



Minutes

Extraordinary Meeting of Council

Consideration of Items deferred from the Ordinary Meeting of 19 March 2007

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 26 March 2007

*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*

TABLE OF CONTENTS

Item	Page No.
PRESENT	2
APOLOGIES / LEAVE OF ABSENCE	2
DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST.....	2
NOTICES OF MOTION.....	3
Notice of Motion Report No. 5	
Internal Ombudsman for Manly Council	3
ITEMS FOR BRIEF MENTION	7
Item For Brief Mention Report No. 2	
Item for Brief Mention	7
GENERAL MANAGERS DIVISION.....	4
General Managers Division Report No. 6	
Ivanhoe Park Permit Parking Scheme - Extension.....	4
CORPORATE SERVICES DIVISION	9
Corporate Services Division Report No. 5	
Revenue Policy 2007/2008 - Proposal to Seek Special Rate Variation.....	9
Corporate Services Division Report No. 6	
Council Loan Borrowing 2006/2007.....	11
Corporate Services Division Report No. 7	
Accounts - Report on Council Investments as at 28 February 2007	12
CORPORATE PLANNING AND STRATEGY DIVISION	13
Corporate Planning And Strategy Division Report No. 10	
Report on Draft Manly Local Environmental Plan 1988 (Amendment No. 74). Proposal to rezone Lots 15 and 16 DP18433, Coral Street, Balgowlah from Special Uses - School to Residential.....	13

The Ordinary Meeting of Council resumed on Monday 26 March 2007 at 8.29pm to consider items deferred from the Ordinary Meeting of 19 March 2007.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor B Pedersen
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
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Executive Director Major Projects
Stephen Clements, Divisional Manager Environmental Services
Ross Fleming, Chief Financial Officer
Rachael Levey, Minute Taker

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Murphy	General Managers Division Report No. 6	Lives in one of the subject streets

SUSPENSION OF STANDING ORDERS (Macdonald / Hay)

That Standing Orders be Suspended to permit members of the public to address Council on the following items: Notice of Motion Report No. 5, Internal Ombudsman for Manly Council and General Managers Division Report No. 6, Ivanhoe Park Permit Parking Scheme – Extension.

33/07 MOTION (Macdonald / Hay)

That Standing Orders be Suspended to permit members of the public to address Council on the following items: Notice of Motion Report No. 5, Internal Ombudsman for Manly Council and General Managers Division Report No. 6, Ivanhoe Park Permit Parking Scheme – Extension.

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

NOTICES OF MOTION

Notice of Motion Report No. 5

Internal Ombudsman for Manly Council

Councillor Norek moved:

“That Council appoint an Internal Ombudsman for Manly Council.”

Background:

The Office of the Internal Ombudsman was established in 2004 to improve Warringah Council's accountability after public dismissal of Councillors.

Councils receive considerable public funds in rates and charges, which they have a duty to spend wisely, effectively, and to the benefit of the community. They also exercise a great deal of authority in relation to a range of matters that affect the community such as: planning and development, traffic and parking, health regulations, dog control and so on. The Office of the Internal Ombudsman's primary mission is to ensure that all Council's dealings with the community are fair, transparent and accountable.

In essence, Manly Council only exists to serve the public interest. The Office of the Internal Ombudsman is an accountability institution to ensure that in every possible way, Council acts to serve the public interest.

Currently in Warringah, the Office of the Internal Ombudsman does this firstly by providing a complaints management service to the community. Any person can make a complaint to this Office about misconduct or maladministration by Council or Council officers.

The Office of the Internal Ombudsman also gives guidance and advice to the General Manager and Council officers about how to improve probity and reduce the likelihood of maladministration or misconduct. We do this by giving specific advice on request, or becoming involved in particular issues that often cause problems such as the procurement of goods and services. This Office is also in the process of implementing a strategy across all of Council to improve policies and procedures that reduce or prevent fraud, maladministration, or corruption.

PUBLIC ADDRESSES

The following persons addressed Council in relation to this matter:

Against: Mr Charles Wynne

In Favour: Mr Tom Shanahan

MOTION (Norek / Morrison)

That Council appoint an Internal Ombudsman for Manly Council.

For the Motion: Councillor Norek

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

The Motion was declared **LOST**.

