

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 16 June 2008

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 16 June 2008. The meeting commenced at 7:37pm.

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, arrived 7.39pm
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM
Councillor R Morrison, arrived 7.59pm
Councillor D Murphy
Councillor B Pedersen

ALSO PRESENT

Henry Wong, General Manager
Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services
Amanda Spalding, Deputy General Manager, Executive Manager Strategy and Strategic Projects
Ross Fleming, Divisional Manager Corporate Services
David Stray, Manager Development Control
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. Graham Perry.

APOLOGIES

Apologies were tendered on behalf of Councillor Morrison for lateness.

MOTION (Pedersen / Aird)

That the apology received from Councillor Morrison be accepted and leave be granted.

88/08 **RESOLVED:** **(Pedersen / Aird)**

That the apology received from Councillor Morrison be accepted and leave be granted.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Murphy	General Managers Division Report No.11 – Adoption of the 2008-2011 Management Plan	Partner runs a child-care centre; debate during the item included discussion of child-care charges.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 19 May 2008, 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.

89/08 **RESOLVED: (Pedersen / Evans)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 19 May 2008, 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 Aird, Cant, Daley, Evans, Hay, Heasman, Lambert, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

Councillor Morrison entered the chamber at 7.59pm.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Laura Rupert	Against the \$1.5million development of Manly Library – money ought to be spent on increasing the provision of child-care places.

MAYORAL MINUTES

Mayoral Minute Report No. 8

Council Support for A Venue Management Plan for Manly**PUBLIC ADDRESSES**

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

In Support of the Recommendation: Superintendent David Darcy

MOTION (Macdonald)

That:

1. The Council express support for the new regime of 2.30am closure of the 3 major licensed hotels in Manly, negotiated by Supt. Dave Darcy
2. The Council support and refer to the Community Safety Committee the development of the "Manly After Hours Venue Management Plan" (see attachment 1), with particular consideration of the issue of staggered closing between 1am and 2.30am.
3. The General Manager and the Manly Police develop and resource an implementation plan associated with Event Management, Late night Transport and night ranger services.

90/08 **RESOLVED: (Macdonald)**

That:

1. The Council express support for the new regime of 2.30am closure of the 3 major licensed hotels in Manly, negotiated by Supt. Dave Darcy
2. The Council support and refer to the Community Safety Committee the development of the "Manly After Hours Venue Management Plan" (see attachment 1), with particular consideration of the issue of staggered closing between 1am and 2.30am.
3. The General Manager and the Manly Police develop and resource an implementation plan associated with Event Management, Late night Transport and night ranger services.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Lambert / Evans)

That Standing Orders be suspended to consider items of a public interest, being Environmental Services Division Report No.37, DA60/08 – Bareena Park Tennis Club; General Managers Division Report No.11, Adoption of the 2008-2011 Management Plan; Items for Brief Mention Report No.9; and Environmental Services Division Report No.40, Stay Safe Rangers Initiative.

91/08 **RESOLVED: (Lambert / Evans)**

That Standing Orders be suspended to consider items of a public interest, being Environmental Services Division Report No.37, DA60/08 – Bareena Park Tennis Club; General Managers Division Report No.11, Adoption of the 2008-2011 Management Plan; Items for Brief Mention Report No.9; and Environmental Services Division Report No.40, Stay Safe Rangers Initiative.

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

Against the Resolution: Nil.

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 37

Bareena Park Tennis Club, Vista Avenue & Bareena Drive, Balgowlah Heights - DA60/08 (DA60/08)

