

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 19 June 2006

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 June 2006. The meeting commenced at 7:40 PM.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor B Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, AM
Councillor R Morrison
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

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

OPENING PRAYER

The Opening Prayer was presented by Reverend Belinda Groves.

APOLOGIES

Apologies were tendered on behalf of Councillor Pedersen, for non-attendance.

MOTION (Macdonald / Aird)

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

45/06 RESOLVED: (Macdonald / Aird)

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

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Morrison	MM No. 10	The report is in relation to a conduct issue related to Councillor Morrison.

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

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 15 May 2006 and the Extraordinary Meeting of Council held on Tuesday 16 May 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 meetings.

46/06 RESOLVED: (Hay / Evans)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 15 May 2006 and the Extraordinary Meeting of Council held on Tuesday 16 May 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 meetings.

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

Against the Resolution: Nil.

PUBLIC FORUM

Nil.

SUSPENSION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to allow consideration of items of public interest, being Mayoral Minute Report No. 11, Fencing of North Harbour Park Playground; Item For Brief Mention Report No. 7, Referred Items from Planning & Strategy Meeting 13 June 2006; and General Managers Division Report No. 13, Adoption of the 2006 - 2009 Management Plan.

47/06 RESOLVED: (Macdonald / Aird)

That Standing Orders be suspended to allow consideration of items of public interest, being Mayoral Minute Report No. 11, Fencing of North Harbour Park Playground; Item For Brief Mention Report No. 7, Referred Items from Planning & Strategy Meeting 13 June 2006; and General Managers Division Report No. 13, Adoption of the 2006 - 2009 Management Plan.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 11

Fencing of North Harbour Park Playground**Background**

In the past 12 months, concerns have been raised by users of the playground at North Harbour Park about conflict between dogs and small children and risks associated with traffic on nearby Condamine street and the waters of North Harbour. As a result, the Playground Committee requested that a design be prepared for a fence and that it be displayed both on-site and on the Council website. This has resulted in a division of opinion within the community via feedback to the

website and through the submission of petitions supporting the “yes” and the “no” case.

Council’s Risk Manager was asked to compile a report but it was of limited value as it dealt with the risks associated with dogs but failed to address the risks to small children of the nearby hazards.

Council has fenced a number of playgrounds such as Lagoon Park, Weeroona Park and Tania Park. On the other hand, playgrounds such as Clontarf and Ocean Beach are unfenced. I acknowledge that each playground must be assessed on its own terms, and that in some cases fencing is not required. However, in the case of North Harbour, I believe the prevailing view is that children’s safety must take preference over the amenity of the park, particularly following identification of the particular dangers as documented at North Harbour.

If the decision is made to fence this playground, it can be done in such a way as to be unobtrusive, it will keep dogs at bay and mitigate the risks from toddlers straying. The fenced area will occupy approximately 5.6% of the total area of the park and will mean all parties can enjoy this beautiful part of our neighbourhood with increased confidence and security.

PUBLIC ADDRESSES

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

In Favour: Ms Meg Cherry – resident

Against: Ms Kathi Klinger - resident

MOTION (Macdonald)

1. That Council resolve to fence the playground at North Harbour Park to include the softfall area and the cycle circuit with relocation of the swings within that area. In order to minimize the size of the fenced area, that the design allow for the inclusion of amenities within the area.
2. That Council allocate the necessary funds in the forthcoming budget.

For the Motion: Councillors Macdonald, Lambert, Cant, Aird and Evans

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

The Mayoral Minute was put and declared **Lost**.

Item For Brief Mention Report No. 7

Referred Items from Planning & Strategy Meeting 13 June 2006

The following matters were referred by Planning & Strategy Committee to this Ordinary Meeting for Councillor’s consideration:

MANLY TRAFFIC COMMITTEE – MINUTES OF MEETING HELD ON 29 MAY 2006

(a) Item Number: 42/06 Fairlight LATM - Proposed Traffic Management

The Recommendation of the Committee was to:

1. That Council implement the following LATM measures to the Fairlight Precinct area bounded by Sydney Rd, Condamine St, Lauderdale Ave, Commonwealth Pde West Esplanade and Belgrave St.

2. Further that all devices are to be marked out on site at leased one month before construction commences to allow any additional localised consultation to take place with immediately effected residents.

