

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 17 October 2005**

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 17 October 2005. The meeting commenced at 7:38 pm.

## PRESENT

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

## ALSO PRESENT

Henry T Wong, General Manager  
Jim Hunter, Director Corporate Planning & Strategy  
David Stray, Manager Development Control  
Rachael Levey, Minute Taker

## OPENING PRAYER

The Opening Prayer was presented by Reverend David Gore.

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*The Ordinary Meeting was adjourned at 7:40pm.*

*The meeting was reconvened at 7:48pm with all Councillors present.*

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## APOLOGIES

Nil.

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

<b>Name:</b>	<b>Item Number:</b>	<b>Nature of Interest:</b>
Councillor Dr Peter Macdonald	NOR No. 10	Owns a property near 118 North Steyne, Manly
Councillor Norek	NOR No. 10	Previously owned a property in North Steyne, Manly

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

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 19 September 2005, 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.

**357/05 RESOLVED: (Heasman / Lambert)**

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 19 September 2005, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

**Against the Resolution:** Nil.

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
Richard Hewitt	Fairlight Precinct traffic and pavements
Sidar Demirbag	Late night trading re Ser-bar Kebab & Pide House Manly
Tom Shanahan	Precinct Forum Reform
Errol Hunt	Marine Parade safety issues

**STANDING ORDERS (Macdonald / Aird)**

That Standing Orders be suspended to allow for consideration of Items of public interest, being Public Addresses - Notice of Rescission Report No. 9, 36A Rignold Street, Seaforth; Notice of Rescission Report No. 10, 118 North Steyne, Manly; Corporate Services Division Report No. 22, Financial Statements for the Year Ended 30 June 2005; Notice of Motion Report No. 33, Fibrous Dust Found in Residential Properties; and Notice of Motion Report No. 34, Section 94 Plan.

**358/05 RESOLVED: (Macdonald / Aird)**

That Standing Orders be suspended to allow for consideration of Items of public interest, being Public Addresses - Notice of Rescission Report No. 9, 36A Rignold Street, Seaforth; Notice of Rescission Report No. 10, 118 North Steyne, Manly; Corporate Services Division Report No. 22, Financial Statements for the Year Ended 30 June 2005; Notice of Motion Report No. 33, Fibrous Dust Found in Residential Properties; and Notice of Motion Report No. 34, Section 94 Plan.

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

**Against the Resolution:** Nil.

**PUBLIC ADDRESSES**

ITEM	SPEAKER
<b>Notice of Rescission Report No. 9</b> Rignold Street Seaforth, Property No. 36A Objector to Notice of Rescission Supporter of Notice of Rescission	Mr Tony Sattler on behalf of Mr Peter Whitfield (Applicant) Ms Diedre Cordner
<b>Notice of Rescission Report No. 10</b> North Steyne, Property No. 118 Objector to Notice of Rescission Supporter of Notice of Rescission	Mr Bob Clarke (Applicant) Ms Sanda Svedas of ABC Planning Pty Ltd Mr Harry Hellowell
<b>Corporate Services Division Report No. 22</b> Financial Statements for the Year Ended 30 June 2005	Presentation by Mr Noel Marcher (Auditor)
<b>Notice of Motion Report No. 33</b> Fibrous Dust found in Residential Properties Objection to Notice of Motion	Ms Laura Rupert
<b>Notice of Motion Report No.34</b> Section 94 Plan In Support of Notice of Motion	Mr Philp Beale

**NOTICES OF RESCISSION**

Notice of Rescission Report No. 9

**Rignold Street Seaforth, Property No. 36A - Notice of Rescission**

Councillor Evans, Councillor Norek, and Councillor Aird moved:

“ That the Council’s decision of 19 September 2005 being Item 52 in respect of 36A Rignold Street, Seaforth be and is hereby rescinded.”

If the above Notice of Rescission is carried it is proposed to move the following alternate motion:

“ That the court determine the plans for 36A Rignold Street in light of the Council’s motion of 8 August 2005 regarding this Development Application including the waterview losses experienced by residents in Boronia Lane”.

**MOTION (Evans / Aird)**

That the Council’s decision of 19 September 2005 being Item 52 in respect of 36A Rignold Street, Seaforth be and is hereby rescinded.

