

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 18 April 2005

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*



The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 18 April 2005. The meeting commenced at 7:47 pm.

PRESENT

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

ALSO PRESENT

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

OPENING PRAYER (File A8/2)

The Opening Prayer was presented by Pastor Richard Harvey.

APOLOGIES (File A8/2)

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST (File A8/2)

Name:	Item Number:	Nature of Interest:
Clr Hay	Notice of Rescission No 3 Manly Scenic Walkway - Removal of Car Parking and Car Access in the Reserve off Bolingbroke Pde	Conflict of Interest owns a property that has direct access to the Manly Scenic Walkway at Lauderdale Ave

CONFIRMATION OF MINUTES (File C17/23)

253/05 RESOLVED: (Pedersen/Lambert)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 March 2005, having been furnished to each member of the Council, such Minutes be taken as read and confirmed as a true record of proceedings of such meeting.

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

Against the Resolution: Nil.

PUBLIC FORUM (File C17/43)

NAME	SUBJECT/PUBLIC SPEAKERS
Ms Larissa Ludlow-Hyland	1) Manly Council Exceeded their Authority by incorrectly interpreting legal rights, applied EPA incorrectly under s.80 determination and application of s.79, failed to make a determination about the removal of wall. 2) Failed to act on the lack of DA approval for the existing development of the driveway crossing on 114 Bower St in 1999.

PUBLIC ADDRESSES (File C17/43)

NAME	SUBJECT/PUBLIC SPEAKERS
Tony Sattler, 1/56 The Corso, Manly	Notice of Rescission No. 3, Manly Scenic Walkway - Removal of Car Parking and Car Access in the Reserve off Bolingbroke Pde
Nick Vescio, Manly Chamber of Commerce	Notice of Motion no. 10 Food and Wine Festival - current arrangement
Barry Partridge, 32 Palm Avenue, North Manly	Notice of Motion No. 11 Proposed netball Court at Passmore and Nolan Reserve

NOTICES OF RESCISSION

Having previously declared an interest in this matter Cllr Hay departed the Chamber at 7.54pm

Notice of Rescission Report No. 3

Manly Scenic Walkway - Removal of Car Parking and Car Access in the Reserve off Bolingbroke Pde

MOTION (Norek/Cant)

That the Council's decision of 14 March 2005 being Item Corporate Planning and Strategy Division Report No. 12 in respect of Manly Scenic Walkway - Removal of Car Parking and Car Access to the Reserve Off Bolingbroke Parade be and is hereby rescinded.

254/05 RESOLVED: (Norek/Cant)

That the Council's decision of 14 March 2005 being Item Corporate Planning and Strategy Division Report No. 12 in respect of Manly Scenic Walkway - Removal of Car Parking and Car Access to the Reserve Off Bolingbroke Parade be and is hereby rescinded.

For the Rescission Motion: Councillors Cant, Murphy, Daley, Morrison, Pedersen, Norek and Macdonald.

Against the Rescission Motion: Councillors Heasman, Lambert, Aird and Evans.

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

Manly Scenic Walkway - Removal of Car Parking and Car Access in the Reserve off Bolingbroke Pde**MOTION: (Norek/Macdonald)**

That Council re-affirm its Resolution dated 22 August 1989 stating:-

- i) That Council seek the concurrence of the Dept of Land that they will take no further action to prevent unauthorized vehicle access at this time;
- ii) That Council will require any future development of the affected properties to provide vehicular access from Lauderdale Avenue.
- iii) That staff report back on the future upgrade of the walkway at this point in keeping with the rest of the Foreshore Scenic Walkway and consider in their report the possibility of a residential contribution for the provision of formalized residential parking in this area as per number ii) above, and that an alternate route for the walkway at this point be investigated.

Council may not lawfully resolve to bind the General Manager in the discharge of any lawful discretions or the exercise of his independent statutory powers.

AMENDMENT: (Aird/Lambert)

1. That Council note the intention to preclude illegal vehicle parking in the reserve off the end of Bolingbroke Parade upon urgent implementation of the Resident Parking Scheme in the area.
2. That the walkway be upgraded in keeping with the rest of the Foreshore Scenic Walkway commencing after Easter 2005.
3. That provision be made for temporary access outside of weekend daylight hours for the servicing of these properties, for delivery and loading only.
4. That Council endorse the actions outlined for the management of vehicle parking in this area.