(b) Item Number: 43/06 Darley Road, Manly - Traffic Management

The Recommendation of the Committee was to:

1. That Council approve the traffic management measures proposed for Darley Road between Victoria Parade and Manly Hospital as described in the report, inclusive of items 1 – 6.
2. Further that the proposed traffic management measures be implemented as soon as possible following appropriate consultation with all stakeholders including the Little Manly and Fairy Bower precincts.
3. Further that the existing truck and bus speed limit on Darley Road be retained at 40km/hr at this stage and further speed monitoring be carried out following the implementation of the traffic management measures 1-6."

(c) Item Number: 44/06 Darley Road and Wentworth Streets, Manly - Traffic Management

The Recommendation of the Committee was to:

1. That Council officers prepare a design and cost estimate for a kerb blister on the north-west corner of the intersection of Darley Road and Wentworth Street, in consultation with the RTA.
2. Further that Council only consider renewing lease area (B), for the 4 Olives Deli, in the future.
3. Further that Council modify the existing pram ramps on the south-west corner of the intersection, to improve the gradient for wheelchair access."

PUBLIC ADDRESSES

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

In Favour: Mr Richard Hewitt

MOTION (Hay / Heasman)

That **Item (a)** be adopted as recommended by the Traffic Committee, with the exception of the reintroduction of the right hand turn from Rosedale Ave into Lauderdale Ave.

48/06 **RESOLVED:** (Hay / Heasman)

That **Item (a)** be adopted as recommended by the Traffic Committee, with the exception of the reintroduction of the right hand turn from Rosedale Ave into Lauderdale Ave.

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

Against the Resolution: Nil.

Councillor Evans was not in the Chamber when the Motion was put.

MOTION (Lambert / Macdonald)

That Council note the changes proposed by the Traffic Committee in **Item (b)** with the inclusion of points 4 and 5 as follows:

4. That the need to ensure that the measures taken not increase the risk to cyclists safety be respected and that the Bicycle Committee be given opportunity to make further input;
5. That this Traffic Management Plan be referred to the Darley Road Local Area Traffic Management Committee.

49/06 **RESOLVED:** (Lambert / Macdonald)

That Council note the changes proposed by the Traffic Committee in **Item (b)** with the inclusion of points 4 and 5 as follows:

4. That the need to ensure that the measures taken not increase the risk to cyclists safety be respected and that the Bicycle Committee be given opportunity to make further input;
5. That this Traffic Management Plan be referred to the Darley Road Local Area Traffic Management Committee.

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

Against the Resolution: Nil.

Councillor Evans was not in the Chamber when the Motion was put.

MOTION (Aird / Norek)

That **Item (c)** be adopted as recommended by the Traffic Committee with inclusion of the following:

4. That Council allocate the necessary funds in the forthcoming budget.

50/06 **RESOLVED:** (Aird / Norek)

That **Item (c)** be adopted as recommended by the Traffic Committee with inclusion of the following:

4. That Council allocate the necessary funds in the forthcoming budget.

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

Against the Resolution: Nil.

Councillor Evans was not in the Chamber when the Motion was put.

General Managers Division Report No. 13

Adoption of the 2006 - 2009 Management Plan

SUMMARY

The 2006 – 2009 Draft Management Plan has been exhibited for the statutory period and is submitted for adoption by Council.

PUBLIC ADDRESSES

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

In Favour: Mr Richard Hewitt

Against: Mr George W Scott

MOTION (Hay / Daley)

That Council support the funding shortfall for the Manly Senior Citizens Bowling Club following the funding response from the Department of Sport and Recreation and the submission through the Water Savings Program.

51/06 RESOLVED: (Hay / Daley)

That Council support the funding shortfall for the Manly Senior Citizens Bowling Club following the funding response from the Department of Sport and Recreation and the submission through the Water Savings Program.

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

Against the Resolution: Nil.

MOTION (Daley / Murphy)

1. That pursuant to Section 406 and Section 612 of the *Local Government Act, 1993*, the Manly Council Management Plan 2006-2009 (*Manly Plan*) and the 2006/07 Schedule of Fees and Charges be adopted;
2. That the parties who made submissions to the Management Plan be thanked and that written responses to the points raised by them be provided.
3. That the General Manager bring back a report to Council regarding the balance of funding for the Pittwater Rd upgrade.
4. That the Management Plan be amended to include the Environmental Levy and background philosophy and criteria relating to it.
5. That Council reduce the allocation of the heritage memorial benches to \$2000 and that this price include a minimum tenure of 10 years or life of the asset.

