federal Minister for Justice & Customs, The Hon. David Johnston; the Federal Minister for the Environment & Water Resources, The Hon. Malcolm Turnbull; the Shadow Minister for Climate Change, the Environment & Heritage, Peter Garrett; and the Shadow Minister for Justice & Customs, Arch Bevis; seeking from each of them prior to the forthcoming Federal election a commitment to review the decision for a \$21 million redevelopment and expansion of the Australian Institute of Police Management facility at Spring Cove, and in its place to request the Australian Federal Police to put to the Sydney Harbour Federation Trust, a proposal for longer-term leasing of facilities at the former School of Artillery site.

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

167/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 25

Honouring Stuart Entwistle

MOTION (Macdonald)

That Council:

1. Provide a public bench in Edwin Street, Fairlight with an appropriate plaque commemorating the community spirit and love of life that was constantly demonstrated by the late Stuart Entwistle.
2. Consult with Debbie Entwistle and Edwin Street residents as to the location and the plaque details

168/07 **RESOLVED: (Macdonald)**

That Council:

1. Provide a public bench in Edwin Street, Fairlight with an appropriate plaque commemorating the community spirit and love of life that was constantly demonstrated by the late Stuart Entwistle.
2. Consult with Debbie Entwistle and Edwin Street residents as to the location and the plaque details

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

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

NOTICES OF MOTION

Notice of Motion Report No. 18

Proposed Redevelopment of the Seaforth TAFE Site, Adjacent Land and Roadways

Councillor Morrison moved:

1. That Council staff prepare an assessment of the redevelopment proposal that:
 - a. Is based on the information and diagrams prepared by Allen Jack + Cottier that were prepared as part of the public consultation process, and any information that has since been provided, or can be extrapolated from any agreed modifications, such as proposed height reductions;
 - b. Quantifies the additional net area of public land that will become the property of the developers;
 - c. Assess the net gain/loss of existing on-street car parking;
 - d. Quantifies, in actual measurement and in percentage form, the degree of compliance and/or non-compliance of the proposal in terms of the following DCP controls that currently apply to the Seaforth business area:
 - i. Site coverage
 - ii. Setbacks
 - iii. Landscaped open space
 - iv. Height
 - v. Total floor space ratio;
 - vi. Required off-street car parking; and
2. That Council staff be advised that:
 - a. Scenarios for alternative results can be used; eg if rooms in the roof are permitted;
 - b. The use of explanatory notes for any assumptions is encouraged; and
 - c. Council acknowledges that the result be an approximation only.

MOTION (Morrison / Norek)

1. That Council staff prepare an assessment of the redevelopment proposal that:
 - a. Is based on the information and diagrams prepared by Allen Jack + Cottier that were prepared as part of the public consultation process, and any information that has since been provided, or can be extrapolated from any agreed modifications, such as proposed height reductions;
 - b. Quantifies the additional net area of public land that will become the property of the developers;
 - c. Assess the net gain/loss of existing on-street car parking;
 - d. Quantifies, in actual measurement and in percentage form, the degree of compliance and/or non-compliance of the proposal in terms of the following DCP controls that currently apply to the Seaforth business area:
 - i. Site coverage

- ii. Setbacks
- iii. Landscaped open space
- iv. Height
- v. Total floor space ratio
- vi. Required off-street car parking; and

3. That Council staff be advised that:

- a. Scenarios for alternative results can be used; eg if rooms in the roof are permitted;
- b. The use of explanatory notes for any assumptions is encouraged; and
- c. Council acknowledges that the result be an approximation only.

AMENDMENT (Lambert / Evans)

That Council defer a staff assessment of the proposed development until after the forthcoming CRG meeting, and then have staff undertake the detailed evaluation proposed, based on a preferred option.

For the Amendment: Councillors Aird, Cant, Evans, Lambert, Pedersen and Macdonald

Against the Amendment: Councillors Hay, Heasman, Morrison, Murphy and Norek

The Amendment was declared **CARRIED** and became the **MOTION**.

169/07 **RESOLVED: (Lambert / Evans)**

That Council defer a staff assessment of the proposed development until after the forthcoming CRG meeting, and then have staff undertake the detailed evaluation proposed, based on a preferred option.

