Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 19 February 2007

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 February 2007. The meeting commenced at 7:37pm.

PRESENT

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

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Executive Director, Major Projects
Ross Fleming, Chief Financial Officer
Anthony Hewton, Divisional Manager, Planning & Strategy
Elayne Becker, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev Ian Freestone.

APOLOGIES

Nil

LEAVE OF ABSENCE

Noted that Councillor P Daley was absent on leave previously granted.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Evans / Hay)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 18 December 2006, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of Environmental Services Division Report No.79, 133-137 North Steyne, Manly regarding site northern set back.

1/07 **RESOLVED: (Evans / Hay)**

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 18 December 2006, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting with the exception of Environmental Services Division Report No.79, 133-137 North Steyne, Manly regarding site northern set back.

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

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Mr Raymond Springett	Discussed issues of a personal nature relating to the Mayor and the General Manager.
Mr Tom Shanahan	Late Night Safety on the Manly Scenic Walkway
Mr George Citer	Petition to preserve Seaforth Village
Mr Paul Dracakis	Tree Permit - 61 Peacock Street, Seaforth

The Ordinary Meeting was adjourned at 7.46pm due to public disturbance. The Ordinary Meeting was resumed at 7.59pm with the following Councillors present:

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

SUSPENSION OF STANDING ORDERS (Macdonald / Pedersen)

That Council **suspend** Standing Orders for consideration of items of public interest being Mayoral Minute Report No.5. Cabbage Tree Bay and Boat Prohibition. Notice of Motion Report No.2 Advertising on Beach Front Rubbish Bins. Planning and Strategy Division Report No. 5 East West Cycleway Link. General Manager's Division Report No.3 Manly Scenic Walkway - West of Bolingbroke Parade Cul-de-sac, and Notice of Rescission Motion No.1 Notice of Rescission for NOM No. 25 Review of Process Regarding the Outdoor Seating Licence for The Corso.

2/07 **RESOLVED: (Macdonald / Pedersen)**

That Council **suspend** Standing Orders for consideration of items of public interest being Mayoral Minute Report No.5. Cabbage Tree Bay and Boat Prohibition. Notice of Motion Report No.2 Advertising on Beach Front Rubbish Bins. Planning and Strategy Division Report No. 5 East West Cycleway Link. General Manager's Division Report No.3 Manly Scenic Walkway - West of Bolingbroke Parade Cul-de-sac and Notice of Rescission Motion No.1 Notice of Rescission for NOM No. 25 Review of Process Regarding the Outdoor Seating Licence for The Corso.

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

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MAYORAL MINUTES

Mayoral Minute Report No. 5
Cabbage Tree Bay and Boat Prohibition

PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

In Favour: Ms Cecily McGee

MOTION (Macdonald)

That:

1. Council call upon the State Government to re-declare the Cabbage Tree Bay "No Take" Aquatic Reserve under the Fisheries Management Act 1994 on 31st March 2007.

2. Council call upon NSW Maritime to recommend an amendment to the Schedule to prohibit the entry and anchorage of boats (known under the Water Traffic Regulations as a "registrable vessel") other than in a situation of "safe haven".

3/07 **RESOLVED: (Macdonald)**

That:

1. Council call upon the State Government to re-declare the Cabbage Tree Bay "No Take" Aquatic Reserve under the Fisheries Management Act 1994 on 31st March 2007.

2. Council call upon NSW Maritime to recommend an amendment to the Schedule to prohibit the entry and anchorage of boats (known under the Water Traffic Regulations as a "registrable vessel") other than in a situation of "safe haven".

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

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Notice of Motion Report No. 2
Advertising on Beach Front Rubbish Bins

Councillor Mark Norek moved:

That Manly Council investigate obtaining advertising on its beach front rubbish bins in order to provide the following:

1. Rubbish bins on every street corner along the beach front in Ocean Beach, The Corso, Little Manly and Fairy Bower Precincts and also in Balgowlah and Seaforth business precincts.

2. Provide more cleaning staff to patrol the beaches, all precincts.
3. Provide a higher frequency of cleaning streets.

Council to bring back a report on how better to clean these streets (high traffic areas).

PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

In Favour: Mr Roger Band

MOTION (Norek / Murphy)

That Manly Council investigate obtaining advertising on its beach front rubbish bins in order to provide the following:

1. Rubbish bins on every street corner along the beach front in Ocean Beach, The Corso, Little Manly and Fairy Bower Precincts and also in Balgowlah and Seaforth business precincts.
2. Provide more cleaning staff to patrol the beaches, all precincts.
3. Provide a higher frequency of cleaning streets.
4. Council to write to the Precincts for feed back on quantity, locations and advertising on bins.
5. Consistency of types of bins in size, shape and product.
6. Council to report on the suitability of wheel stops in angle parking areas to assist with street cleaning.

Council to bring back a report on how better to clean these streets (high traffic areas).

AMENDMENT (Aird / Evans)

That the General Manager

1. Provide a report on the details of additional cleaning of the streets in the CBD and Precincts and in addition look at parking issues which hinder cleaning of gutters.

2. Look at the need for wheel stops to facilitate kerbside cleaning in those CBD streets that have angle parking.

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

The **AMENDMENT** was declared **LOST**

FORESHADOWED AMENDMENT (Macdonald / Pedersen)

That the General Manager

1. Provide a report on the possibility of advertising and sponsorship of rubbish bins and its implications on our public policy.

2. Report on current public cleaning schedule of beach and streets and any recommendation for improvement.

3. Seek feedback of Precincts regarding the need for increased bins and location.

4. Consider placement of wheel stops and angle parking streets.

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

The **Foreshadowed Amendment** was declared **LOST**

4/07 **RESOLVED: (Norek / Murphy)**

That Manly Council investigate obtaining advertising on its beach front rubbish bins in order to provide the following:

1. Rubbish bins on every street corner along the beach front in Ocean Beach, The Corso, Little Manly and Fairy Bower Precincts and also in Balgowlah and Seaforth business precincts.
2. Provide more cleaning staff to patrol the beaches, all precincts.
3. Provide a higher frequency of cleaning streets.
4. Council to write to the Precincts for feed back on quantity, locations and advertising on bins
5. Consistency of types of bins in size, shape and product
6. Council to report on the suitability of wheelstops in angle parking areas to assist with street cleaning.

Council to bring back a report on how better to clean these streets (high traffic areas).

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

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CORPORATE PLANNING AND STRATEGY DIVISION

Corporate Planning And Strategy Division Report No. 5

East West Cycleway Link - Report on Community Consultation

SUMMARY

This report summarises issues raised by residents in response to a letterbox drop detailing a proposal to construct a cycle path between Manly and Balgowlah. The letterbox drop was undertaken on the 8th December 2006 and again on the 31st January 2007.

This report summarises the concerns raised within the submissions and recommends countermeasures and alternatives, where possible, that can be implemented to minimise or mitigate these concerns.

PUBLIC ADDRESSES

The following persons addressed Council in relation to this matter:

Against: Mr Evelyn Shirvington

MOTION (Pedersen / Lambert)

That Council:

1. Note the report and its proposed amelioration measures;

2. Implement to the fullest extent possible within available budget in the current financial year a 'Shared Path' between Manly Art Gallery and Condamine Street, consisting of 'Shared Paths' on the southern footpaths of Commonwealth Parade, Lauderdale Avenue and White Street;

3. Implement West Esplanade Option 2(b) as the link between the Gallery and the Wharf;

4. Connect the cycling facility into the network located on Victoria Parade for the link to Eastern Hill and Manly Beach;

5. Signpost the link through the Wharf Forecourt as a bicycle dismount area;

6. Note that all trees on the proposed route are to be retained;

7. Conduct a public education campaign alerting the local community to the 'Shared Path';

8. Write to the parties who made submissions, thanking them for their comments and informing them of Council's decision;

9. Council implement East Esplanade 10 Kms shared path option.

AMENDMENT (Aird / Macdonald)

That Council:

1. Note the report and its proposed amelioration measures;

2. Implement to the fullest extent possible within available budget in the current financial a 'Shared Path' between Manly Art Gallery and Condamine Street, consisting of 'Shared Paths' on the southern footpaths of Commonwealth Parade, Lauderdale Avenue and White Street;

3. Locate the proposed cycling facility between the Art Gallery and the Wharf on the southern footpath of West Esplanade;

4. Locate the proposed cycling facility between Wentworth St and Ashburner Pde behind the southern kerb alignment of East Esplanade.

