

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 18 September 2006

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*



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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 18 September 2006. The meeting commenced at 7:37 PM.

PRESENT

Deputy Mayor, Councillor B Aird, who presided
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor A Heasman
Councillor J Lambert, AM
Councillor R Morrison
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
Ross Fleming, Chief Financial Officer
Rachael Levey, Minute Taker
Elayne Becker, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Deputy Mayor, Councillor B Aird.

APOLOGIES

Apologies were tendered on behalf of The Mayor, Councillor Dr Peter Macdonald, and Councillor J Hay for non-attendance.

MOTION (Aird / Lambert)

That the apologies received from The Mayor, Councillor Dr Peter Macdonald and Councillor J Hay, be accepted and leave be granted.

92/06 RESOLVED (Aird / Lambert)

That the apologies received from The Mayor, Councillor Dr Peter Macdonald and Councillor J Hay, be accepted and leave be granted.

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

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 August 2006, and the Minutes of the Extraordinary Meeting of Council held on Monday 11 September 2006, 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.

93/06 RESOLVED (Lambert / Heasman)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 August 2006, and the Minutes of the Extraordinary Meeting of Council held on Monday 11 September 2006, 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 Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans and Norek

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Mrs Penelope Wynne	Various
Ms Bronwyn Smith	Council Rates late payment
Mr Ray Springett	Dog attacks in the Manly Local Government Area
Mr Charles Wynne	Various
Ms Laura Rupert	Development Applications in relation to Australian values
Ms Juliet Peters	Manly Golf Club – use of recycled water
Mr Tom Shanahan	Various
Mr Demirbag	Trading hours of late night food outlets in the Manly Local Government Area
Ms Sue Humphreys	Compliance with a Development Application by neighbours

SUSPENSION OF STANDING ORDERS (Aird / Lambert)

That Council **suspend** Standing Orders for consideration of items of public interest, being Notice of Motion Report No. 29, Manly Scenic Walkway - West of Bolingbroke Parade Cul-de-sac - Completion of the "Missing Link" and the Issue of Private Vehicle Access.

94/06 RESOLVED (Aird / Lambert)

That Council **suspend** Standing Orders for consideration of items of public interest, being Notice of Motion Report No. 29, Manly Scenic Walkway - West of Bolingbroke Parade Cul-de-sac - Completion of the "Missing Link" and the Issue of Private Vehicle Access.

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

Against the Resolution: Nil.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 29

Manly Scenic Walkway - West of Bolingbroke Parade Cul-de-sac - Completion of the "Missing Link" and the Issue of Private Vehicle Access**SUMMARY**

- This report arises out of the completion of the deliberations regarding options for establishing the East West Cycleway Link.
- Given that Council has now determined that the East West Cycleway Link will be along Lauderdale Avenue, it is appropriate for Council to now determine how it will resolve the incomplete section of the Manly Scenic Walkway between the end of Bolingbroke Parade and the upgraded foreshore pathway to the west.

PUBLIC ADDRESSES

The following person addressed Council in relation to this matter:

Against: Mr James Holden

MOTION (Pedersen / Heasman)

That this matter be deferred for one month to the next Ordinary Meeting on 16th October 2006 to allow further consultation with the residents.

95/06 RESOLVED (Pedersen / Heasman)

That this matter be deferred for one month to the next Ordinary Meeting on 16th October 2006 to allow further consultation with the residents.

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

Against the Resolution: Nil.

STANDING ORDERS (Aird / Lambert)

That **Standing Orders** be resumed.

96/06 RESOLVED (Aird / Lambert)

That **Standing Orders** be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 17

PUBLIC FORUM REGARDING BINGE DRINKING

Councillor Pedersen will move:

That Council endorse and financially support the proposed public forum in Manly on Binge Drinking.

NOTE:

Preparation is already underway for an educational public forum in Manly on alcohol abuse and binge drinking. The forum date is set for 18 October 2006 and the venue is Stella Maris College. Proposed speakers include representatives from the NSW Police, MDECC, NSW Department of Health, a Salvation Army representative and a local legal expert.

MOTION (Pedersen / Daley)

That Council:

1. Endorse and financially support the proposed public forum in Manly on Binge Drinking.
2. Note that speakers are to include representatives from the NSW Police, MDECC, NSW Department of Health, a Salvation Army representative and a local legal expert.
3. Invite the Federal Minister for Health, the Hon Tony Abbott to participate.
4. Seek a financial contribution from the Licensing Accord for the Forum.
5. Invite representatives from the Licensing Accord to attend.

