

Manly Council

Minutes

Extraordinary Meeting of Council

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 5 November 2007

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The Extraordinary Meeting of Council was held in the Council Chambers, Town Hall, Manly, on Monday 5 November 2007. The meeting commenced at 7:40pm.

PRESENT

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

ALSO PRESENT

Henry T Wong, General Manager
Stephen Clements, Executive Manager Environmental Services
David Stray, Manager Development Control
Jennie Minifie, Branch Manager, Planning & Strategy
Fred Gennaoui, Traffic Consultant
Eric Armstrong, Consultant Town Planner
Flora Mesiti, Executive Assistant
Liz Rich, Minute Taker

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to consider items of public interest, being General Managers Division Report No.32, Seaforth (Former TAFE Site) - Progress Report.

175/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be suspended to consider items of public interest, being General Managers Division Report No.32, Seaforth (Former TAFE Site) - Progress Report.

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

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 32

Seaforth (Former TAFE Site) - Progress Report - Following Community Reference Group (CRG) meetings held on 5th September and 24th October, 2007**SUMMARY**

- This report is in response to Council's resolution of 23rd July, 2007.
- The expanded Seaforth TAFE Site Community Reference Group (CRG) met on 5th September, 2007 and then again on 24th October, 2007.
- At the 24th October meeting of the CRG, the CRG made certain recommendation to Council on the proposal.

PUBLIC ADDRESSES

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

Against the Recommendation: Mr Peter Fysh

In Support of the Recommendation: Mr Phil Jacombs

MOTION (Morrison / Norek)

That Council:

1. Discontinue negotiations with Landcom in relation to Option 3, or any variation thereof
2. Invite Landcom to submit an application for redevelopment of the TAFE site only, in accordance with the qualitative and quantitative provisions of the existing DCP for the Seaforth business zone

AMENDMENT (Macdonald / Aird)

That:

1. A decision on the future of the Seaforth (former TAFE Site) be deferred while Council engage an independent consultant with the appropriate expertise to assist in preparing a plebiscite (Poll of Electors of Seaforth, Seaforth North and Clontarf), which properly and concisely explains the case for and against the Landcom Option 3 and Option 2, and such plebiscite be conducted by the State Electoral Office.
2. Council seek input from the Seaforth Community TAFE Development Action Group (SCTDAG), the precincts of Seaforth, Seaforth North and Clontarf, and the CRG in preparing the plebiscite.
3. Council also include in the plebiscite the question on whether the site should be kept as an educational institution.

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

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

With voting being equal the Mayor exercised his casting vote for the Amendment. The Amendment became the Motion and was put and declared **CARRIED**.

176/07 **RESOLVED:** **(Macdonald / Aird)**

That:

1. A decision on the future of the Seaforth (former TAFE Site) be deferred while Council engage an independent consultant with the appropriate expertise to assist in preparing a plebiscite (Poll of Electors of Seaforth, Seaforth North and Clontarf), which properly and concisely explains the case for and against the Landcom Option 3 and Option 2, and such plebiscite be conducted by the State Electoral Office.
2. Council seek input from the Seaforth Community TAFE Development Action Group (SCTDAG), the precincts of Seaforth, Seaforth North and Clontarf, and the CRG in preparing the plebiscite.
3. Council also include in the plebiscite the question on whether the site should be kept as an educational institution.

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

Against the Resolution: Councillors Heasman and Norek

The Extraordinary Meeting was adjourned at 9.34pm.

At 11.52pm, the Extraordinary Meeting resumed with the following Councillors present:

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided

Deputy Mayor, Councillor M Norek

Councillor B Aird

Councillor S Cant

Councillor P Daley

Councillor J Evans

Councillor A Heasman

Councillor J Lambert, AM

Councillor R Morrison

Councillor D Murphy

Councillor B Pedersen

RESUMPTION OF STANDING ORDERS **(Macdonald / Aird)**

That standing orders be resumed.

177/07 **RESOLVED:** **(Macdonald / Aird)**

That standing orders be resumed.

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

Against the Resolution: Nil.

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

Councillor Hay had retired from the Chamber at 11.44pm.

