

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 19 December 2005

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



The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 December 2005. The meeting commenced at 7:36 pm.

PRESENT

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

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Executive Director, Major Projects
Ross Fleming, Chief Financial Officer
David Stray, Manager Development Control
Rachael Levey, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by The Mayor, Councillor Dr Peter Macdonald.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Mayor Macdonald	ESD No. 14	Owens a property near 118 North Steyne, Manly
Councillor Norek	ESD No. 14	Previously owned a property in North Steyne, Manly

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

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 November 2005, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

391/05 RESOLVED: (Pedersen / Lambert)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 November 2005, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
John Mitchell	Raised concerns over Councillor Norek's representing an appellant at the Land & Environment Court.
Paul Gallagher	Ocean Beach Permit parking scheme - restriction on parking should be to 6pm only.
Denise Keen	Expressed concerns regarding Manly After Midnight and late night take away food venues trading outside authorised operating hours (on behalf of the Manly Safety Committee).
Jan de Teliza	Raised concerns over Manly After Midnight curfew hours.

PUBLIC ADDRESSES

ITEM	SPEAKER
Notice of Rescission Report No. 13	
40 Birkley Road Manly	
Objector	David Bedingfield - neighbour
Supporter	Bruce Farrar

<p>Notice of Rescission Report No. 14</p> <p>118 North Steyne, Manly</p> <p>Objector</p> <p>Supporter</p>	<p>Richard Thomas - speaking on behalf of the Applicant</p> <p>Harry Hellawell - neighbour</p>
<p>Notice of Motion Report No. 41</p> <p>Manly Council Submission to the State Government's Department of Gaming and Racing</p> <p>Supporter</p>	<p>Tim Fiddes</p>
<p>Items for Brief Mention Report No. 11</p> <p>Items for Brief Mention Community Safety Committee Minutes Item Number 3.1 - Late Night Takeaways</p>	<p>Mr Sidar Demirbag - Proprietor, Ser-Bar Kebab House</p>

MATTERS OF URGENCY

MOTION (Morrison / Macdonald)

That Council address the matter of a Councillor's appearance at the Land and Environment Court as a matter of urgency, given there is an opportunity to appeal the Court's decision within 28 days. That this matter be dealt with at the end of the meeting.

392/05 RESOLVED: (Morrison / Macdonald)

That Council address the matter of a Councillor's appearance at the Land and Environment Court as a matter of urgency, given there is an opportunity to appeal the Court's decision within 28 days. That this matter be dealt with at the end of the meeting.

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

Against the Resolution: Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 13

40 Birkley Road, Manly - Notice of Rescission

Councillor Murphy, Councillor Morrison, and Councillor Daley moved:

"That the Council's decision of 5 December 2005 being Item ESD No. 64 in respect of 40 Birkley Road, Manly be and is hereby rescinded."

MOTION (Murphy / Morrison)

That the Council's decision of 5 December 2005 being Item ESD No. 64 in respect of 40 Birkley Road, Manly be and is hereby rescinded.

For the Rescission Motion: Councillors Hay, Heasman, Murphy, Daley, Morrison and Norek.

Against the Rescission Motion: Councillors Lambert, Cant, Pedersen, Aird, Evans and Macdonald.

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

Having previously declared an interest, Councillor Norek left the Chamber and The Mayor, Councillor Dr Peter Macdonald vacated the Chair and left the Chamber at 8:12pm.

Deputy Mayor, Councillor Aird assumed the Chair.

Notice of Rescission Report No. 14
118 North Steyne, Manly

Councillor Aird, Councillor Evans, and Councillor Lambert moved:

“That the Council's decision of 5 December 2005 being Item ESD No. 69 in respect of 118 North Steyne be and is hereby rescinded.”

MOTION (Aird / Lambert)

That the Council's decision of 5 December 2005 being Item ESD No. 69 in respect of 118 North Steyne be and is hereby rescinded.

