

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 20 March 2006

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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 20 March 2006. The meeting commenced at 7:43 PM.

PRESENT

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

ALSO PRESENT

Henry T Wong, General Manager
Jim Hunter, Executive Director, Major Projects
Ross Fleming, Chief Financial Officer
Anthony Hewton, Manager Human Services & Facilities
Rachael Levey, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Reverend Graham Perry.

APOLOGIES

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

MOTION (Macdonald / Aird)

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

15/06 **RESOLVED:** (Macdonald / Aird)

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

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

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name:	Item Number:	Nature of Interest:
Councillor Murphy	GM No. 7	Lives in one of the subject streets of the parking scheme.

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

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 20 February 2006, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

16/06 RESOLVED: (Lambert / Aird)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 20 February 2006, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

PUBLIC FORUM

NAME	SUBJECT/PUBLIC SPEAKERS
Peter Callaghan	Presentation of 2 petitions (tabled) in support of dog walkers and to raise awareness of the following issues: <ul style="list-style-type: none"> • Dogs on beaches; • Removal of ban on dogs through Wellings Reserve; and • Increased attention by Rangers towards dog walkers.
Tom Shanahan	Collection and storage of identification details held by the New Brighton Hotel, Manly.

MAYORAL MINUTES

Mayoral Minute Report No. 4

Support for Car Share Concept

Council has been approached by a local resident seeking support for the establishment of a "Car share" or "Car Club" business in the Local Government Area with a view to reducing car dependency. Many cities throughout the world have embraced this eco-initiative with positive results for all involved. There are a number of operators providing such a service and I have met with representatives from one company called "Go Get" which has already commenced operations in other Council areas such as North Sydney and Waverley. Council support of this operation would take the form of identifying suitable parking areas for vehicles and assisting in the promotion of the concept.

PUBLIC ADDRESSES

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

Supporter: Mr Bruce Jeffreys, founder and director of the 'Go Get' car service

MOTION (Macdonald / Lambert)

That Council in principle:

1. Encourage interested reputable providers of “car share” or “car club” services to establish their scheme in the Manly Local Government Area; and
2. Provide logistical support to any reputable operator who may wish to provide such a service.

17/06 RESOLVED: (Macdonald / Lambert)

That Council in principle:

1. Encourage interested reputable providers of “car share” or “car club” services to establish their scheme in the Manly Local Government Area; and
2. Provide logistical support to any reputable operator who may wish to provide such a service.

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

Against the Resolution: Nil.

Mayoral Minute Report No. 5 (Late Report)

MEC 15 Birthday**BACKGROUND**

I would like to congratulate all those concerned with the Manly Environment Centre (MEC) as we celebrate its 15th anniversary this week.

It is timely, I believe, to look back to those days when the Centre was conceived. A recently published article in the Manly Daily is inaccurate and arguably re-writes history.

While being green and supporting the environment is now fashionable – it wasn't always so. As is often the case, the birth of both the Environment Committee of Manly Council and the Environment Centre followed a difficult political conception.

Their origin was the Quarantine Station on North Head on Saturday, 21 October 1989. That was when the Residents and Friends (R & F) of Manly organised a weekend conference called “Manly – An Environment Challenge”. The organisers included Anne Jones and Nina Burrige who later became an alderman. From that conference, many ideas flowed on to Manly Council for the benefit of all Manly residents. Specifically, a resolution was passed, initially proposed by myself, that a Manly Environment Committee be established.

At the time, I was one of the four original R & F Aldermen who had been elected to Council on a reform ticket to stop beachfront high-rise, improve both the natural and built environment, to oppose ocean outfalls, to initiate the formation of precinct committees, to improve parks and community facilities and to strengthen residents' rights. We also initiated the most progressive recycling system in Australia.

When the R & F Aldermen, comprising myself, David Jacobson, Anne Maria Nicholson and

Michael Heraghty, supported the formation of an Environment Committee to focus on the many environmental challenges facing our community, we struck strenuous opposition. It took many months and four heated debates before the Committee was given the green light.