5. Connect the cycling facility into the network located on Victoria Parade for the link to Eastern Hill and Manly Beach;

6. Signpost the link through the Wharf Forecourt as a bicycle dismount area;

7. Note that all trees on the proposed route are to be retained;

8. Conduct a public education campaign alerting the local community to the 'Shared Path';

9. Write to the parties who made submissions, thanking them for their comments and informing them of Council's decision

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

The **AMENDMENT** was declared **LOST**

FORESHADOWED AMENDMENT (Hay / Heasman)

That Planning & Strategy Division Report No. 5 - East West Cycleway Link - Report on Community Consultation be **deferred** for further community consultation and more detailed design and costings.

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

The **Foreshadowed Amendment** was declared **LOST**

FURTHER FORESHADOWED AMENDMENT (Murphy)

That Council locate the proposed cycle facility between the Art Gallery and the Wharf at a midpoint through the grassed area of West and East Esplanade.

The Foreshadowed Amedment **LAPSED** due to lack of seconder

5/07 **RESOLVED: (Pedersen / Lambert)**

That Council:

1. Note the report and its proposed amelioration measures;
2. Implement to the fullest extent possible within available budget in the current financial year a 'Shared Path' between Manly Art Gallery and Condamine Street, consisting of 'Shared Paths' on the southern footpaths of Commonwealth Parade, Lauderdale Avenue and White Street;
3. Implement West Esplanade Option 2(b) as the link between the Gallery and the Wharf;
4. Connect the cycling facility into the network located on Victoria Parade for the link to Eastern Hill and Manly Beach;
5. Signpost the link through the Wharf Forecourt as a bicycle dismount area;
6. Note that all trees on the proposed route are to be retained;
7. Conduct a public education campaign alerting the local community to the 'Shared Path';
8. Write to the parties who made submissions, thanking them for their comments and informing them of Council's decision;
9. Council implement East Esplanade 10 Kms shared path option.

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

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General Managers Division Report No. 3

Manly Scenic Walkway - West of Bolingbroke Parade Cul-de-sac - Completion of the "Missing Link" and the Issue of Private Vehicle Access - Further Report

SUMMARY

This matter was listed for Council's consideration at the Ordinary Meeting on 18th September, 2006. The matter was deferred and is now re-listed for consideration.

PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

Against: Ms Karina Holden

MOTION (Evans / Lambert)

That:

1. Council proceed with the Option 3 scenario and that Council establish a 5 minutes loading zone at the end of Bolingbroke Parade and staff investigate the provision of increased parking in Bolingbroke Parade by the installation of angle parking.

2. Council install bollards to preclude private vehicle access to the Reserve and that the pathway between the end of the cul-de-sac at Bolingbroke Parade and the Foreshore Pathway be upgraded to a standard suitable for emergency vehicle access. Further, that emergency services be provided with the necessary key access.

3. Council proceed as soon as possible to upgrade the Foreshore Scenic Pathway to a standard commensurate with the general pathway construction and that the area be landscaped to present as a pedestrian pathway within the Foreshore Reserve and that there be no provision made for private vehicle access or parking in the Reserve as this would be contrary to the advice of the Minister and the Department of Lands.

AMENDMENT (Norek / Macdonald)

1. That Council investigate investigate acquiring the land using the provisions of Land Acquisitions (Just Terms) Compensation Act, with a further request to Council.

2. Council then proceed to develop that part of the scenic walkway foreshore as a shared area pedestrian access way.

3. Council seek a contribution from adjoining owners towards acquisition of the Reserve.

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

The **AMENDMENT** was declared **LOST**

FORESHADOWED AMENDMENT (Cant)

1. That Council investigate investigate acquiring the land using the provisions of Land Acquisitions (Just Terms) Compensation Act, with a further request to Council.

