

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 15 August 2005

*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 was held in the Council Chambers, Town Hall, Manly, on Monday 15 August 2005. The meeting commenced at 7:37 pm.

PRESENT

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

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Director Corporate Planning & Strategy
Ross Fleming, Chief Financial Officer
Rachael Levey, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Mr Ian Freestone.

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

CONFIRMATION OF MINUTES

MOTION (Pedersen / Heasman)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 25 July 2005, 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.

319/05 RESOLVED: (Pedersen / Heasman)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 25 July 2005, 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, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to allow for consideration of Items of public interest, being Public Addresses, Mayoral Minute Report No. 5 Development Application Process - Review, General Manager's Report No.19 Manly After Midnight Working Party and No 24 Telecommunications facilities – Mobile Phone Infrastructure.

320/05 RESOLVED: (Macdonald / Aird)

That Standing Orders be suspended to allow for consideration of Items of public interest, being Public Addresses, Mayoral Minute Report No. 5 Development Application Process - Review, General Manager's Report No.19 Manly After Midnight Working Party and No 24 Telecommunications facilities – Mobile Phone Infrastructure.

For the resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Morrison, Pedersen, Aird, Evans, Macdonald.

Against the resolution: Nil.

PUBLIC ADDRESSES

ITEM	SPEAKER
Mayoral Minute Report No. 5 Development Application Process - Review Staff	David Stray
General Manager's Office Report No. 19 Manly After Midnight Working Party Objector Supporter	Carrick May; Nick Vescio* Tim Peterson; Bob Smith Denise Keen; June Morgan
General Manager's Office Report No. 24 Telecommunications Facilities - Mobile Phone Infrastructure Supporter	Jenny Frazer

* During the address by Mr Nick Vescio, a petition of 7738 signatures objecting to the Manly After Midnight Working Party proposal was presented to Council.

MAYORAL MINUTES

Mayoral Minute Report No. 5

Development Application Process - Review**MOTION (Macdonald)**

That Council engage an independent consultant to work with a "Councillor Working Group" to review the process with a view to increasing transparency, making the process more customer-focussed and to the extent possible, easing the workload and the pressures on existing staff. This Group will call for submissions from residents, applicants, Precinct Committees, architects and any interested parties and hold hearings if need be. It will also hold ongoing discussions with Council staff as a major stakeholder and examine the processing undertaken by other Councils. It will make recommendations to the General Manager.

AMENDMENT (Heasman / Hay)

That a further workshop be undertaken between Council staff and Councillors with a view to resolving any outstanding issues regarding the processing of Development Applications.

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

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

The **Amendment** was declared **Lost**.

321/05 RESOLVED: (Macdonald)

That Council engage an independent consultant to work with a "Councillor Working Group" to review the process with a view to increasing transparency, making the process more customer-focussed and to the extent possible, easing the workload and the pressures on existing staff. This Group will call for submissions from residents, applicants, Precinct Committees, architects and any interested parties and hold hearings if need be. It will also hold ongoing discussions with Council staff as a major stakeholder and examine the processing undertaken by other Councils. It will make recommendations to the General Manager.

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

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

A Rescission Motion for this item was lodged before the end of the meeting.

General Manager's Office Report No. 19

Manly After Midnight Working Party**SUMMARY**

This report is prepared in pursuant of a resolution of Council of the 16 May 2005 and it recommends that Policy recommendations by the Manly After Midnight Working Party be adopted for public comment.

MOTION OF DISSENT: (Daley)

That Council dissent from the ruling of the Chairperson in relation to the Public Addressee retracting comments made to Council.

Due to lack of a seconder the Motion of Dissent **lapsed**.

MOTION (Pedersen / Aird)

That Council;

1. Adopt for the purpose of public exhibition the Recommended Draft policy set out in Part (a) of attachment to this report, with the following amendments, as detailed:

Recommended Draft Management Plan:

Add to **(ii) e.** after 'premises': "or changes to an existing premises", so that the point reads:

"That any application for the approval of a premises or changes to an existing premises, the subject of this DCP, is to be accompanied by a Social Impact Statement."

Development Control Plan – Late Night Venues

Area to which DCP applies:

Add: "However existing hotels and other late night venues outside the proposed Entertainment Precinct boundaries as mapped are also included."

Objectives:

Add to point 2: "and extending into the early morning hours", so the point reads:

"to minimize disturbances to the public late in the evening and extending into the early morning hours."

2. Refer the draft Management Plan (which incorporates a draft DCP) as set out in Part (b) of the attachment to this report, to the LEP/DCP Working Party.

