

Manly Council

Minutes

Ordinary Meeting of Manly Council

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 20 December 2004



*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*

The Ordinary Meeting of Manly Council was held in the Council Chambers, Town Hall, Manly, on Monday 20 December 2004. The meeting commenced at 7:41 pm.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald, who presided
Deputy Mayor, Councillor R Morrison, Deputy Chairperson (arrived at 7.55pm)
Councillor B Aird
Councillor S Cant
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor J Lambert
Councillor D Murphy
Councillor M Norek

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Director Corporate Planning and Strategy Services
David Stray, Manager Development Assessment
Ross Fleming, Chief Financial Officer
Julia Paul, Minute Secretariat

OPENING PRAYER

(File A8/2)

The Opening Prayer was presented by Rev. Graham Perry.

APOLOGIES

(File A8/2)

An apology was tendered on behalf of Councillor B. Pedersen, for non-attendance.

189/04 RESOLVED: (Lambert/Hay)

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

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

Against the Resolution: Nil.

Councillor Morrison was not present in the Chamber and did not take part in the voting on this matter.

LEAVE OF ABSENCE

It was noted that Councillor Heasman, was absent on leave previously granted.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

(File A8/2)

Nil.

CONFIRMATION OF MINUTES**(File C17/23)****190/04 RESOLVED: (Lambert/Hay)**

That copies of the Minutes of the Extraordinary Meeting of 1 November 2004 and Ordinary Meeting of Council held on Monday 15 November 2004, 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 Hay, Lambert, Cant, Murphy, Daley, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

Councillor Morrison was not present in the Chamber and did not take part in the voting on this matter.

PUBLIC ADDRESSES**(File C17/43)**

NAME	SUBJECT/PUBLIC SPEAKERS
Mr Richard Hewitt	Noxious weed (Canilperpe Toxifolia) at Reef Beach and Quarantine Beach and Government not declaring the existence of this weed on these sites.
Mr David Parsons	Little Manly Parking Permits and eligibility for a permit as a tenant renting a boat space from Council i.e Memorandum of Understanding with other tenants.

MATTERS OF URGENCY

Note: Councillor Evans requested that she be allowed to introduce a **Matter of Urgency** in accordance with the provisions of Clause 20(3) of the Council's Code of Meeting Practice.

191/04 RESOLVED (Evans/Lambert)

That in accordance with the provisions in Clause 20(3) of the Council's Code of Meeting Practice the matter relating to clarification on issues raised in the Manly Daily on Friday, 17 December 2004 regarding Councillor Norek and one or more of the companies he is a Director of being in the hands of liquidators at the time of his election to Council be considered as a **Matter of Urgency**.

For the Resolution: Councillors Lambert, Cant, Aird, Evans and Macdonald.

Against the Resolution: Councillors Hay, Murphy, Daley, Morrison and Norek.

With the voting being equal the Mayor exercised his casting vote in favour of the Motion and declared it **Carried**.

The Mayor ruled that the item **was of great urgency** and should proceed to debate.

MATTER OF URGENCY**Councillor Norek's Eligibility to hold office of Councillor****192/04 MOTION (Evans/Lambert)**

1. That following an article in the Manly Daily of Friday, 17 December 2004 and in the public interest, clarification be sought whether at the time of Council elections, one or more companies which Clr Norek was a Director of was in liquidation and had this liquidation action been completed by the election.
2. That written notification be provided by the Liquidators, if this liquidation process was completed prior to the election of Clr Norek.
3. That if Clr Norek is unable to respond to these questions immediately then a report be provided by Clr Norek to the General Manager within 28 days.

Councillors Hay, Murphy, Daley, Norek and Morrison left the Chamber at 8.19pm.

There not being a quorum the meeting was adjourned for five minutes.

The Ordinary Meeting was adjourned at 8.20pm

The meeting was reconvened at 8.23pm with the following Councillors present:

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

PROCEDURAL MOTION (Macdonald/Evans)

That the Matter of Urgency be deferred until completion of the business on the agenda to allow for matters of public interest to be considered.

193/04 RESOLVED: (Macdonald/Evans)

That the Matter of Urgency be deferred until completion of the business on the agenda to allow for matters of public interest to be considered.

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

Against the Resolution: Nil.

194/04 MATTERS OF URGENCY (Norek)

Note: Councillor Norek requested that he be allowed to introduce a **Matter of Urgency** in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice.