Application Lodged: 7 March 2008
Applicant: Ultimate Lighting International
Owner: Department of Land and Water Conservation
Estimated Cost: \$41,000
Zoning: Manly Local Environmental Plan, 1988 – Open Space and within the Foreshore Scenic Protection Area
Surrounding Development: The locality is residential in character consisting of a mixture of single and two storey dwelling houses. The Balgowlah Bowling Club is to the immediate south of the subject site.
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE CONSTRUCTION OF SEVEN (7) LIGHT POLES ON COURTS 4 AND 5 TO ALLOW TENNIS TO BE PLAYED ON THESE COURTS UNTIL 10:30PM EVERYDAY.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING AND NEARBY PROPERTY OWNERS AND ADVERTISED IN THE MANLY DAILY. NINETY EIGHT (98) STANDARD LETTERS (CONFIDENTIAL), A PETITION (CONFIDENTIAL) SIGNED BY FORTY THREE (43) PEOPLE, TWENTY SIX (26) LETTERS (INCLUSIVE OF SIX CONFIDENTIAL), ALL OBJECTING TO THE PROPOSED DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE PROPOSAL WAS REFERRED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 22 MAY WITH A RECOMMENDATION FOR REFUSAL.
5. THE APPLICATION WAS CONSIDERED BY COUNCIL AT ITS LAND USE MANAGEMENT MEETING OF 2 JUNE 2008 WHERE THE MATTER WAS DEFERRED UNTIL THE NEXT ORDINARY MEETING ON 16 JUNE 2008, SUBJECT TO THE MINUTES OF THE PRECINCT MEETING OF 10 JUNE 2008 HAVING BEEN RECEIVED.
6. THE MINUTES OF THE PRECINCT MEETING OF 10 JUNE 2008 HAVE NOW BEEN RECEIVED.
7. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Peter Smith

Against the Recommendation: Toby Carter

MOTION (Evans / Lambert)

That Development Application No. 60/08 for installation of tennis court lights on courts 4 & 5 and use of courts until 10:30pm everyday at Bareena Park Tennis Club bordered by Curban Street, Vista Avenue and Bareena Drive, Balgowlah Heights be **REFUSED** for the following reasons.

1. The proposal is inconsistent with the Objectives 4(d)(i) of the Manly Local Environmental Plan 1988.
2. The proposal is inconsistent with the Open Space Zone Objectives 1(a) in Clause 10 of the Manly Local Environmental Plan 1988.
3. The proposal will have a detrimental impact on the amenity of the area in relation to:
 - Additional noise resulting from the night use of the courts and clubhouse,
 - Noise from people /cars leaving the club,
 - Detrimental impact on privacy of surrounding residential properties,
 - Possible increase in anti social behaviour,
 - Reduced security in surrounding residential properties,
 - Possible reflected light spillage onto adjoining residential properties,
 - Additional demand for street parking in the evenings.
4. The site is considered to be unsuitable for the proposed use.
5. The proposal is contrary to the public interest.

AMENDMENT (Morrison)

That Development Application No. 60/08 for installation of tennis court lights on courts 4 & 5 and use of courts until 10:30pm everyday at Bareena Park Tennis Club bordered by Curban Street, Vista Avenue and Bareena Drive, Balgowlah Heights be **DEFERRED** to permit the Applicant to meet with neighbours and work out some common ground.

The Amendment **LAPSED** due to a lack of a seconder.

AMENDMENT (Hay / Heasman)

PART A

That Development Application No. 60/08 for installation of tennis courts lights on courts 4 & 5 at Bareena Park Tennis Club bordered by Curban Street, Vista Avenue and Bareena Drive, Balgowlah Heights be **APPROVED**, with a deferred commencement, with the consent not operating until the applicant has submitted:

1. A Management Plan, to be developed between Bareena Tennis Club and immediate neighbours, with Council facilitating discussions, and the Plan to take into consideration issues of security and noise, the matters raised by Mr Smith and residents and circulated at tonight's meeting, and to include:
 - a. During summer time, 1 October – April 30, the use of the courts is to cease at 9.00pm with no lighting permitted on Sunday nights.
 - b. During winter time, the use of the courts is to cease at 8.30pm, with no lighting permitted on Sunday nights.
2. The Plan to be produced within the next month.

PART B

1. Council to contact the Crown in terms of the lease arrangements, and introduce a mechanism to convey its concerns in terms of any possible breaches
2. Council contact Bareena Park Tennis Club to discuss relevant grant opportunities for lighting

For the Amendment: Councillors Daley, Hay, Heasman, Murphy and Macdonald

Against the Amendment: Councillors Aird, Cant, Evans, Lambert, Morrison, Norek and Pedersen

The Amendment was declared **LOST** and the Motion was put.

92/08 **RESOLVED: (Evans / Lambert)**

That Development Application No. 60/08 for installation of tennis court lights on courts 4 & 5 and use of courts until 10:30pm everyday at Bareena Park Tennis Club bordered by Curban Street, Vista Avenue and Bareena Drive, Balgowlah Heights be **REFUSED** for the following reasons.