AMENDMENT (Daley / Morrison)

That Council;

1. Adopt for the purpose of public exhibition the Recommended Draft policy set out in Part (a) (iii) to (xv) and (xvii) of attachment to this report, with the implementation of strategies (i), (ii) and (xvi) to be deferred for a period of two (2) years to enable an evaluation and further review by Council of the impact and outcomes resulting from this policy.
2. Refer the draft Management Plan (which incorporates a draft DCP) as set out in Part (b) of the attachment to this report, to the LEP/DCP Working Party.

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

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

The **Amendment** was declared **Lost**.

FORESHADOWED AMENDMENT (Norek)

That Council;

1. Adopt for the purpose of public exhibition the Recommended Draft policy set out in Part (a) of attachment to this report, with an amendment to point (ii) that sets out a one year trial period regarding the successfully negotiated licensing hours and staggered closing times for existing premises in line with the times set out in recommendation (i).
2. Refer the draft Management Plan (which incorporates a draft DCP) as set out in Part (b) of the attachment to this report, to the LEP/DCP Working Party.

Due to the lack of a Seconder the **Foreshadowed Amendment lapsed.**

322/05 RESOLVED: (Pedersen / Aird)

That Council;

1. Adopt for the purpose of public exhibition the Recommended Draft policy set out in Part (a) of attachment to this report, with the following amendments, as detailed:

Recommended Draft Management Plan:

Add to **(ii) e.** after 'premises': "or changes to an existing premises", so that the point reads:

"That any application for the approval of a premises or changes to an existing premises, the subject of this DCP, is to be accompanied by a Social Impact Statement."

Development Control Plan – Late Night Venues***Area to which DCP applies:***

Add: "However existing hotels and other late night venues outside the proposed Entertainment Precinct boundaries as mapped are also included."

Objectives:

Add to point 2: "and extending into the early morning hours", so the point reads:

"to minimize disturbances to the public late in the evening and extending into the early morning hours."

2. Refer the draft Management Plan (which incorporates a draft DCP) as set out in Part (b) of the attachment to this report, to the LEP/DCP Working Party.

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

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

General Manager's Office Report No. 24

Telecommunications Facilities - Mobile Phone Infrastructure

SUMMARY

The Manly community is concerned about the proliferation of telecommunications infrastructure as referred to Precincts for Community consultation.

"Low Impact Facilities" (as defined by the Telecommunications Act 1997) do not require Development Application consent. At the Planning and Strategy Committee Meeting on 8th August, 2005 Council resolved to proceed with the introduction of a Development Control Plan Amendment to attempt to provide some controls.

The Balgowlah Heights Precinct Community Forum and a Public Meeting held in July 2005 has called on Council to respond to a number of proposals and Motions.

MOTION (Lambert / Morrison)

1. That Council receive and note the report.
2. That Council endorse the actions taken by staff in responding to the community concerns.
3. That an advertisement be placed in the Manly Daily to advise the community of the political representatives who can be contacted about telecommunications and radio communications infrastructure in the Local Government area.
4. That Council advise the agents who have referred matters to Council on behalf of Telecommunication companies that Council supports the community resolutions as contained in the minutes of the July 2005 meeting of Balgowlah Heights Precinct Community Forum and Balgowlah public meeting.
5. That Council reaffirm with the Balgowlah Bowling Club the need for any negotiations in relation to the Club and infrastructure relating to it must be directed to Council as the Landlord, and not engaged in by Club representatives.
6. That Council request a meeting with the agent's applicants to convey Council's resolution and to engage in discussion regarding alternative locations consistent with Council policy.

323/05 RESOLVED: (Lambert / Morrison)

1. That Council receive and note the report.
2. That Council endorse the actions taken by staff in responding to the community concerns.
3. That an advertisement be placed in the Manly Daily to advise the community of the political representatives who can be contacted about telecommunications and radio communications infrastructure in the Local Government area.
4. That Council advise the agents who have referred matters to Council on behalf of Telecommunication companies that Council supports the community resolutions as contained in the minutes of the July 2005 meeting of Balgowlah Heights Precinct Community Forum and Balgowlah public meeting.
5. That Council reaffirm with the Balgowlah Bowling Club the need for any negotiations in relation to the Club and infrastructure relating to it must be directed to Council as the Landlord, and not engaged in by Club representatives.

6. That Council request a meeting with the agent's applicants to convey Council's resolution and to engage in discussion regarding alternative locations consistent with Council policy.

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

Against the Resolution: Nil.

Councillor Evans was out of the Chamber when the Motion was put.