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to an article in the Manly Daily on Thursday, 19 December 2004 regarding negotiations with Landcom about Seaforth TAFE and that Council seek a meeting with the relevant community groups on the progressing of decisions to develop this site.

*The Mayor ruled that the item **was not of great urgency** and the matter did not proceed to debate.*

PUBLIC FORUM
(File C17/43)

NAME	SUBJECT/PUBLIC SPEAKERS
Mr Brian Hodge	In support of Notice of Rescission No. 11, on LUM Report No. 87, 17 Adelaide Street, Balgowlah
Mr Anthony Alizzi	Objector Notice of Rescission No. 11, on LUM Report No. 87, 17 Adelaide Street, Balgowlah
Mr Robert Hinds	Notice of Motion No. 55, Tactile Sculpture Relief Map

NOTICES OF RESCISSION

Notice of Rescission Report No. 11

Notice of Rescission LUM Report 87, 17 Adelaide Street, Balgowlah Heights

MOTION: (Macdonald/Evans)

That the Council's decision of 6 December 2004 being Land Use Management Committee Item 87 in respect of DA 340/04, for 17 Adelaide Street, Balgowlah Heights be and is hereby rescinded.

195/04 RESOLVED: (Macdonald/Evans)

That the Council's decision of 6 December 2004 being Land Use Management Committee Item 87 in respect of DA 340/04, for 17 Adelaide Street, Balgowlah Heights be and is hereby rescinded.

For the Resolution: Councillors Lambert, Cant, Aird, Evans and Macdonald.

Against the Resolution: Councillors Hay, Murphy, Daley, Morrison and Norek.

*With voting being equal the Mayor exercised his casting vote against the Notice of Rescission and declared it **Lost**.*

SUSPENSION OF STANDING ORDERS (Macdonald/Lambert)

That **Standing Orders** be **suspended** to allow for consideration of an item of public interest i.e. Notice of Motion Report No. 55, Tactile Relief Map.

196/04 RESOLVED: (Macdonald/Lambert)

That **Standing Orders** be **suspended** to allow for consideration of an item of public interest i.e. Notice of Motion Report No. 55, Tactile Relief Map.

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

Against the Resolution: Nil.

Notice of Motion Report No. 55

Tactile Sculpture Relief Map

MOTION: (Aird/Daley)

That Manly Council's Public Art Committee, in consultation with the Access Committee explore the commissioning of a tactile sculpture relief map depicting Manly's coastline and harbour environs, to assist visually impaired persons, and others, to appreciate the character of Manly.

197/04 RESOLVED: (Aird/Daley)

That Manly Council's Public Art Committee, in consultation with the Access Committee explore the commissioning of a tactile sculpture relief map depicting Manly's coastline and harbour environs, to assist visually impaired persons, and others, to appreciate the character of Manly.

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

Against the Resolution: Nil.

198/04 RESUMPTION OF STANDING ORDERS (Macdonald/Lambert)

That **Standing Orders** be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 54

"Keeping the Scene Clean" this Summer

MOTION: (Norek/Murphy)

That:

1. Litter blitzes by Ranger staff, for specific weekends during the summer.
2. Investigate special cleaning equipment for the removal of gum from our pavements. (as per attached letter.)
3. Announcement of Council's zero tolerance to litter through the following promotional avenues:
 - a. Lifeguard loud speaker incorporated into safety messages.
 - b. Manly Daily Mayoral message
 - c. Website promotion
 - d. Sandwich boards and/or temporary signage in high volume traffic areas promoting "Keeping the Scene Clean", subject to consultation with the Access Committee.
 - e. Visitor Information Centre
 - f. Manly Beach theatre
 - g. Manly Ferry/Jet Cat holiday service announcements.
4. Alcohol Free zone for Manly and Shelly beach to be strictly enforced by Lifeguards and

- Rangers on Christmas day.
5. Council to provide a cleaning schedule of all toilets in the Manly LGA.
 6. Signs to be placed in the Corso and beachfront, to discourage people from feeding pigeons.
 7. Council to investigate the amount of rubbish that ends up on the beach from CBD businesses and, in particular, fast foods outlets. Liaise with the Manly Chamber of Commerce to look into solutions to make businesses more accountable to this problem. (For example Council could charge an additional levy on those fast-food outlets that are the main perpetrator of rubbish collected on the beach and Corso).
 8. Council to look into better Beach Cleaning equipment. More finer mesh.

