

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 20 February 2006

*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 20 February 2006. The meeting commenced at 7:47 PM.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor B Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM
Councillor R Morrison (arrived at 7:50pm)
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

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

OPENING PRAYER

The Opening Prayer was presented by Reverend Michael Aitken.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 19 December 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.

1/06 **RESOLVED:** (Pedersen / Lambert)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 19 December 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 Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Pedersen, Aird, Evans and Norek.

Against the Resolution: Nil.

Councillor Morrison entered the Chamber at 7:50pm.

PUBLIC FORUM

| NAME | SUBJECT/PUBLIC SPEAKERS |
|--------------|--|
| Tom Shanahan | An alternate plan for the late night future of Manly. |
| Denise Keen | Endorsement of Council's decision of 19 December 05 regarding the change in DCP for late night venues. |

MAYORAL MINUTES

Mayoral Minute Report No. 1

Viable Solutions to Traffic Issues at the Intersection of Roseberry Street and Balgowlah Rd

PUBLIC ADDRESSES:

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

Supporter: Mr Michael Olofinsky

MOTION (Macdonald / Hay)

That in consultation with the Traffic Committee, Council's Traffic Manager review the impact of the current arrangements and urgently prepare viable alternatives to the intersection such as a roundabout or one way system with a view to discarding the current arrangements.

2/06 **RESOLVED:** (Macdonald / Hay)

That in consultation with the Traffic Committee, Council's Traffic Manager review the impact of the current arrangements and urgently prepare viable alternatives to the intersection such as a roundabout or one way system with a view to discarding the current arrangements.

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

Against the Resolution: Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 1

Shop 1, 2 Sydney Road Manly

Councillor Aird, Councillor Lambert, and Councillor Evans moved:

“That the Council’s decision of 6 February 2006 being Item ESD No. 1 in respect of Shop 1, 2 Sydney Road, Manly be and is hereby rescinded.”

PUBLIC ADDRESSES:

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

Objector: Mr Sidar Demirbag, relative of the owner of Shop 1, 2 Sydney Road, Manly

Supporter: Mr Ray Mathieson, on behalf of the residents of Little Manly Precinct.

MOTION (Aird / Lambert)

That the Council’s decision of 6 February 2006 being Item ESD No. 1 in respect of Shop 1, 2 Sydney Road, Manly be and is hereby rescinded.

3/06 RESOLVED: (Aird / Lambert)

That the Council’s decision of 6 February 2006 being Item ESD No. 1 in respect of Shop 1, 2 Sydney Road, Manly be and is hereby rescinded.

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

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

With the voting being equal, the Mayor exercised his casting vote in support of the Rescission Motion.

The Ordinary Meeting was adjourned by the Mayor at 9:26pm.

The meeting was reconvened at 9:27pm with all Councillors present.

MOTION (Aird / Lambert)

That Development Application 135/95 for Turkish Pizzas and Kebab Shop at Shop 1, 2 Sydney Road, Manly, be modified subject to the original conditions of consent with Condition No. 1 modified and Condition Nos. 14 to 22 added as follows:-

1. The hours of operation are to be 9:00am to 1:00am each day in accordance with the Development Control Plan for Late-Night Venues.
14. The doors to the shop shall be closed and locked by 1:00am every day.
15. A licensed security guard is to be employed at the shop from 11:00pm until 1:15 am on Friday night/ Saturday morning and Saturday night/ Sunday morning to provide a safe environment for patrons of the shop and members of the public. If the shop is closed

earlier than 1:00am, the licensed security guard is required to be present at the shop from 11:00pm until 15 minutes after the doors are closed. Details of contracts with security guards required to be employed pursuant to this condition are to be submitted to the Council on request.