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

The **Rescission Motion** was **Lost**.

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*Having previously declared an interest, Councillor Norek left the Chamber and The Mayor, Councillor Dr Peter Macdonald vacated the Chair and left the Chamber at 9:05pm.*

*Deputy Mayor, Councillor Aird assumed the Chair.*

Notice of Rescission Report No. 10

**North Steyne, Property No. 118 - Notice of Rescission**

Councillor Aird, Councillor Evans, and Councillor Lambert moved:

“That the Council’s decision of 19 September 2005 being Item 51 in respect of 118 North Steyne, Manly be and is hereby rescinded.”

**MOTION (Lambert / Evans)**

That the Council’s decision of 19 September 2005 being Item 51 in respect of 118 North Steyne, Manly:

“That Council grant conditional approval to Development Application No 508/04, for the alterations and additions to the existing cottage (including the replacement of the rear and new attic area), and the erection of a six storey residential flat building containing five units with basement carparking at 118 North Steyne, Manly, subject to the adoption of neutral evaluation at the Land and Environment Court.”

and the Matter Arising from Council’s decision of 19 September 2005:

“That Council prepare a report prior to the callover date, regarding relocation of the cottage at 118 North Steyne, Manly, including full restoration by the applicant and donation of the cottage to the community. In return, the applicant will redevelop the site and ensure it is 100% compliant with Council's DCP. That such a report be considered by the applicant and if this option is preferred, a separate DA addressing the new proposal be lodged.”

be and are hereby rescinded.

**For the Notice of Rescission:** Councillors Lambert, Cant, Pedersen, Aird and Evans.  
**Against the Notice of Rescission:** Councillors Hay, Heasman, Murphy, Daley and Morrison.

*With the voting being equal, the Chairperson, Councillor Aird used her casting vote for the Rescission Motion and declared it Won.*

**MOTION (Lambert / Evans)**

That Development Application No 508/04, for the alterations and additions to the existing cottage (including the replacement of the rear and new attic area), and the erection of a six storey residential flat building containing five units with basement carparking at 118 North Steyne, Manly be refused for the following reasons:

1. The proposal contravenes the aims and objectives of the Manly Local Environmental Plan 1988, having regard to Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979.
2. The proposal is contrary to the provisions of the Manly Residential Development Control Plan for the Residential Zones 2001, having regard to Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979.
3. The proposal is an overdevelopment of the site, having regard to Section 79C(1)(a), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
4. The proposal will have a detrimental impact on the views, privacy and overshadowing of the surrounding properties, having regard to Section 79C(1)(a), (b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
5. The proposal will have a detrimental impact on the heritage significance of the site, in particular, on the existing cottage known as 'Brise de Mer' and its garden, having regard to Section 79C(1)(a),(b), (c), (d) and (e) of the Environmental Planning & Assessment Act 1979.
6. The proposal is contrary to the public interest, having regard to Section 79C(1)(e) of the Environmental Planning & Assessment Act 1979.

**AMENDMENT (Murphy / Daley)**

1. That Council urgently prepare a report regarding relocation of the cottage at 118 North Steyne, Manly, including full restoration by the applicant and donation of the cottage to the community. In return, the applicant will redevelop the site and ensure it is 100% compliant with Council's DCP. That such a report be considered by the applicant and if this option is preferred, a separate DA addressing the new proposal be lodged.
2. That Council actively participate in the neutral evaluation process at the Land and Environment Court.

**For the Amendment:** Councillors Hay, Heasman, Cant, Murphy, Daley and Morrison.

**Against the Amendment:** Councillors Lambert, Pedersen, Aird and Evans.

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

**359/05 RESOLVED: (Murphy / Daley)**

1. That Council urgently prepare a report regarding relocation of the cottage at 118 North Steyne, Manly, including full restoration by the applicant and donation of the cottage to the community. In return, the applicant will redevelop the site and ensure it is 100% compliant with Council's DCP. That such a report be considered by the applicant and if this option is preferred, a separate DA addressing the new proposal be lodged.
2. That Council actively participate in the neutral evaluation process at the Land and Environment Court.

