

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 17 September 2007

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QUESTIONS WITHOUT NOTICE 22

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 17 September 2007. The meeting commenced at 7:45 pm.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor B Pedersen
Councillor B Aird
Councillor S Cant, arrived at 9.30pm
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
Stephen Clements, Divisional Manager Environmental Services
Ross Fleming, Chief Executive Officer
Jon Morgan, Manager Events and Tourism
Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Rev. Ian Freestone

APOLOGIES

Apologies were tendered on behalf of Councillor Cant for lateness.

MOTION (Macdonald / Aird)

That the apology received from Councillor Cant be accepted and leave be granted for his late arrival.

135/07 **RESOLVED: (Macdonald / Aird)**

That the apology received from Councillor Cant be accepted and leave be granted for his late arrival.

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Norek	Human Services and Facilities Division Report No.6	Has an interest in Open Air Cinemas, having tried to get one up and running 4 years ago.

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

That the Minutes of the Ordinary Meeting held on Monday, 20 August 2007, 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.

136/07 **RESOLVED: (Hay / Pedersen)**

That the Minutes of the Ordinary Meeting held on Monday, 20 August 2007, 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, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

CONFIRMATION OF MINUTES (Extraordinary Meeting)**MOTION (Heasman / Evans)**

That the Minutes of the Extraordinary Meeting of Council held on Monday, 27 August 2007, 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.

137/07 **RESOLVED: (Heasman / Evans)**

That the Minutes of the Extraordinary Meeting of Council held on Monday, 27 August 2007, 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, Daley, Evans, Hay, Heasman, Lambert, Morrison, Murphy, Norek, Pedersen and Macdonald

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Noni Lawrence	Processing of DAs – 5 Cove Avenue, Manly.

SUSPENSION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to consider items of public interest, being Mayoral Minute 21, 150 years of Public School Education in Manly, Mayoral Minute 22, Amendment to the Schedule of Fees and Charges at the Manly Boy Charlton Swim Centre, Notice of Motion Report No.17, Review of Manly B-Squad fees at the Andrew Boy Charlton Swim Centre, and Human Services and Facilities Division Report No.6, Commercial Outdoor Cinema proposal at Manly Oval.

138/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be suspended to consider items of public interest, being Mayoral Minute 21, 150 years of Public School Education in Manly, Mayoral Minute 22, Amendment to the Schedule of Fees and Charges at the Manly Boy Charlton Swim Centre, Notice of Motion Report No.17, Review of Manly B-Squad fees at the Andrew Boy Charlton Swim Centre, and Human Services and Facilities Division Report No.6, Commercial Outdoor Cinema proposal at Manly Oval.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 21

150 years of Public School Education in Manly**PUBLIC ADDRESSES**

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

In Favour: Robyn Price

MOTION (Macdonald)

That Council:

1. Accept the invitation of the organising committee to provide funding of \$10,000 to the Manly Village Public School Sesquicentenary project with all expenditures to be appropriately receipted and documented, and that appropriate notice be given in accordance with Section 356 of the Local Government Act.
2. Provide practical support wherever possible such as the provision of Council facilities for specific sesquicentenary events.
3. That Council produce a commemorative plaque on behalf of the community acknowledging the 150th Anniversary of the school to be appropriately unveiled during their Sesquicentenary.

139/07 **RESOLVED: (Macdonald)**

That Council:

1. Accept the invitation of the organising committee to provide funding of \$10,000 to the Manly Village Public School Sesquicentenary project with all expenditures to be appropriately

received and documented, and that appropriate notice be given in accordance with Section 356 of the Local Government Act.

2. Provide practical support wherever possible such as the provision of Council facilities for specific sesquicentenary events.
3. That Council produce a commemorative plaque on behalf of the community acknowledging the 150th Anniversary of the school to be appropriately unveiled during their Sesquicentenary.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 22

Amendment to the Schedule of Fees and Charges at the Manly Boy Charlton Swim Centre

PUBLIC ADDRESSES

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

In Favour: Mr Philip Brand

MOTION (Macdonald)

That:

1. The current Schedule of Fees and Charges be amended to include a block booking discount for regular repeat users of the Manly Boy Charlton Swim Centre.
2. This amendment should constitute a reduction in the hire fee from \$70 per hour to \$42 per hour plus CPI 3%.
3. The amended fees and charges be placed on public exhibition in accordance with requirements of the Local Government Act.
4. That the Breakers Water Polo Club be invited to make a submission to the Sports Facilities Committee with a view to reviewing the finishing hours in the evening.

