

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 18 August 2008

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 18 August 2008. The meeting commenced at 7:54pm.

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 R Morrison
Councillor D Murphy
Councillor B Pedersen

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Ross Fleming, Divisional Manager Corporate Services
Anthony Hewton, Divisional Manager, Corporate Planning & Strategy
David Stray, Manager Development Control
Liz Rich, Minute Taker
Sally Whearty, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Ben Thow.

APOLOGIES

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

MOTION (Aird / Evans)

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

140/08 **RESOLVED: (Aird / Evans)**

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

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Murphy	General Managers Division Reprt No.14, Ivanhoe Park Permit Parking Scheme, and	Councillor Murphy lives in the area under discussion

General Managers Division Report No.17,
Ivanhoe Park Permit Parking Scheme –
Extension into Francis, Arthur and Herbert
Streets

CONFIRMATION OF MINUTES

MOTION (Lambert / Morrison)

That copies of the Minutes of the Ordinary Meeting held on Monday, 21 July 2008, 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.

141/08 **RESOLVED: (Lambert / Morrison)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 21 July 2008, 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, Morrison, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Tom Shanahan	Water Bubblers on The Corso

MAYORAL MINUTES

Mayoral Minute Report No. 9

Reducing the risks of Glassing Attacks in Manly

PUBLIC ADDRESSES

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

Superintendent Dave Darcy

MOTION (Macdonald)

That Council call upon the Manly Liquor Accord to adopt a policy within all licensed hotels to only use reusable plastic instead glass drinking vessels after 10pm each night.

142/08 **RESOLVED: (Macdonald)**

That Council call upon the Manly Liquor Accord to adopt a policy within all licensed hotels to only use reusable plastic instead glass drinking vessels after 10pm each night.

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

Against the Resolution: Councillor Daley

SUSPENSION OF STANDING ORDERS (Heasman / Hay)

That Standing Orders be suspended to consider an item of public interest, being Notice of Rescission Report No.1, 7-9 The Corso, Manly - DA175/08.

143/08 **RESOLVED: (Heasman / Hay)**

That Standing Orders be suspended to consider an item of public interest, being Notice of Rescission Report No.1, 7-9 The Corso, Manly - DA175/08.

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

Against the Resolution: Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 1

7 - 9 The Corso, Manly - DA175/08

Councillor Barbara Aird, Councillor Jo Evans, and Councillor Judy Lambert moved:

"That the Council's decision of 21 July 2008 being Item ESD Report 49 in respect of 7-9 The Corso, Manly – DA175/08 be and is hereby rescinded."

PUBLIC ADDRESSES

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

Against the recommendation: Mr Nicholas Coombes

In support of the recommendation: Mr Evelyn Shervington
Mr Bruce Mackenzie

MOTION (Aird / Lambert)

That the Council's decision of 21 July 2008 being Item ESD Report 49 in respect of 7-9 The Corso, Manly – DA175/08 be and is hereby **RESCINDED**.

144/08 **RESOLVED: (Aird / Lambert)**

That the Council's decision of 21 July 2008 being Item ESD Report 49 in respect of 7-9 The Corso, Manly – DA175/08 be and is hereby **RESCINDED**.

For the Rescission Motion: Councillors Aird, Evans, Hay, Heasman, Lambert, Norek, Pedersen and Macdonald

Against the Rescission Motion: Councillors Daley, Morrison and Murphy

The Rescission Motion was declared **CARRIED**.

The following motion was moved:-

MOTION (Aird / Lambert)

That Development Application No. 175/08, for alterations and additions to the existing building at

No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **REFUSED** for the following reasons;

1. The proposed post supported trafficable awning will restrict pedestrian and vehicle movement in The Corso contrary to the objectives of the Development Control Plan for the Business Zone, having regard to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
2. The proposed post supported trafficable awning will result in adverse streetscape impacts, with negative impacts on the visual amenity of public and private land, having regard to Section 79C(1)(b), (c), and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is contrary to the provisions of The Corso Development Control Plan which prohibits trafficable awnings over the public land, having regard to Section 79C(1) (a)(iii) of the Environmental Planning and Assessment Act 1979.
4. The proposal will interrupt vistas available to the Ocean and Harbour from public land, having regard to Section 79 C(1) (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
5. Owners consent to lodge the application for works on Council land has not been obtained.
6. The proposed post-supported awning will present a hazard to vision-impaired users of this area of The Corso.
7. The proposed design represents a piecemeal approach to heritage conservation and is contrary to the Burra Charter principle of adopting a cautious approach of changing as much as is necessary but as little as possible.
8. The proposal is contrary to the public interest, having regard to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