16. The security guard is required to provide a safe environment in relation to the following areas:
 - o That area of Sydney Road bounded to the east by the western boundary of Henrietta Lane and bounded to the west by the eastern side of the Arcade in No 4 Sydney Road.
 - o The area within the shop that is accessible to members of the public.
17. The security guard is required to wear a fluorescent jacket with the word "SECURITY" or like term clearly marked on the jacket. The security guard is also required to display his or her security license.
18. Employees of the shop must make patrols of the patrolling areas hourly after 12 midnight to remove litter in the patrolling areas. All litter removed by employees of the shop shall be disposed of lawfully.
19. Employees of the shop shall remove all litter situated within the patrolling areas at closing time. All litter removed by employees of the shop shall be disposed of lawfully.
20. No sound amplification equipment, loud speakers or the like shall be used for the broadcasting/playing of music or similar purposes that are audible from Sydney Road.
21. There are to be no flashing or flickering lights or the like operated in or on the premises that are visible from any public place or adjoining property.
22. The proprietors are to prepare a Plan of Management which is consistent with the Land and Environment Court Judgment No. 10746 dated 26 October 2005 in respect of purpose, amenity of neighbourhood, behaviour of patrons, waste removal, security and safety and security cameras; incorporating closing hours of 1:00am. This Plan of Management is to be submitted to Council prior to commencement of the extended hours. The operation of the premises is to comply with the Plan of Management.

AMENDMENT (Pedersen / Evans)

1. That the GM immediately facilitate the development of the "Late Night Food Discussion Forum". Participants to include shop owners, police, council rangers, town centre manager, safety and compliance officers, precinct and community representatives and interested councillors.
2. That the "Late Night Food Discussion Forum" seek fair and logical solutions to Manly's late night food outlet issues that does not undermine the Development Control Plan.
3. That the final consideration of the Ser-Bar Shop DA be deferred until after deliberations in the "Late Night Food Discussion Forum" and that a report be brought back to Council within 90 days.
4. That Councillors be given the relevant information as soon as possible regarding the closing times of Jester's pies.

For the Amendment: Councillors Cant, Pedersen and Evans.

Against the Amendment: Councillors Macdonald, Hay, Heasman, Lambert, Murphy, Daley, Morrison, Aird and Norek.

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

FORESHADOWED AMENDMENT (Hay / Daley)

That Development Application 135/95 for Turkish Pizzas and Kebab Shop at Shop 1, 2 Sydney Road, Manly, be modified subject to the original conditions of consent with Condition No. 1 modified and Condition Nos. 1a, 20 and 21 added as follows:-

1. The hours of operation are to be 9:00am to 1:00am each day in accordance with the Development Control Plan for Late-Night Venues.
- 1a. Notwithstanding Condition 1 above, the General Manager enter into a Deed of Agreement with the effect of permitting the applicant to trade 9am to 4am Friday and Saturday and 9am to 1am Sunday, and 9am to 3am Monday to Thursday only until the trading hours of Hotels are rolled back.

That the General Manager immediately facilitate the late night take away food agreement and that the owners of Shop 1, 2 Sydney Road be invited to participate in it.

20. No sound amplification equipment, loud speakers or the like shall be used for the broadcasting/playing of music or similar purposes that are audible from Sydney Road.
21. There are to be no flashing or flickering lights or the like operated in or on the premises that are visible from any public place or adjoining property.

*In accordance with the Council's Code of Meeting Practice, the General Manager advised that the above Foreshadowed Amendment was considered unlawful and was subsequently **withdrawn**.*

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

The **Motion** was also declared **Lost**, therefore no determination of the Development Application was resolved.

NOTICES OF MOTION

Notice of Motion Report No. 1

Extended Producer Responsibility (EPR) Regulations Preventing the Disposal of Office Paper to Landfill

Councillor Lambert moved:

1. That Manly Council write to the NSW and Commonwealth Ministers for the Environment, Ministers Debus and Campbell, seeking their support in introducing Extended Producer Responsibility (EPR) regulations which prevent the disposal of office paper to landfill.
2. That Manly Council seek the support of the Local Government & Shires Association in progressing this initiative.

MOTION (Lambert / Aird)

1. That Manly Council write to the NSW and Commonwealth Ministers for the Environment, Ministers Debus and Campbell, seeking their support in introducing Extended Producer Responsibility (EPR) regulations which prevent the disposal of office paper to landfill.
2. That Manly Council seek the support of the Local Government & Shires Association in progressing this initiative.