Having previously declared an interest in Item 6, Councillor Murphy left the Chamber at 9:14pm.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 6

Ivanhoe Park Permit Parking Scheme - Extension

SUMMARY

On 20 March 2006 Council resolved to implement the Ivanhoe Park Permit Parking Scheme. The Scheme commenced operation in June 2006.

In response to parking problems being experienced by residents, in November 2006 Council then resolved to extend the permit parking area to incorporate the northern ends of Birkley Road, Quinton Road and Kangaroo Street. As part of that resolution Council resolved that:

“Council conduct a survey of all rateable properties in William Street, Thornton Street, Parkview Road and Crescent Street with a view to extending the existing Ivanhoe Park Permit Parking Scheme to incorporate their streets and a report be provided to Council on the results of the survey.”

A survey of these properties was conducted in December 2006 and based on the results of the survey it is recommended that the Ivanhoe Park Permit Parking Scheme be extended to incorporate Parkview, Crescent, Thornton and William Streets.

PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

Against: Mr Jonathon McKenzie

MOTION (Cant / Lambert)

That:

1. Council as soon as practicable, implement an extension of the existing Ivanhoe Park Permit Parking Scheme in the following streets:
 - both sides of Parkview Street;
 - both sides of Crescent Street;
 - both sides of Thornton Street; and
 - both sides of William Street.
2. Notice be given to each property in the surveyed area.
3. Each property located in the area of the scheme be entitled to a maximum of three (3) permits, with the cost being: free for the first permit, twenty dollars (\$20) for the second permit, and forty dollars (\$40) for the third Permit and with permit holders being four dollars (\$4) each.
4. That the General Manager may on a “merits of the case” basis, authorise the issuing of additional permits in excess of the maximum entitlement. The cost of additional permits will be one hundred dollars (\$100) each, plus the cost of permit holders.

5. All unrestricted kerbside parking spaces be sign posted for "2P Ivanhoe Park, 8AM to 6PM Permit Holders Excepted". Signage to be installed as appropriate along both sides of each of the streets to indicate the restrictions of the scheme.
6. The implementation of this scheme supersedes all previous and existing Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
7. That Council resurvey the residents of Augusta Rd central and Augusta Road west (including the cul-de-sac), as well as Cecil and Mossgiel Streets and, subject to an affirmative response, include these streets in the parking scheme.

AMENDMENT (Aird / Macdonald)

That:

1. Council as soon as practicable, implement an extension of the existing Ivanhoe Park Permit Parking Scheme in the following streets:
 - both sides of Parkview Street;
 - both sides of Crescent Street;
 - both sides of Thornton Street;
 - both sides of William Street;
 - both sides of Cecil Street;
 - both sides of Mossgiel Street; and
 - both sides of Augusta St (including the cul-de-sac).
2. Notice be given to each property in the surveyed area.
3. Each property located in the area of the scheme be entitled to a maximum of three (3) permits, with the cost being: free for the first permit, twenty dollars (\$20) for the second permit, and forty dollars (\$40) for the third Permit and with permit holders being four dollars (\$4) each.
4. The General Manager may on a "merits of the case" basis, authorise the issuing of additional permits in excess of the maximum entitlement. The cost of additional permits will be one hundred dollars (\$100) each, plus the cost of permit holders.
5. All unrestricted kerbside parking spaces be sign posted for "2P Ivanhoe Park, 8AM to 6PM Permit Holders Excepted". Signage to be installed as appropriate along both sides of each of the streets to indicate the restrictions of the scheme.
6. The implementation of this scheme supersedes all previous and existing Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
7. The implementation of the parking scheme be subject to the standard review process of Council.
8. The Ivanhoe Park Precinct be advised of the nature and reasons of the decision to include the additional streets of Cecil, Mossgiel and Augusta in the parking scheme, including the inevitable flow-on effects in the area.

The **Motion** was **Withdrawn**. The **Amendment** became the **Motion** and was put.