145/08 **RESOLVED:** **(Aird / Lambert)**

That Development Application No. 175/08, for alterations and additions to the existing building at No 7 – 9 The Corso, Manly including trafficable awning over the footpath area forward of the subject property be **REFUSED** for the following reasons;

1. The proposed post supported trafficable awning will restrict pedestrian and vehicle movement in The Corso contrary to the objectives of the Development Control Plan for the Business Zone, having regard to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
2. The proposed post supported trafficable awning will result in adverse streetscape impacts, with negative impacts on the visual amenity of public and private land, having regard to Section 79C(1)(b), (c), and (e) of the Environmental Planning and Assessment Act 1979.
3. The proposal is contrary to the provisions of The Corso Development Control Plan which prohibits trafficable awnings over the public land, having regard to Section 79C(1) (a)(iii) of the Environmental Planning and Assessment Act 1979.
4. The proposal will interrupt vistas available to the Ocean and Harbour from public land, having regard to Section 79 C(1) (b), (c) and (e) of the Environmental Planning and Assessment Act 1979.
5. Owners consent to lodge the application for works on Council land has not been obtained.

6. The proposed post-supported awning will present a hazard to vision-impaired users of this area of The Corso.
7. The proposed design represents a piecemeal approach to heritage conservation and is contrary to the Burra Charter principle of adopting a cautious approach of changing as much as is necessary but as little as possible.
8. The proposal is contrary to the public interest, having regard to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

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

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

Councillor Morrison retired from the Chamber at 9.33pm.

RESUMPTION OF STANDING ORDERS (Aird / Evans)

That Standing Orders be resumed.

146/08 **RESOLVED: (Aird / Evans)**

That Standing Orders be resumed.

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. 16

Manly Council support the "Let's Picket Manly Oval" project initiated by Manly Council's Sports Facilities Committee.

Councillor Hay moved:

That Manly Council supports the "Let's Picket Manly Oval" project initiated by Manly Council's Sports Facilities Committee.

The project is to be launched at Manly Oval on Saturday, 30 August at the local rugby derby between the Manly Marlins and the Warringah Rats.

MOTION (Hay / Heasman)

That Manly Council supports the "Let's Picket Manly Oval" project initiated by Manly Council's Sports Facilities Committee.

The project is to be launched at Manly Oval on Saturday, 30 August at the local rugby derby between the Manly Marlins and the Warringah Rats.

147/08 **RESOLVED: (Hay / Heasman)**

That Manly Council supports the "Let's Picket Manly Oval" project initiated by Manly Council's

Sports Facilities Committee.

The project is to be launched at Manly Oval on Saturday, 30 August at the local rugby derby between the Manly Marlins and the Warringah Rats.

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

Against the Resolution: Nil.

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

Notice of Motion Report No. 17

Report on Management Plan for Roseberry Street, Balgowlah
Councillor Heasman moved:

That Council staff provide a report on current work to date in Manly's Industrial Area of Roseberry Street, Balgowlah with regard to Notice of Motion of 19 September 2005.

The report should also indicate future works, with regard to safe pedestrian access and on-road car parking and also referring to the South-Western side of Roseberry Street.

MOTION (Heasman / Murphy)

That:

1. Council staff provide a report on current work to date in Manly's Industrial Area of Roseberry Street, Balgowlah with regard to Notice of Motion of 19 September 2005.
2. The report should also indicate future works, with regard to safe pedestrian access and on-road car parking and also referring to the South-Western side of Roseberry Street.
3. A working party be established to progress the matter.

148/08 **RESOLVED: (Heasman / Murphy)**

That:

1. Council staff provide a report on current work to date in Manly's Industrial Area of Roseberry Street, Balgowlah with regard to Notice of Motion of 19 September 2005.
2. The report should also indicate future works, with regard to safe pedestrian access and on-road car parking and also referring to the South-Western side of Roseberry Street.
3. A working party be established to progress the matter.

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

Against the Resolution: Nil.

At 9.56pm, Councillor Murphy reaffirmed his interest in General Managers Division Report No.14, Ivanhoe Park Permit Parking Scheme Extension, and General Managers Division Report No.17, Ivanhoe Park Permit Parking Scheme - Extension into Francis, Arthur and Herbert Streets, and left the Chamber.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 14

Ivanhoe Park Permit Parking Scheme - Extension**SUMMARY**

The residents of Francis Street submitted a petition to the Ivanhoe Park Precinct Committee in December 2007 seeking the extension of the permit parking scheme into their street. The Precinct at their meeting in February 2008 endorsed the proposal and requested Council to conduct a survey of residents.