STANDING ORDERS (Macdonald / Aird)

That Standing Orders be resumed.

324/05 RESOLVED: (Macdonald / Aird)

That Standing Orders be resumed.

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

Against the Resolution: Nil.

NOTICES OF MOTION

Notice of Motion Report No. 26

Actively Supporting And Promoting Fairtrade

Councillor Aird will move:

That in response to the urgent global need to alleviate world poverty, Manly Council aims to be recognised as a Council that actively supports and promotes the concept of fair-trade. (i.e. providing the opportunity for poor farmers and workers from developing countries to get a fair price for their goods and labour, and sustainable development (refer to the attached information sheet)).

This matter should be referred to the Manly Sustainability Strategy Working Group to explore opportunities.

Every day 30,000 children are dying as a result of extreme poverty. The gap between the worlds rich and poor has never been wider.

Nelson Mandela expresses it well: " Massive poverty and obscene inequality are such terrible scourges of our times, that they have to rank alongside slavery and apartheid as social evils. Poverty is not natural. It is man made and it can be overcome and eradicated by the actions of human beings...While poverty persists, there is no true freedom. Sometimes it falls upon a generation to be great. You can be that great generation. Make poverty history in 2005."

MOTION (Aird / Pedersen)

Councillor Aird moved:

1. That in response to the urgent global need to alleviate world poverty, Manly Council be recognised as a Council that actively supports and promotes the Fairtrade program being promoted by Oxfam and other aid agencies. (i.e. providing the opportunity for poor farmers and workers from developing countries to get a fair price for their goods and labour, and

sustainable development.)

2. That this matter be referred to the Manly Sustainability Strategy Working Group to explore opportunities.

325/05 RESOLVED: (Aird / Pedersen)

1. That in response to the urgent global need to alleviate world poverty, Manly Council be recognised as a Council that actively supports and promotes the Fairtrade program being promoted by Oxfam and other aid agencies. (i.e. providing the opportunity for poor farmers and workers from developing countries to get a fair price for their goods and labour, and sustainable development.)
2. That this matter be referred to the Manly Sustainability Strategy Working Group to explore opportunities.

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

Against the Resolution: Nil.

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

At 11.10pm Councillors Hay and Morrison departed the meeting.

Notice of Motion Report No. 27

Security & Safety on Manly Commuter Ferry Services

Councillor Norek will move:

1. That Manly Council formally contact the relevant departments of the State and Federal Governments, requesting inclusion of the Manly Ferry commuter service into their planning for the anti-terrorism agenda.
2. That the relevant departments of the State and Federal Government communicate their assurance to Manly Council that the safety of the Manly Ferry service has already been included in their anti-terrorism agenda and planning, if this planning has occurred.
3. This communication is sought from State and Federal governments in a manner that will not compromise the necessary area's of security, but will confirm and offer reassurance to the Manly Ferries commuters that the safety of the commuters and the service is an important issue, and is recognised at the level as the safety of Sydney Railway commuters, by our governments.

MOTION (Norek / Heasman)

Councillor Norek moved:

1. That the relevant departments of the State and Federal Government communicate their assurance to Manly Council that the safety of the Manly Ferry service has already been included in their anti-terrorism agenda and planning, if this planning has occurred.
2. That Manly Council formally contact the relevant departments of the State and Federal Governments, requesting inclusion of the Manly Ferry commuter service into their planning for the anti-terrorism agenda.
3. This communication is sought from State and Federal governments in a manner that will not

compromise the necessary area's of security, but will confirm and offer confidentiality and reassurance to the Manly Ferries commuters that the safety of the commuters and the service is an important issue, and is recognised at the level as the safety of Sydney Railway commuters, by our governments.

AMENDMENT (Lambert / Aird)

That this matter be addressed only if deemed necessary after the planned briefing of Councillors and senior staff on the existing Disaster Management Plan for the Northern Beaches and that all concerns of Councillors be raised at that briefing.

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

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

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

326/05 RESOLVED: (Lambert / Aird)

That this matter be addressed only if deemed necessary after the planned briefing of Councillors and senior staff on the existing Disaster Management Plan for the Northern Beaches and that all concerns of Councillors be raised at that briefing.

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

Against the Resolution: Nil.

Notice of Motion Report No. 28

Action Against Poverty

Councillor Aird will move:

- Council express its support for the aims and objectives of "Action Against Poverty" as outlined in the Project Overview as attached.
- Council assist the AAP project "in kind" wherever possible within Council's existing resources when formally requested by an appointed AAP representative.