I had the privilege of chairing the original Manly Environment Committee that consisted of elected representatives and very committed community members.

One of the committee's earliest initiatives was to form an Environment Centre, a first for Sydney. It was very gratifying when that Centre was opened by Peter Garrett in 1991. As well as the community support, there was also corporate support and the earliest sponsors were Blackmores and the Manly Waters Environmental Health Institute. The first directors worked voluntarily – Anne Jones and Judy Reizes. Subsequently, when the Centre received financial support from the Council, Judy Reizes became the first paid officer.

The climate was such that there was the opportunity to highlight some severe environmental issues that were affecting our area. Foremost were the incinerators at North Head that were burning 30 tonnes of sludge a day. I campaigned against these incinerators when I ran for Parliament in 1991 and my first action when elected was to successfully demand their closure.

We should never forget what Manly was like in those days of the late 1980s and early 90s. The water was putrid. There was raw sewage in the sea. People were frequently sick because it was too dangerous to swim. When it rained, it was worse. The sewage was just tipped into the ocean and a thick brown oily slick stained the coastline. The air often stank. The Norfolk pines were dying. And the people who were the pioneers of the Environment Committee and Environment Centre were ridiculed and called anti-Australian for drawing attention to the problems.

The People Opposed to Ocean Outfall (POOO) marches originated in Bondi in the late eighties but soon spread to Manly supported by people such as Ben Brown and the surfing community. In January 1992, on Australia Day, Sewerfest was held at South Steyne (The Celibate Rifles played then and will play again on Thursday 23rd at the anniversary celebrations) – it was both a protest and an appeal to the Water Board to improve its technologies and ways of dealing with sewage. The election of an Independent State member in 1991 along with the comprehensive Parliamentary Inquiry into the Water Board in 1990 eventually saw the construction of deep water outfalls and the cleaner beaches that followed.

Many Aldermen on the Council of the day turned their backs on these protests and pretended it wasn't happening. Yet, it was events such as this that rallied community support against the polluters.

The Manly Environment Centre is a testimony to people power and grass roots activism. I would like to congratulate everybody who has been associated with it in the past and the present. I encourage you to attend the celebrations this coming Thursday at West Esplanade near the MAGM.

MOTION (Macdonald)

That Council:

1. Formally congratulate the Manly Environment Centre (MEC) on 15 years of committed community service; and
2. Continue it's plans to relocate the MEC within the library building consistent with the previous majority resolution of this Council.

18/06 **RESOLVED:** (Macdonald)

That Council:

1. Formally congratulate the Manly Environment Centre (MEC) on 15 years of committed community service; and
2. Continue it's plans to relocate the MEC within the library building consistent with the previous majority resolution of this Council.

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

Against the Resolution: Councillor Pedersen

NOTICES OF MOTION

Notice of Motion Report No. 3

Busking License

Councillor Mark Norek moved:

That Mr Joe Hamilton, otherwise known as Honky Tonk the Clown, be granted, by Council, the opportunity to successfully apply for a buskers' license with the Manly Visitor Information Centre, for the 4 quarters of the 2006 year.

1. That subject to license and statutory requirements for persons working with children, Mr Hamilton be permitted to perform as a children's entertainer, by way of the clown and puppet performances he has presented for a period of 27 years on Manly Corso, up until February 2005.
2. That such license be granted on the following conditions:
 - a) That Mr Hamilton observe the "Conditions of Use of Manly Corso - Busking License Conditions", as provided by Manly Visitor Information Centre, subject to (b) below.
 - b) That, as in the past, where it has been deemed by the relevant Council officers that sound amplification is a necessary or integral part of a particular busker's performance, an exception to the general condition No. 11 continue to be granted for Mr Hamilton and that, as in the past, any amplification be limited to a small, portable, battery operated radio/cassette/disc player.
 - c) That any puppet used not be in excess of 1.2 metres high, to avoid causing possible distress to children.

That such renewals of license recognises the contribution made by Mr Hamilton, over his 27 years performing to children in the Corso, whereby he added some humour and considerable colour to Manly.