52/06 RESOLVED: (Daley / Murphy)

1. That pursuant to Section 406 and Section 612 of the *Local Government Act, 1993*, the Manly Council Management Plan 2006-2009 (*Manly Plan*) and the 2006/07 Schedule of Fees and Charges be adopted;
2. That the parties who made submissions to the Management Plan be thanked and that written responses to the points raised by them be provided.
3. That the General Manager bring back a report to Council regarding the balance of funding for the Pittwater Rd upgrade.
4. That the Management Plan be amended to include the Environmental Levy and background philosophy and criteria relating to it.
5. That Council reduce the allocation of the heritage memorial benches to \$2000 and that this price include a minimum tenure of 10 years or life of the asset.

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

RESUMPTION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

53/06 **RESOLVED:** (Macdonald / Aird)

That Standing Orders be resumed.

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

Councillor Morrison, having previously declared an interest in Item 10, left the Chamber at 11:32pm.

Mayoral Minute Report No. 10

Respect for the Code of Meeting Practice**Background**

The *Manly Council Code of Meeting Practice (Code)* is made under the *Local Government Act 1993* and in accordance with the *Local Government (Meetings) Regulation 1999*.

The object of the Code is to provide for the convening and conduct of meetings of Manly Council and the Committees of Council. This includes all Committees including Council/Community Committees. The provisions of this Code are based on the provisions of the Act, the Regulation and on the supplementary provisions adopted by Council. The intent of the Code is to provide for a formal and regulated process in terms of appointment, convening and conduct of each Committee such that an orderly process is respected.

Convening of a Committee:

Under Part 1, section 8 of the Code, 3 days notice must be given of any meeting and such notice must specify time, place and the business on the agenda. Such notice must be given to each member as well as each Councillor. It would be normal practice for the General Manager to be notified and to ratify each meeting.

The member of council staff appointed to service each Committee, must be in attendance and take accurate minutes. Each resolution must be properly recorded.

Companion Animals Committee:

This Committee has been inactive during the term of this Council. It did meet informally in November without community members and did not conduct any valid business.

In view of the recent tabling of petitions by several residents with reference to the exercising of dogs, I requested that the General Manager conduct a formal process of seeking nominations for the Committee. In this regard, an invitation was posted in the Manly Council News section of *the Manly Daily*, on Saturday June 10th, seeking expressions of interest from members of the community and representatives of animal welfare organisations with applications closing on June 23rd. The composition of the Committee is 3 community members and 1 person from an Animal Welfare Organisation.

The meeting of the 13th June:

The "so-called" Companion Animals Committee meeting that Councillor Morrison convened, was convened without due notice, it was improper and unconstitutional, and formed with careless indifference to proper processes. The motions passed were invalid and apparently aimed at supporting a partisan position. In my opinion, it constituted an abuse of process and has compromised the impartial neutrality integral to the position of Chairperson. When the Companion Animals Committee is duly appointed, I intend to assume the Chair.

MOTION (Macdonald)

That all Councillors abide by the Manly Council Code of Meeting Practice in the interests of good governance and respect for due process.

54/06 RESOLVED: (Macdonald)

That all Councillors abide by the Manly Council Code of Meeting Practice in the interests of good governance and respect for due process.

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

Against the Resolution: Councillor Daley

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 6

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

- i. MANLY ACCESS COMMITTEE MINUTES OF MEETING HELD ON 18 MAY 2006
- ii. MANLY COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 18 MAY 2006
- iii. MANLY ART GALLERY AND MUSEUM LIAISON COMMITTEE MEETING HELD ON 17 MAY 2006.
- iv. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 22 MAY 2006
- v. MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETINGS HELD ON 10 MAY 2006 & 7 JUNE 2006
- vi. MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 10 MAY 2006
- vii. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 4 MAY 2006
- viii. MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 10 MAY 2006

MOTION (Aird / Evans)

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

55/06 **RESOLVED:** (Aird / Evans)

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

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

Against the Resolution: Nil.

Councillor Morrison was not in the Chamber when the Motion was put.

