

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 18 February 2008

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TABLE OF CONTENTS

Item	Page No.
PRESENT	3
APOLOGIES.....	3
DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST	3
CONFIRMATION OF MINUTES.....	4
Ordinary Meeting - 10/12/2007	4
PUBLIC FORUM	4
NOTICES OF MOTION.....	4
Notice of Motion Report No. 3	
Protect our Harbour Foreshore.....	4
Notice of Motion Report No. 4	
Manly Council Sponsorship of the 'Stay Safe Rangers' Program Initiative.....	5
MAYORAL MINUTES.....	7
Mayoral Minute Report No. 1	
Manly's Proud Participation in Earth Hour 2008	7
Mayoral Minute Report No. 2	
Complimentary Life Access to Manly's Andrew 'Boy' Charlton Swim Centre	8
NOTICES OF MOTION.....	8
Notice of Motion Report No. 1	
North Harbour Aquatic Reserve.....	8
Notice of Motion Report No. 2	
Container Deposit Legislation (CDL)	9
GENERAL MANAGERS DIVISION.....	10
General Managers Division Report No. 2	
Operation of the Hop Skip & Jump Bus Service	10
ITEMS FOR BRIEF MENTION	11
Item For Brief Mention Report No. 2	
Items for Brief Mention.....	11
CORPORATE SERVICES DIVISION	14
Corporate Services Division Report No. 1	
Amalgamation of Council Committees.....	14
Corporate Services Division Report No. 2	
Sale of Part of Bundoon Lane, off Kangaroo Street Manly.....	15
Corporate Services Division Report No. 3	
Councillors Superannuation and Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy	16
Corporate Services Division Report No. 4	
Financial Review for the Quarter Ending 31 December 2007	17

Corporate Services Division Report No. 5

Report on Council Investments as at 31 December 2007 and 31 January 2008 18

QUESTIONS WITHOUT NOTICE 18

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 18 February 2008. The meeting commenced at 7:42pm.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor M Norek
Councillor B Aird
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM
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
Chris Bradley, Manager Environmental Programs
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. Michael Aitken.

APOLOGIES

Apologies were tendered on behalf of Councillor Cant and Councillor Morrison, for non-attendance.

MOTION (Lambert / Norek)

That the apologies received from Councillor Cant and Councillor Morrison be accepted and leave be granted.

1/08 **RESOLVED: (Lambert / Norek)**

That the apologies received from Councillor Cant and Councillor Morrison be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 10 December 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.

2/08 **RESOLVED: (Heasman / Evans)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 10 December 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, Daley, Evans, Hay, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Doug Price	Update on Seaforth TAFE situation – action group invited to Canberra to meet Julia Gillard

SUSPENSION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to consider items of public interest, being Notice of Motion Report No.3, Protect our Harbour Foreshore and Notice of Motion Report No.4, Manly Council Sponsorship of the 'Stay Safe Rangers' Program Initiative.

3/08 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be suspended to consider items of public interest, being Notice of Motion Report No.3, Protect our Harbour Foreshore and Notice of Motion Report No.4, Manly Council Sponsorship of the 'Stay Safe Rangers' Program Initiative.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 3

Protect our Harbour Foreshore

Councillor Norek moved:

That Council move to purchase by negotiation at residential market value 38 Stuart Street, and to set in train the process for compulsory acquisition if negotiations with the owner of 38 Stuart Street fail.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Mr Greg Mullens

MOTION (Norek / Murphy)

That Council:

1. Move to purchase by negotiation at residential market value 38 Stuart Street, and to set in train the process for compulsory acquisition if negotiations with the owner of 38 Stuart Street fail.
2. Work with Manly Open Space Trust in contributing to acquisition.

AMENDMENT (Macdonald / Hay)

That Council:

1. Move to purchase by negotiation at residential market value 38 Stuart Street, and to set in train the process for compulsory acquisition if negotiations with the owner of 38 Stuart Street fail.
2. Seek a commitment from Manly Open Space Trust to contribute those funds required to purchase the property in excess of \$4.2 million
3. Reclassify the open space land at No.36 Stuart Street from operational to community land
4. At an appropriate time seek vacant possession of No.36 and proceed to demolish the dwelling.