140/07 **RESOLVED: (Macdonald)**

That:

1. The current Schedule of Fees and Charges be amended to include a block booking discount for regular repeat users of the Manly Boy Charlton Swim Centre.
2. This amendment should constitute a reduction in the hire fee from \$70 per hour to \$42 per hour plus CPI 3%.
3. The amended fees and charges be placed on public exhibition in accordance with requirements of the Local Government Act.
4. That the Breakers Water Polo Club be invited to make a submission to the Sports Facilities Committee with a view to reviewing the finishing hours in the evening.

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

Against the Resolution: Nil.

Councillor Daley was out of the room when the voting took place.

Notice of Motion Report No. 17

Review of Manly B-Squad fees at the Andrew Boy Charlton Swim Centre

That Council review the increased hire fees payable by Manly B-Squad at the Andrew Boy Charlton Swim Centre.

Note

Manly B-Squad is a not-for-profit & recreational swim group that promotes a healthy lifestyle through its activity. Many of the members are very disappointed by the fee increase which has risen by 300%. Council has increased pool entry by 10% which is accepted as fair and reasonable.

The group feel a similar increase in their hire charge should also apply as they pay both the entrance fee and the hire fee for the 3 lanes they use. In all this would equate to an increase of 20% in charges for B-Squad members.

PUBLIC ADDRESSES

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

In Favour: Mr Mike Westdorp

MOTION (Hay / Heasman)

That:

1. Council review the increased hire fees payable by Manly B-Squad at the Andrew Boy Charlton Swim Centre, in line with a CPI 3% increase.
2. The amended fees and charges be placed on public exhibition in accordance with requirements of the Local Government Act, and the amended fee to apply from 17 September 2007.

141/07 **RESOLVED: (Hay / Heasman)**

That:

1. Council review the increased hire fees payable by Manly B-Squad at the Andrew Boy Charlton Swim Centre, in line with a CPI 3% increase.
2. The amended fees and charges be placed on public exhibition in accordance with requirements of the Local Government Act, and the amended fee to apply from 17 September 2007.

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

Against the Resolution: Nil.

RECOMMITTAL MOTION (Lambert / Macdonald)

That Mayoral Minute Report No.22, Amendment to the Schedule of Fees and Charges at the Manly Boy Charlton Swim Centre, be recommitted to enable further consideration.

142/07 **RESOLVED: (Lambert / Macdonald)**

That Mayoral Minute Report No.22, Amendment to the Schedule of Fees and Charges at the Manly Boy Charlton Swim Centre, be recommitted to enable further consideration.

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

Against the Recommittal Motion: Nil.

143/07 **RESOLVED: (Macdonald)**

That:

1. The current Schedule of Fees and Charges be amended to include a block booking discount for regular repeat users of the Manly Boy Charlton Swim Centre.
2. This amendment should constitute a reduction in the hire fee from \$70 per hour to \$42 per hour plus CPI 3%, **and the amended fee to apply as from 17 September 2007.**
3. The amended fees and charges be placed on public exhibition in accordance with requirements of the Local Government Act.
4. That the Breakers Water Polo Club be invited to make a submission to the Sports Facilities Committee with a view to reviewing the finishing hours in the evening.

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

Against the Resolution: Nil.

At 8.45pm Councillor Norek reaffirmed his interest in Human Services and Facilities Division Report No.6, and left the Chamber.

HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 6

Commercial Outdoor Cinema proposal at Manly Oval

SUMMARY

High as a Kyte Pty Ltd seeks approval for the commercial operation of the Starlight (open air) Cinema for a season at Manly Oval in January 2008.