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

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*At 10.15pm Councillor Aird vacated the Chair and The Mayor, Councillor Dr Peter Macdonald returned to the Chamber and assumed the Chair.*

*Councillor Norek returned to the Chamber.*

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## **CORPORATE SERVICES DIVISION REPORTS**

Corporate Services Division Report No. 22

### **Financial Statements for the Year Ended 30 June 2005**

#### **SUMMARY**

Formal presentation of the Auditor's Report and Council's Financial Statements for the Year ended 30 June, 2005 in accordance with the requirements of the Local Government Act.

#### **MOTION (Hay / Evans)**

That Council receive the Annual Financial Report together with the Auditors Report for the Year ended 30 June 2005

#### **360/05 RESOLVED: (Hay / Evans)**

That Council receive the Annual Financial Report together with the Auditors Report for the Year ended 30 June 2005.

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

**Against the Resolution:** Nil.

Note: Councillor Hay and The Mayor formally congratulated the General Manager, Council staff and the Auditors for the excellent management of Council finances.

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## **NOTICES OF MOTION**

Notice of Motion Report No. 33

### **Fibrous Dust Found In Residential Properties**

Councillor Pedersen moved:

That Council again acknowledges the ongoing resident concerns regarding reports of unusual levels of airborne fibrous dust found in their homes.

That the General Manager or Mayor arrange for the publication of a notice in the Manly Daily encouraging residents to contact the Manly Environment Centre with any concerns, observations or samples of the fibrous dust.

**NOTE:**

That the Environment Committee resolved on 15 September 2005 that;

*"Council should write to Sydney Water to fund an independent investigation of the levels of unusual dust in the Manly area. The study should determine the levels, toxicity and nature of the dust. Council should alert the Catholic Church and Lend Lease to the existence of the dust and explore the possibility of commissioning a study."*

**MOTION (Pedersen / Aird)**

1. That Council again acknowledge the ongoing resident concerns regarding reports of unusual levels of airborne fibrous dust found in their homes.
2. That the General Manager or Mayor arrange for the publication of a notice in the Manly Daily encouraging residents to contact the Manly Environment Centre with any concerns, observations or samples of the fibrous dust with clear identification of the source of the sample and date collected.

**AMENDMENT (Norek / Hay)**

1. That Council again acknowledge the ongoing resident concerns regarding reports of unusual levels of airborne fibrous dust found in their homes.
2. That the General Manager or Mayor arrange for the publication of a notice in the Manly Daily encouraging residents to contact the Manly Environment Centre with any concerns, observations or samples of the fibrous dust with clear identification of the source of the sample and date collected.
3. That Council investigate best practice regarding the identification and treatment of asbestos, including a website, information line and appropriate compliance system.

**For the Amendment:** Councillors Hay, Cant, Murphy, Daley, Morrison and Norek.

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

*With the voting being equal, the Mayor used his casting vote against the Amendment and declared it Lost.*

The **Motion** was put and declared **Carried**.

**361/05 RESOLVED: (Pedersen / Aird)**

That Council again acknowledge the ongoing resident concerns regarding reports of unusual levels of airborne fibrous dust found in their homes.

That the General Manager or Mayor arrange for the publication of a notice in the Manly Daily encouraging residents to contact the Manly Environment Centre with any concerns, observations or samples of the fibrous dust with clear identification of the source of the sample and date collected.

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

**Against the Resolution:** Councillor Norek.

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Notice of Motion Report No. 34

**Section 94 Plan**

Councillor Norek moved:

That the General Manager be requested to provide a response to Part 1 and Part 2 as follows:

**Part 1**

In relation to the RTA, Education Department and DIPNR land in Seaforth - the apparent failure to collect Section 94 contributions, by the NSW Government, on the sale of that land and, thereafter not forward the Section 94 Contributions to Manly Council, may be actionable.

- A. When the NSW Government proposed to sell the land owned by the RTA, were they aware that a section 94 Contribution was expected due, at the time, to the successful sale to Manly Council?
- B. Given no Section 94 contribution, from the sale of this land, has been received by Manly Council, does that mean that the sale price received by the NSW Government did, or did not have a section 94 portion included?
- C. What efforts has the Council made to secure payment from the NSW Government?

