



## Agenda

### Ordinary Meeting

Notice is hereby given that a Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Tuesday 18 April 2006**

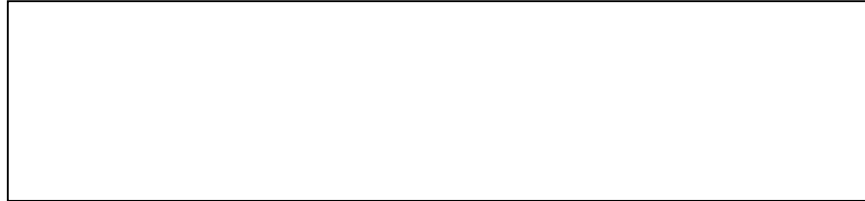
Commencing at 7:30 PM for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*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)*

# Seating Arrangements for Meetings

Staff      Staff      General  
                                 Manager      Chairperson      Staff      Minute  
   Taker



**Mayor** Dr Peter  
Macdonald

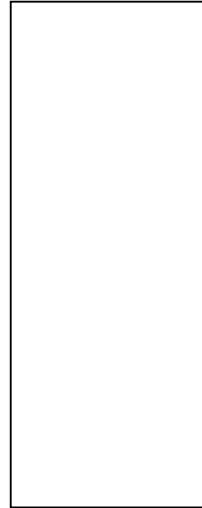
Clr Mark Norek

Clr Joanna Evans

**Deputy Mayor**  
Clr Barbara Aird

Clr Brad  
Pedersen

Clr Richard  
Morrison



Clr Jean Hay AM

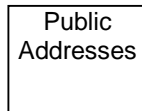
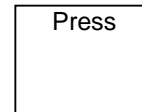
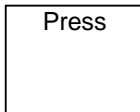
Clr Adele Heasman

Clr Dr Judy Lambert

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



## Public Gallery

**Chairperson:** The Mayor, Dr Peter Macdonald  
**Deputy Chairperson:** Deputy Mayor Clr Barbara Aird

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CLOSED SESSION

QUESTIONS WITHOUT NOTICE

MATTERS OF URGENCY

(In accordance with Clause 14 of the Local Government (Meetings) Regulations, 1993)

\*\*\*\*\* END OF AGENDA \*\*\*\*\*

**TO:** Ordinary Meeting - 18 April 2006  
**REPORT:** Notice of Motion Report No. 4  
**SUBJECT:** Hospital Issues  
**FILE NO:**

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Councillor Heasman will move:

That Manly Council write to the Minister for Health, Mr. Hatzistergos to ask the Government to set a timeframe on design and construction of the new hospital, confirm budget allocations, and commence investigation regarding the scale of development, traffic flows, access points and upgrading of Wakehurst Parkway (both North and South of Warringah Road).

If the Mayor, Dr. Peter MacDonald, were available to meet with the Minister that the Council support that action to discuss the above concerns of the Manly Community.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Motion Report No. 4 \*\*\*\*\*

**TO: Ordinary Meeting - 18 April 2006**  
**REPORT: Notice of Motion Report No. 5**  
**SUBJECT: Legal Review Committee**  
**FILE NO:**

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Councillor Norek will move:

- A. That Council resolve to investigate the establishment of a Legal Review Committee to monitor and manage legal costs incurred by Council.
- B. It is proposed that all legal action to be taken or entered into by Manly Council be referred in the first instance to Council, In Session, before action is initiated.
- C. That Council invite Mr. Gerry Holmes of the Local Government Association to address Council In Session on this issue.

**BACKGROUND:**

Manly Council continues to incur significant costs in relation to actions initiated in the Land and Environment in particular, to initiating action or defending its planning decisions. Much expense could be avoided by alternative action including mediation and review.

A Legal Review Committee consisting of Councillors and Staff would be ideally placed to explore alternative methods of dispute resolution and obviate legal expenses.

I call for Manly Council to establish a Legal Review Committee to rein in escalating legal costs incurred. Councillors have been told that it is not in the public interest for information concerning legal costs to be released, yet action is continually taken which will invite the expenditure of vast public monies in court disputes, either initiated by the Council or in defending, unsuccessfully, planning decisions which are inconsistent with its own policy, according to the Land and Environment Court.

It certainly seems to be in the public interest if public money is being spent on taking residents to court. It is easy for the Council to use public funds in getting involved in legal battles, and this is coming to be seen by the community as council's strategy of first resort, rather than the last resort as it should be. Manly Council is rapidly getting a public image as a bully, when addressing the issues, such as dealing with non-compliance issues of a fruit market. Another instance of a potential court case, and a big legal bill, win or lose.

Secondly, the acronym O.P.M. (Other People's Money) should be firmly in focus before any decision is taken by this Council which incurs potentially large legal costs, and therefore the Council should get a second opinion through a Legal Review Committee of Councillors to assist.

The Council must be accountable to residents through the elected Councillors, that is the democratic process. The trend in recent times for the Council not to recognise its responsibility is worrying.

We have the farcical situation where Council is taken to court by residents over DA refusals and loses because of inconsistent decision-making incurring big legal costs.

Manly Councillors should establish a Legal Review Committee to monitor and manage legal costs incurred by the council and that all proposed legal action to be taken or entered into by Manly Council be referred in the first instance to Council in session before action is initiated.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Notice of Motion Report No. 5 \*\*\*\*\*

**TO:** Ordinary Meeting - 18 April 2006  
**REPORT:** Item For Brief Mention Report No. 3  
**SUBJECT:** Item For Brief Mention  
**FILE NO:**

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**1. Minutes Of Meetings:**

- i. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 16 MARCH
- ii. MANLY ARTS FESTIVAL COMMITTEE MEETING HELD 8 MARCH 2006
- iii. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 20 MARCH 2006
- iv. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 1 MARCH 2006
- v. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 5 APRIL 2006
- vi. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 8 MARCH 2006
- vii. SEAFORTH CENTENARY FESTIVAL REFERENCE GROUP HELD ON 28 FEBRUARY 2006

**2. THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**

Manly Arts Festival Committee Minutes of Meeting Held on 8 March 2006

**Item Number: 4.3 Festival Opener**

The Recommendation of the Committee was to:

Council note that Lex Marinos will be opening the 2006 Manly Arts Festival.

