



## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 4 June 2012**

*All minutes are subject to confirmation at a subsequent meeting.*

*Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 4 June 2012. The meeting commenced at 7:40 PM.

## PRESENT

Her Worship, The Mayor, Councillor Jean Hay AM, who presided  
Councillor H Burns  
Councillor C Griffin  
Councillor A Heasman  
Councillor A Le Surf, Deputy Mayor  
Councillor Dr P Macdonald OAM  
Councillor R Morrison  
Councillor D Murphy  
Councillor M Norek  
Councillor C Whitting

## ALSO PRESENT

Henry Wong, General Manager  
Stephen Clements, Deputy General Manager, Executive Manager, Landuse & Sustainability  
Ross Fleming, Deputy General Manager, People, Place & Infrastructure  
Anthony Hewton, Executive Manager, Corporate Support Services  
Beth Lawson, Divisional Manager Human Services & Facilities  
Jenny Nascimento, Chief Financial Officer  
Kathryn Fayle, Manager Human Services  
Secretariat Officer

## OPENING PRAYER

The Opening Prayer was presented by Rev. Graham Perry, Balgowlah Uniting Church.

## APOLOGIES

Apologies were tendered on behalf of Councillors Lauren Elder and Barbara Aird, for non-attendance.

## MOTION (Burns / Heasman)

That the apologies received from Councillors Lauren Elder and Barbara Aird, be accepted and leave be granted.

## 91/12 RESOLVED: (Burns / Heasman)

That the apologies received from Councillors Lauren Elder and Barbara Aird, be accepted and leave be granted.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

## DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Nil.

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

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 May 2012, 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.

**92/12 RESOLVED: (Whitting / Heasman)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 May 2012, 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, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil

**PUBLIC FORUM**

NAME	SUBJECT/PUBLIC SPEAKERS
Tony Bernard	Representing Manly Village Public school requesting Council to object to a liquor outlet opposite Manly Village Public School.

**SUSPENSION OF STANDING ORDERS (Morrison / Le Surf)**

That Standing Orders be suspended to consider items of public interest being: Corporate Services Division Report No. 14 – Adoption of the CSP, Operational Plan, budget and Fixing of Rates and Charges for 2012-2013.

**93/12 RESOLVED: (Morrison / Le Surf)**

That Standing Orders be suspended to consider items of public interest being: Corporate Services Division Report No. 14 – Adoption of the CSP, Operational Plan, budget and Fixing of Rates and Charges for 2012-2013.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil

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Corporate Services Division Report No. 14

**Adoption of the CSP, Operational Plan, Budget and Fixing of Rates and Charges for 2012-2013****SUMMARY**

The Manly Council Integrated Planning and Reporting plans including the Community Strategic Plan Beyond 2021 and related Resourcing Strategy including the updated Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, updated Four Year Delivery Program 2011-2015 and One Year Operational Plan 2012-2013 including Draft Budget have been exhibited for the statutory period (28 days) and is submitted for adoption by Council.

Public submissions to the Integrated Plans are also presented to Council for consideration in the attached Matrix.

Following the adoption of the above Council is required to make the Rates and Charges for the year 2012-2013.

### **PUBLIC ADDRESSES**

The following persons addressed the meeting on this item:

Frances Thomas Roundhouse Parent Committee	Against proposed increase in fees for Child Care
Jonathon Allara Manly Chamber of Commerce	Against proposed increase in fees for Council car parks
Anna Fraser 2/8 Maretimo Street Balgowlah	In favour of Council's purchase of 40 Stuart Street Manly
James Pasfield 24 Quinton Road Manly	Against Council's purchase of 40 Stuart Street Manly

### **MOTION (Macdonald / Heasman)**

Child Care Fees

1. From 1 July 2012, childcare fees be those as notified to parents on 13 March 2012, and council to meet with parent representatives regarding the timing for implementing the balance of the proposed fees.
2. That Council write to the Federal Government Minister responsible for child care and the Federal MP, Tony Abbott requesting that the Federal Government increase the Child Care rebate to assist parents in paying for the increase in childcare fees resulting from the implementation of the National Quality Framework.

### **AMENDMENT (Murphy / Morrison)**

That Council:

1. Accept the staff recommendation on child care fees.
2. Stage the increase in child care fees, to commence on 1 July 2012 starting at the proposed fees notified to the parents in correspondence in March 2012, and from the 1 January 2013 child care fees be those as published in the fees and charges for 2012 and 2013.
3. Write to the Federal Government Minister responsible for childcare and the Federal MP, Tony Abbott requesting that the Federal Government increase the Child Care rebate to assist parents in paying for the increase in childcare fees resulting from the implementation of the National Quality Framework .

**For the Amendment:** Councillors Murphy, LeSurf and Morrison

**Against the Amendment:** Councillors Hay, Heasman, Whitting, Norek, Griffin, Burns and Macdonald

The **Amendment** was declared **lost**

**94/12 RESOLVED: (Macdonald / Heasman)**

## Child Care Fees

1. From 1 July 2012, childcare fees be those as notified to parents on 13 March 2012, and council to meet with parent representatives regarding the timing for implementing the balance of the proposed fees.
2. That Council write to the Federal Government Minister responsible for child care and the Federal MP, Tony Abbott requesting that the Federal Government increase the Child Care rebate to assist parents in paying for the increase in childcare fees resulting from the implementation of the National Quality Framework.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Norek, Burns, Griffin and Macdonald

**Against the Resolution:** Councillors Murphy, Le Surf and Morrison

The **Motion** was put and declared **Carried**.

**MOTION (Heasman / Burns)**

## Parking Station Fees

That Council retain the first 2 hour free parking at Council parking stations.