MOTION (Norek / Heasman)

That Mr Joe Hamilton, otherwise known as Honky Tonk the Clown, be granted, by Council, the opportunity to successfully apply for a buskers' license with the Manly Visitor Information Centre, for the 4 quarters of the 2006 year.

1. That subject to license and statutory requirements for persons working with children, Mr Hamilton be permitted to perform as a children's entertainer, by way of the clown and puppet performances he has presented for a period of 27 years on Manly Corso, up until February 2005.
2. That such license be granted on the following conditions:
 - a) That Mr Hamilton observe the "Conditions of Use of Manly Corso - Busking License Conditions", as provided by Manly Visitor Information Centre, subject to (b) below.
 - b) That, as in the past, where it has been deemed by the relevant Council officers that sound amplification is a necessary or integral part of a particular busker's performance, an exception to the general condition No. 11 continue to be granted for Mr Hamilton and that, as in the past, any amplification be limited to a small, portable, battery operated radio/cassette/disc player.
 - c) That any puppet used not be in excess of 1.2 metres high, to avoid causing possible distress to children.
3. That if the General Manager decides to refuse the application, a confidential briefing be given to Councillors by the General Manager.

That such renewals of license recognises the contribution made by Mr Hamilton, over his 27 years performing to children in the Corso, whereby he added some humour and considerable colour to Manly.

AMENDMENT (Lambert / Evans)

1. That the matter of Mr Hamilton's busking license application, being an operational and administrative license, be addressed by staff; and
2. That Mr Hamilton be encouraged to address with relevant senior staff any perceived unfair treatment in relation to the matter.
3. That if the General Manager decides to refuse the application, a confidential briefing be given to Councillors by the General Manager.

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

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

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

19/06 RESOLVED: (Norek / Heasman)

That Mr Joe Hamilton, otherwise known as Honky Tonk the Clown, be granted, by Council, the opportunity to successfully apply for a buskers' license with the Manly Visitor Information Centre, for the 4 quarters of the 2006 year.

1. That subject to license and statutory requirements for persons working with children, Mr Hamilton be permitted to perform as a children's entertainer, by way of the clown and puppet performances he has presented for a period of 27 years on Manly Corso, up until February 2005.
2. That such license be granted on the following conditions:
 - a) That Mr Hamilton observe the "Conditions of Use of Manly Corso - Busking License Conditions", as provided by Manly Visitor Information Centre, subject to (b) below.

- b) That, as in the past, where it has been deemed by the relevant Council officers that sound amplification is a necessary or integral part of a particular busker's performance, an exception to the general condition No. 11 continue to be granted for Mr Hamilton and that, as in the past, any amplification be limited to a small, portable, battery operated radio/cassette/disc player.
 - c) That any puppet used not be in excess of 1.2 metres high, to avoid causing possible distress to children.
3. That if the General Manager decides to refuse the application, a confidential briefing be given to Councillors by the General Manager.

That such renewals of license recognises the contribution made by Mr Hamilton, over his 27 years performing to children in the Corso, whereby he added some humour and considerable colour to Manly.

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

Note: Councillor Norek tabled 7 items in relation to Notice of Motion Report No. 3 Busking License.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

Item for Brief Mention

1. Minutes Of Meetings:

- i. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 16 FEBRUARY 2006
- ii. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 16 FEBRUARY 2006
- iii. MANLY ART GALLERY AND MUSEUM LIAISON COMMITTEE MEETING HELD ON 15 FEBRUARY 2006.
- iv. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 20 FEBRUARY 2006
- v. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 8 FEBRUARY 2006
- vi. MANLY COMMUNITY ENVIRONMENT COMMITTEE MINUTES OF MEETING HELD ON 15 DECEMBER 2005
- vii. WARRINGAH, MANLY, MOSMAN & PITTWATER COUNCIL JOINT SERVICES COMMITTEE MINUTES OF MEETING HELD ON 16 FEBRUARY 2006

2. Items Tabled:

- Department of Local Government - Promoting Better Practice Review; and
- The Environmental Planning and Assessment Amendment Bill 2006

MOTION (Lambert / Evans)

1. That the recommendations of **Minutes of Meetings, as listed in item 1, being 1i) to 1vii)**, as listed above, be **adopted**; and
2. That the items tabled be noted.