MOTION (Aird / Pedersen)

Councillor Aird moved:

- Council express its support for the aims and objectives of "Action Against Poverty" as outlined in the Project Overview as attached.
- Council assist the AAP project "in kind" wherever possible within Council's existing resources when formally requested by an appointed AAP representative.

327/05 RESOLVED: (Aird / Pedersen)

- Council express its support for the aims and objectives of "Action Against Poverty" as outlined in the Project Overview as attached.
- Council assist the AAP project "in kind" wherever possible within Council's existing resources when formally requested by an appointed AAP representative.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 7

Item For Brief Mention

1. Minutes Of Meetings:

1. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 21 JULY 2005
2. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 21 JULY 2005
3. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 18 JULY 2005
4. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 13 JULY 2005
5. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 6 JULY 2005
6. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 14 JULY 2005
7. MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 14 JULY 2005.
8. MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 20 JULY 2005

MOTION (Lambert / Heasman)

That the recommendations of **Minutes of Meetings, as listed in item 1**, being **1 to 8**, as listed above, be **adopted**.

328/05 RESOLVED: (Lambert / Heasman)

That the recommendations of **Minutes of Meetings, as listed in item 1**, being **1 to 8**, as listed above, be **adopted**.

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

Against the Resolution: Nil.

GENERAL MANAGER'S OFFICE REPORTS

General Manager's Office Report No. 21

Smith Street Stormwater Drainage**SUMMARY**

Council at its meeting held 7 March 2005 requested "a report back to Council on an evaluation of ways to improve the longstanding stormwater drainage in Smith Street (South) including the escarpment impacts from Kangaroo Street and Kangaroo Lane with a view to commencing works before the end of the current year".

MOTION (Norek / Murphy)

That the information be received and noted.

329/05 RESOLVED: (Norek / Murphy)

That the information be received and noted.

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

Against the Resolution: Nil.

Councillor Pedersen was not in the Chamber when the motion was put.

General Manager's Office Report No. 22

Honorary Rangers**SUMMARY**

This report aims to address the Notice of Motion by Councillor Pedersen at the Ordinary Meeting of 21st June 2004 that called for a report on Honorary Rangers, to address the following;

- what honorary ranger systems have been successful in other Councils;
- the responsibilities given to Honorary rangers;
- training possibilities for Honorary Rangers
- to address any issue relating to liability.

A Report on the role of Honorary Rangers was forwarded to Council on 20th September 2004 from that meeting, Council resolved that a further report was required.

Further reports were forwarded for consideration on 21st June 2005 and deferred to 25th July 2005 with a further deferral to 15th August 2005.

MOTION (Lambert / Aird)

- That Council call for nominations from Precincts and applications from residents of Manly in the Manly News column and through Council's website by outlining the opportunity to become part of the Environmental community program and its responsibilities.
- That a training program and handbook of key contacts and information which includes the issues relevant to Honorary Rangers role and to the similar role of Eco Scout, be developed by Manager of Ranger services and the MEC community educators.
- That the persons approved for the program be authorised under Section 24 of Local Government Act for a 2 year term.
- That Honorary Rangers and Eco Scout responsibilities extend to Council Reserve areas and other public spaces in the local government area.
- Council issue appointed persons with an identifiable cap or other ready identifier and

authorisation card to raise awareness in the community, with the identifier required when acting in these roles.

- That a quarterly feedback and review session be held one afternoon on a weekend with the volunteers by the Manager Ranger Services and MEC Community Educator.
- That a report on the activities of the program be provided in the Council's quarterly review by the Manager, Ranger Services and MEC Community Educator.

330/05 RESOLVED: (Lambert / Aird)

- That Council call for nominations from Precincts and applications from residents of Manly in the Manly News column and through Council's website by outlining the opportunity to become part of the Environmental community program and its responsibilities.
- That a training program and handbook of key contacts and information which includes the issues relevant to Honorary Rangers role and to the similar role of Eco Scout, be developed by Manager of Ranger services and the MEC community educators.
- That the persons approved for the program be authorised under Section 24 of Local Government Act for a 2 year term.
- That Honorary Rangers and Eco Scout responsibilities extend to Council Reserve areas and other public spaces in the local government area.
- Council issue appointed persons with an identifiable cap or other ready identifier and authorisation card to raise awareness in the community, with the identifier required when acting in these roles.
- That a quarterly feedback and review session be held one afternoon on a weekend with the volunteers by the Manager Ranger Services and MEC Community Educator.
- That a report on the activities of the program be provided in the Council's quarterly review by the Manager Ranger Services and MEC Community Educator.

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

Against the Resolution: Nil.