AMENDMENT: (Aird)

That Council actions a previous resolution acting on community concern and expectations that Council provides a visible Ranger presence directly on The Corso and beachfront during peak visitation periods especially during school holidays and public holidays.

(Amendment lapsed due to lack of a seconder)

AMENDMENT: (Cant/Lambert)

That the General Manager report on a strategy to significantly decrease the amount of rubbish in Manly through the regimes as noted in Councillor Norek's Notice of Motion.

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

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

The **Amendment** became the **Motion** and was put and declared **Carried**.

199/04 RESOLVED: (Cant/Lambert)

That the General Manager report on a strategy to significantly decrease the amount of rubbish in Manly through the regimes as noted in Councillor Norek's Notice of Motion.

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

Against the Resolution: Councillors Daley, Morrison and Norek.

Notice of Motion Report No. 56

Drainage Pipes along the Ocean Beach

MOTION: (Aird/Murphy)

- a) That the General Manager, in conjunction with Sydney Water, undertake a technical review of the operations of drainage pipes that currently discharge into the Ocean Beach, and examine alternative options that are more environmentally sustainable and address potential safety concerns.
- b) That the General Manager bring to Council as soon as possible, a detailed report on affordable and technically feasible options, including and going beyond those previously presented by Sydney Water, to address the safety and sustainability and environmental issues of the drainage pipes of Ocean Beach, focusing initially on the pipe at the northern end of the beach.

200/04 RESOLVED: (Aird/Murphy)

- a) That the General Manager, in conjunction with Sydney Water, undertake a technical review of the operations of drainage pipes that currently discharge into the Ocean Beach, and examine alternative options that are more environmentally sustainable and address potential safety concerns.
- b) That the General Manager bring to Council as soon as possible, a detailed report on affordable and technically feasible options, including and going beyond those previously presented by Sydney Water, to address the safety and sustainability and environmental issues of the drainage pipes of Ocean Beach, focusing initially on the pipe at the northern end of the beach.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 9

Items for Brief Mention**1. Reports:**

- A. Candidates contesting elections and parties registered in the Local Government Register of political parties endorsing candidates at an election are required to lodge a Declaration of Political Contributions received and Electoral Expenditure Incurred. The Election Funding Authority has provided copies of the Declarations lodged by candidates in connection with the ordinary election of the Mayor and Councillors held on 27 March, 2004. The Declarations are public documents under Section 12(1) of the Local Government Act, 1993. Declarations from three groups were submitted to the Ordinary Meeting of 20 September 2004, a further submission has now been received and is tabled.
- B. Independent Commission Against Corruption (ICAC) document on "Managing Conflicts of Interest in the Public Sector: Guidelines and Toolkit" which are expected to become industry standards throughout Australia. Copies are available on ICAC website www.icac.nsw.gov.au or in hardcopy by completing and faxing the attached order form (Available from Manager Administration) to the ICAC (02) 9264 5364.

2. Minutes Of Meetings:

1. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 18 NOVEMBER 2004
2. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 16 NOVEMBER 2004
3. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 10 NOVEMBER 2004
4. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 11 NOVEMBER 2004

MOTION: (Lambert/Cant)

1. That the items listed in the above Reports be **adopted**.

2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being 1-4, as listed above, be **adopted**.

201/04 RESOLVED: (Lambert/Cant)

1. That the items listed in the above Reports be **adopted**.
2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being 1-4, as listed above, be **adopted**.

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

Against the Resolution: Nil.

GENERAL MANAGER'S OFFICE REPORTS

General Manager's Office Report No. 45

Smoke Free Zones

SUMMARY

This report provides an update to Councillors on the implementation of Smoke Free Zones following Council's resolutions of 17 May 2004, 23 August 2004 and 18 October 2004.

MOTION: (Cant/Evans)

That the report be received and noted.

202/04 RESOLVED: (Cant/Evans)

That the report be received and noted.

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

Against the Resolution: Nil.

General Manager's Office Report No. 46

Section 94 Contributions Plan

SUMMARY

This report provides an update on the Status of the s94 Plan review and discusses the likely level of contributions required of developers under the revised plan.