For the Rescission Motion: Councillors Lambert, Cant, Pedersen, Aird and Evans.

Against the Rescission Motion: Councillors Hay, Heasman, Murphy, Daley and Morrison.

*With the voting being equal, the Chairperson, Councillor Aird used her casting vote in favour of the Rescission Motion and declared it **Carried**.*

MOTION (Aird / Lambert)

That Council:

1. Receive and note the information contained in this report.
2. Continue to actively participate in the neutral evaluation process at the Land and Environment Court to ensure that a sympathetic design is achieved that respects the established significance of the cottage and satisfies reasonable environmental requirements such as privacy, daylight access, security and other justifiable user needs.
3. Acknowledge the significance of the proposed removal of the cottage from its historic location will have a high impact on its associational significance. As a consequence the cultural significance of the cottage will be severely reduced.

AMENDMENT (Cant / Pedersen)

1. That Council receive and note the report presented to Council on 5 December 05 regarding 118 North Steyne, Manly.
2. That Council staff bring back a report, at the earliest opportunity, regarding a final decision on this matter in relation to the neutral evaluation process.
3. That the report has a copy of Commissioner Bly's findings/recommendations, including comments from Council staff on the outcome.

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

Against the Amendment: Councillors Lambert and Aird.

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

393/05 RESOLVED: (Cant / Pedersen)

1. That Council receive and note the report presented to Council on 5 December 05 regarding 118 North Steyne, Manly.
2. That Council staff bring back a report, at the earliest opportunity, regarding a final decision on this matter in relation to the neutral evaluation process.
3. That the report has a copy of Commissioner Bly's findings/recommendations, including comments from Council staff on the outcome.

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

Against the Resolution: Councillors Lambert and Aird.

At 9:14pm Councillor Aird vacated the Chair and The Mayor, Councillor Dr Peter Macdonald returned to the Chamber and assumed the Chair.

Councillor Norek also returned to the Chamber.

STANDING ORDERS (Pedersen / Hay)

That Standing Orders be suspended to allow for consideration of the item of public interest, being Item 41, Manly Council Submission to the State Government's Department of Gaming and Racing and Item 11, Items for Brief Mention.

394/05 RESOLVED: (Pedersen / Hay)

That Standing Orders be suspended to allow for consideration of the item of public interest, being Item 41, Manly Council Submission to the State Government's Department of Gaming and Racing and Item 11, Items for Brief Mention.

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

Against the Resolution: Nil.

Notice of Motion Report No. 41

Manly Council Submission to the State Government's Department of Gaming and Racing

Councillor Aird moved:

That Manly Council compile and lodge a detailed submission outlining our objections to the Liquor Bill 2005 and Liquor & Gaming Court Bill 2005.

Note: This detailed submission (to be lodged by 20.1.06) to include input from the relevant sections within Council and Council's legal advisors.

MOTION (Aird / Pedersen)

That Council:

1. Compile and lodge a detailed submission outlining our objections to the Liquor Bill 2005 and Liquor & Gaming Court Bill 2005.

Note: This detailed submission (to be lodged by 20.1.06) to include input from the relevant sections within Council and Council's legal advisors.

2. Initiate negotiations for the feasibility of a joint submission with Councils that will be similarly affected, including Waverley (Bondi), Randwick (Coogee) and Byron Bay Councils.
3. Request the Local Government and Shires Association and the Local State Member make a submission to the Department of Gaming and Racing expressing similar concerns to Manly Council over the proposed changes.
4. Write to the State Government's Department of Gaming and Racing to request an extension of the closing date for submissions to March 2006.

395/05 RESOLVED: (Aird / Pedersen)

That Council:

1. Compile and lodge a detailed submission outlining our objections to the Liquor Bill 2005 and Liquor & Gaming Court Bill 2005.

Note: This detailed submission (to be lodged by 20.1.06) to include input from the relevant sections within Council and Council's legal advisors.