The open air cinema proposes to use the Manly Oval grounds and Oval Hall for a period of 11 days, giving the community the opportunity to attend over nine screenings.

PUBLIC ADDRESSES

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

Against the recommendation: Ms Jill Keyte

MOTION (Pedersen / Morrison)

That:

1. Council expedite amendment to LEP Zone 6 to effect amendment to the schedules to permit outdoor cinemas.
2. Council agree to progress this matter subject to normal processes, including submission of a DA for the proposed events
3. Thorough consultation with precinct committees, broader community and relevant sporting clubs be undertaken.

4. Consistent with Manly Council's Policy on Sponsorship – Council Activities and Events, Starlight Cinemas clarify that there will be no sponsorship from alcohol providers in association with Manly events.

144/07 **RESOLVED: (Pedersen / Morrison)**

That:

1. Council expedite amendment to LEP Zone 6 to effect amendment to the schedules to permit outdoor cinemas.
2. Council agree to progress this matter subject to normal processes, including submission of a DA for the proposed events
3. Thorough consultation with precinct committees, broader community and relevant sporting clubs be undertaken.
4. Consistent with Manly Council's Policy on Sponsorship – Council Activities and Events, Starlight Cinemas clarify that there will be no sponsorship from alcohol providers in association with Manly events.

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

Against the Resolution: Nil.

*Councillor Norek took no part in the voting having declared a conflict of interest.
Councillor Cant arrived in the Chamber at 9.30pm.*

Councillor Norek returned to the Chamber at 9.45pm.

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

145/07 **RESOLVED: (Macdonald / Aird)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

At 9.46 pm, the Mayor Councillor Macdonald vacated the Chair. The General Manager, being the Returning Officer conducted the election of Deputy Mayor and Chair and Deputy Chair of the Principal Committees.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 29

Election of Deputy Mayor

SUMMARY

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual

vacancy in the Office of the Mayor.

MOTION (Pedersen / Hay)

1. That Council elect a Deputy Mayor for the period to **September 2008**.
2. That Council adopt the Open Voting method for the election of Deputy Mayor for the 2007/2008 term.

146/07 **RESOLVED: (Pedersen / Hay)**

1. That Council elect a Deputy Mayor for the period to **September 2008**.
2. That Council adopt the Open Voting method for the election of Deputy Mayor for the 2007/2008 term.

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

Against the Resolution: Nil.

The General Manager acting as the Returning Officer invited nominations for the office of Deputy Mayor. The Returning Officer advised that nominations were not valid unless they were made in writing by two or more Councillors and the nominee had indicated consent to the nomination also in writing.

Three nominations were received. The General Manager read the nominations.

1. Councillor Norek was nominated by Councillor Daley and Councillor Murphy. Councillor Norek had signed the consent to the nomination.
2. Councillor Lambert was nominated by Councillor Evans and Councillor Aird. Councillor Lambert had signed the consent to the nomination.
3. Councillor Murphy was nominated by Councillor Morrison and Councillor Daley. Councillor Murphy did not consent to the nomination and withdrew his nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Norek

Councillor Hay
Councillor Heasman
Councillor Murphy
Councillor Daley
Councillor Morrison
Councillor Norek

In favour of Councillor Lambert

Councillor Lambert
Councillor Cant
Councillor Pedersen
Councillor Aird
Councillor Evans
Councillor Macdonald

With voting being equal, the two names were placed in a hat, with the Returning Officer drawing the name of Councillor Norek. The Returning Officer therefore declared Councillor Norek duly elected as Deputy Mayor for the period to September 2008.

General Managers Division Report No. 30

Appointment of Chairperson and Deputy Chairperson for its Principal Committees

SUMMARY

The purpose of this report is to appoint the Chairperson and Deputy Chairperson for the Principal Committees of Land Use Management and Planning and Strategy.