NOTE:

Preparation is already underway for an educational public forum in Manly on alcohol abuse and binge drinking. The forum date is set for 18 October 2006 and the venue is Stella Maris College.

97/06 RESOLVED (Pedersen / Daley)

That Council:

1. Endorse and financially support the proposed public forum in Manly on Binge Drinking.
2. Note that speakers are to include representatives from the NSW Police, MDECC, NSW Department of Health, a Salvation Army representative and a local legal expert.
3. Invite the Federal Minister for Health, the Hon Tony Abbott to participate.
4. Seek a financial contribution from the Licensing Accord for the Forum.
5. Invite representatives from the Licensing Accord to attend.

NOTE:

Preparation is already underway for an educational public forum in Manly on alcohol abuse and binge drinking. The forum date is set for 18 October 2006 and the venue is Stella Maris College.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 10

Items for Brief Mention**2. Minutes Of Meetings:**

- i. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 17 AUGUST 2006
- ii. MANLY ART GALLERY AND MUSEUM LIAISON COMMITTEE MEETING HELD ON 16 AUGUST 2006.
- iii. MANLY ARTS FESTIVAL COMMITTEE MEETING HELD ON 9 AUGUST 2006.
- iv. MANLY PUBLIC ART COMMITTEE MEETING HELD ON 23 AUGUST JUNE 2006.
- v. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 21 AUGUST 2006
- vi. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETINGS HELD ON 9 AUGUST 2006
- vii. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 2 AUGUST 2006
- viii. MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 6 SEPTEMBER 2006
- ix. SHOROC MINUTES OF MEETING HELD ON 6 SEPTEMBER 2006.

MOTION (Pedersen / Lambert)

1. That in respect to Council's General Purpose Annual Financial Statements and Council's Special Purpose Financial Statements for the year ended 30 June 2006, that the Certificates as tabled be signed under resolution of Council by the Mayor, the Deputy Mayor (or one other Councillor), the General Manager and Responsible Accounting Officer.
2. That the recommendations of **Minutes of Meetings, as listed in item 2, being 2 (i) to (ix)**, as listed above, be **adopted**.

98/06 RESOLVED (Pedersen / Lambert)

1. That in respect to Council's General Purpose Annual Financial Statements and Council's Special Purpose Financial Statements for the year ended 30 June 2006, that the Certificates as tabled be signed under resolution of Council by the Mayor, the Deputy Mayor (or one other Councillor), the General Manager and Responsible Accounting Officer.
2. That the recommendations of **Minutes of Meetings, as listed in item 2, being 2 (i) to (ix)**, as listed above, be **adopted**.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 23

Accounts - Report on Council Investments as at 31 August 2006**SUMMARY**

Latest accounting statements for the period to 31 August, 2006

1. Statement showing general fund bank account balance as at 31 August, 2006.
2. Cash investments as at 31 August, 2006.

MOTION (Murphy / Morrison)

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

99/06 RESOLVED (Murphy / Morrison)

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

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

Against the Resolution: Nil.

Notice of Rescission Report No. 2

Notice of Rescission regarding General Manager's Report No. 26, Tender Outdoor Dining**PROCEDURAL MOTION (Morrison / Murphy)**

That the Notice of Rescission Report No.2 contained within the Closed Agenda be discussed in Open Council.

100/06 RESOLVED (Morrison / Murphy)

That the Notice of Rescission Report No.2 contained within the Closed Agenda be discussed in Open Council.

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

Against the Resolution: Nil.

RESCISSION MOTION (Morrison / Heasman)

Councillor Morrison, Councillor Murphy, and Councillor Heasman moved:

“That the Council’s decision of 11 September 2006 being Item 26 in respect of Tender Outdoor Dining Area be and is hereby rescinded.”

For the Rescission Motion: Councillors Heasman, Murphy, Morrison and Norek

Against the Rescission Motion: Councillors Lambert, Cant, Daley, Pedersen, Aird and Evans

Rescission Motion was declared **LOST**.

PROCEDURAL MOTION (Aird / Lambert)

That Council proceed to Questions Without Notice before moving into Closed Session.

101/06 RESOLVED (Aird / Lambert)

That Council proceed to Questions Without Notice before moving into Closed Session.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**QWN Councillor Heasman - Late payment of Council rates**

What is Council policy/criteria regarding late payment of council rates in relation to the Credit Reference Association (CRA). Of particular concern is that once a ratepayer’s name is placed on the CRA it remains there for five years before it can be removed.