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

Against the Amendment: Councillors Daley, Murphy and Norek

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

4/08 **RESOLVED: (Macdonald / Hay)**

That Council:

1. Move to purchase by negotiation at residential market value 38 Stuart Street, and to set in train the process for compulsory acquisition if negotiations with the owner of 38 Stuart Street fail.
2. Seek a commitment from Manly Open Space Trust to contribute those funds required to purchase the property in excess of \$4.2 million
3. Reclassify the open space land at No.36 Stuart Street from operational to community land
4. At an appropriate time seek vacant possession of No.36 and proceed to demolish the dwelling.

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

Against the Resolution: Councillor Daley

Notice of Motion Report No. 4

Manly Council Sponsorship of the 'Stay Safe Rangers' Program Initiative

Councillor Norek moved:

That Manly Council helps facilitate the 'Stay Safe Rangers Program' in the Manly LGA through a focus group to be created in which all stakeholders i.e. Manly LGA primary schools, Council and other interested members of the public are invited to facilitate the program.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Mrs Kathryn Henderson

MOTION (Norek / Daley)

That:

1. Council help facilitate the 'Stay Safe Rangers Program' in the Manly LGA through a focus group to be created in which all stakeholders i.e. Manly LGA primary schools, Council and other interested members of the public are invited to facilitate the program.
2. Council staff bring back a report to Council within the next few weeks, on how the program will work for Council, addressing in particular:
 - i) costs and benefits to Council and school communities in the Manly LGA
 - ii) probity issues in relation to consultancy fees if Council were to become a financial contributor
 - iii) a preliminary risk assessment and public liability issues relating to the program from a Council perspective
 - iv) possibilities of sponsorship for the project

5/08 **RESOLVED: (Norek / Daley)**

That:

1. Council help facilitate the 'Stay Safe Rangers Program' in the Manly LGA through a focus group to be created in which all stakeholders i.e. Manly LGA primary schools, Council and other interested members of the public are invited to facilitate the program.
2. Council staff bring back a report to Council within the next few weeks, on how the program will work for Council, addressing in particular:
 - i) costs and benefits to Council and school communities in the Manly LGA
 - ii) probity issues in relation to consultancy fees if Council were to become a financial contributor
 - iii) a preliminary risk assessment and public liability issues relating to the program from a Council perspective
 - iv) possibilities of sponsorship for the project

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

Against the Resolution: Nil.

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

6/08 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Councillor Heasman retired from the Chamber at 9.56pm.

MAYORAL MINUTES

Mayoral Minute Report No. 1

Manly's Proud Participation in Earth Hour 2008

MOTION (Macdonald)

That:

Manly Council become an active participant in the WWF-initiated Global Earth Hour, commencing at 8.00pm on Saturday 29 March 2008.

Manly Council's actions in support of Earth Hour should include:

- Pledging Council's support for Earth Hour
- Signing up to receive a free Earth Hour information package
- Turning off lights in all Council premises for Earth Hour
- Conducting an Earth Hour energy saving awareness event in Manly
- Encouraging local businesses to turn off their lights for Earth Hour through the Chambers of Commerce, the Manly Mainstreet program and local media,
- Encouraging households in the Manly LGA to turn off lights, air-conditioners and other energy-consuming appliances for Earth Hour

7/08 **RESOLVED: (Macdonald)**

That:

Manly Council become an active participant in the WWF-initiated Global Earth Hour, commencing at 8.00pm on Saturday 29 March 2008.