20/06 RESOLVED: (Lambert / Evans)

1. That the recommendations of **Minutes of Meetings, as listed in item 1, being 1i) to 1vii)**, as listed above, be **adopted**; and
2. That the items tabled be noted.

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

Against the Resolution: Nil.

Councillor Pedersen and Councillor Heasman were not in the Chamber when the Motion was put.

Councillor Murphy declared an interest in item 7 and left the Chamber at 9:27pm.

GENERAL MANAGERS DIVISION

General Managers Division Report No. 7

Ivanhoe Park Precinct - Permit Parking Scheme**SUMMARY**

In 2005 Council was requested by the Ivanhoe Park Precinct Committee to investigate the possible introduction of a permit parking scheme in certain streets in the area in order to solve the difficulties being experienced by residents in trying to find on-street parking.

Council conducted a community consultation survey of all properties in a limited area with the survey results showing that the majority of residents believe that a permit parking scheme would have a positive impact on parking in their streets. This report recommends the introduction of a new permit parking scheme in the Ivanhoe Park area.

MOTION (Heasman / Pedersen)

That:

1. A new Permit Parking scheme, to be known as the Ivanhoe Permit Parking Scheme be implemented and notice be given to each property in the proposed Scheme area of the new Scheme.
2. The Ivanhoe Park Permit Parking Scheme be implemented in an area within the Ivanhoe Park Precinct in the following streets:
 - both sides of Augusta Road between Birkley Road and Augusta Lane;
 - both sides of Raglan Street between Birkley Road and Park Avenue;
 - both sides of Birkley Road between Sydney Road and Quinton Lane;
 - both sides of Park Avenue between Parkview Lane and Raglan Street;
 - both sides of Parkview Lane between Birkley Road and Park Avenue;

- both sides of Quinton Road between Raglan Street and Sheridan Place;
 - both sides of Lawson Place between Raglan Street and Quinton Lane,
 - both sides of Ocean Lane between Raglan Street and Augusta Road;
 - both sides of Ocean Road between Raglan Street and Augusta Road;
 - both sides of Augusta Lane between Raglan Street and Sheridan Place;
 - both sides of Parkview Lane and Birkley Lane and for their entire lengths
 - adjacent to 1 to 39 Kangaroo Street.
3. Each property located in the area of the scheme be entitled to a maximum of three (3) permits, with the cost being: free for the first permit, twenty dollars (\$20) for the second permit, and forty dollars (\$40) for the third Permit and with permit holders being four dollars (\$4) each.
 4. That the General Manager may on a "merits of the case" basis, authorise the issuing of additional permits in excess of the maximum entitlement. The cost of permits in excess of the maximum permitted in the Scheme shall of one hundred (\$100) each, plus the cost of permit holders.
 5. Unless currently restricted, all currently unrestricted curbside parking spaces be sign posted for "2P, 8AM to 6PM daily". Signage be installed at the entry of the streets advising drivers that they are entering the Ivanhoe Permit Parking Area. Reminder signs will placed in the area of the Scheme at such intervals as deemed necessary for the effective enforcement of the restrictions.
 6. The implementation of this scheme supersedes all previous and existing and any Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
 7. In terms of the Precinct Resolution to expand the area covered by the Scheme, that residents in those additional streets be surveyed, name, *northern end of Birkley Road, Quinton Road and Kangaroo Street.*
 8. The Precinct be thanked for their input and assistance.
 9. That the sign posting be minimal with current sign posts being utilized wherever possible and old signage removed.