Councillor Morrison entered the Chamber at 12:06pm.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 17

Fixing of Rates and Charges - 2006/2007

REPORT

Council is required to make rates and charges for 2006/2007 following the adoption of the Management Plan for the 2006/2007 financial period.

Council has indicated in the Draft Management Plan its intention to levy two (2) Ordinary Rates - an Ordinary Residential Rate on the Land Value of all Rateable Land categorised as Residential and an Ordinary Business Rate on the Land Value of all Rateable Land categorised as Business consisting of two sub-categories, being:

- Manly Business Centre - as delineated on Plan Number 1/280B.
- Business (other than the Manly Business Centre).

Council also indicated in the Draft Management Plan its intention to levy a Special Rate for each of the following areas:

- Manly Business Centre and Ocean Beachfront Improvements
- Balgowlah Business Centre Improvements

Council's advertised Draft Management Plan 2006/2009 contained details of Council's Revenue Policy for 2006/2009. The Revenue Policy provided for a rating structure that is based on an ad valorem (rate in the dollar) with a minimum Rate and these Rates were advertised in the Management Plan. The rate to be levied will be calculated on the land value of the land with a base date 1 July 2005, as determined by the Valuer General.

The Minister has advised Council of a permissible Rate increase for 2006/2007 of 3.6% in accordance with S.506 of the Act.

Since the exhibition of the Management Plan, Council has received additional supplementary valuations from the Valuer General. These new valuations have been supplied as a result of either new subdivisions, strata titling of properties, or valuation objections, and must be used for levying rates in 2006/2007. The following rates and charges now take into account any adjustments as a consequence of these amended and new valuations, so as to ensure that Council does not exceed the permissible rate yield.

MOTION (Heasman / Morrison)

1. Whereas the detailed draft Estimates of Income and Expenditure of the General Fund, for the period 1 July 2006 to 30 June 2007, were considered by Council on 16 May 2006, 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 14 June 2006, and whereas the Management Plan and Estimates of Income and Expenditure for the period 1 July 2006 to 30 June 2007, were adopted by Council at the meeting of 19 June 2006, and having considered any matters concerning the Management Plan in accordance with S.406 of the Local Government Act, 1993, Council hereby resolve:
2. That the Schedule of Fees and Charges 2006-2007 included and tabled with the 2006/2009 draft Management Plan be adopted;
3. That the draft 2006-2007 draft Budget as presented be adopted;
4. That Council now make the following Rates and Charges for 2006/2007:

A Ordinary Rates

- (i) An Ordinary Rate (Residential) of **0.159300** cents in the dollar be made for the year on the land value of all rateable land in the Municipality categorised as Residential in accordance with S.516 of the Local Government Act 1993;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.751400** cents in the dollar be made for the year on the land value of all rateable land categorised business within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B.
- (iii) An Ordinary Rate – Business - Other of **0.396400** cents in the dollar be made for the year on the land value of all rateable land categorised business within Manly other than that land within the centre of population defined in (ii) above.
- (iv) In accordance with Section 548 of the Local Government Act, 1993, that the minimum amount of the Ordinary Rate that shall be levied in respect of any separate parcel of land, including strata lots and dwellings under company title, be **\$590.98** for the period 1st July, 2006 to 30th June, 2007.

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 2006/2007 – 2008/2009, incorporating the Estimates of Income and Expenditure for the Manly Town Centre Improvements Programme for the period 1st July, 2006 to 30th June, 2007, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.253000** cents in the dollar on the land value of all rateable land as previously defined be now made for the period 1st July, 2006 to 30th June, 2007
- (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 for the period 1 July 2006 to 30 June 2007.

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 2006/2007- 2008/2009, incorporating the Estimates of Income and Expenditure for the Balgowlah Business Centre Improvements Programme for the period 1st July, 2006 to 30th June, 2007 it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.191200** cents in the dollar on the land value of all rateable land as previously defined be now made for the period 1st July, 2006 to 30th June, 2007
- (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 for the period 1st July, 2006 to 30th June, 2007

D Interest

That Council adopt the maximum interest rate as advised by the Minister for Local Government for rates, domestic waste management services and annual charges, being **9.0%** 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 **\$312.00** per annum be made for the period 1st July 2006 to 30th June 2007, for domestic waste management services rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service.