**95/12 RESOLVED: (Heasman / Burns)**

## Parking Station Fees

That Council retain the first 2 hour free parking at Council parking stations.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

Councillor Hay vacated the Chair at 10.15pm and Councillor Le Surf assumed the Chair.

\*\*\*\*\*

Councillor Hay assumed the Chair at 10.21 and Councillor Le Surf vacated the Chair.

\*\*\*\*\*

**MOTION (Le Surf /Heasman)**

That Council no longer consider the purchase of 40 Stuart Street Manly as part of the Community Strategic Plan.

**For the Resolution:** Councillors Hay, Heasman and Le Surf

**Against the Resolution:** Councillors Whitting, Murphy, Morrison, Norek, Burns, and Macdonald

The Motion **was** put and **lost**.

Councillor Griffin declared an interest in this item and left the Chamber and took no part in any discussions on this item.

\*\*\*\*\*

Councillor Griffin returned to the Chamber.

\*\*\*\*\*

### **MOTION (Heasman/ Burns)**

That whereas the detailed estimates of income and expenditure of the General Fund, for the year commencing 1 July 2012, were considered by Council at an extra-ordinary meeting on 23 April 2012, and having given public notice in accordance with S.405 of the *Local Government Act, 1993*, to allow public submissions on or before 25 May 2012, and having considered any matters in accordance with S.406 of the *Local Government Act, 1993*, Council hereby resolves to:

#### **Part 1:**

1. Subject to Council resolutions in relation to Child Care Fees and first two hour free parking at council parking stations, that Council adopt the Manly Council's Integrated Plans including its Community Strategic Plan Beyond 2021 and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Updated Four Year Delivery Program 2011-2015 and One Year Operational Plan 2012-2013 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2012-2013;
2. Write to the parties who made submissions to the above Integrated Plans, thanking them for their comments, and providing a response to the points raised by them.

#### **Part 2:**

Make the Rates and Charges as follows for 2012-2013:

#### **A Ordinary Rates**

(i) Ordinary Residential Rate

An Ordinary Rate (Residential) of 0.161416 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the *Local Government Act 1993*, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$726.80;

(ii) Business Rate – Manly Business Centre

An Ordinary Rate - Business - Manly Business Centre of 0.822581 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land categorised as Business in accordance with S.518 of the *Local Government Act 1993*, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$949.90;

(iii) Business Rate – Other

An Ordinary Rate – Business - Other of 0.443814 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land categorised Business in accordance with S.518 of the *Local Government Act 1993*, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548



of the *Local Government Act, 1993* of \$949.90.

#### **B Special Rate – Manly Business Centre and Ocean Beach Front Improvements**

That whereas the Council, being of the opinion that works related to 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 Manly Community Strategic Plan beyond 2021, incorporating the estimates of income and expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of 0.275764 cents in the dollar on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land as previously defined be now made for the year 2012-2013.

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.

#### **C Special Rate – Balgowlah Business Centre Improvements**

That whereas the Council being of the opinion that works related to 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 Manly Community Strategic Plan beyond 2021, incorporating the estimates of income and expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of 0.204508 cents in the dollar on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land as previously defined be now made for the year 2012-2013.

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.

#### **D Interest**

In accordance with the provisions of S.566(3) of the *Local Government Act 1993*, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, currently being 11.0% per annum in respect of accrual on a simple basis.

#### **E Domestic Waste Management Services**

- i. In accordance with S.496 of the *Local Government Act 1993*, that an annual charge of \$495.00 per annum be made for the year 2012-2013, 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;
- ii. In accordance with S.496 of the *Local Government Act 1993*, that an annual charge of \$495.00 per annum be made for the year 2012-2013, for domestic waste management services for all properties categorised residential vacant land;

- iii. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each additional weekly 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings;
- iv. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each once weekly 80 litre (or equivalent) domestic waste management service rendered to non-rateable or council owned properties;
- v. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each once weekly 80 litre (or equivalent) domestic waste management service rendered to residential units above business category premises.

## F Stormwater Management Service Charge

In accordance with the Local Government (General) Regulation 2005 and the *Local Government Act 1993*, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

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

## AMENDMENT (Morrison /Burns )

That whereas the detailed estimates of income and expenditure of the General Fund, for the year commencing 1 July 2012, were considered by Council at an extra-ordinary meeting on 23 April 2012, and having given public notice in accordance with S.405 of the *Local Government Act, 1993*, to allow public submissions on or before 25 May 2012, and having considered any matters in accordance with S.406 of the *Local Government Act, 1993*, Council hereby resolves to:

### Part 1.

1. Subject to the Council resolutions in relation to Child Care Fees and first two hour free parking at council parking stations, that Council adopt the Manly Council's Integrated Plans including its Community Strategic Plan Beyond 2021 and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Updated Four Year Delivery Program 2011-2015 and One Year Operational Plan 2012-2013 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2012-2013;;
2. Write to the parties who made submissions to the above Integrated Plans, thanking them for their comments, and providing a response to the points raised by them;
3. Remove all reference to Manly2015 and adjust all financial projections in the Long Term Financial Plan accordingly with the exception of any consultants' reports already

commissioned, that no funds or other resources are to be raised and/or allocated in relation to the Manly2015 proposal unless and until the Council to be elected in September 2012 formally resolves to do so..