4/06 RESOLVED: (Lambert / Aird)

1. That Manly Council write to the NSW and Commonwealth Ministers for the Environment, Ministers Debus and Campbell, seeking their support in introducing Extended Producer Responsibility (EPR) regulations which prevent the disposal of office paper to landfill.
2. That Manly Council seek the support of the Local Government & Shires Association in progressing this initiative.

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

Against the Resolution: Nil.

Councillor Daley, Councillor Norek and Councillor Murphy were not in the Chamber when the Motion was put.

STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to allow for consideration of Items for Brief Mention Report 1 and General Manager's Report No. 2 Review of Management Plan - 1st July to 31st December 2005.

5/06 RESOLVED: (Macdonald / Aird)

That Standing Orders be suspended to allow for consideration of Items for Brief Mention Report 1 and General Manager's Report No. 2 Review of Management Plan - 1st July to 31st December 2005.

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

Against the Resolution: Nil.

Councillor Daley, Councillor Norek and Councillor Murphy were not in the Chamber when the Motion was put.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 1

Item for Brief Mention**1. Reports:**

The Director General of the State Emergency Service has appointed Mr Mark Simpson to the position of Local Controller of the Manly SES for a maximum period of two years subject to formal review.

2. Minutes Of Meetings:

- (i) ACCESS COMMITTEE MINUTES OF MEETING HELD ON 15 DECEMBER 2005
- (ii) COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 15 DECEMBER 2005
- (iii) MANLY ART GALLERY AND MUSEUM LIAISON COMMITTEE MEETING HELD ON 16 NOVEMBER 2005.
- (IV) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 12 DECEMBER 2005
- (V) MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 16 JANUARY 2006
- (vi) THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 1 FEBRUARY 2006
- (vii) THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 11 JANUARY 2006
- (viii) MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 9 FEBRUARY 2006
- (ix) MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 14 DECEMBER 2005
- (x) MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 8 FEBRUARY 2006
- (xi) SEAFORTH CENTENARY FESTIVAL REFERENCE GROUP HELD ON 13 DECEMBER 2005

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

3. a. Manly Visitor and Community Board Minutes of Meeting Held on 9 February 2006

Item Number: Item 7 - Sustainable Tourism

The Recommendation of the Committee was:

That Council continues to support the Seachange for Sustainable Tourism Programme by way of funding in the 2006/7 Budget.

MOTION (Heasman / Lambert)

- 1. That the appointment of Mr Mark Simpson to the position of Local Controller of the Manly SES be received and noted.
- 2. That the recommendations of **Minutes of Meetings, as listed in item 2, being (i) to (xi)**, as listed above, be **adopted**.
- 3a. That item **Item 7 - Sustainable Tourism** of Manly Visitor and Community Board Minutes of Meeting held on 9 February 2006 be adopted, as follows:

That Council continues to support the Seachange for Sustainable Tourism Programme by way of funding in the 2006/7 Budget.

6/06 RESOLVED: (Heasman / Lambert)

1. That the appointment of Mr Mark Simpson to the position of Local Controller of the Manly SES be received and noted.
2. That the recommendations of **Minutes of Meetings, as listed in item 2, being (i) to (xi)**, as listed above, be **adopted**.
- 3a. That item **Item 7 - Sustainable Tourism** of Manly Visitor and Community Board Minutes of Meeting held on 9 February 2006 be adopted, as follows:

That Council continues to support the Seachange for Sustainable Tourism Programme by way of funding in the 2006/7 Budget.

For the Resolution: Councillors Macdonald, Hay, Heasman, Lambert, Cant, Morrison, Pedersen, Aird and JEvans.

Against the Resolution: Nil.

Councillor Daley, Councillor Norek and Councillor Murphy were not in the Chamber when the Motion was put.

General Managers Division Report No. 2

Review of Management Plan - 1st July to 31st December 2005**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 Corporate Plan 2005 - 2008 for the periods ending 30th September and 31st December 2005, in accordance with the requirements of the *Local Government Act 1993*.