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

Against the Resolution: Councillors Morrison and Murphy

Notice of Motion Report No. 19

The Alcohol Industry and Political Donations

Councillor Pedersen moved:

That Council convene a public forum "The alcohol industry and political donations"
– *under the influence?*

MOTION (Pedersen / Aird)

That Council convene a public forum "The alcohol industry and political donations"
– *under the influence?*

170/07 **RESOLVED: (Pedersen / Aird)**

That Council convene a public forum "The alcohol industry and political donations"
– *under the influence?*

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

Against the Resolution: Councillors Morrison and Norek

Notice of Motion Report No. 20

Amalgamation of Council Committees

Councillor Norek moved:

That Council investigate and prepare a report on the feasibility of reducing by amalgamation 50% of Councils community committees.

MOTION (Norek / Murphy)

That Council investigate and prepare a report on the feasibility of reducing by amalgamation up to 50% of Councils community committees.

AMENDMENT (Aird / Evans)

That Councillor Norek investigate and prepare a report on the Council's committees that he thinks should be amalgamated, and provide his rationale for each amalgamation.

For the Amendment: Councillors Aird, Cant, Evans, Lambert, Pedersen and Macdonald

Against the Amendment: Councillors Hay, Heasman, Morrison, Murphy and Norek

The Amendment was declared **CARRIED** and became the **MOTION**.

171/07 **RESOLVED: (Aird / Evans)**

That Councillor Norek investigate and prepare a report on the Council's committees that he thinks should be amalgamated, and provide his rationale for each amalgamation.

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

Against the Resolution: Councillors Hay, Heasman, Morrison, Murphy and Norek

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 13

Items for Brief Mention

1. Reports:

i) Consent role for Trading of Licensed Premises

At the Ordinary Meeting of 23 April 2007, Council adopted a recommendation from the Community Safety Committee that local council's be given a consent role in the determination of licensing hours of licensing premises. At that meeting Council resolved that this matter be referred to the Minister for Gaming and Racing and seek that it be included in the current liquor Bill tabled in Parliament.

A response has now been received from the Minister which is attached.

2. Minutes of Meetings without recommendations of a substantial nature:

i) Sister Cities Committee – 12 September 2007

- ii) Manly Meals on Wheels Service Committee - Notes of Meeting - 19 September 2007
- iii) Manly Access Committee – 20 September 2007
- iv) Manly Youth Council – 24 September 2007

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

i) Manly Youth Council Committee - 20 August 2007

a) Item 5.1 Guest Speaker

Recommendation

Youth Council also agreed to give support James' proposal that Council reconsider the inclusion of some kind of skate facility at Seaforth Oval.

ii) Manly Public Art Committee – 19 September 2007

a) Item 7.1 Resignation of Chair of the Committee

Recommendation

That this report be received and noted.

b) Item 7.2 Amalgamation of Committees

Recommendation

That Public Art Committee be amalgamated with the Manly Art Gallery & Museum Liaison Committee and renamed Manly Council Art & Culture committee.

iii) Manly Community Safety Committee – 20 September 2007

a) Item 5.4 CCTV TAXI's and Police Operations

Recommendation

Motion: Taxi rank to be moved from the end of The Corso to further north at existing taxi rank outside the Henry Africa's venue near to 43-45 North Steyne. Security for the rank will continue to be provided by the Ministry of Transport on Friday and Saturday nights.

MOTION (Aird / Lambert)

1. That Council receive and note the letter from the Minister of Gaming and Racing in relation to the consent role for trading of licensed premises.
2. That the recommendations of **Minutes of Meetings**, without recommendations of a substantial nature, as listed in **item 2**, (i) to (iv), be **adopted**.
- 3 i) That the minutes of the **Manly Youth Council Committee** - 20 August 2007 be adopted, with the exception of the following recommendation of a substantial nature, which was **NOTED**.
 - a) **Item 5.1 Guest Speaker**

Youth Council also agreed to give support to James' proposal that Council reconsider the inclusion of some kind of skate facility at Seaforth.

Divisional Manager HS & F Note:

This matter has been referred to Divisional Manager CPS for planning consideration.