**Part 2**

A. What a residential landowner, under the new scheme, will be expected to pay in the following circumstances:

- a. Residential additions by owner (including addition of bedroom/s);
- b. Residential additions by owner (NOT including addition of bedroom/s).
- c. New residential dwelling on land previously not built on.
- d. Demolition of existing dwelling and construction of new residential dwelling by owner.
- e. Alterations by owner.

B. If any of the above amounts depend on the size of the development, what are the criteria by which the different assessments will be calculated? Please give several specific examples of the various sizes and what the section 94 Contributions will attract.

C. Concerning ratepayers of 10 or more years standing, if they otherwise fall within the new section 94 provisions, will they be exempt from paying a contribution because of their rate paying longevity?

D. Regarding business premises - what is the situation concerning the following:

- a. What will future Section 94 contributions be used for in the CBD,
- b. What has the Section 94 Contributions received from CBD developments during the last 10 years been spent on.
- c. What is Council going to do with the Parking Contributions it receives as a result of Amendment 4 to the DCP. How can you ask for a parking contribution and not use the money for more parking in the CBD.
- d. Has Council obtained independent advice that the calculation of the new Section 94 Contribution rates is based on accepted practice that will stand up if challenged in Court?

e. How does Council justify a 400% increase in Section 94?

### Part 3

That Section 94 contributions for new residential homes on vacant blocks where an existing dwelling is demolished and/ or replaced by a new residential home to be set at \$6,000 per home, CPI indexed annually.

### Background:

Development Contribution made under Section 94 is a considerable public policy issue. Therefore, it needs clarity, particularly in light of the recent Court of Appeal decision in relation to Baulkham Hills Council.

Morning Herald article, 5th of October, 2005 titled "Creative Councils face huge refunds". The Court of Appeal - judgment by Justice Ken Handley ruled on 4th of October, 2005 the way Baulkham Hills Shire set it developer Contribution charges was "unlawful."

Mr Justice Handley found that while councils are allowed to use a readily accessible index to automatically increase the fees, ruled that councils should use an independent index maintained by a third party, and was not authorised to create a new one. It was suggested that using the (CPI)

Consumer price index would have marginally increased fees per quarter.

Due to the particular methodology used, Council such as Baulkham Hills and Liverpool could face challenging claims down the track.

In my view, any contributions should be reasonable. And that it is to be hoped the Council will use every endeavour to obtain any Section 94 contribution due on the sale of the RTA etc. land, from the State Government.

### MOTION Norek / Daley

That the General Manager be requested to provide a response to Part 1 and Part 2 as follows:

#### Part 1

In relation to the RTA, Education Department and DIPNR land in Seaforth - the apparent failure to collect Section 94 contributions, by the NSW Government, on the sale of that land and, thereafter not forward the Section 94 Contributions to Manly Council, may be actionable.

- A. When the NSW Government proposed to sell the land owned by the RTA, were they aware that a section 94 Contribution was expected due, at the time, to the successful sale to Manly Council?
- B. Given no Section 94 contribution, from the sale of this land, has been received by Manly Council, does that mean that the sale price received by the NSW Government did, or did not have a section 94 portion included?
- C. What efforts has the Council made to secure payment from the NSW Government?

#### Part 2

A. What a residential landowner, under the new scheme, will be expected to pay in the following circumstances:

- a. Residential additions by owner (including addition of bedroom/s);
- b. Residential additions by owner (NOT including addition of bedroom/s).

- c. New residential dwelling on land previously not built on.
- d. Demolition of existing dwelling and construction of new residential dwelling by owner.
- e. Alterations by owner.

B. If any of the above amounts depend on the size of the development, what are the criteria by which the different assessments will be calculated? Please give several specific examples of the various sizes and what the section 94 Contributions will attract.

C. Concerning ratepayers of 10 or more years standing, if they otherwise fall within the new section 94 provisions, will they be exempt from paying a contribution because of their rate paying longevity?