MOTION (Hay / Pedersen)

1. That Council establish a Planning & Strategy Committee and Land Use Management Committee as its Principal Committees with the Functions & Responsibilities outlined in this report.
2. That Council proceed to elect Chairpersons and Deputy Chairpersons for its Principal Committees of Land Use Management and Planning and Strategy for the period to September 2008.
3. That Council utilise the open voting method of election as applied to the election of the Deputy Mayor.
4. That in accordance with s377 of the Local Government Act Council delegate to the two (2) Principal Committees of Land Use Management and Planning and Strategy the power to resolve on matters properly before each Principal Committee.

147/07 RESOLVED: (Hay / Pedersen)

1. That Council establish a Planning & Strategy Committee and Land Use Management Committee as its Principal Committees with the Functions & Responsibilities outlined in this report.
2. That Council proceed to elect Chairpersons and Deputy Chairpersons for its Principal Committees of Land Use Management and Planning and Strategy for the period to September 2008.
3. That Council utilise the open voting method of election as applied to the election of the Deputy Mayor.
4. That in accordance with s377 of the Local Government Act Council delegate to the two (2) Principal Committees of Land Use Management and Planning and Strategy the power to resolve on matters properly before each Principal Committee.

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

Against the Resolution: Nil.

The General Manager acting as the Returning Officer invited nominations for the Office of Chair of the Principal Committees being the Planning and Strategy Committee (P&S) and the Land Use Management Committee (LUM). The following nominations were received:

1. Councillor Aird was nominated for Chairperson of the Planning and Strategy Committee by Councillor Macdonald and Councillor Lambert. Councillor Aird consented to the nomination.

There being only one nomination the Returning Officer declared Councillor Aird duly elected as Chairperson of the Planning and Strategy Committee for the period to September 2008.

2. Councillor Evans was nominated for Chairperson of the Land Use Management Committee by Councillor Lambert and Councillor Aird. Councillor Evans consented to the nomination.

There being only one nomination the Returning Officer declared Councillor Evans duly elected as Chairperson of the Land Use Management Committee for the period to September 2008.

The Mayor and the Returning Officer congratulated Councillor Aird on her re-election as Chairperson of the Planning and Strategy Committee and Councillor Evans on her election as Chairperson of the Land Use Management Committee.

The General Manager acting as the Returning Officer invited nominations for the Office of Deputy Chair of the Principal Committees being the Planning and Strategy Committee (P&S) and the Land Use Management Committee (LUM). The following nominations were received:

1. Councillor Heasman was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Hay and Councillor Macdonald. Councillor Heasman consented to the nomination.

There being only one nomination the Returning Officer declared Councillor Heasman duly elected as Deputy Chairperson of the Planning and Strategy Committee for the period to September 2008.

2. Councillor Lambert was nominated for Deputy Chairperson of the Land Use Management Committee by Councillor Aird and Councillor Macdonald. Councillor Lambert consented to the nomination.

There being only one nomination the Returning Officer declared Councillor Lambert duly elected as Deputy Chairperson of the Land Use Management Committee for the period to September 2008.

The Mayor and the Returning Officer congratulated Councillor Heasman on her election as Deputy Chairperson of the Planning and Strategy Committee and Councillor Lambert on her election as Deputy Chairperson of the Land Use Management Committee.

NOTICES OF MOTION

Notice of Motion Report No. 16

"Zero Tolerance" on workplace Bullying

Councillor Norek moved that Manly Council:

- Establish and circulate a policy making bullying clearly unacceptable by Manly Council adopting a "Zero Tolerance to Bullying" policy.
- Identify unacceptable behaviour and explain why it is unacceptable.
- Nominate a staff member who is trained in counselling and encourage anyone who feels they have been bullied to talk to them.
- Actively encourage employees and elected members of council who are being bullied to lodge a complaint.
- Guarantee confidentiality of any complaints and investigate them promptly.
- Ensure a fair hearing to the person being bullied and provide support.
- If the problem continues encourage victims to make a complaint to the Office of NSW Industrial relations.

- Monitor the work environment to ensure that it is bullying-free, especially where there has been restructuring or a change in personnel
- Provide ongoing training for all staff to cover bullying awareness, harassment and discrimination, assertiveness, interpersonal skills and confidence building.
- Ask the Local Government to act on behalf of all councillor's in NSW to not tolerate Bullying as a councillor.