Manly Council's actions in support of Earth Hour should include:

- Pledging Council's support for Earth Hour
- Signing up to receive a free Earth Hour information package
- Turning off lights in all Council premises for Earth Hour
- Conducting an Earth Hour energy saving awareness event in Manly
- Encouraging local businesses to turn off their lights for Earth Hour through the Chambers of Commerce, the Manly Mainstreet program and local media,
- Encouraging households in the Manly LGA to turn off lights, air-conditioners and other energy-consuming appliances for Earth Hour

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

Against the Resolution: Councillor Norek

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

Mayoral Minute Report No. 2

Complimentary Life Access to Manly's Andrew 'Boy' Charlton Swim Centre

MOTION (Macdonald)

That Council adopt a policy whereby "Complimentary Life passes" to access the Manly Andrew 'Boy' Charlton Swim Centre will be made available to:

- (b) Manly residents who have represented Australia at a Commonwealth Games, World Championships or Olympic Games in any still-waters aquatic sport
- (b) Australian residents who have won for Australia an individual or team medal in Commonwealth Games, World Championships or Olympic Games in any still-waters aquatic sport

The issuing of a 'complimentary life pass' in any of the two categories above is subject to the approval of the General Manager upon receipt of an application demonstrating fulfillment of the criteria for either category. The presentation of passes will be made at a formal meeting of Council with the recipient invited to be publicly acknowledged.

8/08 **RESOLVED: (Macdonald)**

That Council adopt a policy whereby "Complimentary Life passes" to access the Manly Andrew 'Boy' Charlton Swim Centre will be made available to:

- (b) Manly residents who have represented Australia at a Commonwealth Games, World Championships or Olympic Games in any still-waters aquatic sport
- (b) Australian residents who have won for Australia an individual or team medal in Commonwealth Games, World Championships or Olympic Games in any still-waters aquatic sport

The issuing of a 'complimentary life pass' in any of the two categories above is subject to the approval of the General Manager upon receipt of an application demonstrating fulfillment of the criteria for either category. The presentation of passes will be made at a formal meeting of Council with the recipient invited to be publicly acknowledged.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 1

North Harbour Aquatic Reserve

Councillor Lambert moved:

Consistent with previous representations to the State Government, Manly Council write to the Minister responsible for Marine Parks and Aquatic Reserves, The Hon. Verity Firth, seeking:

- i) to extend the boundaries of the North Harbour Aquatic Reserve to include both Little Manly Cove and North Harbour; and
- ii) to develop a detailed Conservation Management Plan for the expanded Reserve.

MOTION (Lambert / Pedersen)

Consistent with previous representations to the State Government, Manly Council write to the Minister responsible for Marine Parks and Aquatic Reserves, The Hon. Verity Firth, seeking:

- i) to extend the boundaries of the North Harbour Aquatic Reserve to include both Little Manly, Manly Cove and North Harbour; and
- ii) to develop a detailed Conservation Management Plan for the expanded Reserve.

9/08 RESOLVED: (Lambert / Pedersen)

Consistent with previous representations to the State Government, Manly Council write to the Minister responsible for Marine Parks and Aquatic Reserves, The Hon. Verity Firth, seeking:

- i) to extend the boundaries of the North Harbour Aquatic Reserve to include both Little Manly, Manly Cove and North Harbour; and
- ii) to develop a detailed Conservation Management Plan for the expanded Reserve.

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

Against the Resolution: Nil.

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

Notice of Motion Report No. 2

Container Deposit Legislation (CDL)

Councillor Aird moved:

That Manly Council write to the Presidents Local Government and Shires Association, reaffirming its commitment to the implementation of CDL and requesting that:

1. Further Strident calls be made to the NSW and Australian Government Environment Ministers and Ministers for Climate Change (and Shadow Ministers) towards the urgent introduction of CDL statewide and nationally.
2. The Presidents write to all Mayors encouraging that letters be sent to these Ministers, Shadow Ministers and Local Members of Parliament (both State and Federal) from individual councils.

MOTION (Aird / Murphy)

That Manly Council write to the Presidents Local Government and Shires Association, reaffirming its commitment to the implementation of CDL and requesting that:

1. Further Strident calls be made to the NSW and Australian Government Environment Ministers and Ministers for Climate Change (and Shadow Ministers) towards the urgent introduction of CDL statewide and nationally.
2. The Presidents write to all Mayors encouraging that letters be sent to these Ministers, Shadow Ministers and Local Members of Parliament (both State and Federal) from individual councils.