General Manager's Office Report No. 23

Discouraging Car Dependency and Reducing Greenhouse Emissions

SUMMARY

Council, at its Ordinary Meeting of 21 February 2005, made several resolutions with regards to discouraging car dependency and reducing greenhouse gas emissions. This report addresses these matters.

MOTION (Aird / Lambert)

1. That the report be received and noted.
2. Further, that Council pursue other levels of Government to pursue the issue of incentives for less environmentally impacting vehicles through the tariff system and registration system on a national and state basis rather than at the local level. This is a National ("Global") issue which requires a national strategy.
3. That Council lobby the Ministers for Health and Environment at both the State and Federal Government levels regarding discouraging car dependency and reducing greenhouse gas emissions.
4. That in support of this motion, Council convey to the State Minister for Transport and our State MP concerns about the lack of effective and reliable public transport coverage.

5. That Council explore the opportunities to replicate the Redlands Council's initiative and the possibility of funding from the recently announced round of Smart Travel Commonwealth grants.

331/05 RESOLVED: (Aird / Lambert)

1. That the report be received and noted.
2. Further, that Council pursue other levels of Government to pursue the issue of incentives for less environmentally impacting vehicles through the tariff system and registration system on a national and state basis rather than at the local level. This is a National ("Global") issue which requires a national strategy.
3. That Council lobby the Ministers for Health and Environment at both the State and Federal Government levels regarding discouraging car dependency and reducing greenhouse gas emissions.
4. That in support of this motion, Council convey to the State Minister for Transport and our State MP concerns about the lack of effective and reliable public transport coverage.
5. That Council explore the opportunities to replicate the Redlands Council's initiative and the possibility of funding from the recently announced round of Smart Travel Commonwealth grants.

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

Against the Resolution: Councillors Murphy and Norek.

CORPORATE SERVICES DIVISION REPORTS

Corporate Services Division Report No. 18

Report on Council Investment as at 31 July, 2005

SUMMARY

Latest accounting statements for the period to 31 July, 2005.

1. Statement showing general fund bank account balance as at 31 July, 2005.
2. Cash investments as at 31 July 2005.

MOTION (Heasman / Aird)

1. That the statement of General Fund Bank Account balance as at 31 July, 2005 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 July, 2005 be received and noted.

332/05 RESOLVED: (Heasman / Aird)

1. That the statement of General Fund Bank Account balance as at 31 July, 2005 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 July, 2005 be received and noted.

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

Against the Resolution: Nil.

At 12.05pm Councillor Daley departed the meeting.

Corporate Services Division Report No. 19

Local Government Association of New South Wales - 2005 Annual Conference Proposed Motions**SUMMARY**

1. At the Land Use Management Committee Meeting of Council held on 1 August 2005, Council considered a report on the Local Government Association of New South Wales Annual Conference to be held from 22 to 26 October 2005 in Mudgee and the submission of Motions to this Conference.
2. This report details the proposed Motion to be submitted, on behalf of Council, to the Local Government Association of New South Wales Annual Conference.

MOTION (Aird / Cant)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Reinstatement of Energy Smart programs

Motion text

That the Local Government Association call on the NSW Government to reinstate the Energy Smart Business Program and the Energy Smart Business Leaders Program, or as a bare minimum to reinstate the technical support services offered through those programs as part of the newly introduced Best Practice Efficiency Initiative, to provide important technical support needed to enhance the capacity of Local Governments to participate effectively in the reduction of greenhouse gas emissions.

Note from Council

The NSW Government's Energy Smart Business and Energy Smart Business Leaders programs, run by the former Sustainable Energy Development Authority and more recently by the Department of Energy, Utilities and Services, resulted in program participants collectively reducing greenhouse gas emissions by an estimated 560,000 tonnes of CO₂ equivalent and savings over \$32 million per annum.

Numerous Local Governments participated in the program which brought benefits of technical/professional advice resulting in substantial greenhouse gas emissions abatement, and at the same time, savings to participating Councils.

In June 2005 Manly Council, as a participating Council which achieved energy savings estimated to be worth around \$30,000 per annum through the program, was advised that "the Department will no longer be offering the Energy Smart Business Program".

The Energy Smart Business Program and the follow-on Leaders Program have been replaced with

- An Energy Savings Fund open to large private sector users, government and the residential sector
- Energy Savings Action Plans for large energy users, and
- A Best Practice Efficiency Initiative.

The consequences of these changes are:

- a) that Local Governments whose current subscriptions to the Energy Smart Business Programs had not yet expired do not gain the full benefit of those existing subscriptions, and
- b) that the invaluable technical advice available through the program to assist Councils in identifying and assessing energy saving changes is no longer available.