1. The proposal is inconsistent with the Objectives 4(d)(i) of the Manly Local Environmental Plan 1988.
2. The proposal is inconsistent with the Open Space Zone Objectives 1(a) in Clause 10 of the Manly Local Environmental Plan 1988.
3. The proposal will have a detrimental impact on the amenity of the area in relation to:

- Additional noise resulting from the night use of the courts and clubhouse,
 - Noise from people /cars leaving the club,
 - Detrimental impact on privacy of surrounding residential properties,
 - Possible increase in anti social behaviour,
 - Reduced security in surrounding residential properties,
 - Possible reflected light spillage onto adjoining residential properties,
 - Additional demand for street parking in the evenings.
4. The site is considered to be unsuitable for the proposed use.
5. The proposal is contrary to the public interest.

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

GENERAL MANAGERS DIVISION

General Managers Division Report No. 11

Adoption of the 2008 - 2011 Management Plan

SUMMARY

The 2008 – 2011 Draft Management Plan has been exhibited for the statutory period and is submitted for adoption by Council. Public submissions are also presented to Council for consideration. Council also resolved to put to a Poll of Electors the question of Introducing a Climate Change Levy.

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

In Support of the Recommendation: Mr T John Baker

Councillor Murphy left the chamber at 11.45pm, declaring a Conflict of Interest as his partner runs a child-care centre, and debate during the item included discussion of child-care charges.

MOTION (Macdonald / Evans)

That Council:

1. Adopt the Manly Council Management Plan 2008/2011 and the 2008/2009 Schedule of Fees and Charges, pursuant to Section 406 and Section 610F of the *Local Government Act, 1993*; and
2. Write to the parties who made submissions to the Management Plan, thanking them for their comments, and providing a response to the points raised by them.
3. Consistent with its previous policy adopted in July 1998, that council pursuant to s.248 and 249 of the Local Government Act, 1993, adopt the following for the 2008/09 fiscal year:

Mayor Allowance - \$33,010
Councillors Fee - \$15,120

93/08 **RESOLVED:** (Macdonald / Evans)

That Council:

1. Adopt the Manly Council Management Plan 2008/2011 and the 2008/2009 Schedule of Fees and Charges, pursuant to Section 406 and Section 610F of the *Local Government Act, 1993*; and
2. Write to the parties who made submissions to the Management Plan, thanking them for their comments, and providing a response to the points raised by them.
3. Consistent with its previous policy adopted in July 1998, that council pursuant to s.248 and 249 of the Local Government Act, 1993, adopt the following for the 2008/09 fiscal year:

Mayor Allowance - \$33,010

Councillors Fee - \$15,120

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

Against the Resolution: Councillor Norek

MATTER ARISING – CLIMATE CHANGE LEVY

MOTION (Lambert / Aird)

1. That Council put to the electors of the Manly LGA the following Poll Question at the 13 September 2008 Local Government Elections:

Do you support a 4.4% Climate Change Levy to minimize the impact of climate change on Manly?

2. That the Climate Change Working Party be requested to prepare the “For” and “Against” cases for the Poll Question.

AMENDMENT (Norek)

That Council does **NOT** put to the electors of the Manly LGA the Poll Question on a Climate Change Levy at the 13 September 2008 Local Government Elections.

The Amendment **LAPSED** due to a lack of a seconder.

94/08 **RESOLVED: (Lambert / Aird)**

1. That Council put to the electors of the Manly LGA the following Poll Question at the 13 September 2008 Local Government Elections:

Do you support a 4.4% Climate Change Levy to minimize the impact of climate change on Manly?

2. That the Climate Change Working Party be requested to prepare the “For” and “Against” cases for the Poll Question.

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

Against the Resolution: Councillor Norek

Councillor Murphy returned to the Chamber at 12.10am.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 9

Item for Brief Mention

1. **Minutes of Meetings without recommendations of a substantial nature:**
 - i) Surf Clubs Liaison Working Group – 1st May 2008
 - ii) Community Development Support Expenditure Local Committee – 13th May 2008
 - iii) Manly Meals on Wheels Service Committee – 14th May 2008
 - iv) Manly Community Safety Committee – 15th May 2008
 - v) Manly Youth Council Committee – 19th May 2008
 - vi) Sister Cities Committee – 14th May 2008

2. **The following Minutes contain recommendations of a substantial nature requiring formal Council adoption as follows:**

- i) **Manly Access Committee – 22nd May 2008**

- a) **Item 4.4 Wheelchair Roll – Guest Speaker Councillor Gary Starr**

Recommendation

Following Councillor Starr's address, the Access Committee recommends the benefits of convening a SHOROC regional Access Committee meeting, to assist in planning access on a regional basis.