10/08 **RESOLVED: (Aird / Murphy)**

That Manly Council write to the Presidents Local Government and Shires Association, reaffirming its commitment to the implementation of CDL and requesting that:

1. Further Strident calls be made to the NSW and Australian Government Environment Ministers and Ministers for Climate Change (and Shadow Ministers) towards the urgent introduction of CDL statewide and nationally.
2. The Presidents write to all Mayors encouraging that letters be sent to these Ministers, Shadow Ministers and Local Members of Parliament (both State and Federal) from individual councils.

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

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 2

Operation of the Hop Skip & Jump Bus Service

SUMMARY

A Council report into the operation of the Hop Skip and Jump Bus Service was prepared in response to Council resolution passed at the Ordinary Meeting of 19 November 2007.

MOTION (Aird / Evans)

That:

1. The information referred to in the Council report into the operation of the Hop Skip and Jump Bus Service be received and noted.
2. Congratulations be extended to all those council staff involved in this project.

AMENDMENT (Norek / Murphy)

That Council work towards a cost-neutral operation of the Hop Skip and Jump Bus service.

For the Amendment: Councillors Murphy and Norek

Against the Amendment: Councillors Aird, Daley, Evans, Hay, Lambert, Pedersen and Macdonald

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

11/08 **RESOLVED: (Aird / Evans)**

That:

1. The information referred to in the Council report into the operation of the Hop Skip and Jump Bus Service be received and noted.
2. Congratulations be extended to all those council staff involved in this project.

For the Resolution: Councillors Aird, Daley, Evans, Hay, Lambert, Murphy, Pedersen and Macdonald
Against the Resolution: Councillor Norek

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

Items for Brief Mention

1. Reports

The State Emergency Service of NSW has submitted their Annual Report for 2006-07. The report outlines priorities for the next three years and is tabled for your information.

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

- i) Manly Neighbourhood Renewal Program Committee - 8 August 2007
- ii) Manly Access Committee - 15 November 2007
- iii) Manly Community Safety Committee – 15 November 2007
- iv) Manly Art Gallery & Museum Liaison Committee – 21 November 2007
- v) Manly Visitor and Community Board – 22 November 2007
- vi) Manly Public Art Committee – 28 November 2007
- vii) Manly Youth Council Committee – 28 November 2007
- viii) Manly Youth Council Committee – 17 December 2007
- ix) Manly Community Safety Committee – 20 December 2007
- x) Sister Cities Committee – 9 January 2008

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

i) Surf Clubs Liaison Working Group – 13 December 2007

a) Item 4.2 Manly Lagoon Reserve

Recommendation

The Working group supports the discretionary waiving of the Grass Aeration fee by Council, for the use of Lagoon reserve by the Surf Clubs during the carnival season.

That the information be received and noted.

b) Item 4.6 2008/2009 Capital Bids

Recommendation

That Budget Bid/applications be invited from the Surf Clubs into the Council's budget process for planned Capital Works for expansion and improvement to the

three club buildings.

iii) **Manly Youth Council – 22 October 2007**

a) **Item 10.3 Seaforth Oval Re-Development Proposal**

Council at the Ordinary Meeting of 10th December 2007, resolved that the petition for a skateboard ramp be put up as an item for brief mention at the next Ordinary Meeting of Council.

Recommendation

That Council receive the petition and consider the proposal to include a skate facility within the Seaforth Oval refurbishment of a community playground.

MOTION (Lambert / Daley)

1. That the State Emergency Service 2006-07 Annual Report be received and noted.

12/08 **RESOLVED: (Lambert / Daley)**

1. That the State Emergency Service 2006-07 Annual Report be received and noted.

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

Against the Resolution: Nil.

MOTION (Daley / Murphy)

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i to x**, be **adopted**.

13/08 **RESOLVED: (Daley / Murphy)**

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i to x**, be **adopted**.

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

Against the Resolution: Nil.

MOTION (Macdonald / Hay)

- 3 i) That the minutes of the **Surf Clubs Liaison Working Group -13 December 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.2 Lagoon Reserve**

1. The Working group supports the discretionary waiving of the Grass Aeration fee by Council, for the use of Lagoon reserve by the Surf Clubs during the carnival season.
2. That the information be received and noted.