**Part 2:**

Make the Rates and Charges as follows for 2012-2013:

**A Ordinary Rates****(i) Ordinary Residential Rate**

An Ordinary Rate (Residential) of 0.161416 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the *Local Government Act 1993*, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$726.80;

**(ii) Business Rate – Manly Business Centre**

An Ordinary Rate - Business - Manly Business Centre of 0.822581 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land categorised as Business in accordance with S.518 of the *Local Government Act 1993*, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$949.90;

**(iii) Business Rate – Other**

An Ordinary Rate – Business - Other of 0.443814 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land categorised Business in accordance with S.518 of the *Local Government Act 1993*, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$949.90.

**B Special Rate – Manly Business Centre and Ocean Beach Front Improvements**

That whereas the Council, being of the opinion that works related to 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 Manly Community Strategic Plan beyond 2021, incorporating the estimates of income and expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of 0.275764 cents in the dollar on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land as previously defined be now made for the year 2012-2013.

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.

**C Special Rate – Balgowlah Business Centre Improvements**

That whereas the Council being of the opinion that works related to 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 Manly Community Strategic Plan beyond 2021, incorporating the estimates of income and expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of 0.204508 cents in the dollar on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land as previously defined be now made for the year 2012-2013.

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.

**D Interest**

In accordance with the provisions of S.566(3) of the *Local Government Act 1993*, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, currently being 11.0% per annum in respect of accrual on a simple basis.

**E Domestic Waste Management Services**

- i. In accordance with S.496 of the *Local Government Act 1993*, that an annual charge of \$495.00 per annum be made for the year 2012-2013, 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;
- ii. In accordance with S.496 of the *Local Government Act 1993*, that an annual charge of \$495.00 per annum be made for the year 2012-2013, for domestic waste management services for all properties categorised residential vacant land;
- iii. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each additional weekly 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings;
- iv. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each once weekly 80 litre (or equivalent) domestic waste management service rendered to non-rateable or council owned properties;
- v. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each once weekly 80 litre (or equivalent) domestic waste management service rendered to residential units above business category premises.

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In accordance with the Local Government (General) Regulation 2005 and the *Local Government Act 1993*, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

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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 Amendment:** Councillors Whitting, Murphy, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Amendment:** Councillors Hay, Heasman and Le Surf

The **Amendment** becomes the **Motion**

**96/12 RESOLVED: (Morrison / Burns)**

That whereas the detailed estimates of income and expenditure of the General Fund, for the year commencing 1 July 2012, were considered by Council at an extra-ordinary meeting on 23 April 2012, and having given public notice in accordance with S.405 of the *Local Government Act, 1993*, to allow public submissions on or before 25 May 2012, and having considered any matters in accordance with S.406 of the *Local Government Act, 1993*, Council hereby resolves to:

**Part 1.**

1. Subject to Council resolutions in relation to Child Care Fees and first two hour free parking at council parking stations, that Council adopt the Manly Council's Integrated Plans including its Community Strategic Plan Beyond 2021 and related Resourcing Strategy including the Long Term Financial Plan, Workforce Management Plan and Asset Management Strategy, Updated Four Year Delivery Program 2011-2015 and One Year Operational Plan 2012-2013 including the Budget, Statement of Revenue Policy and Schedule of Fees and Charges for 2012-2013;
2. Write to the parties who made submissions to the above Integrated Plans, thanking them for their comments, and providing a response to the points raised by them;
3. Remove all reference to Manly2015 and adjust all financial projections in the Long Term Financial Plan accordingly with the exception of any consultants' reports already commissioned, that no funds or other resources are to be raised and/or allocated in relation to the Manly2015 proposal unless and until the Council to be elected in September 2012 formally resolves to do so.

**Part 2:**

Make the Rates and Charges as follows for 2012-2013:

**A Ordinary Rates**

(i) Ordinary Residential Rate

An Ordinary Rate (Residential) of 0.161416 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July

2011, of all rateable land in the Local Government Area categorised as Residential in accordance with S.516 of the *Local Government Act 1993*, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$726.80;

(ii) Business Rate – Manly Business Centre

An Ordinary Rate - Business - Manly Business Centre of 0.822581 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land categorised as Business in accordance with S.518 of the *Local Government Act 1993*, within the centre of population defined within the Manly CBD and previously adopted by Council, as delineated on Plan Number 1/280B, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$949.90;

(iii) Business Rate – Other

An Ordinary Rate – Business - Other of 0.443814 cents in the dollar be made for the year 2012-2013 on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land categorised Business in accordance with S.518 of the *Local Government Act 1993*, within Manly other than that land within the centre of population defined in (ii) above, with a Minimum Rate in accordance with Section 548 of the *Local Government Act, 1993* of \$949.90.

**B Special Rate – Manly Business Centre and Ocean Beach Front Improvements**

That whereas the Council, being of the opinion that works related to 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 Manly Community Strategic Plan beyond 2021, incorporating the estimates of income and expenditure for the Manly Town Centre Improvements Programme, it is hereby resolved that a Special Rate - Manly Business Centre Improvements of 0.275764 cents in the dollar on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land as previously defined be now made for the year 2012-2013.

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.

**C Special Rate – Balgowlah Business Centre Improvements**

That whereas the Council being of the opinion that works related to 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 Manly Community Strategic Plan beyond 2021, incorporating the estimates of income and expenditure for the Balgowlah Business Centre Improvements Programme, it is hereby resolved that a Special Rate - Balgowlah Business Centre Improvements of 0.204508 cents in the dollar on the land value, as determined by the Valuer General base dated 1 July 2011, of all rateable land as previously defined be now made for the year 2012-2013.

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.

#### D Interest

In accordance with the provisions of S.566(3) of the *Local Government Act 1993*, Council hereby resolves to adopt the maximum interest rate as advised by the Minister for Local Government for outstanding rates, domestic waste management services and annual charges, currently being 11.0% per annum in respect of accrual on a simple basis.