21/06 **RESOLVED:** (Heasman / Pedersen)

That:

1. A new Permit Parking scheme, to be known as the Ivanhoe Permit Parking Scheme be implemented and notice be given to each property in the proposed Scheme area of the new Scheme.
2. The Ivanhoe Park Permit Parking Scheme be implemented in an area within the Ivanhoe Park Precinct in the following streets:
 - both sides of Augusta Road between Birkley Road and Augusta Lane;
 - both sides of Raglan Street between Birkley Road and Park Avenue;
 - both sides of Birkley Road between Sydney Road and Quinton Lane;
 - both sides of Park Avenue between Parkview Lane and Raglan Street;
 - both sides of Parkview Lane between Birkley Road and Park Avenue;
 - both sides of Quinton Road between Raglan Street and Sheridan Place;
 - both sides of Lawson Place between Raglan Street and Quinton Lane,
 - both sides of Ocean Lane between Raglan Street and Augusta Road;

- both sides of Ocean Road between Raglan Street and Augusta Road;
 - both sides of Augusta Lane between Raglan Street and Sheridan Place;
 - both sides of Parkview Lane and Birkley Lane and for their entire lengths
 - adjacent to 1 to 39 Kangaroo Street.
3. Each property located in the area of the scheme be entitled to a maximum of three (3) permits, with the cost being: free for the first permit, twenty dollars (\$20) for the second permit, and forty dollars (\$40) for the third Permit and with permit holders being four dollars (\$4) each.
 4. That the General Manager may on a "merits of the case" basis, authorise the issuing of additional permits in excess of the maximum entitlement. The cost of permits in excess of the maximum permitted in the Scheme shall of one hundred (\$100) each, plus the cost of permit holders.
 5. Unless currently restricted, all currently unrestricted curbside parking spaces be sign posted for "2P, 8AM to 6PM daily". Signage be installed at the entry of the streets advising drivers that they are entering the Ivanhoe Permit Parking Area. Reminder signs will placed in the area of the Scheme at such intervals as deemed necessary for the effective enforcement of the restrictions.
 6. The implementation of this scheme supersedes all previous and existing and any Residents Parking Schemes operating in the area covered by the new Ivanhoe Park Permit Parking Scheme.
 7. In terms of the Precinct Resolution to expand the area covered by the Scheme, that residents in those additional streets be surveyed, name, *northern end of Birkley Road, Quinton Road and Kangaroo Street*.
 8. The Precinct be thanked for their input and assistance.
 9. That the sign posting be minimal with current sign posts being utilized wherever possible and old signage removed.

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

Against the Resolution: Nil.

Councillor Norek and Councillor Murphy were not in the Chamber when the Motion was put.

Councillor Murphy re-entered the Chamber at 9:37pm.

CORPORATE AND SUPPORT SERVICES DIVISION

Corporate And Support Services Division Report No. 5

Accounts - Report on Council Investments as at 28 February, 2006

SUMMARY

Latest accounting statements for the period to 28 February, 2006.

1. Statement showing general fund bank account balance as at 28 February, 2006.
2. Cash investments as at 28 February, 2006.

MOTION (Pedersen / Lambert)

1. That the statement of General Fund Bank Account balance as at 28 February, 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 28 February, 2006 be received and noted.

22/06 RESOLVED: (Pedersen / Lambert)

1. That the statement of General Fund Bank Account balance as at 28 February, 2006 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 28 February, 2006 be received and noted.

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

Against the Resolution: Nil.

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

SUSPENSION OF STANDING ORDERS (Macdonald / Aird)

That Standing Orders be suspended to allow consideration of Questions Without Notice prior to Council moving into Closed Session.

23/06 RESOLVED: (Macdonald / Aird)

That Standing Orders be suspended to allow consideration of Questions Without Notice prior to Council moving into Closed Session.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**Councillor Hay:**

1. Who authorized the leaflet "Keeping an Eye on Your Local"?

At the request of the Mayor, the General Manager advised that the leaflet was part of Council's approach in fulfilling a previous resolution by Council.