AMENDMENT (Lambert / Evans)

- 3 i) That the minutes of the **Surf Clubs Liaison Working Group -13 December 2007** be

adopted, including the following recommendations of a substantial nature:

a) **Item 4.2 Lagoon Reserve**

1. The Working group supports the discretionary waiving of the Grass Aeration fee by Council, for the use of Lagoon reserve by the Surf Clubs during the carnival season, subject to a post-use inspection by staff and confirmation of the integrity of the area.
2. That the information be received and noted.

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

Against the Resolution: Councillors Daley, Hay, Murphy, Norek and Macdonald

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

14/08 **RESOLVED: (Macdonald / Hay)**

3 i) That the minutes of the **Surf Clubs Liaison Working Group -13 December 2007** be **adopted**, including the following recommendations of a substantial nature:

a) **Item 4.2 Lagoon Reserve**

1. The Working group supports the discretionary waiving of the Grass Aeration fee by Council, for the use of Lagoon reserve by the Surf Clubs during the carnival season.
2. That the information be received and noted.

For the Resolution: Councillors Daley, Hay, Murphy, Norek and Macdonald

Against the Resolution: Councillors Aird, Evans, Lambert and Pedersen

MOTION (Hay / Lambert)

3 i) That the following recommendation of a substantial nature from the **Surf Clubs Liaison Working Group -13 December 2007** be **adopted**:

b) **Item 4.6 2008/2009 Capital Bids**

That Budget Bid/applications be invited from the Surf Clubs into the Council's budget process for planned Capital Works for expansion and improvement to the three club buildings.

15/08 **RESOLVED: (Hay / Lambert)**

3 i) That the following recommendation of a substantial nature from the **Surf Clubs Liaison Working Group -13 December 2007** be **adopted**:

b) **Item 4.6 2008/2009 Capital Bids**

That Budget Bid/applications be invited from the Surf Clubs into the Council's budget process for planned Capital Works for expansion and improvement to the three club buildings.

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

Against the Resolution: Nil.

MOTION (Evans / Norek)

- 3.ii) That the minutes of the **Manly Youth Council – 22 October 2007** be adopted, including the following recommendations of a substantial nature:

a) Item 10.3 Seaforth Oval Re-Development Proposal

That Council:

1. Receives and notes the petition to include a skate facility at Seaforth Oval
2. Calls on the General Manager to provide a report on the proposal to include a skate facility at Seaforth Oval.

16/08 **RESOLVED: (Evans / Norek)**

- 3.ii) That the minutes of the **Manly Youth Council – 22 October 2007** be adopted, including the following recommendations of a substantial nature:

a) Item 10.3 Seaforth Oval Re-Development Proposal

That Council:

1. Receives and notes the petition to include a skate facility at Seaforth Oval
2. Calls on the General Manager to provide a report on the proposal to include a skate facility at Seaforth Oval.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 1

Amalgamation of Council Committees**SUMMARY**

At the Ordinary Meeting of Council held on 15 October 2007, Councillor Norek submitted the following Notice of Motion:

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

At that meeting, Council resolved:

“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.”

MOTION (Norek / Daley)

That the General Manager investigate and prepare a report on the Council's committees that he and his staff believe should be amalgamated and provide his rationale for each amalgamation.

AMENDMENT (Lambert / Macdonald)

That Council note:

1. The report submitted from staff and maintain the status quo for the duration of this Council.
2. That the Committees have increased from 52 to 53 through the efforts of Councillor Norek in his prior motion
3. That Councillor Norek has done no work to identify the consolidation of committees, despite the motion by Council that he do so.

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

Against the Amendment: Councillors Daley and Norek

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

17/08 **RESOLVED: (Lambert / Macdonald)**

That Council note:

1. The report submitted from staff and maintain the status quo for the duration of this Council.
2. That the Committees have increased from 52 to 53 through the efforts of Councillor Norek in his prior motion
3. That Councillor Norek has done no work to identify the consolidation of committees, despite the motion by Council that he do so.