2. Council then proceed to develop that part of the scenic walkway foreshore as a shared area pedestrian access way.

3. Adjoining residents be required to fully fund the acquisition of the Reserve.

The **FORESHADOWED AMENDMENT** lapsed due to lack of a seconder.

6/07 **RESOLVED: (Evans / Lambert)**

That:

1. Council proceed with the Option 3 scenario and that Council establish a 5 minutes loading zone at the end of Bolingbroke Parade and staff investigate the provision of increased parking in Bolingbroke Parade by the installation of angle parking.

2. Council install bollards to preclude private vehicle access to the Reserve and that the pathway between the end of the cul-de-sac at Bolingbroke Parade and the Foreshore Pathway be upgraded to a standard suitable for emergency vehicle access. Further, that emergency services be provided with the necessary key access.

3. Council proceed as soon as possible to upgrade the Foreshore Scenic Pathway to a standard commensurate with the general pathway construction and that the area be landscaped to present as a pedestrian pathway within the Foreshore Reserve and that there be no provision made for private vehicle access or parking in the Reserve as this would be contrary to the advice of the Minister and the Department of Lands.

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

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NOTICES OF RESCISSION

Notice of Rescission Report No. 1

Notice of Rescission for NOM No. 25 Review of Process Regarding the Outdoor Seating Licence for The Corso
Councillor Norek, Councillor Hay, and Councillor Heasman moved:

"That the Council's decision of 18 December 2006 being Item NOM No.25 in respect of Review of Process Regarding the Outdoor Seating Licence for The Corso be and is hereby rescinded."

PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

In Favour: Mr Jacob Steelman (representing Crystals)

MOTION (Norek / Hay)

That the Council's decision of 18 December 2006 being Item NOM No.25 in respect of Review of Process Regarding the Outdoor Seating Licence for The Corso be and is hereby rescinded.

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

The **NOTICE OF RESCISSION** was declared **CARRIED**

MOTION (Norek / Murphy)

That:

1. Council review the processes that led to the decision to Tender for the "Outdoor Seating licence for The Corso". This review should be completed by the March 2007 Ordinary Meeting of Council and presented to the council elect at that meeting.
2. Council review the processes that led to the decision to tender for the "Outdoor Seating licence for The Corso" with a different letting arrangement to that existing.

AMENDMENT (Evans / Aird)

That :

1. Council acknowledges the General Manager's review of the tender process for the letting of part of The Corso for Outdoor Eating.
2. Council notes that the tender process for letting the area of The Corso for Outdoor Eating was referred to the Department of Local Government.
3. Council notes that the Department of Local Government was satisfied that due process had been followed.
4. Council review the processes that led to the decision to tender for the "Outdoor Seating licence for The Corso". This review should be completed by the March 2007 Ordinary Meeting of Council and presented to the council elect at that meeting.

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

The **AMENDMENT** became the **MOTION** was declared **CARRIED**

7/07 **RESOLVED: (Evans / Aird)**

That:

1. Council acknowledges the General Manager's review of the tender process for the letting of part of The Corso for Outdoor Eating.
2. Council notes that the tender process for letting the area of The Corso for Outdoor Eating was referred to the Department of Local Government.
3. Council notes that the Department of Local Government was satisfied that due process had been followed.
4. Council review the processes that led to the decision to tender for the "Outdoor Seating licence for The Corso". This review should be completed by the March 2007 Ordinary Meeting of Council and presented to the council elect at that meeting.

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

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RESUMPTION OF STANDING ORDERS

MOTION (Macdonald / Pedersen)

That standing orders be resumed.

8/07 **RESOLVED (Macdonald / Pedersen)**

That standing orders be resumed.

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

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Councillor Cant retired from the chamber at 12.45pm.

Mayoral Minute Report No. 3

Support for Principles of Co-operation between Manly Council and the Metropolitan Local Aboriginal Land Council
MOTION (Macdonald)

1. That Council express in principle support for the Principles of Co-operation document to be entered into by Manly Council and the Metropolitan Local Aboriginal Land Council.