- ii) **Manly Traffic Committee – 26 May 2008**

- a) **Item 31/08 New Street West at Seaview Street**

Recommendation

1. That Council install bollards at 1m spacing for the full length of the 90° angle parking and 1m north of the existing kerb line.
2. That Council undertake necessary adjustments to make the kerb height 150mm (standard kerb) fronting the 90deg parking area.
3. That Council review the existing 90deg parking locations in 12 months for potential operational issues.

Divisional Manager's note

The minutes of the Manly Traffic Committee dated 26th May 2008 were adopted at the Planning and Strategy Meeting held on 10th June 2008, with the exception of Item 31/08 above, which was held over to allow for a resident to address Council on this item.

PUBLIC ADDRESSES

The following person addressed the meeting in relation to Manly Traffic Committee – 26 May 2008, Item 31/08 New Street West at Seaview Street:

In Support of the Recommendation: Mr Steven Klinger

MOTION (Hay / Aird)

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

95/08 **RESOLVED: (Hay / Aird)**

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

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

Against the Resolution: Nil.

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

MOTION (Hay / Lambert)

- 2 i) That the minutes of the **Manly Access Committee – 22nd May 2008** be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 4.4 Wheelchair Roll – Guest Speaker Councillor Gary Starr**

Following Councillor Starr's address, the Access Committee recommends the benefits of convening a SHOROC regional Access Committee meeting, to assist in planning access on a regional basis.

96/08 **RESOLVED: (Hay / Lambert)**

- 2 i) That the minutes of the **Manly Access Committee – 22nd May 2008** be **adopted**, including the following recommendations of a substantial nature:

- a) **Item 4.4 Wheelchair Roll – Guest Speaker Councillor Gary Starr**

Following Councillor Starr's address, the Access Committee recommends the benefits of convening a SHOROC regional Access Committee meeting, to assist in planning access on a regional basis.

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

Against the Resolution: Nil.

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

MOTION (Hay / Lambert)

2. ii) That Item 31/08 of the minutes of the **Manly Traffic Committee - 26 May 2008** be **noted**, and the following recommendation be **adopted**:

- a) **Item 31/08 New Street West at Seaview Street**

That Council:

1. Install bollards at appropriate spacing for the full length of the 90° angle parking

2. Undertake to install a 1200mm wide footpath and construct a 150mm kerb in front of the 90° parking area
3. Review the existing 90° parking locations in 12 months for potential operational issues.

97/08 **RESOLVED:** (Hay / Lambert)

2. ii) That Item 31/08 of the minutes of the Manly Traffic Committee - 26 May 2008 be **noted**, and the following recommendation be **adopted**:

a) **Item 31/08 New Street West at Seaview Street**

That Council:

1. Install bollards at appropriate spacing for the full length of the 90° angle parking
2. Undertake to install a 1200mm wide footpath and construct a 150mm kerb in front of the 90° parking area
3. Review the existing 90° parking locations in 12 months for potential operational issues.

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

Against the Resolution: Nil.

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

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 40

Stay Safe Rangers Initiative

SUMMARY

The Stay Safe Rangers initiative is a school student drop off/pick up scheme developed by Katherine Henderson, a parent at Balgowlah Heights Public School. The objectives of the scheme are to improve the safety of students during pick up and drop off times, to engage the students in discussion regarding good road safety practices and to foster leadership through ownership of the scheme.

PUBLIC ADDRESSES

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

In Support of the Recommendation: Katherine Henderson

MOTION (Norek / Heasman)

That Council endorse the Stay Safe Rangers program by inviting primary schools in the Manly local government area to apply for one-off start-up funding to establish the program. This endorsement is subject to the following:

- a) Section 356 of the Local Government Act being satisfied.
- b) The program should be modified to require adults, not students, to place cones in the

pick up/drop off zones.

- c) That students involved in the implementation of the program be in the company of adults at all times.
- d) Funded school projects be requested to undertake an evaluation of the project with the provider and to report to Council.
- e) A maximum of \$7,000 be placed on each grant.