D. Regarding business premises - what is the situation concerning the following:

- a. What will future Section 94 contributions be used for in the CBD,
- b. What has the Section 94 Contributions received from CBD developments during the last 10 years been spent on.
- c. What is Council going to do with the Parking Contributions it receives as a result of Amendment 4 to the DCP. How can you ask for a parking contribution and not use the money for more parking in the CBD.
- d. Has Council obtained independent advice that the calculation of the new Section 94 Contribution rates is based on accepted practice that will stand up if challenged in Court?
- e. How does Council justify a 400% increase in Section 94?

### Part 3

That Section 94 contributions for new residential homes on vacant blocks to be set at \$6,000 per home, CPI indexed annually.

### AMENDMENT (Lambert / Morrison)

That Council clarify, through a report to Councillors, and a subsequent report to all residents, the various circumstances in which new Section 94 contributions apply, addressing the questions raised in Part 2A of Councillor Norek's Notice of Motion, as follows:

### Part 2

A. What a residential landowner, under the new scheme, will be expected to pay in the following circumstances:

- a. Residential additions by owner (including addition of bedroom/s);
- b. Residential additions by owner (NOT including addition of bedroom/s).
- c. New residential dwelling on land previously not built on.
- d. Demolition of existing dwelling and construction of new residential dwelling by owner.
- e. Alterations by owner.

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

**Against the Amendment:** Councillors Hay, Daley and Norek.

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

**362/05 RESOLVED: (Lambert / Morrison)**

That Council clarify, through a report to Councillors, and a subsequent report to all residents, the various circumstances in which new Section 94 contributions apply, addressing the questions raised in Part 2A of Councillor Norek's Notice of Motion, as follows:

**Part 2**

A. What a residential landowner, under the new scheme, will be expected to pay in the following circumstances:

- a. Residential additions by owner (including addition of bedroom/s);
- b. Residential additions by owner (NOT including addition of bedroom/s).
- c. New residential dwelling on land previously not built on.
- d. Demolition of existing dwelling and construction of new residential dwelling by owner.
- e. Alterations by owner.

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

**Against the Resolution:** Councillors Hay and Norek.

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**MAYORAL MINUTES**

Mayoral Minute Report No. 7

**Encouraging The Use of Solar Energy in Manly**

**MOTION: (Macdonald)**

That Mayoral Minute Report No. 7 Encouraging The Use of Solar Energy in Manly be deferred for consideration at the next Ordinary Meeting scheduled for 21 November 2005.

**363/05 RESOLVED: (Macdonald)**

That Mayoral Minute Report No. 7 Encouraging The Use of Solar Energy in Manly be **deferred** for consideration at the next Ordinary Meeting scheduled for 21 November 2005.

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

**Against the Resolution:** Nil.

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Mayoral Minute Report No. 8

**Public Consultation on Desalination**

**MOTION (Macdonald / Pedersen)**

- (1) That Manly Council calls on the NSW Government before progressing plans for the desalinization plant to promote and lead three months of public debate and consultation on "Finding Answers to Sydney's Water Needs"; and that this debate would

- (a) Circulate existing good ideas and invite new ones, all to be incorporated in an

“Integrated Water plan for Greater Sydney”;

- (b) Emphasise responsibility at every level of society, i.e of families, businesses, industry and all levels of government
- (c) Demonstrate the necessity of a mix of policies, such as vigorous public education, water-saving devices, rainwater harvesting, leakage fixing, dam improvements, pricing curbs and stormwater recycling measures;
- (d) Include an examination of the view that desalination is considered an expensive and energy-demanding measure of last resort.

**364/05 RESOLVED: (Macdonald / Pedersen)**

- (1) That Manly Council calls on the NSW Government before progressing plans for the desalination plant to promote and lead three months of public debate and consultation on “Finding Answers to Sydney’s Water Needs”; and that this debate would
  - (a) Circulate existing good ideas and invite new ones, all to be incorporated in an “Integrated Water plan for Greater Sydney”;
  - (b) Emphasise responsibility at every level of society, i.e of families, businesses, industry and all levels of government
  - (c) Demonstrate the necessity of a mix of policies, such as vigorous public education, water-saving devices, rainwater harvesting, leakage fixing, dam improvements, pricing curbs and stormwater recycling measures;
  - (d) Include an examination of the view that desalination is considered an expensive and energy-demanding measure of last resort.