2. That residents be informed of Council's intention to sign the Principles of Co-operation via a notice in the Mayor's Message.

3. That Council proceed to a one month public exhibition of the Principles of Co-operation document with a view to signing subject to consideration of any submissions and bring back to Council if there are any submissions.

4. The Advisory Body to be notified of the one month public exhibition of the Principles of Co-operation document.

9/07 **RESOLVED: (Macdonald)**

1. That Council express in principle support for the Principles of Co-operation document to be entered into by Manly Council and the Metropolitan Local Aboriginal Land Council.

2. That residents be informed of Council's intention to sign the Principles of Co-operation via a notice in the Mayor's Message.

3. That Council proceed to a one month public exhibition of the Principles of Co-operation document with a view to signing subject to consideration of the submissions and bring back to Council if there are any submissions.

4. The Advisory Body to be notified of the one month public exhibition of the Principles of Co-operation document.

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

Councillor Norek was not in the Chamber when the motion was put.

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Mayoral Minute Report No. 4

A Family Friendly Summer in Manly

MOTION (Macdonald)

That:

1. Council congratulate the relevant Council staff including Rangers, Cleaners, Litterguard education officers, Lifeguards and staff at the Visitor Information Centre and Manly Police on a job well done.

2. Council commend the Manly After Midnight Working Party and the Community Safety Committee for their ongoing initiatives to improve safety in the Manly area.

10/07 **RESOLVED: (Macdonald)**

That:

1. Council congratulate the relevant Council staff including Rangers, Cleaners, Litterguard education officers, Lifeguards and staff at the Visitor Information Centre and Manly Police on a job well done.

2. Council commend the Manly After Midnight Working Party and the Community Safety Committee for their ongoing initiatives to improve safety in the Manly area.

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

Against the Resolution: Nil.

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NOTICES OF MOTION

Notice of Motion Report No. 1

WWF - initiated Earth Hour

Councillor Judy Lambert moved:

That Manly Council become an active participant in the WWF – initiated Earth Hour, commencing at 7.30pm on Saturday 31 March, 2007. Such actions to include:

- Pledging Council's support and signing up to receive a free Earth Hour information package
- Turning off lights in all Council premises for Earth Hour
- Through the Chambers of Commerce, the Manly Mainstreets program and local media, encouraging local businesses to turn off their lights for Earth Hour
- Encouraging households in the Manly LGA to turn off lights, air-conditioners and other energy-consuming appliances for Earth Hour.

MOTION (Lambert / Aird)

That Manly Council become an active participant in the WWF – initiated Earth Hour, commencing at 7.30pm on Saturday 31 March, 2007. Such actions to include:

- Pledging Council's support and signing up to receive a free Earth Hour information package
- Turning off lights in all Council premises for Earth Hour
- Through the Chambers of Commerce, the Manly Mainstreets program and local media, encouraging local businesses to turn off their lights for Earth Hour
- Encouraging households in the Manly LGA to turn off lights, air-conditioners and other energy-consuming appliances for Earth Hour.

11/07 **RESOLVED: (Lambert / Aird)**

That Manly Council become an active participant in the WWF – initiated Earth Hour, commencing at 7.30pm on Saturday 31 March, 2007. Such actions to include:

- Pledging Council's support and signing up to receive a free Earth Hour information package
- Turning off lights in all Council premises for Earth Hour
- Through the Chambers of Commerce, the Manly Mainstreets program and local media, encouraging local businesses to turn off their lights for Earth Hour
- Encouraging households in the Manly LGA to turn off lights, air-conditioners and other energy-consuming appliances for Earth Hour.

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

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ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 1
Items for Brief Mention

1. Dealing with Alcohol in Society

One of the motions for consideration by the delegates to the Local Government Association's Conference 2006 related to a matter put forward by Manly Council: *"24 – Manly: Dealing with Alcohol in Society".* (Council Resolution 91/06)

Immediately following the Conference representations were made to the Minister for Health and Ageing. A response from the Department of Health was attached to the Report.