98/08 **RESOLVED: (Norek / Heasman)**

That Council endorse the Stay Safe Rangers program by inviting primary schools in the Manly local government area to apply for one-off start-up funding to establish the program. This endorsement is subject to the following:

- a) Section 356 of the Local Government Act being satisfied.
- b) The program should be modified to require adults, not students, to place cones in the pick up/drop off zones.
- c) That students involved in the implementation of the program be in the company of adults at all times.
- d) Funded school projects be requested to undertake an evaluation of the project with the provider and to report to Council.
- e) A maximum of \$7,000 be placed on each grant.

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

Against the Resolution: Councillors Aird and Evans

Councillor Pedersen retired from the Chamber at 12.40am.

RESUMPTION OF STANDING ORDERS (Hay / Heasman)

That Standing Orders be resumed.

99/08 **RESOLVED: (Hay / Heasman)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 12

Review of on-street parking times

Councillor Aird moved:

That Manly Council conducts a review of on-street parking times in and around the CBD with a view to optimising usage of the available parking spaces.

MOTION (Aird / Heasman)

That Manly Council conducts a review of on-street parking times in and around the CBD with a view to optimising usage of the available parking spaces.

100/08 **RESOLVED: (Aird / Heasman)**

That Manly Council conducts a review of on-street parking times in and around the CBD with a view to optimising usage of the available parking spaces.

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

Against the Resolution: Nil.

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

Notice of Motion Report No. 13

Reduction of speed limits within Manly CBD**Councillor Aird moved:**

That Manly Council seeks support from the RTA to implement a maximum speed limit of 40kph within the CBD (including Raglan, Victoria and East Esplanade), in view of high pedestrian numbers, schools and aged care facility located within this area. It should also seek support for a lesser speed than 40kph through the Corso, Stage 2 area.

MOTION (Aird / Heasman)

That Manly Council seeks support from the RTA to implement a maximum speed limit of 40kph within the CBD (including Raglan, Victoria and East Esplanade), in view of high pedestrian numbers, schools and aged care facility located within this area. It should also seek support for a 25kph through the Corso, Stage 2 area.

101/08 **RESOLVED: (Aird / Heasman)**

That Manly Council seeks support from the RTA to implement a maximum speed limit of 40kph within the CBD (including Raglan, Victoria and East Esplanade), in view of high pedestrian numbers, schools and aged care facility located within this area. It should also seek support for a 25kph through the Corso, Stage 2 area.

For the Resolution: Councillors Aird, Cant, Daley, Hay, Heasman, Lambert and Macdonald

Against the Resolution: Councillors Morrison, Murphy and Norek

Councillors Evans was not in the Chamber when the voting took place.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 16

Adoption of draft Management Plan and draft Budget - Fixing of Rates and Charges for 2008-2009**SUMMARY**

Council is required to make rates and charges following the adoption of the Management Plan for the 2008/2009 financial period.

MOTION (Cant / Lambert)

Whereas the detailed draft Estimates of Income and Expenditure of the General Fund, for the period 1 July 2008 to 30 June 2009, were considered by Council on 6 May 2008, and having given public notice in accordance with S.405 of the Local Government Act, 1993, of the Draft Management Plan to allow public submissions on or before 6 June 2008, and whereas the Management Plan and Estimates of Income and Expenditure for the period 1 July 2008 to 30 June 2009, were adopted by Council at the meeting of 16 June 2008, and having considered any matters concerning the Management Plan in accordance with S.406 of the Local Government Act, 1993, Council hereby resolve:

1. That the draft Schedule of Fees and Charges 2008-2009 as tabled, be adopted;
2. That the 2008-2009 draft Budget as amended and tabled to the meeting subject to Ministerial approval of Council's Application for Special Variation to increase the Minimum Business Rates be adopted;
3. That Council now make the following Rates and Charges for the year 1 July 2008 to 30 June 2009: (In the event that the Minister does not approve Council's application to increase the Minimum Business Rate, the amounts in brackets are to apply).

A Ordinary Rates

- (i) An Ordinary Rate (Residential) of **0.175152 (0.175301)** cents in the dollar be made for the year 2008/2009 on the land value of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the Local Government Act 1993, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$642.80**;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.863090 (0.881018)** cents in the dollar be made for the year 2008/2009 on the land value of all rateable land categorised as Business in accordance with S.518 of the Local Government Act 1993, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$840.00 (\$642.80)**;
- (iii) An Ordinary Rate – Business - Other of **0.454444 (0.463884)** cents in the dollar be made for the year 2008/2009 on the land value of all rateable land categorised Business in accordance with S.518 of the Local Government Act 1993, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$840.00 (\$642.80)**.