2. Initiate negotiations for the feasibility of a joint submission with Councils that will be similarly affected, including Waverley (Bondi), Randwick (Coogee) and Byron Bay Councils.
3. Request the Local Government and Shires Association and the Local State Member make a submission to the Department of Gaming and Racing expressing similar concerns to Manly Council over the proposed changes.
4. Write to the State Government's Department of Gaming and Racing to request an extension of the closing date for submissions to March 2006.

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

Against the Resolution: Councillors Murphy, Daley and Morrison.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 11

Items for Brief Mention**1. Minutes Of Meetings:**

- (i) ACCESS COMMITTEE MINUTES OF MEETING HELD ON 17 NOVEMBER, 2005
- (ii) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 15 NOVEMBER, 2005
- (iii) MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 9 NOVEMBER, 2005
- (iv) MANLY COMMUNITY SAFETY COMMITTEE MEETING HELD 17 NOVEMBER, 2005
- (v) THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 2 NOVEMBER 2005
- (vi) MANLY PUBLIC ART COMMITTEE - MINUTES OF A MEETING HELD ON 23 NOVEMBER 2005.
- (vii) MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD 12 OCTOBER, 2005
- (viii) MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 26 OCTOBER 2005
- (ix) MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 24 NOVEMBER 2005

MOTION (Lambert / Hay)

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

396/05 RESOLVED: (Lambert / Hay)

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

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

Against the Resolution: Nil.

THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**2. (iv) Community Safety Committee Minutes of Meeting held 17 November, 2005.****Item Number 3.1 - Late Night Takeaways**

The Recommendation of the Committee was:

- 1. That the Committee support and upholds Council's previously stated policy that shops

comply with approved trading hours.

2. That the committee fully supports the General Manager and staff in their legal obligations and the enforcement of compliance of late trading shops.
3. That the General Manager seek legal advice regarding the insurance ramifications of both shop and Council when trading out of approved hours.

MOTION (Daley / Murphy)

1. That the recommendation made by the Community Safety Committee on 17 November 2005 in relation to Item 3.1 - Late Night Takeaways **NOT** be adopted by Council and the previous motion of 7 November 2005 to show discretion be noted and continue to be supported.
2. That Council immediately facilitate the development and implementation of the late night food agreement as resolved by Council on 7 November 2005.

AMENDMENT (Hay / Pedersen)

That the recommendation of the Community Safety Committee in relation to Item 3.1 - Late Night Takeaways be noted.

The Amendment was withdrawn.

AMENDMENT (Lambert / Macdonald)

That the recommendations of the Community Safety Committee be adopted, as follows:

1. That the Committee support and upholds Council's previously stated policy that shops comply with approved trading hours.
2. That the committee fully supports the General Manager and staff in their legal obligations and the enforcement of compliance of late trading shops.
3. That the General Manager seek legal advice regarding the insurance ramifications of both shop and Council when trading out of approved hours.

For the Amendment: Councillors Lambert, Cant, Aird, Evans and Macdonald.

Against the Amendemnt: Councillors Hay, Heasman, Murphy, Daley, Morrison, Pedersen and Norek.

The **Amendment** was declared **Lost**.

397/05 RESOLVED: (Daley / Murphy)

1. That the recommendation of made by the Community Safety Committee on 17 November 2005 in relation to Item 3.1 - Late Night Takeaways **NOT** be adopted by Council and the previous motion of 7 November 2005 to show discretion be noted and continue to be supported.
2. That Council immediately facilitate the development and implementation of the late night food agreement as resolved by Council on 7 November 2005.

For the Resolution: Councillors Hay, Heasman, Murphy, Daley, Morrison, Pedersen and Norek.

Against the Resolution: Councillors Lambert, Cant, Aird, Evans and Macdonald.

THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**3. (ix) Manly Visitor and Community Board Committee Minutes of Meeting held 24 November, 2005.****Item Number 7 - Chamber Of Commerce Report**

Bob Smith, Chamber of Commerce President reported that at the last Chamber meeting the Sea Change for Sustainable Tourism presentation was well received.

Jim Hunter, Council's Executive Director Major Projects had given a presentation on The Corso upgrade.

A Tourism sub committee had been formed and the first meeting would concentrate on developing the Trade Shows program and present its recommendations to the February meeting of the Board.

The new Centre Manager, Megan Clancy, had been appointed and would take up the position on 28th November. It was agreed that Megan should be invited to be a member of the Board.

MOTION (Lambert / Aird)

That Megan Clancy, newly appointed Centre Management of Manly Mainstreet Centre Management Limited, be invited to become a member of the Manly Visitor and Community Board.

398/05 RESOLVED: (Lambert / Aird)

That Megan Clancy, newly appointed Centre Management of Manly Mainstreet Centre Management Limited, be invited to become a member of the Manly Visitor and Community Board.

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

Against the Resolution: Nil.

STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

399/05 RESOLVED: (Macdonald / Aird)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 39

Broken Bottles Cleanup

Councillor Norek moved:

That Council provide additional (manual) street cleaning through Ocean Beach, Corso, Little Manly and Fairy Bower Precinct streets for early morning removal of night activities refuse. Specifically beer bottles, broken glass and fast food refuse. This service required urgently during peak visitor season starting first week of December ending last week of April on Sunday and Monday mornings. Residents (mostly elderly) currently perform as much of this service as possible but increasingly require assistance.

MOTION (Norek / Murphy)

That Council provide additional (manual) street cleaning through Ocean Beach, Corso, Little Manly and Fairy Bower Precinct streets for early morning removal of night activities refuse. Specifically beer bottles, broken glass and fast food refuse. This service required urgently during peak visitor season starting first week of December ending last week of April on Sunday and Monday mornings. Residents (mostly elderly) currently perform as much of this service as possible but increasingly require assistance.

For the Motion: Councillors Murphy, Daley and Norek.

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

The **Motion** was declared **Lost**.

Notice of Motion Report No. 40

Blitz on Beach Littering

Councillor Aird moved:

That in view of the significant and disgraceful beach littering that has occurred in association with the "end of academic year" weekday visitations that Manly Council conducts an immediate summer school-holiday-long public awareness anti-litter campaign backed up by visible and pro-active enforcement, particularly on the beach at the ocean end of the Corso and area around ceremonial steps.

MOTION (Aird / Daley)

That in view of the significant and disgraceful beach littering that has occurred in association with the "end of academic year" weekday visitations that Manly Council conducts an immediate summer school-holiday-long public awareness anti-litter campaign backed up by visible and pro-active enforcement, particularly on the beach at the ocean end of the Corso and area around ceremonial steps.

That Council conduct an annual public awareness anti-litter campaign to include:

1. Visible ranger presence with pro-active dialogue and warnings regarding illegal activity (anti-littering laws);
2. Ranger vehicles to display anti-littering messages (as promoted by the Department of

- Environment and Conservation);
3. Banners provided by the Sydney Coastal Council Group;
 4. Ferry announcements (with approval by Sydney Ferries);
 5. Distribution of the EPA litter signage (as displayed on Ranger vehicles) to take away shops for the purpose of raising awareness of littering with customers; and
 6. Information to raise awareness of litter be included in the Mayoral column.

400/05 RESOLVED: (Aird / Daley)

That in view of the significant and disgraceful beach littering that has occurred in association with the "end of academic year" weekday visitations that Manly Council conducts an immediate summer school-holiday-long public awareness anti-litter campaign backed up by visible and pro-active enforcement, particularly on the beach at the ocean end of the Corso and area around ceremonial steps.