It has been acknowledged by Council that the method used in determining the quantum of contributions to be levied from developers and the approach used for the funding of infrastructure listed in the 1999 Plan had failed to recognize the enormous cost and the value of insitu infrastructure already provided by the investments of successive generations over the past 125 years. As a result of that failure, the 1999 Plan was inherently adverse to the existing population who under the financing structure of the 1999 Plan have been bearing the majority proportion of

the capital costs required to realize the programs listed in its Schedule of Works.

MOTION: (Hay/Macdonald)

That the report be received and noted and that the s94 Plan Review be adopted.

203/04 RESOLVED: (Hay/Macdonald)

That the report be received and noted and that the s94 Plan Review be adopted.

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

Against the Resolution: Nil.

RECOMMITTAL MOTION (Daley/Murphy)

That General Manager's Office Report No. 45, Smoke Free Zones be recommitted to enable further debate.

204/04 RESOLVED: (Daley/Murphy)

That General Manager's Office Report No. 45, Smoke Free Zones be recommitted to enable further debate.

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

Against the Resolution: Nil.

General Manager's Office Report No. 45

Smoke Free Zones

SUMMARY

This report provides an update to Councillors on the implementation of Smoke Free Zones following Council's resolutions of 17 May 2004, 23 August 2004 and 18 October 2004.

MOTION: (Cant/Evans)

That the report be received and noted.

205/04 RESOLVED: (Cant/Evans)

That the report be received and noted.

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

Against the Resolution: Councillor Daley.

CORPORATE SERVICES DIVISION REPORTS

Corporate Services Division Report No. 26

Report on Council Investment as at 30 November, 2004 (A2/12)**SUMMARY**

Latest accounting statements for the period to 30 November, 2004.

1. Statement showing General Fund Bank Account balance as at 30 November, 2004.
2. Cash investments as at 30 November, 2004.

MOTION: (Cant/Murphy)

1. That the statement of General Fund Bank Account balance as at 30 November, 2004 be received and noted.
2. That details of Council's cash investments as at 30 November, 2004 be received and noted.

206/04 RESOLVED: (Cant/Murphy)

1. That the statement of General Fund Bank Account balance as at 30 November, 2004 be received and noted.
2. That details of Council's cash investments as at 30 November, 2004 be received and noted.

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

Against the Resolution: Nil.

CORPORATE PLANNING AND STRATEGY DIVISION REPORTS

Corporate Planning and Strategy Division Report No. 69

Victoria Parade - Numbers 29 and 31, Manly - Application for Separate Interim Heritage Orders and Listing as Heritage Items in the Manly LEP 1988**SUMMARY**

There are a number of properties in Victoria Parade which are now seen to have heritage conservation merit but which were not included in the original 1986 heritage study and thus the LEP. There is a current development application for Nos. 27-29 (currently at Appeal), and an inquiry about potential redevelopment of No 31 has recently been received. It is recommended Council (i) seek Interim Heritage Orders for Nos. 29 and 31, and (ii) commence action to list them as individual Items of the Environmental Heritage under the LEP.

MOTION: (Lambert/Aird)

That Council:

- A. request, through the NSW Heritage Office, that the Minister for Infrastructure, Planning & Natural Resources make separate Interim Heritage Orders to apply to the properties No. 29 and No. 31 Victoria Parade, Manly.
- B. (i) resolve, pursuant to Section 54 of the Environmental Planning & Assessment Act, 1979, prepare a draft local environmental plan to amend the Manly LEP, 1988 to list No. 29 and No. 31 Victoria Parade as Items of the Environmental

Heritage;

(ii) consult, as required by Section 62 of the Act, relevant Government agencies and other authorities; and

(iii) following the issue of a Certificate under Section 65 of the Act, exhibit the draft plan.

C. undertake work in-house to review the heritage conservation merit of the other two Waterhouse & Lake buildings of this period identified in the Report by Clive Lucas Stapleton & Partners, and any other Waterhouse & Lake buildings in Manly, to determine whether they should be listed as items of the environmental heritage in the Manly LEP, 1988.

D. based on the outcome of (C) above Council progress the nomination for State Heritage listing for No. 31 Victoria Parade, should the work undertaken merit such a nomination.

AMENDMENT: (Murphy/Hay)

That the report be **deferred** pending the Heritage Committee and owners of the properties being notified of the proposed Heritage listing of these properties.

For the Amendment: Councillors Hay, Murphy, Daley, Morrison, Norek and Macdonald.