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

Against the Resolution: Councillors Daley and Norek

Corporate Services Division Report No. 2

Sale of Part of Bundoon Lane, off Kangaroo Street Manly**SUMMARY**

A report on the possible closure and sale of a section of Bundoon Lane Manly between 69 and 71 Kangaroo St was submitted to the Ordinary Meeting held on 19 November 2007.

At that meeting, Council resolved as follows:

“That:

1. Corporate Services Division Report No. 26 be **DEFERRED** until the next Ordinary Meeting, so that a full briefing can be provided on the proposed sale of part of Bundoon Lane, particularly its exact location.
2. A site meeting to be conducted during the next LUM site inspections on 3rd December 2007.”

A site inspection was held on 3 December 2007 with The Mayor Councillor Macdonald and Councillors Norek, Hay, Heasman, Morrison, Murphy, Evans and Lambert being in attendance.

MOTION (Murphy / Aird)

That no action be taken on the possible closure and sale of a section of Bundoon Lane Manly between 69 and 71 Kangaroo Street.

AMENDMENT (Macdonald / Pedersen)

That:

1. Council consent to the lodgement of an application to the Department of Lands for the closure of the unformed section of Bundoon Lane adjacent to the side boundaries of 69 and 71 Kangaroo Street, Manly.
2. The proposal be placed on public exhibition and referred to the Precinct Committee.
3. A market valuation of the land be obtained prior to subdivision.
4. The owners of 69 and 71 Kangaroo Street be asked to give an undertaking that they will cover all of Council's costs.
5. Council investigate the possibility of the sale of the inaccessible part of Bundoon Lane backing onto 63-69 Kangaroo Street.

For the Resolution: Councillors Daley, Evans, Hay, Norek, Pedersen and Macdonald

Against the Resolution: Councillors Aird, Lambert and Murphy

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

18/08 **RESOLVED: (Macdonald / Pedersen)**

That:

1. Council consent to the lodgement of an application to the Department of Lands for the closure of the unformed section of Bundoon Lane adjacent to the side boundaries of 69 and 71 Kangaroo Street, Manly.
2. The proposal be placed on public exhibition and referred to the Precinct Committee.
3. A market valuation of the land be obtained prior to subdivision.
4. The owners of 69 and 71 Kangaroo Street be asked to give an undertaking that they will cover all of Council's costs.
5. Council investigate the possibility of the sale of the inaccessible part of Bundoon Lane backing onto 63-69 Kangaroo Street.

For the Resolution: Councillors Daley, Evans, Hay, Norek, Pedersen and Macdonald

Against the Resolution: Councillors Aird, Lambert and Murphy

Corporate Services Division Report No. 3

Councillors Superannuation and Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy

SUMMARY

Council has received advice of the change of a previous decision by the Australian Tax Office (ATO) which now opens the way for councillors who wish to salary sacrifice part of their councillor allowances paid under the *Local Government Act*, Sections 248 and 249 into a complying Superannuation Fund.

MOTION (Macdonald / Hay)

1. That Council note the attached ruling of the ATO and permit Councillors to register with Council to salary sacrifice a defined proportion of their Councillor allowance to a complying superannuation fund, in consultation with Council's Finance Section.
2. In accordance with Section 253 (3) of the Local Government Act 1993, Council is of the opinion that the amendments to the "*Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors*" regarding superannuation, are not substantial and determines that the amendment be adopted without public exhibition.
3. A copy of Council's "*Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors*" as amended, be forwarded to the Director-General of the Department of Local Government.

19/08 **RESOLVED: (Macdonald / Hay)**

1. That Council note the attached ruling of the ATO and permit Councillors to register with Council to salary sacrifice a defined proportion of their Councillor allowance to a complying superannuation fund, in consultation with Council's Finance Section.
2. In accordance with Section 253 (3) of the Local Government Act 1993, Council is of the opinion that the amendments to the "*Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors*" regarding superannuation, are not substantial and determines that the amendment be adopted without public exhibition.
3. A copy of Council's "*Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors*" as amended, be forwarded to the Director-General of the Department of Local Government.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 4

Financial Review for the Quarter Ending 31 December 2007**SUMMARY**

Council's Income and Expenditure for the quarter 1 October 2007 to 31 December 2007 has been reviewed, together with a projection of Council's Budget as at 30 June 2008, and a statement of variations which has occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$352,417 and a forecast deficit at 30 June 2008 of \$633,158.