MAYORAL MINUTES

Mayoral Minute Report No. 26

Manly Council Christmas Charity Markets**MOTION (Macdonald)**

That:

1. Council establish and support an annual event on The Corso to be held in early December each year and it be known as the "Manly Council Christmas Charity Markets";
2. That Council cover the cost of insurance and the provision of temporary stalls;
3. That the event be co-ordinated by Council; and
4. That for the year 2007, the event be held on Sunday, December 9th which co-incides with "Giving Week" and with Council's Fair Trade Markets on the Wharf.

178/07 **RESOLVED: (Macdonald)**

That:

1. Council establish and support an annual event on The Corso to be held in early December each year and it be known as the "Manly Council Christmas Charity Markets";
2. That Council cover the cost of insurance and the provision of temporary stalls;
3. That the event be co-ordinated by Council; and
4. That for the year 2007, the event be held on Sunday, December 9th which co-incides with "Giving Week" and with Council's Fair Trade Markets on the Wharf.

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

Against the Resolution: Nil.

Councillors Evans and Daley were not in the Chamber when the voting took place.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 31

Instrument of Delegation - General Manager**SUMMARY**

Adoption of Instrument of Delegation.

MOTION (Morrison / Cant)**Part 1**

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and
2. The *Environmental Planning and Assessment Act 1979* (NSW); and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:

SCHEDULE

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination.
7. Items in respect of development applications which the Mayor has, or Councillors have specifically requested the General Manager, in writing, to place before a LUM Committee for determination.
8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
9. Authorisation of:
 - (a) expenditure for goods and services beyond \$300,000,
 - (b) general expenditure, including contract payments beyond the value of \$200,000,
 - (c) investments on behalf of Council beyond \$1,000,000,
 - (d) loan repayments beyond \$500,000, and

- (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

Part 2

The commencement date of the Instrument of Delegation contained in Part 1 shall be 1 January 2008.

179/07 **RESOLVED:** **(Morrison / Cant)**

Part 1

THAT Council, pursuant to the powers of delegation conferred upon Council by sections 377 and 381 of the *Local Government Act 1993* (NSW), and pursuant to every other power it hereunto enabling, hereby delegate to **Mr Henry T Wong**, the General Manager of the Council (*or to the nominated executive staff member acting in that capacity from time to time*), the power to exercise all the functions, powers, duties and authorities conferred or imposed upon the Council ("functions") pursuant to:

1. The *Local Government Act 1993* (NSW); and
2. The *Environmental Planning and Assessment Act 1979* (NSW); and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, ordinances, by-laws, rules and the like made by or under any Act or other Act referred to in 1, 2 or 3 above,

Always subject to the limitations, restrictions and conditions specified in the following schedule, as well as those otherwise relevantly applicable as a matter of law, to which this delegation is at all times subject:

SCHEDULE

1. The matters expressly reserved to the Council in section 377 of the *Local Government Act 1993* (NSW).
2. The role of the Mayor as provided for in and determined under section 226 of the *Local Government Act 1993* (NSW).
3. Major unique items where no policy, practice or code of the Council exists.
4. Adoption of local environmental plans, development control plans and section 94 contribution plans pursuant to the *Environmental Planning and Assessment Act 1979* (NSW).
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the

majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination.

7. Items in respect of development applications which the Mayor has, or Councillors have specifically requested the General Manager, in writing, to place before a LUM Committee for determination.
8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.
9. Authorisation of:
 - (a) expenditure for goods and services beyond \$300,000,
 - (b) general expenditure, including contract payments beyond the value of \$200,000,
 - (c) investments on behalf of Council beyond \$1,000,000,
 - (d) loan repayments beyond \$500,000, and
 - (e) loans beyond \$500,000,

with respect to any item or matter OTHER THAN an item or matter the subject of the exercise of any of the functions referred to in section 335(1)-(3) of the *Local Government Act 1993* (NSW) being functions that devolve directly upon the General Manager by Act of Parliament or statutory rule within the meaning of the Interpretation Act 1987 (NSW).

Part 2

The commencement date of the Instrument of Delegation contained in Part 1 shall be 1 January 2008.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 11.58pm.

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

MAYOR

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