F Stormwater Management Service Charge

The following Stormwater Management Service Charge be levied on all developed rateable land categorised for rating purposes as residential or business:

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

56/06 RESOLVED: (Heasman / Morrison)

1. Whereas the detailed draft Estimates of Income and Expenditure of the General Fund, for the period 1 July 2006 to 30 June 2007, were considered by Council on 16 May 2006, 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 14 June 2006, and whereas the Management Plan and Estimates of Income and Expenditure for the period 1 July 2006 to 30 June 2007, were adopted by Council at the meeting of 19 June 2006, and having considered any matters concerning the Management Plan in accordance with S.406 of the Local Government Act, 1993, Council hereby resolve:
2. That the Schedule of Fees and Charges 2006-2007 included and tabled with the 2006/2009 draft Management Plan be adopted;
3. That the draft 2006-2007 draft Budget as presented be adopted;
4. That Council now make the following Rates and Charges for 2006/2007:

A Ordinary Rates

- (i) An Ordinary Rate (Residential) of **0.159300** cents in the dollar be made for the year on the land value of all rateable land in the Municipality categorised as Residential in accordance with S.516 of the Local Government Act 1993;
- (ii) An Ordinary Rate - Business - Manly Business Centre of **0.751400** cents in the dollar be made for the year on the land value of all rateable land categorised business within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B.
- (iii) An Ordinary Rate – Business - Other of **0.396400** cents in the dollar be made for the year on the land value of all rateable land categorised business within Manly other than that land within the centre of population defined in (ii) above.
- (iv) In accordance with Section 548 of the Local Government Act, 1993, that the minimum amount of the Ordinary Rate that shall be levied in respect of any separate parcel of land, including strata lots and dwellings under company title, be **\$590.98** for the period 1st July, 2006 to 30th June, 2007.

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 2006/2007 – 2008/2009, incorporating the Estimates of Income and Expenditure for the Manly Town Centre Improvements Programme for the period 1st July, 2006 to 30th June, 2007, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of **0.253000** cents in the dollar on the land value of all rateable land as previously defined be now made for the period 1st July, 2006 to 30th June, 2007
- (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 for the period 1 July 2006 to 30 June 2007.

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 2006/2007- 2008/2009, incorporating the Estimates of Income and Expenditure for the Balgowlah Business Centre Improvements Programme for the period 1st July, 2006 to 30th June, 2007 it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of **0.191200** cents in the dollar on the land value of all rateable land as previously defined be now made for the period 1st July, 2006 to 30th June, 2007
- (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 for the period 1st July, 2006 to 30th June, 2007

D Interest

That Council adopt the maximum interest rate as advised by the Minister for Local Government for rates, domestic waste management services and annual charges, being **9.0%** 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 **\$312.00** per annum be made for the period 1st July 2006 to 30th June 2007, for domestic waste management services rendered to all properties categorised residential or non-rateable residential, for each once weekly 80 litre MGB (or equivalent) service.

F Stormwater Management Service Charge

The following Stormwater Management Service Charge be levied on all developed rateable land categorised for rating purposes as residential or business:

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 Macdonald, Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Aird, Evans and Norek

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 15

Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal - 2006/2007**SUMMARY**

The Local Government Remuneration Tribunal has handed down its Report for 2006/2007 regarding the Category of Councils, and the fees payable to the Mayor and Councillors as from 1 July 2006.

MOTION (Macdonald / Aird)

That Council reaffirm its previous policy adopted in July 1998 to set the Mayor and Councillor remuneration fees for the period 1 July 2006 to 30 June 2007 at the maximum level determined by the Local Government Remuneration Tribunal.

57/06 RESOLVED: (Macdonald / Aird)

That Council reaffirm its previous policy adopted in July 1998 to set the Mayor and Councillor remuneration fees for the period 1 July 2006 to 30 June 2007 at the maximum level determined by the Local Government Remuneration Tribunal.

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

Against the Resolution: Nil.

Corporate Services Division Report No. 16

Accounts - Report on Council Investments - May 2006**SUMMARY**

Latest accounting statements for the period to 31 May, 2006.

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

MOTION (Daley / Heasman)

1. That the statement of General Fund Bank Account balance as at 31 May, 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 May, 2006 be received and noted.