2. Can Council investigate and repair the hole in the roof of North Steyne Surf Club?

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

Councillor Murphy:

1. What is the process for making a complaint to Council? Specifically,
 - Do name and address details need to be supplied?
 - Are these complaints recorded? If so, is this by tape recorder or written document?
 - Are these complaints filed?
 - Are these complaints accessible under Freedom of Information?

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

2. What is the Council's policy on Freedom of Information (FOI)? Specifically,
 - who can access files / who is denied access?
 - What is removed from a file before an applicant can access it?
 - Is anything done if someone is found to be submitting false complaints?
 - What documents can be accessed by the subject of the complaint?
 - Who can have access to the whole file?

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

Councillor Daley:

1. With regard to the "Keeping an Eye on Your Local" incident log, who is the information reported to?

At the request of the Mayor, the General Manager advised that residents submit complaints to Council who escalates the complaint to the appropriate authority where appropriate. The incident log firstly encourages residents to take up matters of concern directly with the establishment.

2. Can Council please provide some more information on where these complaints would initially be lodged?

The Mayor advised that the program is managed in a similar way to Crimestoppers, encouraging people to get involved and raise awareness of incidents.

Councillor Morrison:

1. Footpaths recently constructed by DIPNR in Boronia Lane are not 1.8 metres wide, as prescribed by Manly's DCP, and have light poles in the middle. Has DIPNR received a special exemption for constructing footpaths that do not meet Council's requirements?

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

2. Could staff provide a report relating to a 2002 resolution whereby all confidential reports are to be provided to Councillors in a timely manner, in writing.

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

Councillor Aird:

1. a) Public walkway – Corso to Queenscliff

When the footpath was recently upgraded, the signage which previously prohibited “cycling, skateboarding and rollerblading” now only illustrates cycling is prohibited. Would Council please address this issue?

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

- b) Would Council please urgently address the safety issue (need for re-stencilling ‘no cycling’ signage on the footpath on blind corners at the southern and northern sides of Balgowlah Road and Pacific Parade. (Note: this request is made on behalf of a local resident)

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

2. a) Could Council please provide the legal costs associated in defending the matter in the Land and Environment Court in which Councillor Norek appeared for the applicant against Council's decision.

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

- b) Could Council please provide the legal and staff costs associated in dealing with Councillor Norek's likely breach of Council's Code of Conduct?

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

Councillor Lambert:

1. Can the General Manager confirm that when new footpaths are constructed in the Manly LGA, the opportunity will be taken to make them wider shared paths where possible?

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

CLOSED SESSION

Mayoral Minute Report No. 3

Staff Matter

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) (i) of the Local Government Act, 1993, on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual.

It further being considered that discussion of the Staff matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing and report contains personal information concerning a member of staff.

General Managers Division Report No. 6
Conduct Committee Report

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains legal advice.

It further being considered that discussion of the matter in open meeting would be, on balance, contrary to public interest by reason of the foregoing.

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

It is noted that no representations were received from the public gallery.

24/06 RESOLVED: (Hay / Murphy)

That the meeting move into Closed Session to consider Mayoral Minute Report No. 3, Staff Matter and General Manager's Report No. 6 Conduct Committee Report.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

Upon resuming into Open Council, the Mayor read the resolution of Council made in Closed Session in relation to Mayoral Minute Report No. 3, Senior Staff Matter.

Mayoral Minute Report No. 3

Staff Matter

(Note: Staff including the General Manager were not present in the Chamber during consideration of this report.)

25/06 RESOLVED: (Macdonald / Hay)

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Nil.

The General Manager read the resolution of Council made in Closed Session in relation to General Managers Division Report No. 6, Conduct Committee Report would also remain in closed session.

General Managers Division Report No. 6
Conduct Committee Report

26/06 RESOLVED: (Evans / Heasman)

That Council proceed as discussed in Closed Session of Council.

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

Against the Resolution: Councillor Murphy.

Councillor Norek was not in the Chamber when this matter was discussed or put.

MATTERS OF URGENCY

CLOSE

The meeting closed at [11:32pm](#)

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on [18 April 2006](#).

MAYOR

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