That Council conduct an annual public awareness anti-litter campaign to include:

1. Visible ranger presence with pro-active dialogue and warnings regarding illegal activity (anti-littering laws);
2. Ranger vehicles to display anti-littering messages (as promoted by the Department of Environment and Conservation);
3. Banners provided by the Sydney Coastal Council Group;
4. Ferry announcements (with approval by Sydney Ferries);
5. Distribution of the EPA litter signage (as displayed on Ranger vehicles) to take away shops for the purpose of raising awareness of littering with customers; and
6. Information to raise awareness of litter be included in the Mayoral column.

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

Against the Resolution: Councillor Morrison.

Notice of Motion Report No. 42

Answer to parking woes for residents?**Background**

Weekend shuttle bus service answer to beach parking problems?

The recent report "Sustainable Coastal Tourism for Manly" prepared by the University of Western Sydney, has served to confirm what Manly residents know only too well – "The most significant social problems are associated with vehicle use affected access, traffic, parking and congestion", the report says. It also states that 50% of tourists use cars to come into Manly.

The report makes the point that overall, tourism is commonly perceived as beneficial to the Manly local economy, but that there are significant social problems and maintenance of the environment with the pressure of high human use comes at a considerable cost to Council and the community.

As a potential solution to the problem and to alleviate the 'knock-on' affect of the permit parking scheme and metered parking on the beachfront on residents, a weekend 'park and ride' bus shuttle service has been suggested, similar to that used during the Manly Jazz Festival.

A shuttle service would allow visitors to park at more distant and underutilised areas of Manly, but yet be able to access the beach and Corso areas for a moderate fare. This could help meet excess demand for beachfront parking, as well as help alleviate parking problems for beachfront residents. Proceeds of this service could be apportioned to surf life saving. I think we should back surf life saving that this service should be provided free or nominal fee for people attending surf life saving events, Nippers or persons volunteer patrol personnel.

Councillor Norek moved:

"That a 'park and ride' shuttle bus service be introduced on a trial basis for a six week period from mid-January to the end of February 2006 to run on weekends with the view to a more substantial service being provided in following years."

MOTION (Norek / Heasman)

That a 'park and ride' shuttle-bus service be investigated for introduction on a trial basis for a six-week period from mid-January to the end of February 2007 to run on weekends with the view to a more substantial service being provided in following years.

401/05 RESOLVED: (Norek / Heasman)

That a 'park and ride' shuttle-bus service be investigated for introduction on a trial basis for a six-week period from mid-January to the end of February 2007 to run on weekends with the view to a more substantial service being provided in following years.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION REPORTS

Corporate Services Division Report No. 29

Accounts – Report on Council Investments as at 30 November, 2005

SUMMARY

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

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

MOTION (Pedersen / Heasman)

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

402/05 RESOLVED: (Pedersen / Heasman)

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

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

Against the Resolution: Nil.

Councillor Morrison departed the meeting at 11:45pm.

Councillors Heasman and Murphy left the Chamber at 11:50pm.

Corporate Services Division Report No. 30

Code of Conduct - Councillors Giving Evidence at Court Proceedings**SUMMARY**

Council's Code of Conduct sets out the requirements for councillors and staff in the performance of their duties.

While a councillor is not prevented by legislation from appearing for an appellant on a matter on which Council has already resolved, a councillor placed in this position would need to ensure that there is no potential for a conflict of interest.

Council may wish to give consideration to a policy that Councillors not appear for an appellant where the Council has already voted on a matter

MOTION (Pedersen / Lambert)

1. That the report be received and noted;
2. That the General Manager prepare a report relating to the matters raised in the report, with particular reference to the question of Councillors appearing for an appellant where the Council has already voted on a matter, in order to avoid potential conflict of interest, except where a Councillor has been subpoenaed to appear.

The meeting was adjourned at 12:06am and reconvened at 12:07am with the same Councillors present.

403/05 RESOLVED: (Pedersen / Lambert)

1. That the report be received and noted;
2. That the General Manager prepare a report relating to the matters raised in the report, with particular reference to the question of Councillors appearing for an appellant where the Council has already voted on a matter, in order to avoid potential conflict of interest, except where a Councillor has been subpoenaed to appear.