#### E Domestic Waste Management Services

- i. In accordance with S.496 of the *Local Government Act 1993*, that an annual charge of \$495.00 per annum be made for the year 2012-2013, 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;
- ii. In accordance with S.496 of the *Local Government Act 1993*, that an annual charge of \$495.00 per annum be made for the year 2012-2013, for domestic waste management services for all properties categorised residential vacant land;
- iii. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each additional weekly 80 litre domestic waste management service rendered to owner occupied single occupancy residential dwellings;
- iv. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each once weekly 80 litre (or equivalent) domestic waste management service rendered to non-rateable or council owned properties;
- v. In accordance with S.502 of the *Local Government Act 1993*, that a pay-for-use charge of \$9.52 per service (\$495.00 per annum) be made for the year 2012-2013, for each once weekly 80 litre (or equivalent) domestic waste management service rendered to residential units above business category premises.

#### F Stormwater Management Service Charge

In accordance with the Local Government (General) Regulation 2005 and the *Local Government Act 1993*, the following annual Stormwater Management Service Charge be made and levied on all developed rateable land categorised for rating purposes as follows:

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

The **Motion** was put and declared **carried**.

**For the Motion:** Councillors Whitting, Murphy, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Motion:** Councillors Hay, Heasman and Le Surf

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**RESUMPTION OF STANDING ORDERS (Macdonald / Le Surf)**

That Standing Orders be resumed.

**97/12 RESOLVED: (Macdonald / Le Surf)**

That Standing Orders be resumed.

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**MOTION (Macdonald / Heasman)**

That the Officers recommendations be adopted in relation to the following items.

Report of Committees No. 24	Minutes for adoption by Council – Special Purpose Committees without recommendations of a substantial nature
Report of Committees No. 25	Minutes for adoption by Council – Sports Facilities Committee -27 April 2012
Report of Committees No. 26	Minutes for adoption by Council – Meals on Wheels Committee – 9 May
Report of Committees No. 27	Minutes for adoption by Council – Community Safety Committee – 10 May 2012
Environmental Services Division Report No. 14	Development Applications Currently Being processed During June 2012
Environmental Services Division Report No. 15	Summary of Current Appeals Relating to Development Applications During June 2012
Environmental Services Division Report No. 16	Manly Development Control Plan for the residential Zone 2007, Amendment 2
Corporate Services Division Report No. 15	Report on Council Investments as at April 2012
Corporate Services Division Report No. 16	Mayors' and Councillors' Fees – Determination of Local Government Remuneration Tribunal – 2012 - 2013
Corporate Services Division Report No. 17	Approval of Write-off Debts

**98/12 RESOLVED: (Macdonald / Heasman)**

That the Officers recommendations be adopted in relation to the following items.

Report of Committees No. 24	Minutes for adoption by Council – Special Purpose Committees without recommendations of a substantial nature
Report of Committees No. 25	Minutes for adoption by Council – Sports Facilities Committee -27 April 2012
Report of Committees No. 26	Minutes for adoption by Council – Meals on Wheels Committee – 9 May
Report of Committees No. 27	Minutes for adoption by Council – Community Safety Committee – 10 May 2012



Environmental Services Division Report No. 14	Development Applications Currently Being processed During June 2012
Environmental Services Division Report No. 15	Summary of Current Appeals Relating to Development Applications During June 2012
Environmental Services Division Report No. 16	Manly Development Control Plan for the residential Zone 2007, Amendment 2
Corporate Services Division Report No. 15	Report on Council Investments as at April 2012
Corporate Services Division Report No. 16	Mayors' and Councillors' Fees – Determination of Local Government Remuneration Tribunal – 2012 - 2013
Corporate Services Division Report No. 17	Approval of Write-off Debts

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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## REPORTS OF COMMITTEES

Report Of Committees Report No. 24

**Minutes for adoption by Council - Special Purpose Committees without recommendations of a substantial nature.**

### MOTION (Macdonald / Heasman)

The minutes of the following Special Purpose Committee meetings are tabled at this meeting.

- i) Art and Culture Committee – 17 April 2012
- ii) Human Services Planning and Policy Committee – 24 April 2012
- iii) Sustainable Economic Development & Tourism Committee – 26 April 2012
- iv) Community Environment Committee – 9 May 2012

### 99/12 RESOLVED: (Macdonald / Heasman)

That the minutes of the following Special Purpose Committee meetings be adopted.

- i) Art and Culture Committee – 17 April 2012
- ii) Human Services Planning and Policy Committee – 24 April 2012
- iii) Sustainable Economic Development & Tourism Committee – 26 April 2012
- iv) Community Environment Committee – 9 May 2012

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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Report Of Committees Report No. 25

### Minutes for adoption by Council - Sports Facilities Committee - 27 April 2012

These reports were dealt with at the Sports Facilities Committee meeting of 27 April 2012 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**MOTION (Macdonald / Heasman)**

That the minutes of the Sports Facilities Committee meeting on 27 April 2012 be adopted including the following items:

**1. ITEM 4 REPORT: Update On Items From Previous Meetings**

1. That the committee received and noted the report.

The Committee recommend to the General Manager and Council :

2. That a progress report on LM Grahams Reserve Landscape Masterplan Implementation works be provided at the next meeting.
3. That Manly Council writes to Manly Warringah District Cricket (MWDC) requesting that they look at rectifying the existing practice net storage boxes on the western side of Manly Oval.
4. That MWDC be requested to look at some sort of padding to go over the picket fence to stop the ball damage on the fence.
5. That Council move ahead with the Keirle Park additional lights and replacement poles.
6. That the trees are trimmed on the eastern side to alleviate the shadowing of the number one field.
7. That the possibility of timed parking be looked at at Keirle Park similar to the swim centre parking restriction.
8. That the users of Keirle Park amenities facility meet onsite with the Manager of Facilities and Manager Parks and Reserves to discuss the current storage areas and possible improvements to the storage arrangements. So as to make available the dressing shed currently used for storage.