B. Special Rate – Manly Business Centre Improvements

- (i) That whereas the Council is of the opinion that the provision of on-going and proposed capital and maintenance works, including the Manly Business Centre, The Corso and

the Ocean Beach Front improvements, provide services, facilities and activities of specific benefit to the area, and are of special benefit to that portion of Manly as delineated on Plan Number 1/280A previously defined and adopted by Council, and whereas Council having adopted the Management Plan for 2008–2011, incorporating the Estimates of Income and Expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.289992** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2008/2009.

- (ii) That in accordance with the provisions of Section 548 of the Local Government Act 1993, that no minimum amount of the Special Rate - Manly Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

C. Special Rate – Balgowlah Business Centre Improvements

- (i) That whereas the Council is of the opinion that the provision of on-going and proposed capital and maintenance works including the off-street car parks in Condamine Street, provide services, facilities and activities of specific benefit to the area and is of special benefit to that portion of Balgowlah delineated on Plan Number 5/005B, and whereas Council having adopted the Management Plan for 2008 - 2011, incorporating the Estimates of Income and Expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.204955** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2008/2009.
- (ii) That in accordance with the provisions of Section 548 of the Local Government Act, 1993, it is hereby resolved that no minimum amount of the Special Rate - Balgowlah Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

D Interest

In accordance with the provisions of S.566(3) of the Local Government Act 1993, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, being **10.0%** per annum in respect of accrual on a simple basis.

E Domestic Waste Management Services

In accordance with S.496 of the Local Government Act 1993, that an annual charge of **\$390.00** per annum be made for the period 1 July 2008 to 30 June 2009, for each domestic waste management service rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service.;

In accordance with S.502 of the Local Government Act 1993, that an annual charge of **\$390.00** per annum be made for the period 1 July 2008 to 30 June 2009, for each additional 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings (excluding green waste and recycling service);

F Stormwater Management Service Charge

In accordance with the Local Government (General) Amendment (Stormwater) Regulation 2006 and Local Government Act 1993, the following annual Stormwater

Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

Land categorised as Residential:	\$25.00	for a single residential dwelling
Residential strata lots:	\$12.50	for each strata unit
Residential flats, community title, tenants-in-common residential units:	\$12.50	for each flat/unit
Land categorised as Business	\$25.00	Plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres up to a maximum charge of \$200.00

102/08 **RESOLVED: (Cant / Lambert)**

Whereas the detailed draft Estimates of Income and Expenditure of the General Fund, for the period 1 July 2008 to 30 June 2009, were considered by Council on 6 May 2008, and having given public notice in accordance with S.405 of the Local Government Act, 1993, of the Draft Management Plan to allow public submissions on or before 6 June 2008, and whereas the Management Plan and Estimates of Income and Expenditure for the period 1 July 2008 to 30 June 2009, were adopted by Council at the meeting of 16 June 2008, and having considered any matters concerning the Management Plan in accordance with S.406 of the Local Government Act, 1993, Council hereby resolve:

1. That the draft Schedule of Fees and Charges 2008-2009 as tabled, be adopted;
2. That the 2008-2009 draft Budget as amended and tabled to the meeting subject to Ministerial approval of Council's Application for Special Variation to increase the Minimum Business Rates be adopted;
3. That Council now make the following Rates and Charges for the year 1 July 2008 to 30 June 2009: (In the event that the Minister does not approve Council's application to increase the Minimum Business Rate, the amounts in brackets are to apply).

A Ordinary Rates

- (i) An Ordinary Rate (Residential) of **0.175152 (0.175301)** cents in the dollar be made for the year 2008/2009 on the land value of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the Local Government Act 1993, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$642.80**;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.863090 (0.881018)** cents in the dollar be made for the year 2008/2009 on the land value of all rateable land categorised as Business in accordance with S.518 of the Local Government Act 1993, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$840.00 (\$642.80)**;
- (iii) An Ordinary Rate – Business - Other of **0.454444 (0.463884)** cents in the dollar be made for the year 2008/2009 on the land value of all rateable land categorised Business in accordance with S.518 of the Local Government Act 1993, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the Local Government Act, 1993 of **\$840.00 (\$642.80)**.