MOTION (Heasman / Lambert)

That the report on the review of the Corporate Plan for the periods ending 30th September 2005 and 31st December 2005 of the Management Plan 2005 - 2008 be received and noted.

7/06 RESOLVED: (Heasman / Lambert)

That the report on the review of the Corporate Plan for the periods ending 30th September 2005 and 31st December 2005 of the Management Plan 2005 - 2008 be received and noted.

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

Against the Resolution: Nil.

STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

8/06 RESOLVED: (Macdonald / Aird)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

Notice of Motion Report No. 2

Cleaning up the DA System

Councillor Norek moved that:

1. Manly Council to provide a report/submission to ICAC on what it can do to address all 10 points raised in the Discussion Paper;
2. Manly Council to adopt an IHAP model. Council to bring back a report to the structure and process of the model.

MOTION (Norek)

1. Manly Council to provide a report/submission to ICAC on what it can do to address all 10 points raised in the Discussion Paper;
2. Manly Council to adopt an IHAP model. Council to bring back a report to the structure and process of the model.

*Due to the lack of a Seconder the Motion **lapsed**.*

General Managers Division Report No. 3

The Manly Code of Meeting Practice

SUMMARY

The Manly Code of Meeting Practice (the Code) was adopted on 21 February 2005.

The Code provides that each Councillor may submit 12 Notices of Motion per year with a maximum of 2 per meeting.

This provision in the Code was the subject of discussions between Council and the Department. I have also sought legal advice in on its lawfulness.

According to advice, the question of lawfulness of this or any provision in the Code is a matter for a competent Court to decide.

The department recently issued a practice note to Council on the Code of Meeting Practice. On the issue of limits on the number Notice of Motions that a Councillor may put to a meeting, the Practice Notes *directs that "... as long as notice and other procedures are followed [but] when putting forward motions [councillors] may need to balance [their] civic responsibility with [their] obligation to use council's resources effectively and efficiently"*.

MOTION (Norek)

In pursuant of *Local Government Act 1993*, Council puts on public exhibition the following proposed amendments to its Code of Meeting Practice :

- 1 the deletion of 23(4) of the Code, which currently reads as follows:

“23(4) Limitation on number of Notices of Motion

Councillors be limited to 12 notices of motion per councillor, per calendar year with a maximum of two (2) at any given meeting”.

- 2 the insertion of a new clause 23(4), to read as follows:

23(4) Transaction of Notices of Motion

To ensure efficient and effective use of Council resources, Council may resolve to allocate specific amount of meeting time for transacting and/or the Standing Order of, business listed under the Notices of Motion section of the Agenda.

Due to the lack of a Secunder, the Motion lapsed.

MOTION (Pedersen / Hay)

That Council maintain the status quo in relation to Councillor Notice of Motions as per section 23(4) of the Code of Meeting Practice and that should any legal issues arise, the General Manager immediately report this to the elected Council.

9/06 **RESOLVED:** (Pedersen / Hay)

That Council maintain the status quo in relation to Councillor Notice of Motions as per section 23(4) of the Code of Meeting Practice and that should any legal issues arise, the General Manager immediately report this to the elected Council.

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

Against the Resolution: Councillor Norek.

Councillor Aird was not in the Chamber when the Motion was put.

General Managers Division Report No. 4

Fairlight Precinct - Proposed Permit Parking Scheme**SUMMARY**

Fairlight Precinct recently conducted a parking study by survey to extend the existing Tower Hill Permit Parking Scheme.

MOTION (Hay / Evans)

1. That the Fairlight Precinct's proposed "2P 0800 to 2200 seven days Permit Holder Excepted" Permit Parking Scheme be implemented in the following streets:
 - Along Lauderdale Ave to the junction with Bolingbroke and along Sydney Rd & Fairlight St to their junctions with Woods Parade.