MOTION (Norek / Murphy)

That Manly Council:

- Establish and circulate a policy making bullying clearly unacceptable by Manly Council, adopting a "Zero Tolerance to Bullying" policy.
- Identify unacceptable behaviour and explain why it is unacceptable.
- Nominate a staff member who is trained in counselling and encourage anyone who feels they have been bullied to talk to them.
- Actively encourage employees and elected members of council who are being bullied to lodge a complaint.
- Guarantee confidentiality of any complaints and investigate them promptly.
- Ensure a fair hearing to the person being bullied and provide support.
- If the problem continues encourage victims to make a complaint to the Office of NSW Industrial relations.
- Monitor the work environment to ensure that it is bullying-free, especially where there has been restructuring or a change in personnel
- Provide ongoing training for all staff to cover bullying awareness, harassment and discrimination, assertiveness, interpersonal skills and confidence building.
- Ask the Local Government Department and LGSA to act on behalf of all councillors in NSW to not tolerate bullying as a councillor.

AMENDMENT (Lambert / Heasman)

That Manly Council:

- Establish and circulate a policy making bullying clearly unacceptable by Manly Council.
- Identify unacceptable behaviour and explain why it is unacceptable.
- Nominate a staff member who is trained in counselling and encourage anyone who feels they have been bullied to talk to them.
- Actively encourage employees of council who are being bullied to lodge a complaint.
- Guarantee confidentiality of any complaints and investigate them promptly.
- Ensure a fair hearing to the person being bullied and provide support.
- If the problem continues encourage victims to make a complaint to the Office of NSW

Industrial relations.

- Monitor the work environment to ensure that it is bullying-free, especially where there has been restructuring or a change in personnel
- Provide ongoing training for all staff to cover bullying awareness, harassment and discrimination, assertiveness, interpersonal skills and confidence building.
- Ask the Local Government Department to act on behalf of all councillors in NSW to not tolerate bullying as a councillor.

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

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

The Amendment was declared **CARRIED** and became the **MOTION**.

148/07 **RESOLVED: (Lambert / Heasman)**

That Manly Council:

- Establish and circulate a policy making bullying clearly unacceptable by Manly Council.
- Identify unacceptable behaviour and explain why it is unacceptable.
- Nominate a staff member who is trained in counselling and encourage anyone who feels they have been bullied to talk to them.
- Actively encourage employees of council who are being bullied to lodge a complaint.
- Guarantee confidentiality of any complaints and investigate them promptly.
- Ensure a fair hearing to the person being bullied and provide support.
- If the problem continues encourage victims to make a complaint to the Office of NSW Industrial relations.
- Monitor the work environment to ensure that it is bullying-free, especially where there has been restructuring or a change in personnel
- Provide ongoing training for all staff to cover bullying awareness, harassment and discrimination, assertiveness, interpersonal skills and confidence building.
- Ask the Local Government Department to act on behalf of all councillors in NSW to not tolerate bullying as a councillor.

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

Against the Resolution: Nil.

NOTICES OF RESCISSION

Notice of Rescission Report No. 8

Notice of Rescission for Corporate Services Division Report No. 29

Councillor Norek, Councillor Morrison, and Councillor Murphy moved:

“That the Council’s decision of 10 September 2007 being Item 29 in respect of Annual Report to the Community 2006/2007 be and is hereby rescinded.”

MOTION (Morrison / Murphy)

That the Council’s decision of 10 September 2007 being Item 29 in respect of Annual Report to the Community 2006/2007 be and is hereby rescinded.

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

With voting being equal, the Mayor used his casting vote and declared the Rescission Motion **LOST.**

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 10

Item for Brief Mention**1. Reports:****i) Update Report on State Government Planning Reforms**

The Department of Planning held a one-day forum ‘New Ideas for Planning’ at the Australian Technology Park in Sydney on 14 August 2007. Speakers included the NSW Planning Minister, Frank Sartor; NSW Local Government Association President, Genia McCaffery; NSW Department of Planning Director-General Sam Haddad; University of Sydney Graduate School of Government Director, Dr Geoff Gallop (former Western Australian Premier); Property Council of Australia NSW Executive Director, Ken Morrison; and Queensland Department of Local Government, Planning, Sport and Recreation Smart eDA Project Director, Catherine Anderson.