- ii) That the minutes of the **Manly Public Art Committee** – 19 September 2007 be **adopted**, including the following recommendations of a substantial nature:
- a) **Item 7.1 Resignation of Chair of the Committee**
- That this report be received and noted.
- b) **Item 7.2 Amalgamation of Committees**
- That Public Art Committee be amalgamated with the Manly Art Gallery & Museum Liaison Committee and renamed Manly Council Art & Culture committee.
- iii) That the minutes of the **Manly Community Safety Committee** – 20 September 2007 be adopted, with the exception of the following recommendation of a substantial nature, which was **NOTED**.
- a) **Item 5.4 CCTV TAXI's and Police Operations**

Motion:

- i) Taxi rank to be moved from the end of The Corso to further north at existing taxi rank outside the Henry Africa's venue near to 43-45 North Steyne. Security for the rank will continue to be provided by the Ministry of Transport on Friday and Saturday nights.
- ii) That Council engage in further discussion with the Taxi Council regarding final location.

Divisional Manager HS & F Note:

Manly Police, Taxi Industry, Ministry of Transport and Council meeting organised for October to action this change of taxi rank location for Late Night and Security arrangements.

172/07 **RESOLVED: (Aird / Lambert)**

1. That Council receive and note the letter from the Minister of Gaming and Racing in relation to the consent role for trading of licensed premises.
2. That the recommendations of **Minutes of Meetings**, without recommendations of a substantial nature, as listed in **item 2**, (i) to (iv), be **adopted**.
- 3 i) That the minutes of the **Manly Youth Council Committee** - 20 August 2007 be adopted, with the exception of the following recommendation of a substantial nature, which was **NOTED**.
- a) **Item 5.1 Guest Speaker**

Youth Council also agreed to give support to James' proposal that Council reconsider the inclusion of some kind of skate facility at Seaforth.

Divisional Manager HS & F Note:

This matter has been referred to Divisional Manager CPS for planning consideration.

- ii) That the minutes of the **Manly Public Art Committee** – 19 September 2007 be **adopted**, including the following recommendations of a substantial nature:
- a) **Item 7.1 Resignation of Chair of the Committee**
- That this report be received and noted.
- b) **Item 7.2 Amalgamation of Committees**
- That Public Art Committee be amalgamated with the Manly Art Gallery & Museum Liaison Committee and renamed Manly Council Art & Culture committee.
- iii) That the minutes of the **Manly Community Safety Committee** – 20 September 2007 be adopted, with the exception of the following recommendation of a substantial nature, which was **NOTED**.
- a) **Item 5.4 CCTV TAXI's and Police Operations**

Motion:

- iii) Taxi rank to be moved from the end of The Corso to further north at existing taxi rank outside the Henry Africa's venue near to 43-45 North Steyne. Security for the rank will continue to be provided by the Ministry of Transport on Friday and Saturday nights.
- iv) That Council engage in further discussion with the Taxi Council regarding final location.

Divisional Manager HS & F Note:

Manly Police, Taxi Industry, Ministry of Transport and Council meeting organised for October to action this change of taxi rank location for Late Night and Security arrangements.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 37

Report on Council Investments as at 30 September 2007

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 (Morrison / Evans)

That:

1. The statement of Bank Balances and Investment Holdings as at 30 September, 2007 be

received and noted;

2. Council note the review of council investments being conducted by the Department of Local Government;
3. Council receive and note the report on Council's investments by Ernst & Young.
4. Council staff invite Ernst & Young to come and address Council.

173/07 **RESOLVED: (Morrison / Evans)**

That:

1. The statement of Bank Balances and Investment Holdings as at 30 September, 2007 be received and noted;
2. Council note the review of council investments being conducted by the Department of Local Government;
3. Council receive and note the report on Council's investments by Ernst & Young.
4. Council staff invite Ernst & Young to come and address Council.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 38

Gathering Information Policy

SUMMARY

To establish a policy and associated procedures for gathering information to assist in defending future Public Liability and Professional Indemnity claims.

MOTION (Hay / Aird)

That the Gathering Information Policy be adopted following a 28 day notification and exhibition period.