For the Amendment: Councillors Heasman, Lambert, Murphy, Aird and Evans.

Against the Amendment: Councillors Cant, Daley, Morrison, Pedersen, Norek and Macdonald.

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

FORESHADOWED AMENDMENT: (Cant/Murphy)

That a five year sunset clause be applied in parking arrangements on the public walkway in the area of Bolingbroke Pde.

For the Foreshadowed Amendment: Councillors Cant and Murphy.

Against the Foreshadowed Amendment: Councillors Heasman, Lambert, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

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

FURTHER FORESHADOWED AMENDMENT: (Pedersen/Morrison)

That the matter be deferred for a report on the viability of an alternate path and its funding.

For the Further Foreshadowed Amendment: Councillors Cant, Murphy, Morrison, Pedersen and Evans.

Against the Further Foreshadowed Amendment: Councillors Heasman, Lambert, Daley, Aird, Norek and Macdonald.

The **Further Foreshadowed Amendment** was declared **Lost**

MOTION: (Norek/Macdonald)

That Council re-affirm its Resolution dated 22 August 1989 stating:-

- i) That Council seek the concurrence of the Dept of Land that they will take no further action to prevent unauthorized vehicle access at this time;
- ii) That Council will require any future development of the affected properties to provide vehicular access from Lauderdale Avenue.
- iii) That staff report back on the future upgrade of the walkway at this point in keeping with the rest of the Foreshore Scenic Walkway and consider in their report the possibility of residential contribution to provision of formalized residential parking in this area such to number ii) above, and that an alternate route for the walkway at this point be investigated.

Council may not lawfully resolve to bind the General Manager in the discharge of any lawful discretions or the exercise of his independent statutory powers.

For the Motion: Councillors Cant, Daley, Norek and Macdonald.

Against the Motion: Councillors Heasman, Lambert, Murphy, Morrison, Pedersen, Aird and Evans.

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

RECOMMITTAL MOTION (Cant/Daley)

That Notice of Rescission Report No. 3 Manly Scenic Walkway - Removal of Car Parking and Car Access in the Reserve off Bolingbroke Pde be **Recommitted** to enable further consideration of the Further Foreshadowed Amendment moved by Clr Pedersen and Clr Morrison.

255/05 RESOLVED (Cant/Daley)

That Notice of Rescission Report No. 3 Manly Scenic Walkway - Removal of Car Parking and Car

Access in the Reserve off Bolingbroke Pde be **Recommended** to enable further consideration of the Further Foreshadowed Amendment moved by Clr Pedersen and Clr Morrison.

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

Against the Resolution: Nil.

MOTION: (Pedersen/Morrison)

That the matter be deferred for a report on the viability of an alternate path and its funding.

256/05 RESOLVED (Pedersen/Morrison)

That the matter be deferred for a report on the viability of an alternate path and its funding.

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

Against the Resolution: Councillors Heasman, Lambert, Evans and Macdonald.

The **Motion** was declared **Carried**.

Councillor Hay re-entered the Chamber at 9.38pm

NOTICES OF MOTION

Notice of Motion Report No. 10

Food and Wine Festival - Current Arrangement

MOTION (Heasman/Pedersen)

That the General Manager urgently bring a report back to Council outlining the concerns surrounding the current format of the Food & Wine Festival.

The report should also include various options that resolve (amongst other areas of concern) the waste management concerns of the Festival.

AMENDMENT (Daley/Hay)

- 1) That the Food and Wine Festival continue in it's current format and a full review be conducted as soon as practicable involving all stakeholders.
- 2) That a full report be brought back to Council by the end of the year.
- 3) That Council investigate the purchasing of souvenir plates and re-selling them or byo plate.

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

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

With the voting being equal the Chairperson exercised his casting vote **against** the Amendment and declared it **Lost**.

257/05 RESOLVED: (Heasman/Pedersen)

That the General Manager urgently bring a report back to Council outlining the concerns surrounding the current format of the Food & Wine Festival.