34/07 **RESOLVED: (Aird / Macdonald)**

That:

1. Council as soon as practicable, implement an extension of the existing Ivanhoe Park Permit Parking Scheme in the following streets:
 - both sides of Parkview Street;
 - both sides of Crescent Street;
 - both sides of Thornton Street;
 - both sides of William Street;
 - both sides of Cecil Street;
 - both sides of Mossgiel Street; and
 - both sides of Augusta St (including the cul-de-sac).
2. Notice be given to each property in the surveyed area.
3. Each property located in the area of the scheme be entitled to a maximum of three (3) permits, with the cost being: free for the first permit, twenty dollars (\$20) for the second permit, and forty dollars (\$40) for the third Permit and with permit holders being four dollars (\$4) each.
4. The General Manager may on a "merits of the case" basis, authorise the issuing of additional permits in excess of the maximum entitlement. The cost of additional permits will be one hundred dollars (\$100) each, plus the cost of permit holders.
5. All unrestricted kerbside parking spaces be sign posted for "2P Ivanhoe Park, 8AM to 6PM Permit Holders Excepted". Signage to be installed as appropriate along both sides of each of the streets to indicate the restrictions of the scheme.
6. The implementation of this scheme supersedes all previous and existing Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
7. The implementation of the parking scheme be subject to the standard review process of Council.
8. The Ivanhoe Park Precinct be advised of the nature and reasons of the decision to include the additional streets of Cecil, Mossgiel and Augusta in the parking scheme, including the inevitable flow-on effects in the area.

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

Against the Resolution: Nil.

Councillor Murphy re-entered the Chamber at 9:55pm.

RESUMPTION OF STANDING ORDERS (Macdonald / Hay)

That Standing Orders be resumed.

35/07 **MOTION (Macdonald / Hay)**

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.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

Item for Brief Mention

1. Reports

i) Annual Report of the State Emergency Service of NSW for the financial year 2005/06

A letter has been received from Brigadier Phillip McNamara, Director General of the State Emergency Service enclosing the Annual Report of the State Emergency Service of NSW for the financial year 2005/06. He requests that the report be brought to the attention of Council and staff.

ii) Notification from Election Funding Authority regarding Manly Council election held on 27 March 2004

Notification has been received from the Election Funding Authority in respect to an outstanding Declaration of Political Contributions and Electoral Expenditure Return of a candidate from the Local Government Elections held on 27 March 2004.

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

- (i) North Head Working Group – 20 November 2006
- (ii) Manly Bicycle Committee – 8 February 2007
- (iii) Manly Visitor And Community Board Committee Notes - 8 February 2007
- (iv) Manly Meals On Wheels Service Committee - 14 February 2007
- (v) Manly Sister Cities Committee - 14 February 2007
- (vi) Access Committee - 15 February 2007
- (vii) Community Safety Committee - 15 February 2007
- (viii) Joint Services Committee – 15 February 2007
- (ix) Manly Youth Council - 19 February 2007
- (x) Manly Public Art Committee - 20 February 2007
- (xi) Social Plan Implementation Committee – 20 February 2007
- (xii) Manly Art Gallery & Museum Liaison Committee – 21 February 2007
- (xiii) Manly Scenic Walkway Committee – 27 February 2007

3. **Minutes of meetings containing recommendations of a substantial nature requiring formal council adoption:**

Manly Public Art Committee - 20 February 2007

Item 5.1 Marine Parade Boatshed

Recommendation:

Although the finer details were still in the planning stages, it was proposed that Cr Pedersen (Chair) would endeavour to obtain in-principal agreement from the Council for the construction of a viewing platform over the boatshed.

Motion

That the Chair, Cr Pedersen takes the proposal for the viewing platform over the boatshed to Council to obtain in-principal agreement.

Moved: Sandy Bliim

Seconded: Leana Julian

Divisional Manager Human Services and Facilities' note:

I have sought the advice from the Planning Branch of Council in regard to the planning controls for the Ocean Beach area which extends from Queenscliff to Shelly Beach and with reference to Council's adopted Ocean Beach Master Plan of 1995. The advice received confirms community support for this area of the foreshore to be kept as natural as possible. A proposed additional structure or other associated works which may add to the asset life cycle of the building is not supported or desirable under the planning controls which seek to protect the foreshore scenic protection area from negative impacts and to conserve the heritage listing of the Ocean Foreshore as an item of natural heritage. Any proposed development or works for the purposes of a lookout on the boatshed roof is not supported.