2. Minutes Of Meetings:

i MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 11 DECEMBER 2006

ii MANLY YOUTH SERVICES COMMITTEE MINUTES OF MEETING HELD ON 22 JANUARY 2007

iii MANLY VISITOR AND COMMUNITY BOARD COMMITTEE NOTES OF MEETING HELD ON 7 DECEMBER 2006

iv MANLY COMMUNITY SAFETY BOARD COMMITTEE MINUTES OF MEETING HELD ON 21 DECEMBER 2006

v SISTER CITIES COMMITTEE MINUTES OF MEEING HELD ON 17 JANUARY 2007

vi JOINT SERVICES COMMITTEE MINUTES OF MEETING HELD ON 16 NOVEMBER 2006.

MOTION (Aird / Morrison)

That:

1. The information regarding the Dealing with Alcohol in Society be received and noted.

2. The recommendations of **Minutes of Meetings, as listed in item 2**, being 2 (i) to 2 (vi), as listed above, be **adopted**.

3. Council write to the Federal Government asking why it continues to ignore requests from Local Government, The Australian Medical Association and the Australian National Council on Drugs calling for a volumetric tax on alcohol and addressing the issue of alcohol advertising.

12/07 **RESOLVED: (Aird / Morrison)**

That:

1. The information regarding the Dealing with Alcohol in Society be received and noted.

2. The recommendations of **Minutes of Meetings, as listed in item 2**, being 2 (i) to 2 (vi), as listed above, be **adopted**.

3. Council write to the Federal Government asking why it continues to ignore requests from Local Government, The Australian Medical Association and the Australian National Council on Drugs calling for a volumetric tax on alcohol and addressing the issue of alcohol advertising.

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

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GENERAL MANAGERS DIVISION

General Managers Division Report No. 1

Rainwater Tank Referral Service

SUMMARY

1. Ongoing drought conditions in the Sydney basin have increased the need for sustainable water use alternatives.

2. Council staff have investigated the development of a *Rainwater Tank Referral Service* in conjunction with locally based manufacturers

MOTION (Lambert / Murphy)

That this matter be **deferred** to better integrate Council's resolution of 20 November 2006 regarding rainwater tanks and a further report be brought to the next Ordinary Meeting of 19 March 2007.

13/07 **RESOLVED: (Lambert / Murphy)**

That this matter be **deferred** to better integrate Council's resolution of 20 November 2006 regarding rainwater tanks and a further report be brought to the next Ordinary Meeting of 19 March 2007.

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

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General Managers Division Report No. 2

Management Plan Quarterly Review - 1st October to 31st December 2006

SUMMARY

The purpose of this report is to provide a review of the achievements towards meeting the outcomes set by Council in the key objectives in the Management Plan 2006 – 2009 *(Manly Plan)* for the period ending 31st December 2006, in accordance with the requirements of the *Local Government Act, 1993.*

MOTION (Lambert / Pedersen)

That:

1. The report on the second quarterly review of the Management Plan 2006 - 2009 for the period ending 31st December 2006 be received and noted.

2. Future quarterly review reports include data from trends of previous years including the customer satisfaction survey results.

14/07 **RESOLVED: (Lambert / Pedersen)**

That:

1. The report on the second quarterly review of the Management Plan 2006 - 2009 for the period ending 31st December 2006 be received and noted.

2. Future quarterly review reports include data from trends of previous years including the customer satisfaction survey results.

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

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CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 1

Policy for the Payment of Expenses and Provision of Facilities to Mayor and Councillors

SUMMARY

A review of Council's Policy on the Payment of Expenses and Provision of Facilities to Mayor and Councillors following the release of Guidelines by the Department of Local Government has been completed.

MOTION (Hay / Heasman)

That:

1. 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 as amended and circulated, are not substantial and determines that the amendments be adopted without public exhibition.

2. Council's Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors as amended and circulated be adopted.

3. A copy of the Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors as adopted, be forwarded to the Department of Local Government.