At a time when the Australian Greenhouse Office is undertaking major studies into inadequate Local Government participation in greenhouse gas emissions abatement, removal of this important technical support by State Government is incomprehensible.

333/05 RESOLVED: (Aird / Cant)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Reinstatement of Energy Smart programs

Motion text

That the Local Government Association call on the NSW Government to reinstate the Energy Smart Business Program and the Energy Smart Business Leaders Program, or as a bare minimum to reinstate the technical support services offered through those programs as part of the newly introduced Best Practice Efficiency Initiative, to provide important technical support needed to enhance the capacity of Local Governments to participate effectively in the reduction of greenhouse gas emissions.

Note from Council

The NSW Government's Energy Smart Business and Energy Smart Business Leaders programs, run by the former Sustainable Energy Development Authority and more recently by the Department of Energy, Utilities and Services, resulted in program participants collectively reducing greenhouse gas emissions by an estimated 560,000 tonnes of CO₂ equivalent and savings over \$32 million per annum.

Numerous Local Governments participated in the program which brought benefits of technical/professional advice resulting in substantial greenhouse gas emissions abatement, and at the same time, savings to participating Councils.

In June 2005 Manly Council, as a participating Council which achieved energy savings estimated to be worth around \$30,000 per annum through the program, was advised that "the Department will no longer be offering the Energy Smart Business Program".

The Energy Smart Business Program and the follow-on Leaders Program have been replaced with

- An Energy Savings Fund open to large private sector users, government and the residential sector
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The consequences of these changes are:

- a) that Local Governments whose current subscriptions to the Energy Smart Business Programs had not yet expired do not gain the full benefit of those existing subscriptions, and
- b) that the invaluable technical advice available through the program to assist Councils in identifying and assessing energy saving changes is no longer available.

At a time when the Australian Greenhouse Office is undertaking major studies into inadequate Local Government participation in greenhouse gas emissions abatement, removal of this important technical support by State Government is incomprehensible.

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

Against the Resolution: Nil.

MOTION (Aird / Cant)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Support for Fairtrade program

Motion Text

That in response to the urgent global need to alleviate world poverty, the Local Government Association and member Councils actively support and promote the Fairtrade program being promoted by Oxfam and other aid agencies. (i.e. providing the opportunity for poor farmers and workers from developing countries to get a fair price for their goods and labour, and sustainable development).

334/05 RESOLVED: (Aird / Cant)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Support for Fairtrade program

Motion Text

That in response to the urgent global need to alleviate world poverty, the Local Government Association and member Councils actively support and promote the Fairtrade program being promoted by Oxfam and other aid agencies. (i.e. providing the opportunity for poor farmers and workers from developing countries to get a fair price for their goods and labour, and sustainable development).

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

Against the Resolution: Nil.

MOTION (Aird / Cant)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Discouraging car dependency

Motion Text

1. That the Local Government Association and member Councils pursue other levels of Government to pursue the issue of incentives for less environmentally impacting vehicles through the tariff system and registration system on a national and state basis rather than at the local level. This is a National ("Global") issue which requires a national strategy.
2. That the Local Government Association and member Councils lobby the Ministers for Health and Environment at both the State and Federal Government levels regarding discouraging car dependency and reducing greenhouse gas emissions.

335/05 RESOLVED: (Aird / Cant)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Discouraging car dependency

Motion Text

1. That the Local Government Association and member Councils pursue other levels of Government to pursue the issue of incentives for less environmentally impacting vehicles through the tariff system and registration system on a national and state basis rather than at the local level. This is a National ("Global") issue which requires a national strategy.
2. That the Local Government Association and member Councils lobby the Ministers for Health and Environment at both the State and Federal Government levels regarding discouraging car dependency and reducing greenhouse gas emissions.

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

Against the Resolution: Councillor Murphy.

MOTION (Pedersen / Macdonald)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Public disclosure of political donations

Motion Text

That the Local Government Association calls on the Prime Minister and the Federal Liberal Government to reject the proposal to raise the threshold level for public disclosure of political donations

Note from Council

The Liberal Party Federal Director, Brian Loughnane has stated that the Liberal Party wants the threshold lifted from \$1,500 to \$10,000 (Sydney Morning Herald 9/8/05).