MOTION (Cant / Heasman)

1. i) That Council receive and note the Annual Report of the **State Emergency Service of NSW** for the financial year 2005/06.
- ii) That Council note the notification from the **Election Funding Authority** regarding the Local Government Election held on 27 March 2004.
2. a. That the minutes of meetings listed in items **2(i) to 2(ix)** and **2(xi) to 2(xiii)** above, be **adopted**.
- b. That Council **note** the following recommendation from 2(ii) above, **Manly Bicycle Committee – 8 February 2007** in relation to **Item 13i) Darley Road Bike Lane**
Options:

Uphill:	Bike lane within door zone Parking (2.0m) Bike Lane (1.4m) Car lane (3.0m)	Downhill:	Logos & Signage etc on Full Lane Parking (2.0m) Bike/Car Lane (4.4m) Bicycles and cars share the road
---------	---	-----------	--
3. That the minutes of the **Manly Public Art Committee - 20 February 2007**, be **adopted** with the exception of **Item 5.1 Marine Parade Boatshed**. That this item be **noted** only.

36/07 **RESOLVED: (Cant / Heasman)**

1. i) That Council receive and note the Annual Report of the **State Emergency Service of NSW** for the financial year 2005/06.
- ii) That Council note the notification from the **Election Funding Authority** regarding the Local Government Election held on 27 March 2004.
2. a. That the minutes of meetings listed in items **2(i) to 2(ix)** and **2(xi) to 2(xiii)** above, be **adopted**.
- b. That Council **note** the following recommendation from 2(ii) above, **Manly Bicycle Committee – 8 February 2007** in relation to **Item 13 i)** Darley Road Bike Lane Options:

Uphill:	Bike lane within door zone Parking (2.0m) Bike Lane (1.4m) Car lane (3.0m)	Downhill:	Logos & Signage etc on Full Lane Parking (2.0m) Bike/Car Lane (4.4m)
---------	---	-----------	--
3. That the minutes of the **Manly Public Art Committee - 20 February 2007**, be **adopted** with the exception of **Item 5.1 Marine Parade Boatshed**. That this item be **noted** only.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 5

Revenue Policy 2007/2008 - Proposal to Seek Special Rate Variation

SUMMARY

Council is required to give notice of its intention to make an application to the Minister for Local Government for a Special Variation to General Income for an Infrastructure Levy and to include details in its Draft Management Plan 2007/2008.

MOTION (Pedersen / Macdonald)

That:

1. Council include in the Draft Management Plan for 2007/2008 its intention to make an application to the Minister for a special rate variation of general income in accordance with Section 508(2) of the Local Government Act, 1993 to achieve a 5% increase per annum (above the statutory rate peg limit) to fund an Infrastructure Levy.
2. A notice of "Intention to apply for a special variation" be forwarded to the Department in accordance with the report.
3. That before any final decision is made regarding adopting or not the proposed rate variation, that Council pro-actively seek community opinion and inform the community of the GMs reasons for the financial necessity for the levy.
4. That the General Manager bring forward a clearer report on which items would be funded from the Infrastructure report.

5. That the General Manager identify spending cuts and potential fee increases to the value of \$1m per annum prior to any rate variations being adopted.

AMENDMENT (Cant / Murphy)

That Council **not** support the application for a rate increase and that the General Manager identify savings and potential fee increases.

The **Motion** was **Withdrawn** and the **Amendment** became the **Motion**.

FURTHER AMENDMENT (Lambert / Aird)

That:

1. Council include in the Draft Management Plan for 2007/2008 its intention to make an application to the Minister for a special rate variation of general income in accordance with Section 508(2) of the Local Government Act, 1993 to achieve a 5% increase per annum (above the statutory rate peg limit) to fund an Infrastructure Levy.
2. A notice of "Intention to apply for a special variation" be forwarded to the Department in accordance with the report.
3. The General Manager bring forward a clearer report on which items would be funded from the Infrastructure report.
4. The General Manager identify spending cuts and potential fee increases required as an alternative to achieve the same \$1m outcome prior to any final decision on adoption of any rate variations.

For the Further Amendment: Councillors Hay, Heasman, Lambert, Daley, Morrison, Aird and Evans

Against the Further Amendment: Councillors Macdonald, Cant, Murphy, Pedersen and Norek

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

FORESHADOWED AMENDMENT (Morrison / Daley)

That:

1. Council include in the Draft Management Plan for 2007/2008 its intention to make an application to the Minister for a special rate variation of general income in accordance with Section 508(2) of the Local Government Act, 1993 to achieve a 5% increase per annum (above the statutory rate peg limit) to fund an Infrastructure Levy.
2. A notice of "Intention to apply for a special variation" be forwarded to the Department in accordance with the report.