**RECOMMENDATION**

1. That the recommendations of **Minutes of Meetings, as listed in item 1, being 1(i) to 1(vii),** as listed above, be **adopted**.
2. That item **4.3 Festival Opener** of Manly Arts Festival Committee Minutes of Meeting held on 8 March 2006 be adopted, as recommended by the committee.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Item For Brief Mention Report No. 3 \*\*\*\*\*

**TO: Ordinary Meeting - 18 April 2006**  
**REPORT: Corporate Services Division Report No. 7**  
**SUBJECT: Accounts - Report on Council Investments as at 31 March 2006**  
**FILE NO:**

## SUMMARY

Latest accounting statements for the period to 31 March, 2006.

1. Statement showing general fund bank account balance as at 31 March, 2006.
2. Cash investments as at 31 March, 2006.

## REPORT

### 1. Statement Showing General Fund Bank Account Balance as at 31 March, 2006

Limit of overdraft arranged with bank	<b>\$400,000.00 Dr</b>
Bank Balance as at 31 March, 2006 <sup>(1)</sup>	<b>\$376,854.43 Cr</b>

### 2. Details of Council Investments Pursuant to the General Regulation as at 31 March, 2006,

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.

For the information of Councillors, the following cash investments were held by Council as at 31 March, 2006.

Invest Date	Maturity/ Call date	Institution	Term (Days)	Rate	Amount	Interest
15/07/02	15/07/07	HSBC	1826	6.32	1,000,000.00	15,808.25 <sup>(2)</sup>
15/08/02	15/07/07	HSBC	1795	6.32	2,008,481.93	31,616.50 <sup>(2)</sup>
30/07/02	12/12/06	Bendigo Bank	1596	7.61	510,200.00	9,512.49 <sup>(3)</sup>
14/10/02	12/12/06	Bendigo Bank	1520	7.61	504,476.45	9,512.49 <sup>(3)</sup>
08/08/02	08/08/07	Bank of Qld	1826	6.91	1,000,000.00	17,291.75 <sup>(4)</sup>
02/09/02	28/09/06	Suncorp Metway	1487	6.75	1,005,210.00	33,750.00 <sup>(5)</sup>
18/02/03	18/02/08	Macquarie Bank	1826	5.75	1,000,000.00	28,750.00 <sup>(6)</sup>
02/04/04	02/04/09	Adelaide Bank	1826	6.58	500,000.00	8,227.12 <sup>(7)</sup>
03/12/04	03/12/09	NM R'child & Son (Aust)	1826	6.65	700,000.00	11,654.99 <sup>(8)</sup>
15/12/04	15/12/09	Aust Central C/U	1826	6.80	1,000,000.00	16,987.49 <sup>(9)</sup>
25/10/05	25/10/06	Emu Structured Note	365	7.00	500,000.00	35,000.00 <sup>(11)</sup>
21/05/04	21/05/07	CBA	1095	6.20	719,877.16	44,632.38 <sup>(10)</sup>
09/01/06	11/04/06	IMB	92	5.76	1,250,000.00	18,147.95
12/01/06	11/04/06	Credit Union Australia	89	5.94	3,000,000.00	43,451.51
09/01/06	11/04/06	BankWest	92	5.68	2,000,000.00	28,633.42
		LGFS Ethical Fund	@CALL	6.04	1,022,126.22	
		IMB	@CALL	5.45	1,600,000.00	
		CBA	@CALL	5.45	<u>1,098,901.10</u>	
					<b>20,419,272.86</b>	

**Corporate Services Division Report No. 7 (Cont'd)**

1. Balances from \$250,001 to \$500,000 earns 4.50%pa
2. Interest to 15 April, 2006 only
3. Interest to 12 June, 2006 only
4. Interest to 8 May, 2006 only
5. Interest to 28 March, 2005 only
6. Interest to 18 August, 2006 only
7. Interest to 2 May, 2006 only
8. Interest to 3 June, 2006 only
9. Interest to 15 June, 2006 only
10. Interest to 21 May, 2006 only
11. Interest calculated at the guaranteed interest floor of 7.00%pa for the first year

Except for (5), (6), (10) and (11) interest is calculated at a floating rate, fixed for the duration of each subsequent quarter, based on the prevailing interest rates at the quarterly reset date(s).

There was essentially no nett movement in invested funds for the month of March, hence the same principal balance as February, 2006. Daily cash flow commitments were met by the General Fund bank account.

<b>Investment Performance</b>	<b>Council</b>	<b>Benchmark*</b>	<b>90 day BBSW**</b>
Returns - March 2006 [%pa]:	<b>6.18</b>	<b>5.85</b>	5.60

\* benchmark is 90day BBSW plus 0.25%pa -Note: interest rates were very stable over December/January

\*\* 90 day BBSW is the average 90 day bank bill rate for the month.

\*\*\* Interest rates were very stable over March

**Certification – Responsible Accounting Officer**

The Chief Financial Officer hereby certifies that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**RECOMMENDATION**

1. That the statement of General Fund Bank Account balance as at 31 March, 2006 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 31 March, 2006 be received and noted.

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Corporate Services Division Report No. 7 \*\*\*\*\* .