A survey of the wider area was conducted in March - April 2008 and based on the results of the survey it is recommended that the Ivanhoe Permit Parking Scheme be extended to incorporate only Francis Street at this time with continuing monitoring of the area following the implementation, especially between 14-26 Griffiths Street and 2-14 Daintrey Street, where half the respondents were supportive of the scheme and the other half of respondents opposed.

This report presents the outcome from the survey and recommends a staged implementation of the extended permit scheme.

MOTION (Aird / Heasman)

That:

1. Council, implement an extension of the existing Ivanhoe Park Permit Parking Scheme into Francis Street, but only as far north as the Arthur Street intersection, under existing policy terms of Permit Parking Schemes.
2. Unless currently restricted, all currently unrestricted kerbside parking spaces be sign posted for "2P, 8AM to 6PM everyday". Signage be installed as appropriate along each of the streets to indicate the restrictions of the scheme. The implementation of this scheme supersedes all previous and existing Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
3. That following the implementation of the scheme into Francis Street, the remaining streets in the area that were included in the survey, be monitored for any parking overflow effect caused, and the General Manager be authorised to implement an extension of the scheme in these streets if it is felt that it is warranted.

149/08 **RESOLVED: (Aird / Heasman)**

That:

1. Council, implement an extension of the existing Ivanhoe Park Permit Parking Scheme into Francis Street, but only as far north as the Arthur Street intersection, under existing policy terms of Permit Parking Schemes.
2. Unless currently restricted, all currently unrestricted kerbside parking spaces be sign posted for "2P, 8AM to 6PM everyday". Signage be installed as appropriate along each of the streets to indicate the restrictions of the scheme. The implementation of this scheme supersedes all previous and existing Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
3. That following the implementation of the scheme into Francis Street, the remaining streets in the area that were included in the survey, be monitored for any parking overflow effect caused, and the General Manager be authorised to implement an extension of the scheme

in these streets if it is felt that it is warranted.

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

Against the Resolution: Nil.

General Managers Division Report No. 17

Ivanhoe Park Permit Parking Scheme - Extension into Francis, Arthur and Herbert Streets

SUMMARY

Council at its meeting 21 July 2008 considered General Manager's Report 14 and resolved to defer the recommended extension of the Ivanhoe Park Permit Parking Scheme into Francis Street pending a survey of residents in Arthur and Herbert Streets.

A survey of 46 to 64 Francis Street and Arthur and Herbert Streets was conducted last week. Based on the results of that survey and the one prior, it is recommended that the Ivanhoe Permit Parking Scheme be extended to incorporate only the southern end of Francis Street and Arthur Street at this time, with continuing monitoring of the surrounding area following the implementation.

This report presents the outcome from the survey and recommends a staged implementation of the extended permit scheme.

MOTION (Heasman / Hay)

That Council **DEFER** for 3 months an extension of the existing Ivanhoe Park Permit Parking Scheme into Arthur Street, for further consultation, and so the effects of implementing the scheme into Francis Street can be observed.

150/08 **RESOLVED: (Heasman / Hay)**

That Council **DEFER** for 3 months an extension of the existing Ivanhoe Park Permit Parking Scheme into Arthur Street, for further consultation, and so the effects of implementing the scheme into Francis Street can be observed.

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

Against the Resolution: Nil.

Councillor Murphy returned to the Chamber at 10.10pm.

General Managers Division Report No. 15

Sponsorship and Promotions

SUMMARY

At the Ordinary Meeting 19 May 2008 Council resolved that a report be brought back to Council on how to manage a promotions opportunity in the Manly LGA and that the report to include:

- a) licensing agreement
- b) policy
- c) benefit of in-house or outsourcing to a marketing company to manage.

This report seeks to inform Council of existing policy, sponsorship arrangements and the process for assessing application for commercial marketing activities.

MOTION (Aird / Evans)

That the report be received and noted.

AMENDMENT (Norek)

That Council consider a change in its policy and allow promotions and activities on The Corso.

The Amendment **LAPSED** due to a lack of a seconder.

151/08 **RESOLVED: (Aird / Evans)**

That the report be received and noted.

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

Against the Resolution: Councillor Norek

General Managers Division Report No. 16

Revised Model Code of Conduct**SUMMARY**

At the Ordinary Meeting 21 July 2008, Council considered General Managers Division Report No. 12 "Revised Model Code of Conduct" and resolved (117/08) that the model Code be brought back to the next Ordinary Meeting of Council with charter principles and charter requirements integrated into the next Code of Conduct.