336/05 RESOLVED: (Pedersen / Macdonald)

That Council submit the following motion for consideration by and inclusion in the 2005 LGSA Conference's Business Paper:

Subject: Public disclosure of political donations

Motion Text

That the Local Government Association calls on the Prime Minister and the Federal Liberal Government to reject the proposal to raise the threshold level for public disclosure of political donations

Note from Council

The Liberal Party Federal Director, Brian Loughnane has stated that the Liberal Party wants the threshold lifted from \$1,500 to \$10,000 (Sydney Morning Herald 9/8/05).

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

Against the Resolution: Councillors Heasman and Murphy.

At 12.10pm Councillor Evans departed the meeting.

CORPORATE PLANNING AND STRATEGY DIVISION REPORTS

Corporate Planning and Strategy Division Report No. 45

Tree Policy - Establishment of Significant Tree Register**SUMMARY**

- This item was deferred from the Corporate Planning and Strategy Committee Meeting of 18th July, 2005 to obtain legal opinion on the issue of the increased legal liability exposure, resulting from introduction of the Significant Tree Register.
- The preservation of significant trees in Manly is important.
- Council is requested to endorse a Significant Tree Policy.
- The Policy will in turn result in the creation and maintenance of a Significant Tree Register.
- The Legal Advice is circulated as a "Confidential" **attachment**.

MOTION (Aird / Lambert)

1. That Council endorse the Significant Tree Policy in order to facilitate the preparation and maintenance of a Significant Tree Register in Manly (for both private and public lands) and that the policy clearly states that private land owners be notified of the listing of a significant tree but that permission does not need to be obtained by the owners prior to placing the tree on the Register.

2. That the Council's Legal Counsel examine the Policy and practices arising from the Policy implementation to ensure that exposure to legal liability is minimised consistent with the intent of the Policy.

337/05 RESOLVED: (Aird / Lambert)

1. That Council endorse the Significant Tree Policy in order to facilitate the preparation and maintenance of a Significant Tree Register in Manly (for both private and public lands) and that the policy clearly states that private land owners be notified of the listing of a significant tree but that permission does not need to be obtained by the owners prior to placing the tree on the Register.
2. That the Council's Legal Counsel examine the Policy and practices arising from the Policy implementation to ensure that exposure to legal liability is minimised consistent with the intent of the Policy.

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

Against the Resolution: Councillors Heasman, Murphy.

HUMAN SERVICES AND FACILITIES UNIT REPORTS

Human Services and Facilities Unit Report No. 7

Tender For The Supply of Meals To The Manly Meals on Wheels Service - Tender 05/14

SUMMARY

Tenders have been received for the supply of meals for the Manly Meals on Wheels Service. It is recommended that the tender from Master Catering Services Pty Limited be accepted.

MOTION (Murphy / Cant)

1. That the Tender from Master Catering Services Pty Limited for the supply of meals to the Meals on Wheels Service for \$167,950 excluding GST be accepted by Council, the length of the contract being for a period of (3) three years with an option for renewal for (1) one year subject to satisfactory service and amendments as decided by Council. After which a further (1) one year option to renew is negotiable and subject to ongoing satisfactory performance as determined by Council. This being a total of five years (3+1+1=5) all of which are subject to satisfactory performance as determined by Council.
2. That the unsuccessful tenderers be advised accordingly.
3. That the "confidential attachment" relating to the tender analysis be treated as confidential because it relates to a matter specified in Section 10A(2)(d) of the NSW Local Government Act 1993.

338/05 RESOLVED: (Murphy / Cant)

1. That the Tender from Master Catering Services Pty Limited for the supply of meals to the Meals on Wheels Service for \$167,950 excluding GST be accepted by Council, the length of the contract being for a period of (3) three years with an option for renewal for (1) one year subject to satisfactory service and amendments as decided by Council. After which a further (1) one year option to renew is negotiable and subject to ongoing satisfactory performance as determined by Council. This being a total of five years (3+1+1=5) all of which are subject to satisfactory performance as determined by Council.

2. That the unsuccessful tenderers be advised accordingly.
3. That the "confidential attachment" relating to the tender analysis be treated as confidential because it relates to a matter specified in Section 10A(2)(d) of the NSW Local Government Act 1993.

For the Resolution: Councillors Heasman, Lambert, Cant, Murphy, Pedersen, Aird, Norek and Macdonald.

Against the Resolution: Nil.

At 12.17pm, Councillor Cant departed the meeting.

Human Services and Facilities Unit Report No. 8

Fitness Trainers Agreement - Manly LGA

SUMMARY

Following a period of consultation via Council's Precincts and public exhibition of proposed conditions, this report outlines arrangements to regulate the conduct of fitness training classes on Council controlled land within the Manly Local Government Area.