B. Special Rate – Manly Business Centre Improvements

- (i) That whereas the Council is of the opinion that the provision of on-going and proposed capital and maintenance works, including the Manly Business Centre, The Corso and the Ocean Beach Front improvements, provide services, facilities and activities of specific benefit to the area, and are of special benefit to that portion of Manly as delineated on Plan Number 1/280A previously defined and adopted by Council, and whereas Council having adopted the Management Plan for 2008–2011, incorporating the Estimates of Income and Expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.289992** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2008/2009.
- (ii) That in accordance with the provisions of Section 548 of the Local Government Act 1993, that no minimum amount of the Special Rate - Manly Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

C. Special Rate – Balgowlah Business Centre Improvements

- (i) That whereas the Council is of the opinion that the provision of on-going and proposed capital and maintenance works including the off-street car parks in Condamine Street, provide services, facilities and activities of specific benefit to the area and is of special benefit to that portion of Balgowlah delineated on Plan Number 5/005B, and whereas Council having adopted the Management Plan for 2008 - 2011, incorporating the Estimates of Income and Expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.204955** cents in the dollar on the land value of all rateable land as previously defined be now made for the year 2008/2009.
- (ii) That in accordance with the provisions of Section 548 of the Local Government Act, 1993, it is hereby resolved that no minimum amount of the Special Rate - Balgowlah Business Centre Improvements shall be levied in respect of any separate parcel of land, including strata title lots and dwellings under company title.

D Interest

In accordance with the provisions of S.566(3) of the Local Government Act 1993, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, being **10.0%** per annum in respect of accrual on a simple basis.

E Domestic Waste Management Services

In accordance with S.496 of the Local Government Act 1993, that an annual charge of **\$390.00** per annum be made for the period 1 July 2008 to 30 June 2009, for each domestic waste management service rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service.;

In accordance with S.502 of the Local Government Act 1993, that an annual charge of **\$390.00** per annum be made for the period 1 July 2008 to 30 June 2009, for each additional 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings (excluding green waste and recycling service);

F Stormwater Management Service Charge

In accordance with the Local Government (General) Amendment (Stormwater) Regulation 2006 and Local Government Act 1993, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

Land categorised as Residential:	\$25.00	for a single residential dwelling
Residential strata lots:	\$12.50	for each strata unit
Residential flats, community title, tenants-in-common residential units:	\$12.50	for each flat/unit
Land categorised as Business	\$25.00	Plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres up to a maximum charge of \$200.00

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

Against the Resolution: Nil.

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

Corporate Services Division Report No. 17

Financial Review for the Period Ending 31 March 2008**SUMMARY**

Council's Income and Expenditure for the quarter 1 January 2008 to 31 March 2008 has been reviewed, together with a projection of Council's Budget as at 30 June 2008, 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 \$66,475 and a forecast deficit at 30 June 2008 of \$699,633.

MOTION (Hay / Heasman)

That the Financial Statement for the quarter ended 31 March 2008 including the revised estimates of income and expenditure and recommendations contained within the report be adopted.

103/08 **RESOLVED: (Hay / Heasman)**

That the Financial Statement for the quarter ended 31 March 2008 including the revised estimates of income and expenditure and recommendations contained within the report be adopted.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 1

Late Night Management of Manly - Costs per Annum**SUMMARY**

At the Ordinary Meeting of Council on 21st April 2008 a Notice of Motion was received from Councillor Aird.

The Notice of Motion called for the following information to be provided to Council.

1. A report of the costs per annum to Council in relation to the late night management of Manly (namely Corso and C.B.D.), including: cleaning, vandalism, repairs and graffiti, CCTV, Night Owls, Security controls, late night transport, bollards, signage, etc.
2. A list of all licensed premises, the approved number of patrons and licensed hours for each.

MOTION (Aird / Norek)

That the item be **DEFERRED** until the next Ordinary Meeting on 21 July 2008, to allow for debate on the item.

104/08 **RESOLVED: (Aird / Norek)**

That the item be **DEFERRED** until the next Ordinary Meeting on 21 July 2008, to allow for debate on the item.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN29/08 Councillor Lambert - Illegal erection of banner on beachfront**

Can the General Manager please clarify who was actually responsible for erecting a banner from Quarantine Station on the beachfront? At the April meeting the General Manager advised that it was unauthorised and that no member of staff was involved. At the May meeting, the General manager advised that the banner was put up in error by Council staff. If it was put up by staff, why did it take 5 days to take it down again?