Against the Amendment: Councillors Lambert, Cant, Aird and Evans.

The **Amendment** was declared carried and became the **Motion**.

207/04 RESOLVED: (Murphy/Hay)

That the report be **deferred** pending the Heritage Committee and owners of the properties being notified of the proposed Heritage listing of these properties.

For the Resolution: Councillors Hay, Cant, Murphy, Daley, Morrison, Norek and Macdonald.

Against the Resolution: Councillors Lambert, Aird and Evans.

Corporate Planning and Strategy Division Report No. 70

Manly Futures Forum 2005 - Progress Report

SUMMARY

The Manly Futures Forum Steering Committee was established in May 2004 to work towards development of a clear strategic direction for the future of Manly. As part of this process it is proposed to embark on a comprehensive community engagement.

This will be based on a community survey and a visioning workshop.

This report summarises the key elements of the community engagement program.

MOTION: (Lambert/Evans)

That Council endorse the process for the Manly Future Visioning Program 2005 as outlined in the report.

208/04 RESOLVED: (Lambert/Evans)

That Council endorse the process for the Manly Future Visioning Program 2005 as outlined in the

report.

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

Against the Resolution: Nil.

Councillor Murphy was not present in the Chamber and did not take part in the voting on this matter.

HUMAN SERVICES AND FACILITIES UNIT REPORTS

Human Services and Facilities Unit Report No. 8

Re-establishment of the Alcohol Free Zone

SUMMARY

This report details a proposal to re-establish and extend the existing alcohol free zone to include the public roads of Ashburner Street, North Steyne, Steinton Street and Pittwater Road, Manly

MOTION: (Hay/Evans)

A.

1. That Council resolve to adopt the re-establishment and recommended extension of the Alcohol Free Zone in the Manly CBD on public roads, parts of public roads and public car parks bounded by North Steyne and South Steyne, Ashburner Street, East Esplanade, Belgrave Street, Pittwater Road and Steinton Street for a period of three years to take effect 7 days after the public notification planned for the 22nd December 2004 - i.e.. 28th December 2004 – 28th December 2007.
2. That the Alcohol Free Zone not apply to any premises that are the subject of an outdoor eating area approval issued by Council within the hours specified by an approved license where such license permits the consumption of alcohol.
3. That Council place appropriate signs as required by Ministerial Guidelines and in consultation with Police.
4. That Council actively promote awareness of the Alcohol Free Zone.

B.

That Council under S632 of the Local Government Act 1993 resolve to erect necessary signage prohibiting the consumption of alcohol on the Ocean Beachfront and Promenade down to the high water mark from South Steyne to Queenscliff and East and West Esplanade Reserves.

209/04 RESOLVED: (Hay/Evans)

A.

1. That Council resolve to adopt the re-establishment and recommended extension of the Alcohol Free Zone in the Manly CBD on public roads, parts of public roads and public car parks bounded by North Steyne and South Steyne, Ashburner Street, East Esplanade, Belgrave Street, Pittwater Road and Steinton Street for a period of three years to take effect 7 days after the public notification planned for the 22nd December 2004 - i.e.. 28th December 2004 – 28th December 2007.
2. That the Alcohol Free Zone not apply to any premises that are the subject of an outdoor

eating area approval issued by Council within the hours specified by an approved license where such license permits the consumption of alcohol.

3. That Council place appropriate signs as required by Ministerial Guidelines and in consultation with Police.
4. That Council actively promote awareness of the Alcohol Free Zone.

B.

That Council under S632 of the Local Government Act 1993 resolve to erect necessary signage prohibiting the consumption of alcohol on the Ocean Beachfront and Promenade down to the high water mark from South Steyne to Queenscliff and East and West Esplanade Reserves.

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

Against the Resolution: Nil.

MATTERS OF URGENCY**MATTER OF URGENCY (Evans/Lambert)**

1. That following an article in the Manly Daily of Friday, 17 December 2004 and in the public interest, clarification be sought whether at the time of Council elections, one or more companies which Clr Norek was a Director of was in liquidation and had this liquidation action been completed by the election.
2. That written notification be provided by the Liquidators, if this liquidation process was completed prior to the election of Clr Norek.
3. That if Clr Norek is unable to respond to these questions immediately then a report be provided by Clr Norek to the General Manager within 28 days.