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

Against the Resolution: Councillors Cant and Norek.

Councillors Heasman and Murphy returned to the Chamber at 12:14am.

CORPORATE PLANNING AND STRATEGY DIVISION REPORTS

Corporate Planning and Strategy Division Report No. 74

Development Control Plans (DCPs) for Telecommunications and Radiocommunications Facilities, The Corso and Late Night Venues

SUMMARY

- New legislative changes gazetted on 9 December 2005 provide transitional arrangement for DCP preparation.
- This report seeks Council resolution for adoption of the following DCPs:
 1. Telecommunications and Radiocommunications;
 2. The Corso; and
 3. Late Night Venues.

MOTION (Lambert / Heasman)

1. That Council adopts the Telecommunications and Radiocommunications DCP as exhibited.

404/05 RESOLVED: (Lambert / Heasman)

1. That Council adopts the Telecommunications and Radiocommunications DCP as exhibited.

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

Against the Resolution: Nil.

MOTION (Aird / Cant)

2. That Council adopts The Corso DCP as exhibited subject to the following amendments:
 - Table 1: for those sites that were identified for redevelopment, the provisions be changed to "redevelopment possible subject to heritage impact assessment".
 - Clause 1: Introduction, first sentence: replace Sydney by Manly

405/05 RESOLVED: (Aird / Cant)

2. That Council adopts The Corso DCP as exhibited subject to the following amendments:
 - Table 1: for those sites that were identified for redevelopment, the provisions be changed to "redevelopment possible subject to heritage impact assessment".
 - Clause 1: Introduction, first sentence: replace Sydney by Manly

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

Against the Resolution: Nil.

MOTION (Pedersen / Cant)

3. That Council adopts the Late Night Venues DCP as exhibited and subsequently amended by Council at its meeting on 15 August 2005. That Council writes to all people who made a submission informing them of its decision.

406/05 RESOLVED: (Pedersen / Cant)

3. That Council adopts the Late Night Venues DCP as exhibited and subsequently amended by Council at its meeting on 15 August 2005. That Council writes to all people who made a submission informing them of its decision.

For the Resolution: Councillors Lambert, Cant, Pedersen, Aird, Evans and Macdonald.

Against the Resolution: Councillors Hay, Heasman, Murphy, Daley and Norek.

Corporate Planning and Strategy Division Report No. 75

Sydney Road, Balgowlah – Installation of 'Mail Zone'**SUMMARY**

The following report has been prepared by RTA representative, Mr James Suprain, requesting that the existing 'Mail Zone' on the western side of Condamine Street, Balgowlah, north of Sydney Road, be relocated to the northern side of Sydney Road, Balgowlah, between Condamine Street and Boyle Street. The proposed relocation will allow the servicing of the Australia Post Office at its new location in Balgowlah Plaza.

MOTION (Macdonald / Lambert)

1. That an 8 metre length of '1P 8.30am – 6pm Mon – Fri 8.30am – 12.30pm Sat' on the northern side of Sydney Road, Balgowlah, immediately west of the existing 'Loading Zone' outside of No. 306, be converted to 'Mail Zone'.
2. That the existing 8 metre length of 'Mail Zone' on the western side of Condamine Street, Balgowlah, opposite No. 126, be converted to '1P 8.30am – 6pm Mon – Fri 8.30am – 12.30pm Sat'.
3. That the Balgowlah Chamber of Commerce be notified of the above prior to the works being implemented.