- Including Laurence & Margaret Sts, Fairlight Crescent, Bolingbroke Parade (south of Lauderdale plus the cul-de-sac above), all of Woods Parade, Berry St & Clifford Ave.
2. The precinct be provided with further advice on options (if any) for extending the scheme, and business parking in time for their April meeting.

10/06 RESOLVED: (Hay / Evans)

1. That the Fairlight Precinct's proposed "2P 0800 to 2200 seven days Permit Holder Excepted" Permit Parking Scheme be implemented in the following streets:
 - Along Lauderdale Ave to the junction with Bolingbroke and along Sydney Rd & Fairlight St to their junctions with Woods Parade.
 - Including Laurence & Margaret Sts, Fairlight Crescent, Bolingbroke Parade (south of Lauderdale plus the cul-de-sac above), all of Woods Parade, Berry St & Clifford Ave.
2. The precinct be provided with further advice on options (if any) for extending the scheme, and business parking in time for their April meeting.

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

Against the Resolution: Nil.

CORPORATE AND SUPPORT SERVICES DIVISION

Corporate And Support Services Division Report No. 1

Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2005/2006**SUMMARY**

1. The Local Government Remuneration Tribunal has completed its annual review of the category of Councils and the fees payable to the Mayor and Councillors.
2. The Tribunal has now handed down a special determination in regards to the minimum and maximum fees for all Councils in all categories for Councillors and Mayors.
3. It is recommended that Council continue with its current adopted policy and set the Mayor and Councillor Remuneration fees at the maximum level determined by the Tribunal.

MOTION (Murphy / Heasman)

1. That Council reaffirm its previous policy adopted in July 1998 to set the Mayor and Councillor remuneration fees at the maximum level determined by the Local Government Remuneration Tribunal.
2. That Council make a submission to the Local Government Remuneration Tribunal to support Manly Council being categorised as a Category 1 Council, using tourism figures and other relevant factors to justify the category upgrade.

AMENDMENT (Pedersen / Macdonald)

That Council reaffirm its previous policy adopted in July 1998 to set the Mayor and Councillor remuneration fees at the maximum level determined by the Local Government Remuneration Tribunal.

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

Against the Amendment: Councillors Heasman, Cant, Murphy and Morrison.

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

11/06 **RESOLVED:** (Pedersen / Macdonald)

That Council reaffirm its previous policy adopted in July 1998 to set the Mayor and Councillor remuneration fees at the maximum level determined by the Local Government Remuneration Tribunal.

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

Against the Resolution: Nil.

Corporate And Support Services Division Report No. 2

Purchasing and Tendering Policy

SUMMARY

The draft Purchasing and Procurement Policy has been on public exhibition from 22 November 2005 to 16 December 2005, and is now submitted to Council for adoption.

MOTION (Lambert / Hay)

That:

1. As no submissions have been received, the draft "Purchasing & Procurement Policy and Tendering Guidelines" be adopted;
2. Council adopt the (draft) "Tendering Guidelines for NSW Local Government", with a copy to be annexed to the Policy, subject to the release of the final version of the Guidelines by the Department of Local Government.

12/06 **RESOLVED:** (Lambert / Hay)

That:

1. As no submissions have been received, the draft "Purchasing & Procurement Policy and Tendering Guidelines" be adopted;
2. Council adopt the (draft) "Tendering Guidelines for NSW Local Government", with a copy to be annexed to the Policy, subject to the release of the final version of the Guidelines by the Department of Local Government.

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

Against the Resolution: Nil.

Councillor Evans was not in the Chamber when the Motion was put.

Corporate And Support Services Division Report No. 3

**Accounts - Report on Council Investments as at 31 December, 2005 and 31 January, 2006
SUMMARY**

Latest accounting statements for the period to 31 December, 2005 and 31 January, 2006.

1. Statement showing general fund bank account balance as at 31 December, 2005 and 31 January, 2006.
2. Cash investments as at 31 December 2005 and 31 January, 2006

MOTION (Hay / Morrison)

1. That the statement of General Fund Bank Account balance as at 31 December, 2005 and 31 January 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 31 December, 2005 and 31 January 2006 be received and noted.