MOTION (Pedersen / Aird)

That Council adopt the Draft Code of Conduct as presented to the Ordinary Meeting 21 July 2008, including those elements of the charter of political reform that apply to Councillors.

AMENDMENT (Norek / Murphy)

That Council adopt the Draft Code of Conduct as presented to the Ordinary Meeting 21 July 2008

For the Amendment: Councillors Murphy and Norek

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

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

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

152/08 **RESOLVED: (Pedersen / Aird)**

That Council adopt the Draft Code of Conduct as presented to the Ordinary Meeting 21 July 2008, including those elements of the charter of political reform that apply to Councillors.

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

Against the Resolution: Councillors Murphy and Norek

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

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 12

Items for Brief Mention - Minutes for Adoption by Council - Special Purpose and Joint Committees**1. Companion Animals and Public Transport:**

At the Planning and Strategy Committee Meeting held on 10th June, 2008 Council resolved to support a recommendation from the Local Companion Animals Management Committee regarding the issue of passengers travelling with their companion animals on public transport.

The resolution adopted read as follows:

“That Council staff draft a letter to the Minister for Transport relating to the issue of affording persons with Companion animals more leniency in relation to travel on various modes of public transport.”

A letter was forwarded to the Minister on 23 July 2008 and a copy of his response dated 23 July 2008 is attached.

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

- i) Manly Youth Council Committee – 16 June 2008
- ii) Manly Meals on Wheels Service Committee – 9 July 2008
- iii) Surf Clubs Liaison Working Group – 10 July 2008
- iv) Manly Community Safety Committee – 17 July 2008
- v) Manly Council Access Committee – 17 July 2008
- vi) Manly Visitor and Community Board – 24 July 2008

MOTION (Aird / Heasman)

- 1. That the letter received from the Minister for Transport, relating to the issue of affording persons with Companion animals more leniency in relation to travel on various modes of public transport, be noted.

153/08 RESOLVED: (Aird / Heasman)

- 1. That the letter received from the Minister for Transport, relating to the issue of affording persons with Companion animals more leniency in relation to travel on various modes of public transport, be noted.

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

Against the Resolution: Nil.

Councillor Evans retired from the Chamber at 10.33pm.

MOTION (Hay / Heasman)

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

154/08 **RESOLVED: (Hay / Heasman)**

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

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 21

Report on Council Investments as at 31 July 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 / Heasman)

That the statement of Bank Balances and Investment Holdings as at 31 July, 2008 be received and noted.

155/08 **RESOLVED: (Lambert / Heasman)**

That the statement of Bank Balances and Investment Holdings as at 31 July, 2008 be received and noted.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN44/08 Councillor Hay - Tender process for Beach services and Manly Swim Centre coaching

I notice from the Many Daily that Council has gone to tender for beach services and Manly Swim Centre coaching. Is that correct and they've closed now?

At the request of the Mayor, the Chief Financial Officer advised that yes, we have gone to tender for those services, and that tenders will close on 25 August.

Councillor Hay then asked if the tenders would come back to Council?

At the request of the Mayor, the General Manager advised that yes, they would come back for ratification.

QWN45/08 Councillor Heasman - Fairlight LATM

When will Council respond to Fairlight Precinct's Questions regarding amendments to the agreed and approved Fairlight LATM, specifically:

- 1) Devices on Hilltop Street at junctions with Hill and Austin Streets
- 2) Northside at Bolingbroke Parade
- 3) Speed on Lauderdale to Manly at Bolingbroke Parade and Margaret Street?

At the request of the Mayor, the General Manager advised that he would ensure Council's Traffic Manager would respond to the issues as soon as possible.

QWN46/08 Councillor Heasman - Access to Manly resident's phone numbers

Can Council clarify if the successful water filter company to provide filtered water to The Corso, has been given access to Manly resident's phone numbers in exchange for free installation and maintenance of the filtered water facilities?

At the request of the Mayor, the General Manager advised that it is not Council's practice to provide private information on residents to anyone. If someone had called up, they would have used a list provided by other commercial providers, not the Council. We don't have such lists.

QWN47/08 Councillor Lambert - Council meetings in September

Can the General Manager confirm that the only remaining Council meeting planned during the current term of Council is a Land Use Management meeting on 1 September 2008?

At the request of the Mayor, the General Manager advised that that was correct.