**2. ITEM 5 REPORT: Project Priorities for New Financial Year 2012 -13**

That the Committee recommend to the General Manager and Council that:

- This project priorities list is retained should any funding become available in the 2012-13 financial year.
- That Keirle Park Dressing Sheds be returned to full use without materials stored in the dressing sheds.
- That refurbishment of the Storage facility at Keirle Park is carried out as soon as funds become available.
- That approval from the General Manger is requested for the installation of a storage container, supplied by the Manly Roos Rugby Club to be installed between the building and the croquet club to assist with storage issues at the ground, and that the container is painted the same colour as the building.

**100/12 RESOLVED: (Macdonald / Heasman)**

That the minutes of the Sports Facilities Committee meeting on 27 April 2012 be adopted including the following items:

**1. ITEM 4 REPORT: Update On Items From Previous Meetings**

1. That the committee received and noted the report.

The Committee recommend to the General Manager and Council :

2. That a progress report on LM Grahams Reserve Landscape Masterplan Implementation works be provided at the next meeting.
3. That Manly Council writes to Manly Warringah District Cricket (MWDC) requesting that they look at rectifying the existing practice net storage boxes on the western side of Manly Oval.
4. That MWDC be requested to look at some sort of padding to go over the picket fence to stop the ball damage on the fence.
5. That Council move ahead with the Keirle Park additional lights and replacement poles.
6. That the trees are trimmed on the eastern side to alleviate the shadowing of the number one field.
7. That the possibility of timed parking be looked at at Keirle Park similar to the swim centre parking restriction.
8. That the users of Keirle Park amenities facility meet onsite with the Manager of Facilities and Manager Parks and Reserves to discuss the current storage areas and possible improvements to the storage arrangements. So as to make available the dressing shed currently used for storage.

## 2. ITEM 5 REPORT: Project Priorities for New Financial Year 2012 -13

That the Committee recommend to the General Manager and Council that:

- This project priorities list is retained should any funding become available in the 2012-13 financial year.
- That Keirle Park Dressing Sheds be returned to full use without materials stored in the dressing sheds.
- That refurbishment of the Storage facility at Keirle Park is carried out as soon as funds become available.
- That approval from the General Manger is requested for the installation of a storage container, supplied by the Manly Roos Rugby Club to be installed between the building and the croquet club to assist with storage issues at the ground, and that the container is painted the same colour as the building.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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Report Of Committees Report No. 26

### **Minutes for adoption by Council - Meals on Wheels Committee - 9 May 2012**

This report was dealt with at the Meals on Wheels Committee meeting of 9 May 2012 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

### **MOTION (Macdonald / Heasman)**

That the minutes of the Meals on Wheels Committee meeting on 9 May 2012 be adopted including the following items:

1. The Committee was in favour of the service being Council managed, with investment funds to be held in a separate "quarantined" account to allow tracking of all monies and interest earned, and financial management changes required by Council to be effective from 1 July 2012.
2. That the Finance Report for April 2012 be accepted and attached to the minutes for Council's consideration.

**101/12 RESOLVED: (Macdonald / Heasman)**

That the minutes of the Meals on Wheels Committee meeting on 9 May 2012 be adopted including the following items:

1. The Committee was in favour of the service being Council managed, with investment funds to be held in a separate "quarantined" account to allow tracking of all monies and interest earned, and financial management changes required by Council to be effective from 1 July 2012.
2. That the Finance Report for April 2012 be accepted and attached to the minutes for Council's consideration.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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Report Of Committees Report No. 27

**Minutes for adoption by Council - Community Safety Committee - 10 May 2012**

These reports were dealt with at the Community Safety Committee meeting of 10 May 2012 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting, together with the minutes for formal adoption by Council.

**MOTION (Macdonald / Heasman)**

That the minutes of the Community Safety Committee meeting on 10 May 2012 be adopted including the following items:

**1. ITEM 7 HOMELESSNESS**

1. That a number of wheelie bins be purchased for use by the Manly Community Centre for loan to rough sleepers as a storage alternative on a trial basis.
2. That Street Mission be shown the former Early Childhood Centre in Manly and if suitable be offered the use of the site for three hours on a Saturday night for a six month trial period.

**2. ITEM 9.3 WHISTLER STREET CARPARK SAFETY ISSUE**

That clear signage is painted on the vehicle only ramps in all the Council carpark ramps (including Whistler Street, Peninsula and Pacific Waves) warning pedestrians not to use the vehicle ramps and directing them to the stairs/lifts.

**102/12 RESOLVED: (Macdonald / Heasman)**

That the minutes of the Community Safety Committee meeting on 10 May 2012 be adopted including the following items:

**1. ITEM 7 HOMELESSNESS**

1. That a number of wheelie bins be purchased for use by the Manly Community Centre for loan to rough sleepers as a storage alternative on a trial basis.
2. That Street Mission be shown the former Early Childhood Centre in Manly and if suitable be offered the use of the site for three hours on a Saturday night for a six month trial period.