Interactive sessions were held on development assessment, strategic planning, plan-making, e-planning, and exempt and complying development.

NSW Planning Minister Frank Sartor outlined his own nine point reform agenda that comprised:

1. Increasing the number of exempt and complying developments by 50 per cent over two years.
2. Strengthening and improving the private certification system.
3. Faster and cheaper section 82A reviews.
4. Expansion of e-Planning initiatives.
5. Improving the time taken by state agency referrals, possibly by implementing a system of deemed approval after 15 days.
6. Improving DA consent models – possibly the establishment of a state wide Planning Commission. The Minister stated, during questioning, that he has not made up his mind on planning consent panels for councils (the South Australian model).

7. Plan making – strategic and LEP plan making process.
8. Reviewing development levies so there is a common base between the State and Local Government.
9. Review of the NSW heritage legislation.

The Minister indicated that the review process would be completed by mid-2008 and would include:

- The release of discussion papers in October/November 2007.
- An exposure draft Bill by February 2008.
- Legislation to be introduced into Parliament by May/June 2008.
- Commencement date of 1 July 2008.

A summary of the forum proceedings, including an audio summary of the keynote presentations, will be made available on the Department's website shortly.

It is recommended that the Council receive and note the information.

ii) Political Donations – Motion 137 Local Government Association Annual Conference – 2006

The Council submitted a motion to the 2006 LGSA Annual Conference in the following terms:

“That the Local Government and Shires Association calls upon the Federal Government to convene a National Summit to develop a national strategy to fundamentally reform, in a coordinated manner, all the financial donations legislation for all 3 levels of Australian government, ie federal, all state governments and all local councils.”

Council has now received a letter from the LGSA enclosing a response to the Motion from the Hon. Gary Nairn MP, Special Minister of State, which is attached.

iii) Response from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08

Council resolved at the Extraordinary Meeting of Land Use Management Committee held on Tuesday 7 August 2007 under Mayoral Minute Report No.15 to make an application to the Minister for Local Government under S545(1) of the Local Government Act for authority to alter the Manly Business Rate which was adopted by Council on 18 June 2007.

Council has now received a formal response to its letter dated 20 August 2007 which is separately circulated.

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

- i) Manly Arts Festival Committee - 1 August 2007
- ii) Manly Art Gallery and Museum Liaison Committee – 15 August 2007
- iii) Access Committee – 16 August 2007
- iii) Manly Community Safety Committee – 16 August 2007
- iv) Public Art Committee – 22 August 2007

MOTION (Lambert / Cant)**1. Reports:****i) Update Report on State Government Planning Reforms**

That Council:

Note the update report on State Government Planning Reforms, but with particular concern/opposition expressed regarding:

- a. the private certification system
- b. the proposed deemed approval in cases where state agencies fail to respond within 15 days
- c. the retention of Section 94 levies
- d. the proposed review of NSW heritage legislation and in particular any further devolution of heritage protection responsibilities to Local Government.

149/07 **RESOLVED: (Lambert / Cant)**

1. Reports:**i) Update Report on State Government Planning Reforms**

That Council:

Note the update report on State Government Planning Reforms, but with particular concern/opposition expressed regarding:

- a. the private certification system
- b. the proposed deemed approval in cases where state agencies fail to respond within 15 days
- c. the retention of Section 94 levies
- d. the proposed review of NSW heritage legislation and in particular any further devolution of heritage protection responsibilities to Local Government.

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

Against the Resolution: Nil.

MOTION (Pedersen / Evans)**1. Reports:****ii) Political Donations – Motion 137 Local Government Association Annual Conference – 2006**

That Council:

Write to Gary Nann MP Special Minister of State expressing:

- a. Disappointment with the superficiality of his response regarding this important issue
- b. Council repeats its strong concern that the interest in the disclosure threshold for political donations to \$10,500 puts at serious risk the integrity of the financial donations system at federal, state and local levels of government
- c. Council is particularly concerned that individual donors can make multiple donations each year through various entities and also through the state and federal political party branches.