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

**Against the Resolution:** Nil.

*Councillor Evans was not in the Chamber when the Motion was put.*

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 9

**Item for Brief Mention**

**1. Minutes Of Meetings:**

- (i) ACCESS COMMITTEE MINUTES OF MEETING HELD ON 15 SEPTEMBER, 2005
- (ii) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 19 SEPTEMBER, 2005
- (iii) MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 14 SEPTEMBER, 2005
- (iv) MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD 14 SEPTEMBER, 2005
- (v) MANLY COMMUNITY SAFETY COMMITTEE MEETING HELD 15 SEPTEMBER, 2005
- (vi) MANLY COMMUNITY ENVIRONMENT COMMITTEE HELD 18 AUGUST 2005

**MOTION (Heasman / Pedersen)**

That the recommendations of **Minutes of Meetings, as listed in item 1**, being **(i) to (vi)**, as listed above, be **adopted**.

**365/05 RESOLVED: (Heasman / Pedersen)**

That the recommendations of **Minutes of Meetings, as listed in item 1**, being **(i) to (vi)**, as listed above, be **adopted**.

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

**Against the Resolution:** Nil.

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Corporate Services Division Report No. 23

**Report on Council Investments as at 30 September, 2005****SUMMARY**

Latest accounting statements for the period to 30 September, 2005.

1. Statement showing general fund bank account balance as at 30 September, 2005.
2. Cash investments as at 30 September 2005.

**MOTION (Murphy / Heasman)**

1. That the statement of General Fund Bank Account balance as at 30 September, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 September, 2005 be received and noted.

**366/05 RESOLVED: (Murphy / Heasman)**

1. That the statement of General Fund Bank Account balance as at 30 September, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 30 September, 2005 be received and noted.

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

**Against the Resolution:** Nil.

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Corporate Services Division Report No. 24

**Purchasing and Procurement Policy**

**SUMMARY**

The intent of this policy is to provide clear guidelines for the procurement of materials, equipment and services, through quotations and tendering, to assist in ensuring best value for money, good management practices, transparency, probity and environmental performance.

**MOTION (Aird / Morrison)**

That consideration of the draft Purchasing and Procurement policy be deferred for a period of one month.

**367/05 RESOLVED (Aird / Morrison)**

That consideration of the draft Purchasing and Procurement policy be deferred for a period of one month.

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

**Against the Resolution:** Nil.

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**CORPORATE PLANNING AND STRATEGY DIVISION REPORTS**

Corporate Planning and Strategy Division Report No. 58

**Little Manly Reserve Landscape Improvements Project Contract 05/23**

**SUMMARY**

Open quotations were recently advertised for the construction of landscape improvements at Little Manly Reserve. Quotations have been assessed and a recommendation for acceptance of a quotation is the subject of this report.

**MOTION (Hay / Heasman)**

That the quotation of Landscape 2000 for the lump sum of \$167,522 excluding GST for Little Manly Reserve Landscape Improvements Project be accepted by Council.

**368/05 RESOLVED: (Hay / Heasman)**

That the quotation of Landscape 2000 for the lump sum of \$167,522 excluding GST for Little Manly Reserve Landscape Improvements Project be accepted by Council.

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

**Against the Resolution:** Nil.

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Corporate Planning and Strategy Division Report No. 59

**Manly Oval/LM Graham Reserve Maintenance Service Agreement 05/19**

**SUMMARY**

- A report was submitted to the Planning and Strategy Meeting on 10th October, 2005 regarding the tenders.
- Council resolved to call for a further report on analysis of the Comparative Data and Tender Assessment.
- This report addresses the matters raised by Council

**MOTION (Hay / Lambert)**

That the tender of Green Options for the lump sum of \$230,400 excluding GST for a two year term be accepted by Council and that Council authorise execution of the necessary documentation.

**369/05 RESOLVED: (Hay / Lambert)**

That the tender of Green Options for the lump sum of \$230,400 excluding GST for a two year term be accepted by Council and that Council authorise execution of the necessary documentation.