For the Foreshadowed Amendment: Councillors Daley and Morrison

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

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

37/07 RESOLVED: (Lambert / Aird)

That:

1. Council include in the Draft Management Plan for 2007/2008 its intention to make an application to the Minister for a special rate variation of general income in accordance with Section 508(2) of the Local Government Act, 1993 to achieve a 5% increase per annum (above the statutory rate peg limit) to fund an Infrastructure Levy.
2. A notice of "Intention to apply for a special variation" be forwarded to the Department in accordance with the report.
3. The General Manager bring forward a clearer report on which items would be funded from the Infrastructure report.
4. The General Manager identify spending cuts and potential fee increases required as an alternative to achieve the same \$1m outcome prior to any final decision on adoption of any rate variations.

For the Resolution: Councillors Hay, Heasman, Lambert, Daley, Morrison, Aird and Evans

Against the Resolution: Councillors Macdonald, Cant, Murphy, Pedersen and Norek

Corporate Services Division Report No. 6

Council Loan Borrowing 2006/2007**SUMMARY**

1. It is proposed to proceed to take up council's loan borrowing of \$1.85 Million for 2006/2007.
2. Four written quotations have been received from the Commonwealth Bank of Australia, Westpac Banking Corporation, Australia and New Zealand Banking Group Ltd and Grange Securities Limited.
3. It is recommended that council accept the quotation from the Commonwealth Bank of Australia.

MOTION (Evans / Lambert)

1. That Council accept the Commonwealth Bank of Australia's offer of 6.58% per annum, fixed for ten (10) years, for a loan of \$1,850,000 subject to its rate remaining the most competitive at draw-down.
2. That the Mayor and General Manager be authorised to execute all necessary loan documentation under the Common Seal of Council.

38/07 RESOLVED: (Evans / Lambert)

1. That Council accept the Commonwealth Bank of Australia's offer of 6.58% per annum, fixed for ten (10) years, for a loan of \$1,850,000 subject to its rate remaining the most competitive at draw-down.
2. That the Mayor and General Manager be authorised to execute all necessary loan documentation under the Common Seal of Council.

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

Councillor Daley and Councillor Cant departed the meeting at 10:40pm.

Corporate Services Division Report No. 7

Accounts - Report on Council Investments as at 28 February 2007

SUMMARY

Latest accounting statements for the period to 28 February 2007

1. Statement showing general fund bank account balance as at 28 February 2007.
2. Cash investments as at 28 February 2007.

MOTION (Heasman / Aird)

That:

1. The statement of General Fund Bank Account balance as at 28 February, 2007 be received and noted.
2. The certification by the Chief Financial Officer be noted.
3. Details of Council's cash investments as at 28 February, 2007 be received and noted.

39/07 **RESOLVED: (Heasman / Aird)**

That:

1. The statement of General Fund Bank Account balance as at 28 February, 2007 be received and noted.
2. The certification by the Chief Financial Officer be noted.
3. Details of Council's cash investments as at 28 February, 2007 be received and noted.

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

CORPORATE PLANNING AND STRATEGY DIVISION

Corporate Planning And Strategy Division Report No. 10

Report on Draft Manly Local Environmental Plan 1988 (Amendment No. 74). Proposal to rezone Lots 15 and 16 DP18433, Coral Street, Balgowlah from Special Uses - School to Residential

SUMMARY

The purpose of this Report is to inform Council on information received from the Office of the Hon. Frank Sartor MP, Minister for Planning, and the Minister for Housing, on behalf of the Premier, regarding the Draft Manly Local Environmental Plan 1988 (Amendment No. 74): Proposal to rezone Lots 15 and 15 DP18433, Coral Street, Balgowlah from Special Uses – School to Residential.

MOTION (Hay / Macdonald)

1. That Council receive and note the information on the report on Draft Manly Local Environment Plan 1988 (Amendment No. 74).
2. That Council make representations to the relevant state Ministers that where land is deemed surplus to need, the State Government consider provision of affordable housing as a priority.

40/07RESOLVED: (Hay / Macdonald)

1. That Council receive and note the information on the report on Draft Manly Local Environment Plan 1988 (Amendment No. 74).
2. That Council make representations to the relevant state Ministers that where land is deemed surplus to need, the State Government consider provision of affordable housing as a priority.

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

Against the Resolution: Councillor Murphy

CLOSE

The meeting closed at 10:44pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 23 April 2007.

MAYOR

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