4. 4.5 Categories of Payment or Reimbursement, Clause (d) Spouse/Partner the following wording be deleted, "*Where the attendee is accompanied by his or her spouse/partner, the Council will pay for the cost supplement involved in the accommodation (room only)".* In addition at the top of page 4, the word Councillors should be inserted so the words read: ***Provided** that: Councillors telephone numbers in respect…….*

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

That:

1. 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 as amended and circulated, are not substantial and determines that the amendments be adopted without public exhibition.

2. Council's Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors as amended and circulated be adopted.

3. A copy of the Policy on Payment of Expenses and Provision of Facilities to Mayor and Councillors as adopted, be forwarded to the Department of Local Government.

4. 4.5 Categories of Payment or Reimbursement, Clause (d) Spouse/Partner the following wording be deleted, "*Where the attendee is accompanied by his or her spouse/partner, the Council will pay for the cost supplement involved in the accommodation (room only)".* In addition at the top of page 4, the word Councillors should be inserted so the words read: ***Provided** that: Councillors telephone numbers in respect…….*

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

Against the Resolution: Nil.

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Councillor Murphy retired from the Chamber at 1.15pm

Corporate Services Division Report No. 2

Accounts - Report on Council Investments as at 31 January, 2007

SUMMARY

Latest accounting statements for the period to 31 January, 2007

1. Statement showing general fund bank account balance as at 31 January, 2007.

2. Cash investments as at 31 January, 2007.

MOTION (Hay / Heasman)

That:

1. That the statement of General Fund Bank Account balance as at 31 January, 2007 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 January, 2007 be received and noted.

16/07 **RESOLVED: (Hay / Heasman)**

That:

1. That the statement of General Fund Bank Account balance as at 31 January, 2007 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 January, 2007 be received and noted.

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

Against the Resolution: Nil.

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Corporate Services Division Report No. 3

Financial Review for the Quarter Ending 31 December 2006

SUMMARY

Council's Income and Expenditure for the quarter 1 October 2006 to 31 December 2006 has been reviewed, together with a projection of Council's Budget as at 30 June 2007, and a statement of variations which has occurred is submitted.

MOTION (Evans / Heasman)

That the Financial Statement for the quarter ended 31 December 2006 including the revised estimates of income and expenditure and recommendations contained within the report be adopted.

17/07 **RESOLVED: (Evans / Heasman)**

That the Financial Statement for the quarter ended 31 December 2006 including the revised estimates of income and expenditure and recommendations contained within the report be adopted.

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

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Corporate Services Division Report No. 4

Road Reserve Leases/Consents - Formula for Determination of Annual Rental of use of Council's Road Reserves

SUMMARY

Council at its Ordinary Meeting held 20 November 2006 considered a proposal to change the policy formula for charging for Road Reserve Consents. The proposed changes to policy were advertised in accordance with the Local Government Act.

MOTION (Heasman / Morrison)

That

1. Council having given public notice in accordance with the Local Government Act 1993, of its proposal to amend the formula for charging of annual rental for use of Council's Road Reserves, and noting that there have not been any submissions to the proposed change to policy, that Council now adopt the Policy *Road Reserve Leases/Consents - Formula for Determination of Annual Rental/Occupation Payment*; and

2. Council thank those residents who made submissions.

18/07 **RESOLVED: (Heasman / Morrison)**

That

1. Council having given public notice in accordance with the Local Government Act 1993, of its proposal to amend the formula for charging of annual rental for use of Council's Road Reserves, and noting that there have not been any submissions to the proposed change to policy, that Council now adopt the Policy *Road Reserve Leases/Consents - Formula for Determination of Annual Rental/Occupation Payment*; and

2. Council thank those residents who made submissions.

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

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HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 1

Precinct Community Forums - Guidelines for Office Bearer Positions to be available to all Ratepayers - Residential and Non Residential

SUMMARY

Precinct Community Forums provide two way communication between Council and its community and have operated in Manly with the current guidelines over the past 17 years. The guideline which governs the status of office bearers is the subject of this report, following a notice of motion presented to Council at the Ordinary Meeting of Council of 16 October 2006. The community has been consulted according to the resolution of that meeting. This report recommends that the current guidelines for the status of office bearers for Precinct Committee Forums remain unchanged.