**2. ITEM 9.3 WHISTLER STREET CARPARK SAFETY ISSUE**

That clear signage is painted on the vehicle only ramps in all the Council carpark ramps (including Whistler Street, Peninsula and Pacific Waves) warning pedestrians not to use the vehicle ramps and directing them to the stairs/lifts.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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**ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 14

**Development Applications Currently Being Processed During June 2012****SUMMARY**

List of Development Applications currently being processed during June 2012.

**MOTION (Macdonald / Heasman)**

THAT the information be received and noted.

**103/12 RESOLVED: (Macdonald / Heasman)**

THAT the information be received and noted.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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Environmental Services Division Report No. 15

**Summary of Current Appeals Relating to Development Applications During June 2012****SUMMARY**

Summary of current Appeals relating to Development Applications during June 2012.

**MOTION (Macdonald / Heasman)**

THAT the information be received and noted.

**104/12 RESOLVED: (Macdonald / Heasman)**

THAT the information be received and noted.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

Environmental Services Division Report No. 16

**Manly Development Control Plan for the Residential Zone 2007, Amendment 2****SUMMARY**

A draft amendment to Manly Development Control Plan for the Residential Zone 2007 (Residential DCP - Amendment 2) has been exhibited in accordance with earlier resolutions of Council. Draft Residential DCP Amendment 2 proposes to amend the Residential DCP following a recent amendment to Manly LEP 1988 (Amendment 82) which rezoned certain land within the Manly Golf Club to permit residential development.

Manly Residential DCP - Amendment 2 seeks to adopt a range of residential planning controls for certain land within the Manly Golf Club site. These controls include those matters generally contained in subzone 3 of the DCP consistent with adjoining residential land, as well as various other special provisions in relation to density and access to apply to the subject land.

No submissions were received in relation to the exhibition of these amendments. It is recommended that Council resolve to approve the DCP amendment.

**MOTION (Macdonald / Heasman)**

That:

Council **approve** and give public notice of the adoption of Amendment 2 to the Manly Residential DCP as publicly exhibited, in accordance with Clause 21 of the EP&A Regulation 1980.

**105/12 RESOLVED: (Macdonald / Heasman)**

That:

Council **approve** and give public notice of the adoption of Amendment 2 to the Manly Residential DCP as publicly exhibited, in accordance with Clause 21 of the EP&A Regulation 1980.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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**CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 15

**Report on Council Investments as at April 2012****SUMMARY**

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

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

**MOTION (Macdonald / Heasman)**

**That:** the statement of Bank Balances and Investment Holdings as at 30 April 2012 be received and noted.

**106/12 RESOLVED: (Macdonald / Heasman)**

**That:** the statement of Bank Balances and Investment Holdings as at 30 April 2012 be received and noted.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

Corporate Services Division Report No. 16

**Mayors' and Councillors' Fees - Determination of Local Government Remuneration Tribunal – 2012-2013****SUMMARY**

The Local Government Remuneration Tribunal has handed down its Report for 2012-2013 regarding the Category of Councils, and the fees payable to the Mayor and Councillor's as from 1<sup>st</sup> July 2012.

**MOTION (Macdonald / Heasman)**

That:

Council reaffirm its previous policy adopted in July 1998, that pursuant to s.248 and 249 of the *Local Government Act, 1993*, Council set the Mayors' and Councillors' remuneration fees for the period 1 July 2012 to 30 June 2013 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$37,230

Councillors Fees - \$17,060

**107/12 RESOLVED: (Macdonald / Heasman)**

That:

Council reaffirm its previous policy adopted in July 1998, that pursuant to s.248 and 249 of the *Local Government Act, 1993*, Council set the Mayors' and Councillors' remuneration fees for the period 1 July 2012 to 30 June 2013 at the maximum level determined by the Local Government Remuneration Tribunal, with the following fees to apply:

Mayor Allowance - \$37,230

Councillors Fees - \$17,060

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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Corporate Services Division Report No. 17

**Approval to Write-off Bad Debts****SUMMARY**

The purpose of this report is to obtain Council's approval to write off a bad debt for Cristal's Restaurant of 90 The Corso, Manly amounting to \$108,651.33 (inc. GST).

**MOTION (Macdonald / Heasman)**

That Council approve writing off of the debt of \$108,651.33 (Including GST) against Mr Konstantinos and Mrs Janice Karras, directors of Karras Enterprises Pty Limited T/as Cristals Restaurant, 90 The Corso, Manly.

**108/12 RESOLVED: (Macdonald / Heasman)**

That Council approve writing off of the debt of \$108,651.33 (Including GST) against Mr Konstantinos and Mrs Janice Karras, directors of Karras Enterprises Pty Limited T/as Cristals Restaurant, 90 The Corso, Manly.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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**CIVIC AND URBAN SERVICES DIVISION**

Civic and Urban Services Division Report No. 5

**Barrabooka Street and Ogilvy Road – No Stopping parking restriction****SUMMARY**

For Council to consider the implementation of a traffic management scheme in Barrabooka Street and Ogilvy road, Clontarf.



**MOTION (Heasman / Le Surf)**

That Council:

- i) Implement the proposed traffic management measures shown on the Sketch Plan for Option 2c, as circulated and tabled at the meeting.
- ii) relocate the no stopping sign outside 18 Barrabooka Street nearer to the drive way of 16 Barabooka Street.