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

**Against the Resolution:** Nil.

*Councillor Morrison was not in the Chamber when the Motion was put.*

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**QUESTIONS WITHOUT NOTICE**

**Councillor Heasman:**

Are the safety concerns within the Fairlight Precinct safety concerns being progressed and can the General Manager confirm that Council now employs a Traffic Engineer?

*At the request of the Mayor, the General Manager advised that communication with the Fairlight Precinct is ongoing in relation to these safety issues. Council has reviewed the Precinct's recommendations and proposes a less complicated version of these recommendations. Once advice is received regarding the Precinct's support of the revised proposal, further consultation will take place.*

**Councillor Hay:**

In relation to the proposed increase in Sister City Committee numbers (from 27 to 30), can the General Manager please advise process for filling these positions. Given the status of the proposed new members in the community, there are concerns regarding the appropriateness of externally advertising these positions.

*At the request of the Mayor, the General Manager advised that he will investigate options for filling these vacant positions and that the proposed new members of the committee should be submitted in writing to the General Manager along with signatures of approval from existing committee members.*



**Councillor Lambert:**

The Development Applications at both 1 and 3 (Mandalay site) Addison Road, Manly have raised serious concerns about cliff-line stability and potential impacts on Little Penguin Critical Habitat. When will responses be available from staff in relation to questions raised from the Development Application Unit regarding:

- i) Follow up from geo-technical studies required as Conditions of Consent in relation to the Mandalay site? Does Council have mechanisms in place to ensure these additional studies are done before construction commences?
- ii) The proposed Conditions of Consent forwarded to DEC's Threatened Species Unit for their concurrence regarding 1 Addison Road proposed works.

*At the request of the Mayor, the General Manager advised that:*

- i) The compliance issue regarding the Mandalay Hospital site had been taken to a private consultant. Notice issues and compliance issues have involved precautionary principle.*
- ii) Staff have been preparing this report and are now in a position to make the submission to DEC.*

**Councillor Murphy:**

1. When first elected I made a budget bid under revenue works on behalf of Ivanhoe Park Precinct Committee for a lit up wall at LM Grahams Reserve. Please advise when this will be built.

*At the request of the Mayor, the General Manager advised that the funding for this project is still reserved. The General Manager apologised for the delay with this proposal and advised that with new staff arrangements in place, Council are now in a position to move ahead with this proposal.*

2. When is Council going to answer all the questions we have previously asked under Questions Without Notice which have been "taken on notice"?

*At the request of the Mayor, the General Manager advised that the answers to any outstanding Questions Without Notice will be provided as soon as possible.*

**Councillor Pedersen:**

In relation to the Council resolution regarding trialling later kebab shop closing hours (approximately 15 months ago), why has no report been received from Council, as was specified in the resolution?

*At the request of the Mayor, the General Manager advised that it was his understanding the report was to be prepared in relation to a Court Order which was not actioned. The General Manager advised that the exact wording of the resolution needs to be confirmed before providing further advice.*

**Councillor Aird:**

1. In relation to concerns raised in the Public Forum by Mr Hewitt regarding the Fairlight safety issues, does Council foresee any financial issues relating to the fulfilment of safety issues relating to pedestrian access and footpaths etc?

*At the request of the Mayor, the General Manager advised that before financial issues are considered, Council needs to determine the appropriate action required for the area. If Council and the community can agree on a plan for the area, then it is Council's responsibility to ensure adequate funding is allocated.*

2. Given that the financial report received by Councillors is such a large document, why has it been copied single-sided?

*At the request of the Mayor, the General Manager advised that he was not in a position to answer for the Auditor (who prepared and printed the report).*

**Councillor Norek:**

1. What action has been taken by the General Manager to address the current limited number of Notices of Motion that can be proposed by Councillors?

*At the request of the Mayor, the General Manager advised that the subject is one of ongoing discussion and will be resolved at the earliest opportunity. The last dialogue with the Department of Local Government was Friday 7 October 2005.*

2. Does Council have guidelines which govern the placement of real estate 'open hours' signs on streets?

*At the request of the Mayor, the General Manager advised that signage is covered by the Councils Development Control Plan.*

**MATTERS OF URGENCY**

Nil.

**CLOSE**

The meeting closed at 12.45am

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on **21 November 2005**.

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**MAYOR**

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