MOTION (Evans / Aird)

That:

> Council re-confirm and adopt the guideline for Precinct Community Forums the subject of this report as stated that: "The office bearers, that is, Chairman, Secretary and Treasurer, must live in the Precinct."

AMENDMENT (Pedersen / Hay)

That:

1. Council re-confirm and adopt the guideline for Precinct Community Forums the subject of this report as stated that: "The office bearers, that is, Chairman, Secretary and Treasurer, must live in the Precinct."

2. The Corso Precinct be exempt from this requirement.

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

The **AMENDMENT** was declared **LOST**

FORESHADOWED AMENDMENT (Norek / Heasman)

That one person be allowed on each Precinct Executive Committee who is a ratepayer but not a resident.

For the Foreshadowed Amendment: Councillors Hay, Heasman, Morrison and Norek
Against the Foreshadowed Amendment: Councillors Macdonald, Lambert, Pedersen, Aird and Evans

The **FORESHADOWED AMENDMENT** was declared **LOST**

19/07 **RESOLVED: (Evans / Aird)**

That:

Council re-confirm and adopt the guideline for Precinct Community Forums the subject of this report as stated that: "The office bearers, that is, Chairman, Secretary and Treasurer, must live in the Precinct."

The **MOTION** was declared **CARRIED**

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

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Councillor Morrison retired from the chamber at 1.24pm

Councillor Evans retired from the chamber at 1.25pm

QUESTIONS WITHOUT NOTICE

QWN1/07 Councillor Hay - Loss of Parking

Fairlight – lost six parking spots. Would like a guarantee that a disabled person will not be booked for parking illegally due to lack of parking.

At the request of the Mayor, the General Manager advised that this matter would be taken on notice.

QWN2/07 Councillor Heasman - Swing in Griffiths Street

The swing in Griffiths Street was removed before Christmas for maintenance, could the General Manager advise when it will be replaced.

At the request of the Mayor, the General Manager advised that this matter would be taken on notice.

QWN3/07 Councillor Lambert - Relocating a bus stop

There is a proposal to move a bus stop from 183 Pittwater Road to 179-181 Pittwater Road. Is there any further information and is this Council action or State Transit.

At the request of the Mayor, the General Manager advised that this matter would be taken on notice.

QWN4/07 Councillor Lambert - Robyns Grove Naming

The State Government has recently approved the naming of an area of Robyns Grove – when will this officially take effect.

At the request of the Mayor, the General Manager advised that this matter would be taken on notice.

QWN5/07 Councillor Aird - Removal of Telegraph Poles

The Access Committee raised the issue of writing to Energy Australia regarding removal of telegraph poles on the harbour foreshore near the yacht club. Could an update be provided.

At the request of the Mayor, the General Manager advised that this matter would be taken on notice.

QWN6/07 Councillor Aird - Use of Leaf Blowers

The Conservation Strategy Working Group raised the issue of leaf blowers being used in the CBD and would like the usage reduced.

At the request of the Mayor, the General Manager advised that this matter would be taken on notice.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Civic Services Division Report No. 1

Tender Report 06-19 for Building Services
It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Chairperson asked if any members of the public gallery objected to the matter being heard in Closed Session.

It is noted that no representations were received from the public gallery.

MOTION (Macdonald / Pedersen)

That the meeting move into Closed Session to consider Civic Services Division Report No. 1, **Tender Report 06-19 for Building Services.**

20/07 **RESOLVED: (Macdonald / Pedersen)**

That the meeting move into Closed Session to consider Civic Services Division Report No. 1, **Tender Report 06-19 for Building Services.**

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Pedersen, Aird, and Norek
Against the Resolution: Nil.

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OPEN COUNCIL RESUMED

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

Civic Services Division Report No. 1

Tender Report 06-19 for Building Services

21/07 **RESOLVED: (Macdonald / Pedersen)**

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

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CLOSE

The meeting closed at 1.36am

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

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MAYOR

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