174/07 **RESOLVED: (Hay / Aird)**

That the Gathering Information Policy be adopted following a 28 day notification and exhibition period.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN69/07 Councillor Murphy** - DAs submitted for outdoor eating areas

Watervue and Cristals upon having their licences revoked have been invited to put in a DA to occupy the outdoor eating areas outside their shops. Did any of the other establishments in Manly that have outdoor eating areas submit a DA for their outdoor areas or did they just fill out a form?

At the request of the Mayor, the General Manager advised that the only other area he is aware of where restaurants have to submit DAs is Rialto Square, and one premises on South Steyne.

QWN70/07 Councillor Murphy - RTA policy on leasing areas outside lessee's premises

Is it true that the RTA prohibits the leasing of any area not outside the lessee's premises?

At the request of the Mayor, the General Manager advised that most areas leased out to footpath dining are areas abutting and adjoining a property boundary. The General Manager advised he would take the question of the relevant RTA policy on notice.

QWN71/07 Councillor Morrison - Road reserve leases outside neighbouring properties

If someone asks for a road reserve lease outside a property they don't own to gain access to their own property, and the owner of the property they are asking to lease outside objects, is Council in any way able to offer a road reserve lease under such circumstances?

At the request of the Mayor, the General Manager advised that it wouldn't be practical if the area was contiguous with the boundary and immediately abuts the boundary to lease that area to somebody else. In relation to a theoretical case, legal advice would say that an application may be entertained for any area of the road reservation. That doesn't mean Council has to approve it, but Council has to at least entertain a DA.

QWN72/07 Councillor Morrison - Road reserve leases affecting future value of property

If the owners of that property say a road reserve lease would diminish the value of their property in the future, would that be sufficient for Council to refuse that road reserve lease?

At the request of the Mayor, the General Manager advised that that would be a Section 79(c) of the EPA Act consideration, when you determine the merits of an application involving economic assessments and impacts that the consenting authority must take into account.

Councillor Morrison then asked that if two property owners tried to lease the same part of road, would Council lease it to the property that it didn't directly abut in a contiguous line?

At the request of the Mayor, the General Manager advised that he was not aware that Council had done such a thing. Councillor Morrison said it had, and the Mayor suggested that Councillor Morrison bring it to the attention of the General Manager after the meeting so they could look at the facts together.

QWN73/07 Councillor Aird - Manly Open Space Trust - Council member for management committee

I received a letter from Manly Open Space Trust (MOST), inviting Council to nominate a further member to the management committee in the interests of broader community representation and closer integration with Council. Is anyone aware of that, and if so are we doing anything about it?

The Mayor advised that he had had a recent meeting with MOST, and when they become fully established as a tax-deductible trust, the Mayor believes there will be a report to council and a proposal that a member of Council staff or a Councillor go on that Trust. At the moment, they are still negotiating to get tax deductibility. At the request of the Mayor, the General Manager advised that operationally there might be a problem having a Councillor on a board of trustees that operates for the benefit of Council, and so it may have to be a member of staff who went on the Board.

QWN74/07 Councillor Aird - Online DA processing system

In a September Local Government Focus magazine there's an article on a DA processing system that Pittwater Council has. It says it's believed to be the first used in Australian local government and is a complete suite of web-based tools, which allows a DA's progress to be tracked on line by the public, from when it's first lodged to when its determined. Are we likely to do something similar?

At the request of the Mayor, the General Manager advised that we can already do more than that. We can review the whole process on line and read all the relevant documents and submissions online, and that Pittwater Council weren't the first to introduce this.

As a follow-on to this, Councillor Aird said that a guest at dinner tonight had mentioned that a resident had said to them that when they submitted a DA, they received a letter from Council telling them not to contact Council again now that Council had received all the documents and the DA was lodged. The resident felt apprehensive that there was no more process they could be involved with, so do we not have a system where they can follow-through and feel reassured that something is happening?

At the request of the Mayor, the Executive Manager Environmental Services advised that the letter doesn't say that in so many words. What it does say is that we have three ways for someone to check on the progress of a DA: our duty planner is available Monday to Friday between 9-11am; they can monitor the progress on the web and we provide the web address for that; and they can also contact myda through the normal channels. We do try primarily to get them onto the web because we have everything on the web now.

CLOSE

The meeting closed at 11.48pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 19th November 2007.

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MAYOR

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