**109/12 RESOLVED: (Heasman / Le Surf)**

That Council:

- i) Implement the proposed traffic management measures shown on the Sketch Plan for Option 2c, as circulated and tabled at the meeting.
- ii) relocate the no stopping sign outside 18 Barrabooka Street nearer to the drive way of 16 Barabooka Street.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 8

**Items For Brief Mention**

1. **Complaints made to the General Manager as at May 2012**
2. **Tabled Documents.**
3. **Notices of Motion status report.**

**MOTION (Macdonald / Heasman)**

1. Reports 1, 2 and 3 be received and noted.
2. Council write to Sydney Water responding to their correspondence 1-14BUZM urging them to expedite the commencement of the planning for odour management program to ensure that the NHSTP meets its licence obligations. \$80 million has been committed for the 3 Sydney STPs but planning for the work has not commenced at NH. Council urges Sydney Water to act on its commitment.

**110/12 RESOLVED: (Macdonald / Heasman)**

That:

1. Reports 1, 2 and 3 be received and noted.
2. Council write to Sydney Water responding to their correspondence 1-14BUZM urging them to expedite the commencement of the planning for odour management program to ensure that the NHSTP meets its licence obligations. \$80 million has been committed for the 3 Sydney STPs but planning for the work has not commenced at NH. Council urges Sydney Water to act on its commitment.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Murphy, Le Surf, Morrison, Norek, Griffin, Burns and Macdonald  
**Against the Resolution:** Nil.

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Corporate Services Division Report No. 18

**Report on Next Steps for Feasibility Study for Boardwalk at Harbour Pool, Manly Council  
SUMMARY**

At its meeting of 12 March 2012, following the Notice of Motion (Report No. 11) Council resolved to examine the feasibility of restoring the Harbour Pool in Manly Cove, and obtain agreement from NSW Department of Transport, Roads and Maritime (RMS) on the proposal.

This report outlines the preliminary advice from the RMS on the proposal and the various next steps that Council would be required to undertake if it wishes to develop the proposal. A copy of advice letter is attached to this report.

**MOTION (Le Surf / Heasman)**

That the report be refer to the next Council term.

**AMENDMENT (Burns / Murphy)**

That Council proceed with the preparation of a preliminary feasibility study for the project.

**For the Amendment:** Councillors Whitting, Murphy and Burns

**Against the Amendment:** Councillors Hay, Heasman, Le Surf, Morrison, Norek, Griffin and Macdonald

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

**111/12 RESOLVED: (Le Surf / Heasman)**

That the report be refer to the next Council term.

The **Motion** was put and declared **Carried**.

**For the Resolution:** Councillors Hay, Heasman, Le Surf, Norek, Griffin, Burns, Morrison and Macdonald

**Against the Resolution:** Councillors Whitting and Murphy

The **Motion** was put and declared **carried**.

\*\*\*\*\*

**NOTICES OF MOTION**

Notice of Motion Report No. 20

**Royal Far West**

**Councillor Craig Whitting moved:**

That Council:

1. Investigates the progress on the amended Royal Far West (RFW) Development Plans to ascertain the extent to which the RFW Board has listened to the concerns of the community regarding the over-development of the site and the inappropriate use of the facility for a hotel.
2. In their investigations approach the Manly Public School to discuss their plans for expansion given their increase in student numbers over the last few years.
3. Write to the NSW Minister for Education in order to clarify the possibility that the Department will require the facility, which now houses the Manly Neighbourhood Centre, for future expansion plans for the school.

**MOTION (Whitting / Griffin)**

That Council:

1. Investigates the progress on the amended Royal Far West (RFW) Development Plans to ascertain the extent to which the RFW Board has listened to the concerns of the community regarding the over-development of the site and the inappropriate use of the facility for a hotel.
2. The matter be referred to the LEP Working Group to consider the zoning of the site.

**112/12 RESOLVED: (Whitting / Griffin)**

That Council:

1. Investigates the progress on the amended Royal Far West (RFW) Development Plans to ascertain the extent to which the RFW Board has listened to the concerns of the community regarding the over-development of the site and the inappropriate use of the facility for a hotel.
2. The matter be referred to the LEP Working Group to consider the zoning of the site.

**For the Resolution:** Councillors Hay, Heasman, Whitting, LeSurf, Morrison, Norek, Griffin, Burns and Macdonald

**Against the Resolution:** Nil.

\*\*\*\*\*

Notice of Motion Report No. 21

**Permanent access to Development Application information on Manly Council Website**

**Councillor Cathy Griffin moved:**

1. Council review its current method of providing open access to Development Applications and other related documents outside the 'exhibition period' on the Council website. Such access should be in accordance with the general principles of the Government Information (Public Access) NSW Act 2009 (GIPA) which includes 'a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.'
2. Council review the type of information relating to Development Applications that can remain on the Council website for permanent public access and historical reference.
3. Council request applicants provide the information required by Council to assess their

application in an electronic format that is not subject to copyright and will conform with the Privacy Legislation in addition to the more detailed plans and reports required that can remain 'on file' but only made available to the public via a formal GIPA request.

4. Council consider the permanent publication of reports and decision on DAs on the Council website.
5. When provided, council make public the advice given by the Information Commissioner during a meeting held in May 2012 at Manly Council regarding access to current and historical Development Application information on the Manly Council website.

**MOTION (Griffin / Heasman)**

That:

1. Council review its current method of providing open access to Development Applications and other related documents outside the 'exhibition period' on the Council website. Such access should be in accordance with the general principles of the Government Information (Public Access)NSW Act 2009 (GIPA) which includes 'a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.'
2. Council review the type of information relating to Development Applications that can remain on the Council website for permanent public access and historical reference.
3. Council request applicants provide the information required by Council to assess their application in an electronic format that is not subject to copyright and will conform with the Privacy Legislation in addition to the more detailed plans and reports required that can remain 'on file' but only made available to the public via a formal GIPA request.
4. Council consider the permanent publication of reports and decision on DAs on the Council website.
5. When provided, council make public the advice given by the Information Commissioner during a meeting held in May 2012 at Manly Council regarding access to current and historical Development Application information on the Manly Council website.