150/07 **RESOLVED:** **(Pedersen / Evans)**

1. Reports:

ii) Political Donations – Motion 137 Local Government Association Annual Conference – 2006

That Council:

Write to Gary Nann MP Special Minister of State expressing:

- a. Disappointment with the superficiality of his response regarding this important issue
- b. Council repeats its strong concern that the interest in the disclosure threshold for political donations to \$10,500 puts at serious risk the integrity of the financial donations system at federal, state and local levels of government
- c. Council is particularly concerned that individual donors can make multiple donations each year through various entities and also through the state and federal political party branches.

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

Against the Resolution: Councillors Daley and Morrison

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

MOTION (Lambert / Evans)

1. Reports:

iii) Response from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08

That:

- a. Council receive and note the letter from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08
- b. The General Manager bring back a report on how to deal with any cases of specific anomalies or hardship.

151/07 **RESOLVED:** **(Lambert / Evans)**

1. Reports:

iii) Response from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08

That:

- a. Council receive and note the letter from the Department of Local Government regarding Mayoral Minute No. 15 - Manly Business Rate for Financial Year 07/08
- b. The General Manager bring back a report on how to deal with any cases of specific anomalies or hardship.

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

Against the Resolution: Nil.

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

MOTION (Hay / Heasman)

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i) to iv)**, be **adopted**.

152/07 **RESOLVED: (Hay / Heasman)**

2. That the recommendations of **Minutes of Meetings**, as listed in **item 2**, being **i) to iv)**, be **adopted**.

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

Against the Resolution: Nil.

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

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 30

Report on Council Investments as at 31 August 2007

SUMMARY

In accordance with clause 212 of the Local Government (General) Regulation 2005, a report setting out the details of money invested must be presented to Council on a monthly basis.

The report must also include certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

MOTION (Cant / Morrison)

That:

1. the statement of Bank Balances and Investment Holdings as at 31 August, 2007 be received and noted.
2. Council reserve its opinion in relation to investment decisions until it receives independent advice from Ernst and Young.

153/07 **RESOLVED: (Cant / Morrison)**

That:

1. the statement of Bank Balances and Investment Holdings as at 31 August, 2007 be received and noted.
2. Council reserve its opinion in relation to investment decisions until it receives independent advice from Ernst and Young.

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

Against the Resolution: Nil.

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

Corporate Services Division Report No. 31

Financial Statements for the Year Ended 30 June 2007

SUMMARY

Audit Statement to be signed by Councillors pursuant to Section 413(2)(c) of the Local Government Act 1993.

MOTION (Lambert / Aird)

That:

1. In respect to Council's General Purpose Financial Reports the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2007

Statement by Councillors and Management made pursuant to section 413 (2)(C) of the Local Government Act 1993 (as amended).

The attached General Purpose Financial Reports for the year ended 30 June 2007, have been drawn up in accordance with:-

- the Local Government Act 1993 (as amended) and the Regulations made thereunder;
- the Australian Accounting Standards and professional pronouncements;
- the Local Government Code of Accounting Practice and Financial Reporting;

To the best of our knowledge and belief, this Report:-

- presents fairly the Council's operating result and financial position for the year; and
- accords with Council's accounting and other records.

We are not aware of matter that would render this Report false or misleading in any way.

2. In respect to Council's Special Purpose Financial Reports, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2007

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The attached Special Purpose Annual Financial Reports for the year ended 30 June 2007, have been drawn up in accordance with:-

- NSW Government Policy Statement "Application of National Competition Policy to Local Government"; and
- Department of Local Government guidelines "Pricing & Costing for Council Businesses: Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting

To the best of our knowledge and belief, this report:-

- Presents fairly the Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- accords with Council's Accounting and other records.

We are not aware of any matter that would render this report false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2007 be referred for audit by Council's Auditors.

154/07 **RESOLVED: (Lambert / Aird)**

That:

1. In respect to Council's General Purpose Financial Reports the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2007

Statement by Councillors and Management made pursuant to section 413 (2)(C) of the Local Government Act 1993 (as amended).