Councillor Daley and Councillor Murphy left the Chamber at 11.20pm. Councillor Norek left the Chamber at 11.25pm and Councillor Morrison left the Chamber at 11.26pm.

There being a lack of quorum the matter remained unresolved.

The Ordinary Meeting was adjourned at 11.27pm

The meeting was reconvened at 11.29pm with the following Councillors present:

Councillors Hay, Lambert, Cant, Murphy, Daley, Morrison, Aird, Norek and Macdonald.

CLOSED SESSION

Mayoral Minute - Steyne Realignment

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) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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.

210/04 RESOLVED (Aird/Hay)

That the meeting move into Closed Session to consider Mayoral Minute No 21 - Steyne Realignment in accordance with Section 10A(2) (g) of the Local Government Act, 1993.

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

Against the Resolution: Nil.

Councillor Evans was not present in the Chamber and did not take part in the voting.

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

211/04 RESOLVED: (Cant/Murphy)

That Council resolve to adopt and propose to apply the "realignment method of acquisition" to that area of lot 5 in DP 39426 known as 36-38 South Steyne, Manly which is the subject of the realignment approved and published in the New South Wales Government Gazette No 36 of 24 March 1961 at Folio 934, consistent with Council's long-held and largely realised objective of acquiring any lands affected by such realignment.

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

Against the Resolution: Councillor Hay.

Councillor Evans was not present in the Chamber and did not take part in the voting.

QUESTIONS WITHOUT NOTICE**Councillor Daley**

1. When will the Police be advised of the new expanded alcohol free zone in Manly CBD?

At the request of the Mayor the General Manager advised that the Police were represented on the Manly Safety Committee that have made the recommendation to Council to extend the alcohol free zone, however a formal response will be provided before the end of the week to the Police of Council's resolution regarding this matter.

Councillor Lambert

1. At the Ordinary Meeting of 15 November 2004 it was resolved that Council write to the Department of Environment and Conservation requesting the immediate public release of the completed Preliminary Population Viability Analysis for the Manly penguin colony. Has there been a response to that enquiry from the Department of Environment and Conservation?

At the request of the Mayor the General Manager advised that a meeting was to be held with the Department of Environment and Conservation and a report will be provided back to Council at the February Ordinary Meeting on the outcomes of this meeting.

Councillor Norek

1. Can the General Manager please advise how much money is spent on staff attending Committee meetings ie: staff wages and associated cost?

At the request of the Mayor the General Manager advised that he would take this matter on notice.

2. I have received a number of items of correspondence in relation to the Neighbourhood Renewal Program. Residents have suggested that only one side of Council's politics have been invited to these street parties and sausage sizzles. In the interest of harmonious Council should all Councillors be invited to all neighbourhood renewal functions?

At the request of the Mayor Councillor Cant advised that the only street party where an official invitation was issued, at the specific request of the organiser was at the first street party, requesting the Mayor to attend to officially launch the program. No other invitations are issued to any Councillors on an individual basis to any street party or sausage sizzle, the Neighbourhood Renewal Program Committee (of which Cllr Norek is a member) is notified of any area that wishes to host an event and the Minutes of the meeting record these requests and any Councillor is welcome to attend any of the street parties.

Councillor Aird

1. Could Council take urgent action to request the RTA to establish a clearway (weekends only) between Spit Bridge south along Military Road?

At the request of the Mayor the General Manager advised that it was put to the RTA by the DIPNA arena but without the agreement of Mosman Council the RTA is not likely to implement that sort of clearway arrangement without some sort of parking arrangement at the back of the shops.

Supplementary Question

- 1a. Given that there is a consultation underway could Manly Council write to the RTA?

At the request of the Mayor advised that DIPNA has been asked to implement a series of measures which represented an integrated transport package such as the increase of the clearway to seven days a week (limited hours) Council will be informed on Thursday whether that has been approved.

2. Could the issue of illegal signage proliferating on shop tops and corporate signage contrary to our signage DCP be dealt with urgently?

At the request of the Mayor the Manager Corporate Services advised that this matter will be dealt with.

Councillor Lambert

2. As someone that is Chair of a Committee that has statutory responsibilities and that covers a number of areas serviced by staff, if we are going to have a report on the cost of staff servicing committees could we have a report on the cost of not having a staff member on committees when their input is required?

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

CLOSE

The meeting closed at 11.41pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 21 February 2005.

MAYOR

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