QWN48/08 Councillor Lambert - Policy issued on pre-election campaigning in public places

Will the General Manager be issuing a policy on pre-election campaigning in public places in the lead-up to the 13 September Local Government elections?

At the request of the Mayor, the General Manager advised that such a policy should have already been issued to group campaign offices. He will double-check. In any case, if someone wants to lobby in a particular space, they need to apply to Council.

QWN49/08 Councillor Murphy - Before and After School Care at Manly Village Public School

Why are Manly Council withdrawing their operation of the before and after school care service at Manly Village Public School (MVPS), which will put it in the hands of private enterprise? (as noted in the August edition of the MVPS newsletter – SeaSider). Why do Manly Council say it is not in their core business when the Management Plan and Social Plan say it is?

At the request of the Mayor, the General Manager advised that Council is not involved in any of that discussion, it is the Department of Education and Training (DET) that has taken the lead on the provision of OOSH (Out Of School Hours) services in all the public schools and they are holding discussion with a number of schools, including MVPS. In a conversation the General Manager had with Beryl Jamieson, from DET, in February/March, trying to lobby for OOSH services to go into Seaforth, it was explained to him then that DET had started an OOSH unit within the Department that aims to roll-

out Department-run OOSH services. There is no intention of the Council to pull out of any OOSH services. MVPS supports an expanded OOSH service in their school to take into account the future viability of the school as well as to provide working parents with a much-needed facility.

Councillor Murphy then asked the General Manager to clarify that Council were not withdrawing its OOSH service from MVPS.

At the request of the Mayor, the General Manager advised that yes, that was correct.

QWN50/08 Councillor Murphy - Manly Council's commitment to childcare services

Are Manly Council planning to withdraw or reduce any other childcare services, and if so, what are they?

At the request of the Mayor, the General Manager advised that he was not aware of any plans to reduce Council's commitment to childcare services.

QWN51/08 Councillor Daley - Responsibility for water seepage on Sydney Road, Fairlight

The old quarry site on the left of the S bends just past Fairlight shops was recently redeveloped. Since this development was completed, the S bends are always wet with seepage. It is a hazard to cars and cyclists. Is the applicant responsible, and if so, when is Council going to address it. If they aren't, who is?

At the request of the Mayor, the General Manager advised that there is a pump-out from the building site which discharges to the kerb-side adjacent to the development and when the pump-out operates, the water shoots 3 metres up and into the road, hence the constant wet look of the street. The compliance area of Council will check.

QWN52/08 Councillor Aird - Inspections by Environmental Health

It seems that the scope of these inspections has recently been broadened. For example, the newsagency at Fairlight shops has been inspected for the first time and billed \$150. This shop has two fridges (ice creams, drinks) and a small display of confectionery. Does this mean that every shop in Manly that has just a fridge is now to be inspected? If so, is this a legal requirement, and how often will inspections occur? Is the fee of \$150 prescribed legally? While accepting these inspections are necessary for shops where food preparation is done, is there not scope for a reduced fee or fewer inspections for shops where no food preparation occurs?

At the request of the Mayor, the General Manager advised that he would take that question on notice.

QWN53/08 Councillor Norek - Costs of providing Before and After School Care at Manly Village Public School

What are the costs and revenue collected for providing before and after school care to Manly Village Public School on an annual basis?

At the request of the Mayor, the General Manager advised that he was not aware of the exact figures, but the service run out of Manly Village Public School (MVPS) is cost neutral to Council. Costs incurred by Council are recovered through the fee structure. The service is not exclusively for students of MVPS, but is also extended to students from St Mary's, and Council is not ceasing its operation.

QWN54/08 Councillor Norek - Payment of Mayor's court costs

Why did Council pay for the Mayor's personal court action in the Supreme Court against Penelope Wynne and how much did they pay?

At the request of the Mayor, the General Manager advised that he would have to speak in generalities as he was not privy to all the details of the issue in question, but that the matter of insurance costs are covered by Council's adopted policy, in so far as the expense policy is concerned, and any insurance excess is covered by this policy. Every aspect of this issue is strictly in accordance with Council's policy.

MATTERS OF URGENCY**MATTER OF URGENCY (Norek)**

Councillor Norek requested that he be allowed to introduce a Matter of Urgency regarding the paying back by Councillor Macdonald to Council of the \$5,000 excess which was apparently paid by Manly Council for the Supreme Court action against Penelope Wynne, plus pay for the possible increase in the insurance premium, in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

The Mayor ruled that the item was **not** a Matter of Urgency.

CLOSE

The meeting closed at 10.53pm.

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on 1 September 2008.

MAYOR

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