The attached General Purpose Financial Reports for the year ended 30 June 2007, have been drawn up in accordance with:-

- the Local Government Act 1993 (as amended) and the Regulations made thereunder;
- the Australian Accounting Standards and professional pronouncements;
- the Local Government Code of Accounting Practice and Financial Reporting;

To the best of our knowledge and belief, this Report:-

- presents fairly the Council's operating result and financial position for the year; and
- accords with Council's accounting and other records.

We are not aware of matter that would render this Report false or misleading in any way.

2. In respect to Council's Special Purpose Financial Reports, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2007

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The attached Special Purpose Annual Financial Reports for the year ended 30 June 2007, have been drawn up in accordance with:-

- NSW Government Policy Statement "Application of National Competition Policy to Local Government"; and
- Department of Local Government guidelines "Pricing & Costing for Council Businesses: Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting

To the best of our knowledge and belief, this report:-

- Presents fairly the Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- accords with Council's Accounting and other records.

We are not aware of any matter that would render this report false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2007 be referred for audit by Council's Auditors.

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

Against the Resolution: Nil.

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

QUESTIONS WITHOUT NOTICE

QWN61/07 Councillor Hay - Fees and Charges for not-for-profit users of Manly Swim Centre

Will Council staff review the current fees and charges for not-for-profit user groups of the Manly Andrew "Boy" Charlton Swim Centre with the intention of increasing the 2006-2007 hirer fees by 3% CPI?

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

QWN62/07 Councillor Heasman - Parking infringements at Diggers on the Park off Raglan St.

Further to my QWN of 20/08/07 re parking at Diggers on the Park off Raglan Street, I believe some fines have been issued, but anecdotal evidence reported to me has shown that where vehicles are moved to remove chalk marks, then this negates our ability to fine them, which in my understanding is not in the "spirit of the law", and we should be pursuing them more.

At the request of the Mayor, the General Manager advised that generally, rangers cannot infringe vehicles on the basis that someone might have rubbed off the chalk marks, they have to sight the chalk marks.

QWN63/07 Councillor Heasman - Width of Fairlight cycle path and possible legal implications

A ratepayer has questioned whether the cycle path on Lauderdale Avenue, Fairlight, may cause a liability in Council where its width at any stage failed to meet Australian standards and as such, contributes to an injury involving a pedestrian, cyclist etc. My understanding is that under the Civil Liability Act 2002, protection for Council could depend on compliance with Australian Standards and if the path's width doesn't comply this could "release" us from this protection and leave us exposed to litigation. Could the General Manager clarify this legal question?

At the request of the Mayor, the General Manager advised that the Civil Liability Act was not meant to deal with this issue. Councils are generally immune from liability

where as a matter of policy Council has decided to construct a link such as the Fairlight cycle path, even if it were substandard. However, it is the General Manager's understanding that no part of the cycle path is under the minimum width necessary for a shared path.

QWN64/07 Councillor Lambert – Agenda - North East Sub-regional Strategy workshop

Will Councillors have an opportunity to make an input to the agenda for the workshop on Monday 24th September 2007 to discuss the Draft North East Sub-regional Strategy, and in particular the identification of priority issues for Manly?

At the request of the Mayor, the General Manager advised such input would be most welcome.

QWN65/07 Councillor Lambert - Extraordinary Meeting 24th September

Will the Manly Council Sustainable Investment Statement tabled this evening be the subject of an Extraordinary Meeting next Monday, 24th September 2007?

At the request of the Mayor, the General Manager advised that yes it would.

QWN66/07 Councillor Aird - Pollution Warning Signs

Would Council re-instate the stencilled warning sign on the gross pollution pipe located on the beach near Steinton Street?

Also would Council erect pollution warning signs (re. risk of swimming within 24 hours of rain) at each set of steps leading to the beach between Queenscliff and South Steyne, Shelly Beach and all harbour beaches?

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

CLOSE

The meeting closed at 11.52pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 15th October 2007.

MAYOR

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