At the request of the Mayor, the General Manager advised that when the sign was first put up, he was under the impression it was an unauthorised sign put up by staff from Q Station. Subsequent to the April council meeting, the General Manager was corrected. An application had been submitted to council and a staff member didn't realise that Q Station is no longer a non-profit organisation, and therefore the sign was allowed to be erected. Once the mistake had been realised, a contractor was organised to take the sign down, and the lead time to organise a contractor was why there was a delay in taking the sign down.

Councillor Lambert then asked what steps have been put in place to make sure the same mistake doesn't happen again?

At the request of the Mayor, the General Manager advised that Q Station is no longer a non-profit organisation and is now clearly marked as such in Council records.

Councillors Cant and Morrison retired from the Chamber at 12.55am.

QWN30/08 Councillor Heasman - Re-painting of No Right Turn lines at Rosedale Avenue

Can Council re-paint the double lines to reflect the fact that there is a No Right Turn in Rosedale Avenue where it meets Lauderdale Avenue? Currently the line-marking causes confusion and can inadvertently lead a driver to believe that they can in fact turn right.

At the request of the Mayor, the General Manager advised that the lines would be reorganised.

QWN31/08 Councillor Heasman - Rectification of footpath at 49 Ethel Street

Can Council inform me as to the status of the rectification of the paved footpath outside 49 Ethel Street caused by the re-development at 51 Ethel Street? The owner of 49 Ethel Street paid for paving of his footpath. The new owner of 51 Ethel Street has not as yet taken responsibility for the re-paving, and together with a new compliance officer at Council, the issue has not been resolved.

At the request of the Mayor, the General Manager advised that he would take that question on notice.

QWN32/08 Councillor Aird - Delays to alterations at Little Manly kiosk

At the Little Manly Precinct meeting last week, concerns were expressed as to why the DA for alterations to the kiosk would not be implemented until next winter. Why is there this delay?

At the request of the Mayor, the General Manager advised that he would take that question on notice.

Councillor Murphy retired from the chamber at 12.58am.

QWN33/08 Councillor Aird - Current status of illegal parking at Bolingbroke Parade

In the Fairlight Precinct minutes that just came to Councillors, a question was asked of the General Manager as he was present at the meeting, about the current status of illegal parking at Bolingbroke Parade on the scenic walkway. The General Manager had advised he had written to the Crown Lands Department requesting the matter remain in abeyance for 3 years. I was surprised at that as I thought Council had resolved that a resident parking scheme be implemented as soon as possible, so that those people parking illegally would have some alternatives. Could the General Manager fill me in on this?

At the request of the Mayor, the General Manager advised that the parking issue on Bolingbroke Parade and Esplanade Park was a contentious issue, involving the Local Member, the Department of Lands and the local community in a tripartite discussion. The Department of Lands indicated at one point to the parties it would not force Council to pedestrianise the footpath and ban vehicles altogether, provided owners of adjacent properties would give an undertaking they would formalise their access from Lauderdale Avenue within a reasonable timeframe, and 3 years was the agreement reached at the table. The General Manager wasn't a party to that discussion. Out of that meeting came a recommendation from the Local Member to Council. The General

Manager thought that since Council has had difficulty in getting an agreement from all parties on a resolution of the issue, that a 3 year timeframe wouldn't be unreasonable. In the meantime, Council went ahead and upgraded the footpath where the end of the Scenic walkway met with Bolingbroke Parade, and finalisation of this link has provided a lot safer access for pedestrians and vehicles. The General Manager advised he had still had no response from the Department of Lands.

QWN34/08 Councillor Hay - Manly Seniors Bowling Green

I believe there has been a hold up on the plans to upgrade the bowling green at the Manly Seniors club?
At the request of the Mayor, the General Manager advised that he would take that question on notice.

QWN35/08 Councillor Norek - Increases in costs of childcare

The Roundhouse Parent's Committee has questioned the \$6 increase in daily childcare fees. Is this increase in line with other councils on the Northern Beaches? Is the revenue generated consolidated in the Roundhouse Childcare Centre and not used in general revenue?
How much is being spent on the Roundhouse Childcare Centre this coming year?

At the request of the Mayor, the General Manager advised that he would take that question on notice.

CLOSE

The meeting closed at 1am on 17 June 2008.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 21 July 2008.

MAYOR

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