**113/12 RESOLVED: (Griffin / Heasman)**

That:

1. Council review its current method of providing open access to Development Applications and other related documents outside the 'exhibition period' on the Council website. Such access should be in accordance with the general principles of the Government Information (Public Access)NSW Act 2009 (GIPA) which includes 'a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.'
2. Council review the type of information relating to Development Applications that can remain on the Council website for permanent public access and historical reference.
3. Council request applicants provide the information required by Council to assess their application in an electronic format that is not subject to copyright and will conform with the Privacy Legislation in addition to the more detailed plans and reports required that can remain 'on file' but only made available to the public via a formal GIPA request.
4. Council consider the permanent publication of reports and decision on DAs on the Council website.

5. When provided, council make public the advice given by the Information Commissioner during a meeting held in May 2012 at Manly Council regarding access to current and historical Development Application information on the Manly Council website.

**For the Resolution:** Councillors Hay, Heasman, Whitting, Le Surf, Morrison, Norek, Griffin, Murphy and Macdonald

**Against the Resolution:** Councillor Burns

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Notice of Motion Report No. 22

**Restoration of Public Access to Development Application (DA) information beyond the notice period**

**Councillor Hugh Burns moved:**

- 1) That Council proceed to develop its DA online website to enable the public to access DA documents subject to the Office of Information Commissioner's (OIC) guidelines on privacy and copyright laws (current and historical i.e. post 2004).
- 2) That Council set up dedicated Development Application PCs in both the Council Chambers public area and the library, where such present and historical DA information, including all plans, can also be freely and easily viewed (but not printed or copied).
- 3) That, subject to OIC guidelines, Precinct DA assessment officers are always provided with a complete and full set of documentation, including all plans, to assist their precincts' review of DAs. This provides transparency.

Council may request a guarantee be given by Precinct DA Officers that no copies will be taken of plans provided to the precincts for comment.

**MOTION (Burns / Macdonald)**

- 1) That Council proceed to develop its DA online website to enable the public to access DA documents subject to the Office of Information Commissioner's (OIC) guidelines on privacy and copyright laws (current and historical i.e. post 2004).
- 2) That Council set up dedicated Development Application PCs in both the Council Chambers public area and the library, where such present and historical DA information, including all plans, can also be freely and easily viewed (but not printed or copied).
- 3) That, subject to OIC guidelines, Precinct DA assessment officers are always provided with a complete and full set of documentation, including all plans, to assist their precincts' review of DAs. This provides transparency.

Council may request a guarantee be given by Precinct DA Officers that no copies will be taken of plans provided to the precincts for comment.

**For the Resolution:** Councillors Whitting, Murphy, Morrison, Burns and Macdonald

**Against the Resolution:** Councillors Hay, Heasman, Le Surf, Norek and Griffin

With the voting being equal the Mayor used her casting vote and the **Motion** was declared **lost**.

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**QUESTIONS WITHOUT NOTICE****QWN39/12 Councillor Whitting - Management of Council's Real Estate Portfolio**

After reading Promoting Better practice Project, recommendation 23, suggests that the General Manager should provide a report to the elected Council on the management of Council's real estate portfolio, leases and licences, the income generated and the strategies council uses to ensure that it obtains an appropriate income/return over time.

Recommendation 24 suggests that the elected council should be provided with regular reporting on the profit and loss performance of council's commercial activities. This reporting should include details of the budgeted profit/loss as well as the actual result. Any significant variance should be brought to attention with appropriate commentary.

Would the General Manager please provide these reports to Councillors monthly?

At the request of the Mayor the General Manager advised that in his report to Council in February he addressed the issue in the action schedule and monthly updates are provided through the monthly reports.

**QWN40/12 Councillor Whitting - Advertising Costs**

What is the weekly costs of the Mayoral Minute?

I have read the Mayoral Messages over the past few weeks and I would like to ask what are the weekly costs and what are the perceived benefits?

At the request of the Mayor the General Manager he would take the Question on Notice.

**QWN41/12 Councillor Murphy - Local Board Riding Contests**

When local Manly, North Steyne and Queenscliff board riding clubs hold weekly and monthly contests, are these sanctioned by Council?

ie. do they have Council's permission to section off part of the surf and beach/grass as. As the Council's boundary goes out into the water who covers public liability of these contests?

At the request of the Mayor the General Manager advised he would take the question on notice

**QWN42/12 Councillor Murphy - Child Care Fees**

Council tonight voted to increase Child Care Fees. One of the rises was recommended for the start of next year and it was cited as reasonable to bring rises in at the start of the year. Why can't Family Day care set their fee increases when they want, given they are their own companies?

Divisional Manager Human Services & Facilities has said they can but other parts of Council say they can't. Please confirm?

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

**QWN43/12 Councillor Burns - Whistler Street Car Park**

Would the General Manager investigate why the lighting and the lift in Whistler Street car park is turned off so early.

At the request of the Mayor the General Manager advised that the lift is switched off at 10.00pm together with the lights on vacant levels to save energy.

**QWN44/12 Councillor Burns - Bus time tables**

Why does the Visitors Information Centre no longer provide bus time tables.

At the request of the Mayor the General Manager advised that the STA had withdrawn funding of \$30,000 for a part time staff from Council and therefore the service is no longer provided by council on the STA's behalf.

**CLOSE**

The meeting closed at [12.59am Tuesday 5 June 2012](#)

The above minutes will be confirmed at an **Ordinary Meeting** of Manly Council held on [16 July 2012](#).

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**MAYOR**

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