At the request of the Deputy Mayor, the General Manager advised that Council does not place any ratepayer on the CRA.

QWN Councillor Heasman - The Mayor's intended letter regarding the sale of chewing gum

In relation to the Mayor’s intended letter to shopkeepers regarding the sale of chewing gum, does this matter need to come to Council for endorsement prior to circulation?

At the request of the Deputy Mayor, the General Manager advised that a Mayoral Minute would be required.

QWN Councillor Lambert - Recipients of the Water re-use grant of \$1.6M

What action can be taken to correct any false impression created through a public address this evening that the sole beneficiary of the \$1.6M water re-use grant will be a private user, namely Manly Golf Club. Given that the funding is to be allocated to the installation of infrastructure necessary to get re-use water to a point accessible by Council’s parks and reserves as well as Manly Golf Club. Will this information be made public, together with the payment arrangements for water used?

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

QWN Councillor Lambert - 10-10A Addison Road Works

Can the General Manager confirm that all works at 10-10A Addison Road have stopped, based on Council action consistent with the Conditions of Consent for that DA?

At the request of the Deputy Mayor, the General Manager advised that all works at this site have stopped.

QWN Councillor Murphy - Upgrade of Roseberry Street

Can the General Manager advise when Councillor Heasman's Notice of Motion from over a year ago for the upgrade of Roseberry Street is going to take effect and provide an update on what has been done to date?

At the request of the Deputy Mayor, the General Manager advised that this matter has been referred to the newly appointed Traffic Manager and will be treated as a priority.

QWN Councillor Murphy - Underground Car Park at the Depot

Could Council consider building an underground car park at the Depot site with access from Roseberry Street.?

At the request of the Deputy Mayor, the General Manager advised that this matter is currently being investigated.

QWN Councillor Murphy - Limit of Public Forum speakers at Ordinary Meetings

If Public Forum is limited to 5 people (15 minutes) should staff advise potential speakers when the limit is reached and list them as speakers for the following month?

At the request of the Deputy Mayor, the General Manager advised that the public will be advised of the maximum number of Public Forum speakers at the Ordinary Meetings.

QWN Councillor Daley - Status of Spit Bridge public forum

Can the General Manager advise the status of the Notice of Motion of the last Ordinary Meeting regarding the Public forum for the Spit Bridge?

At the request of the Deputy Mayor the General Manager advised that the RTA has agreed to chair the meeting and that Manly Council and the RTA are looking at suitable venues.

QWN Councillor Norek - Cost of Hop, Skip & Jump Bus

Can the General Manager confirm that Manly Council contributes \$600,000 per annum to the Hop, Skip & Jump Bus service?

At the request of the Deputy Mayor, the General Manager advised that the cost over twelve months was less than \$600,000. The budget papers explain the details of this project.

QWN Councillor Norek - Confirmation of Unregistered Dogs incident

Could the General Manager provide further information with reference to the incident regarding the Mayor's dogs being unregistered as raised by a speaker in Public Forum?

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

QWN Councillor Aird - Written Report from Council regarding the \$1.6M water re-use grant

Could Council provide a written report regarding the \$1.6M water re-use grant, and the granting of such funds to Manly Golf Club?

At the request of the Deputy Mayor, the General Manager advised that Manly Council staff will provide Councillors with a copy of the brief.

QWN Councillor Pedersen - Signage on Stormwater Pipes on the Beach

Given that summer and school holidays are approaching when will appropriate signage be placed on the Stormwater pipes on the Beach?

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

CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 28

Kimbriki Recycling and Waste Disposal Centre

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

The Chairperson asked if any members of the public gallery objected to the matter being heard in "Closed Session".

It is noted that no representations were received from the Public Gallery.

102/06 **RESOLVED: (Aird / Lambert)**

That the meeting move into Closed Session to consider General Managers Division Report No. 28, Kimbriki Recycling and Waste Disposal Centre.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the General Manager advised the meeting of the decisions made in Closed Session.

**General Managers Division Report No.28
Kimbriki Recycling and Waste Disposal Centre**

103/06 **RESOLVED** (Lambert / Cant)

That Council proceed as resolved in Closed Session of Council.

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

Against the Resolution: Nil.

MATTERS OF URGENCY

Nil.

CLOSE

The meeting closed at 9.54pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 16 October 2006.

MAYOR

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