MOTION (Aird / Lambert)

1. That Council endorse the issuing of an agreement to allow commercial and non profit fitness training / class organisations, which are registered with Fitness NSW, to operate fitness classes in the Manly Local Government Area, subject to the conditions and guidelines outlined in Appendix A of this report.
2. That the new agreements to administer fitness training activities in the Manly Local Government Area be trialed for six month period effective from 1st October 2005 and be reviewed thereafter by the General Manager.
3. That advertising, including sandwich boards and banners, in relation to promoting fitness training classes while classes are in progress be prohibited.

AMENDMENT (Norek / Murphy)

1. That Council endorse the issuing of an agreement to allow commercial and non profit fitness training / class organisations, which are registered with Fitness NSW, to operate fitness classes in the Manly Local Government Area, subject to the conditions and guidelines outlined in Appendix A of this report.
2. That the new agreements to administer fitness training activities in the Manly Local Government Area be trialed for six month period effective from 1st October 2005 and be reviewed thereafter by the General Manager.
3. That registration fees be waived if the trainer can demonstrate they are a NSW Fitness Leader and that they have public liability insurance.

For the Amendment: Councillors Murphy and Norek.

Against the Amendment: Councillors Heasman, Lambert, Pedersen, Aird, and Macdonald.

The **Amendment** was declared **Lost**.

FORESHADOWED AMENDMENT (Heasman / Macdonald)

1. That Council endorse the issuing of an agreement to allow commercial and non profit fitness training / class organisations, which are registered with Fitness NSW, to operate fitness classes in the Manly Local Government Area, subject to the conditions and guidelines outlined in Appendix A of this report.
2. That the new agreements to administer fitness training activities in the Manly Local Government Area be trialed for six month period effective from 1st October 2005 and be reviewed thereafter by the General Manager.
3. That the associated fees be reduced to charges per year rather than per quarter, as detailed below, and that these fees be reviewed in the next financial year:
 - \$300 per year (6-10 persons)
 - \$150 per year (3-5 persons)
 - \$75 per year (2 or less persons)

For the Amendment: Councillors Heasman, Murphy and Macdonald.
Against the Amendment: Councillors Lambert, Pedersen, Aird and Norek.

The **Foreshadowed Amendment** was declared **Lost**.

339/05 RESOLVED: (Aird / Lambert)

1. That Council endorse the issuing of an agreement to allow commercial and non profit fitness training / class organisations, which are registered with Fitness NSW, to operate fitness classes in the Manly Local Government Area, subject to the conditions and guidelines outlined in Appendix A of this report.
2. That the new agreements to administer fitness training activities in the Manly Local Government Area be trialed for six month period effective from 1st October 2005 and be reviewed thereafter by the General Manager.
3. That advertising, including sandwich boards and banners, in relation to promoting fitness training classes while classes are in progress be prohibited.

For the Resolution: Councillors Lambert, Murphy, Pedersen, Aird and Macdonald.
Against the Resolution: Councillors Heasman, and Norek.

QUESTIONS WITHOUT NOTICE**Councillor Heasman:**

1. Could Council please investigate the installation of signage about vandalism regarding minute 10.1 of the Safety Committee July 2005 'cemetery vandalism'?

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

2. Could Council please clarify and give a formal response to minute 7.3 of the July VCB relating to Boxing Day at North Head. Seek advice regarding the reasoning of stakeholders, given the community interest of the Sydney to Hobart race and the resulting effect on other precious sites such as Tania Park.

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

Councillor Murphy:

If a DA is approved and then some time later a Section 96 is applied for and approved, when does the 2 years for 'substantial commencement' end? ie 2 years from the approved DA date or 2 years from the approved Section 96 date.

At the request of the Mayor, the General Manager advised that substantial commencement is 2 years from the date of approval of the original DA (not the Section 96).

Councillor Aird:

1. A condition of the DA consent (December 04) issued for 51 Whistler Street Manly was that the upgrade of exterior façade (street frontage) be completed within six months. Would Council please advise why this condition has not been fulfilled.

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

2. Would Council please respond to the reported repair issues relating to the North Steyne Surf Club?

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

Councillor Pedersen:

On the Waste and Recycling Guide, the Aboriginal figures are missing from the Manly Council logo.

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

Councillor Norek:

1. What is the status in regard to illegal short term accommodation at 42 Victoria Parade? Will Council move to ban illegal short-term accommodation in the building?

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

2. Why is Manly Swimming Pool still not offering credit card facilities for annual swimming subscriptions?

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

CLOSE

The meeting closed at [12.30am](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [19 September 2005](#).

MAYOR

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