407/05 RESOLVED: (Macdonald / Lambert)

1. That an 8 metre length of '1P 8.30am – 6pm Mon – Fri 8.30am – 12.30pm Sat' on the northern side of Sydney Road, Balgowlah, immediately west of the existing 'Loading Zone' outside of No. 306, be converted to 'Mail Zone'.
2. That the existing 8 metre length of 'Mail Zone' on the western side of Condamine Street, Balgowlah, opposite No. 126, be converted to '1P 8.30am – 6pm Mon – Fri 8.30am – 12.30pm Sat'.
3. That the Balgowlah Chamber of Commerce be notified of the above prior to the works being implemented.

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

Against the Resolution: Nil.

Corporate Planning and Strategy Division Report No. 76

**Australian Institute of Police Management (AIPM) - Redevelopment stakeholders briefing
SUMMARY**

Council received an invitation to attend a briefing by the AIPM on the Master Plan and proposed future development of the site by AIPM. This report summarises the information provided at the briefing on 16 November 2005.

MOTION (Lambert / Pedersen)

That Council:

1. Thank the Australian Institute of Police Management (AIPM) for the opportunity to take part in the stakeholders briefing on the Master Plan and proposed future development of the AIPM site;
2. Receive and note the advice; and
1. That Council seek ongoing cooperation of the AIPM in achieving integrated management with the whole of North Head consistent with proposals for it's use and management as an educational sanctuary.

408/05 RESOLVED: (Lambert / Pedersen)

That Council:

1. Thank the Australian Institute of Police Management (AIPM) for the opportunity to take part in the stakeholders briefing on the Master Plan and proposed future development of the AIPM site;
2. Receive and note the advice; and
3. That Council seek ongoing cooperation of the AIPM in achieving integrated management with the whole of North Head consistent with proposals for it's use and management as an educational sanctuary.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

Councillor Heasman

1. Can the General Manager please clarify the parking signage in Raglan Street between Central Avenue and Whistler Street. Residents are experiencing confusion with the signage and have commented that the two different signs could be incorporated to provide the same parking parameters.

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

Councillor Lambert

1. Is it the case that Council is still paying a part-time salary for the position of Aboriginal Heritage Officer? If so, what is happening to the servicing of issues that have come out of the history of that position over the last two years, in particular, the Manly Aboriginal & Torres Straight Islander Committee which has not met or had minutes or notices of meetings since Mr Shapter was relocated and secondly the process of commitment to researching the potential for dual naming.

At the request of the Mayor, the General Manager advised that the inclusion of Manly in the Aboriginal Heritage Unit was supposed to allow more resources for this position, not less so if there is an issue regarding servicing the committee and the preparation of reports, the General Manager will investigate the matter further. The undertaking given to Council was that these matters would be given the highest priority.

2. Can the General Manager confirm that the narrow strip of land between the two main areas of land that constitute Peace Park is owned by Council? If so, what can be done to improve the management of this area?

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

3. Is everything 'on track' for installation of temporary signage, as organised by John Inglese and approved by the General Manager, for a Bus Zone in East Esplanade effective 9am to 4pm on Boxing Day.

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

Councillor Norek

1. Can Council please explain why the list of Development Applications were approved given that they are in breach of Council's Development Control Plan in relation to Floor Space Ratio?

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

2. Why did the new policy of the Manly Swimming Pool not come before Council for approval?

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

Councillor Aird

1. Can Councillor Norek explain why he is going to waste ratepayer money when he can look up the agenda papers and resolutions and see the staff reports in relation to the above Questions Without Notice?

At the request of the Mayor, Councillor Norek advised that he would not withdraw the above Questions Without Notice.

Councillor Pedersen

1. Have the concerns raised by the Community Consultative Committee in relation to potential odour issues from the North Head Sewerage Treatment Plant been actioned by Council?

At the request of the Mayor, the General Manager advised he has passed these concerns on to the Natural Resources team and is awaiting a response.

- 2. Can Council please provide an update of the status of Manly Environment Centre grants?

At the request of the Mayor, the Executive Director, Major Projects advised that he has no further information to provide in relation to this matter.

CLOSE

The meeting closed at [12.30am](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [20 February 2005](#).

MAYOR

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