58/06 **RESOLVED:** (Daley / Heasman)

1. That the statement of General Fund Bank Account balance as at 31 May, 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 May, 2006 be received and noted.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

QWN Councillor Heasman - Restriction of truck usage during Totem Redevelopment

Could Council consider installing a sign "3T Limit" on Griffiths St (between Condamine and Woodland Sts) to restrict construction/demolition trucks to Condamine Street and Sydney Road during the Totem Redevelopment.

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

QWN Councillor Heasman - Report to Council on Food & Wine Festival

Could the General Manager advise when a report regarding the Food & Wine Festival will be presented to Council for consideration. The report will need to be received before the Working Party meets to discuss the plan for 2007.

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

QWN Councillor Murphy - Report to Local Government Renumeration Tribunal regarding reclassification of Manly Council

Could the General Manager provide a copy of the Council Report that was sent to the Local Government Renumeration Tribunal requesting that Manly Council be reclassified from Category 2 to Category 1.

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

QWN Councillor Murphy - DA for Pittwater Rd Fruit Market

When is the Pittwater Rd Fruit Market signage DA and Mixed Business DA or S96 coming to the Development Assessment Unit or Land Use Management Committee? If there are any shortfalls, has the applicant been advised?

At the request of the Mayor, the General Manager advised that some additional information is still required in relation to the Mixed Business DA and that the applicant is aware of these requirements.

- QWN Councillor Daley** - Cost of Council Rangers and involvement in arrests
Can the General Manager advise the cost of Council Rangers on a Saturday night and whether or not these rangers have been involved in arrests?
At the request of the Mayor, the General Manager advised that the Night Owl Rangers don't get involved in arrests – their role is to support the Police and respond to noise and nuisance complaints.
- QWN Councillor Morrison** - More information regarding 1 San Grado St Seaforth
Can Council provide a more detailed response to last month's QWN regarding short-term accommodation concerns at 1 San Grado St, Seaforth.
At the request of the Mayor, the General Manager advised that this matter would be taken on notice.
- QWN Councillor Aird** - Fountain in the forecourt
Can the General Manager advise who is responsible for the fountain at the Wharf forecourt? Is there any reason why it has been turned off?
At the request of the Mayor, the General Manager advised that Council is responsible for this fountain and that it has been turned off due to the current water restrictions.
- QWN Councillor Aird** - Pigeon infestation at Manly Wharf
Can Council advise what action is being taken to address the pigeon infestation at Manly Wharf?
At the request of the Mayor, the General Manager advised that this matter would be taken on notice.
- QWN Councillor Evans** - Responses to previous QWNs regarding Kangaroo Park
Can Council please provide responses to the QWN's from May 2006 regarding the tarmac surface and access to Kangaroo Park?
At the request of the Mayor, the General Manager advised that responses have been provided and will be resent if required.
- QWN Councillor Norek** - Notification of the first Smoke Free Committee agenda
Was the first meeting convened for the Smoke Free Committee on an agenda sent out for this meeting to all Councillors (as per Clause 47 of the Code of Meeting Practice)?
At the request of the Mayor, the General Manager advised that this matter would be taken on notice.
- QWN Councillor Norek** - Councillors on Smoke Free Committee
How did Councillors Macdonald and Aird appear on the first Smoke Free Committee? Did all other Councillors have the same opportunity to be on this committee?
The Mayor advised that the Smoke Free meetings were in fact held under a Working Party, which operates under separate rules to a committee.

CLOSED SESSION

General Managers Division Report No. 14

Tenders – Corso Upgrade – Civil and Concrete Paving Work

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of the above items, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

PROCEDURAL MOTION (Macdonald / Aird)

That Council resolve into Closed Session to allow the Councillors to consider General Managers Division Report No. 14, Tenders – Corso Upgrade – Civil and Concrete Paving Work.

59/06 **RESOLVED:** (Macdonald / Aird)

That Council resolve into Closed Session to allow the Councillors to consider General Managers Division Report No. 14, Tenders – Corso Upgrade – Civil and Concrete Paving Work.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the Mayor read the resolution of Council made in Closed Session in relation to General Managers Division Report No. 14, Tenders – Corso Upgrade – Civil and Concrete Paving Work.

General Managers Division Report No. 14

Tenders – Corso Upgrade – Civil and Concrete Paving Work

60/06 **RESOLVED:** (Hay / Murphy)

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

CLOSE

The meeting closed at 12:23am.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 24th July 2006.

MAYOR

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