13/06 RESOLVED: (Hay / Morrison)

1. That the statement of General Fund Bank Account balance as at 31 December, 2005 and 31 January 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 31 December, 2005 and 31 January 2006 be received and noted.

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

Against the Resolution: Nil.

Corporate And Support Services Division Report No. 4

**Financial Review for the Period Ending 31 December 2005
SUMMARY**

Council's Income and Expenditure for the quarter 1 October 2005 to 31 December 2005 has been reviewed, together with a projection of Council's Budget as at 30 June 2006, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$5,880 and a forecast deficit at 30 June 2005 of \$164,670.

MOTION (Pedersen / Daley)

That the 2005/2006 Adopted Budget be varied in terms of this Report.

14/06 **RESOLVED:** (Pedersen / Daley)

That the 2005/2006 Adopted Budget be varied in terms of this Report.

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

Against the Resolution: Nil.

Councillor Evans departed the meeting at 11:58pm.

QUESTIONS WITHOUT NOTICE

Councillor Heasman:

1. Could the General Manager provide a further update regarding the Manly Design Awards

At the request of the Mayor, the General Manager advised that staff have investigated this matter and in consultation with the General Manager, have agreed that due to the nature of the Awards a longer program cycle was appropriate.

(Previous advice regarding this matter indicated that planning has commenced for the Design Awards which will recommence in 2007.)

2. What public amenities will be available on Condamine Street, Balgowlah until such time as the Totem Development reopens? (would Council be able to approach the developer to provide and service a couple of 'portaloo's' at a suitable central location?)

At the request of the Mayor, the General Manager advised that currently, the public toilets at the end of Lane 32 off Condamine Street are Council controlled. Council will also consider installing an 'exceloo' at the other exit. Further advice will be provided on this matter once considered.

Councillor Lambert:

1. Has Manly Council been consulted on the design of the planned Spit Bridge widening?

In particular, will Council use its best endeavours to ensure that any proposal for a shared pedestrian / bicycle path is replaced by separate/dedicated paths for pedestrians and cyclists, given the importance of this route as a cycle commuter route and the safety challenges posed by the terrain in the area.

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

Councillor Murphy:

1. What is the status of the election budget bids, the hit up wall in LM Graham Reserve and the Fairlight Shop upgrade?

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

Councillor Morrison:

1. How do trailers parked in time zones get issued with an infringement notice?

At the request of the Mayor, the General Manager advised that the infringement notice would be sent by post and the trailer could also be towed away if a number of notices had already been issued.

2. Can a trailer have a parking permit sticker on it?

At the request of the Mayor, the General Manager advised that it is possible for trailers to be issued with parking permits but Council has only ever issued a few such permits.

Councillor Aird:

1. At the Southern end of Smith Street (at the junction of Carlton Street) on the western side of the footpath is an area that is heavily overgrown and fenced off causing people to walk around. Can Council provide information on why this is fenced off as it is causing inconvenience to people, particularly those with strollers.

At the request of the Mayor, the General Manager advised that Energy Australia are in the process of upgrading power lines at this location, however work has temporarily stopped due to bad weather. Council will follow up this matter and provide further advice.

Councillor Norek:

1. What do our child carers get paid compared to other Councils such as Pittwater, Warringah and Mosman?

At the request of the Mayor, the General Manager advised that child care professionals are paid in accordance with the relevant State Award and that these figures are published in comparative data about the Department. The General Manager advised he will provide a copy to Councillor Norek.

2. What is the yearly ratio of management and administration costs to operation costs over the last 5 years?

At the request of the Mayor, the General Manager advised that as above, a copy of relevant data would be provided to Councillor Norek.

Mayor Councillor Macdonald:

1. Can the General Manager provide further clarification on the unresolved Development Application at tonight's meeting, Notice of Rescission Report No. 1 Shop 1, 2 Sydney Road Manly?

The General Manager advised that he would provide further advice on Council's position regarding the Development Application being unresolved.

CLOSE

The meeting closed at [12:15pm](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [20 March 2006](#).

MAYOR

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