MOTION (Lambert / Pedersen)

That the Financial Statement for the quarter ended 31 December 2007 including the revised estimates of income and expenditure and recommendations contained within the report be adopted.

20/08 **RESOLVED: (Lambert / Pedersen)**

That the Financial Statement for the quarter ended 31 December 2007 including the revised

estimates of income and expenditure and recommendations contained within the report be adopted.

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

Against the Resolution: Nil.

Councillor Pedersen retired from the Chamber at 11.44pm.

Corporate Services Division Report No. 5

Report on Council Investments as at 31 December 2007 and 31 January 2008

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 (Lambert / Aird)

That the statement of Bank Balances and Investment Holdings for the periods 31 December 2007 and 31 January, 2008 be received and noted.

21/08 **RESOLVED: (Lambert / Aird)**

That the statement of Bank Balances and Investment Holdings for the periods 31 December 2007 and 31 January, 2008 be received and noted.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN1/08 Councillor Lambert - Introduction of Triple Bottom Line implications into reports

At its Ordinary Meeting on 18th December 2006, Council resolved to include in Corporate Planning and Strategy and Ordinary Meeting reports, a brief statement by staff of the Triple Bottom Line implications of new initiatives. When will this begin to be implemented?

At the request of the Mayor, the General Manager advised he would take that on notice, and talk to Mr Hewton. He thought it had been factored into analysis of reports.

QWN2/08 Councillor Lambert - Councillors' input into budget preparation.

Can the General Manager advise Councillors of the opportunities and timelines for input to this year's budget preparation?

At the request of the Mayor, the General Manager advised that he would meet with the Chief Financial Officer on 19th February and inform Councillors in writing of the process following that meeting.

QWN3/08 Councillor Murphy - Sydney City Council's phone policy for Councillors

Sydney City Councillors are provided with a phone and their phone bills are paid for them without all the itemisation of accounts that this Council insists on. All this extra work means some Councillors, like myself, have never claimed a phone call in 4 years. Why does Sydney City Council have a different policy to Manly?
Can Manly Council offer the same?

At the request of the Mayor, the General Manager advised that he would give Sydney City Council a call to discuss their policy, but according to DLG Guidelines, Councils are not entitled to create a benefit that has no boundaries.

QWN4/08 Councillor Aird - Update on Seaforth TAFE and the plebiscite

Could the General Manager give us an update on the process of the Seaforth TAFE and the plebiscite?

At the request of the Mayor, the General Manager advised that the plebiscite advisory committee was still meeting, and the ongoing nature of crafting the "pro" and "con" cases was taking longer than initially anticipated. Graphics were now being prepared for the information leaflet and hopefully at the next plebiscite advisory committee, some will be approved. Until that is done, the General Manager can't take any proposal to the Electoral Office.

QWN5/08 Councillor Evans - Registration of Manly Art Gallery under the Australian Cultural Gift Program

The Manly Art Gallery is not currently registered under the Australian Cultural Gift Program.

Why, and is it planned? Significant art works are offered under that program and Manly is currently missing out.

At the request of the Mayor, the Chief Financial Officer advised that an application has now been re-submitted to gain accreditation.

QWN6/08 Councillor Norek - Amendment of Council's code of meeting practice

Some years back, Council moved to amend its Code of Meeting practice to allow the General Manager to amend a Councillor's notice of motion to an ordinary meeting. Who voted in favour of such a motion and when did this occur?

At the request of the Mayor, the General Manager advised that once Council has resolved on a matter, how the vote is split is irrelevant. Code of Meeting practice was amended, and how Councillors voted would be in the Minutes of that meeting.

CLOSE

The meeting closed at 11.55pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 17th March 2008.

MAYOR

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