The report should also include various options that resolve (amongst other areas of concern) the waste management concerns of the Festival.

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

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

Notice of Motion Report No. 11

Proposed Netball Court at Passmore and Nolan Reserves

MOTION (Aird/Murphy)

That Manly Council:

1. formally inform the Administrator of Warringah Council that Manly Council is strongly opposed to locating 40 hard surfaced netball courts and associated parking for over 400 vehicles at Nolan and Passmore Reserves reaffirming the resolution of Planning and Strategy Meeting of 14 March 2005; and
2. write to the Environment Minister, Planning Minister and Local Government Minister informing each of Council's opposition and reasons for the opposition.

Note: The proposal is totally at variance with the works that have been undertaken jointly by Manly Council, Warringah Council and the State Government to remediate Manly Lagoon.

258/05 RESOLVED: (Aird/Murphy)

That Manly Council:

1. formally inform the Administrator of Warringah Council that Manly Council is strongly opposed to locating 40 hard surfaced netball courts and associated parking for over 400 vehicles at Nolan and Passmore Reserves reaffirming the resolution of Planning and Strategy Meeting of 14 March 2005; and
2. write to the Environment Minister, Planning Minister and Local Government Minister informing each of Council's opposition and reasons for the opposition.

Note: The proposal is totally at variance with the works that have been undertaken jointly by Manly Council, Warringah Council and the State Government to remediate Manly Lagoon.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 3

Item for Brief Mention**1. Minutes Of Meetings:**

1. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 17 MARCH 2005
2. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 17 MARCH 2005
3. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 14 MARCH 2005 RECEIVED 18 MARCH 2005
4. MANLY ART GALLERY & MUSEUM LIAISON COMMITTEE MINUTES OF MEETING HELD ON 9 FEBRUARY 2005
5. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 2 MARCH 2005
6. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 9 MARCH 2005
7. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 10 MARCH 2005
8. MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 31 MARCH 2005.
9. MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 9 MARCH 2005
10. 150 YEAR CELEBRATIONS OF MANLY WHARF AND THE CORSO REFERENCE GROUP HELD 2 MARCH 2005

THE FOLLOWING MINUTES CONTAIN RECOMMENDATIONS OF A SUBSTANTIAL NATURE REQUIRING FORMAL COUNCIL ADOPTION AS FOLLOWS:**2. a) COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 17 MARCH 2005****Item 11.1 General Business State Transit – Bus Driver Concerns**

The Mayor invited David Callahan to speak about issues being experienced by the drivers of the late night buses through Manly.

Mr Callahan explained that the worst problems occurred on the 151 bus between 3am and 3.30am with drunken passengers sitting in the gutter and causing fights etc. on the bus. This bus is a bendy bus, comes from Wynyard via Manly to Dee Why. Takes twenty minutes to board the bus which is when problems occur with the driver coping with money transactions with alcohol affected people. Then causes the whole run to be late.

Mr Callahan acknowledged the Pumpkin Bus was not a problem. It was agreed that this could be because as it is a more local run, has more community ownership attached to it and the fact it has security (paid for by council) attached to it for the peak weeks over summer for the past three years.

STA has roving security and spread across the northern beaches, not dedicated or tasked. Problems are also in other areas but peak in Manly at this time.

Current concerns that if the situation cannot be improved the drivers will take stop work action based on occupational health and safety grounds. Mr Callahan would like to cut the loading times, improve lighting, install barriers and would like to reduce security costs. Wants to explore who can pay for this.

Committee agreed that we need to find ways to avoid losing late night transport as this is a key to reducing problems.

Leanne Martin & Heidi Oates are scheduled to attend a meeting with STA and neighbouring councils to discuss this issue and will report back to the committee with the results next month.

Committee Recommendation

That the information be received and noted.

b) MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 10 MARCH 2005

Item 6 EVENTS AND TOURISM REPORT

Food and Wine Festival

The format of this event is being reviewed with a view to delivering a more environmentally sustainable event. Council no longer allows take away food stalls. All food must be purchased within existing restaurant premises.

A meeting was held with restaurateurs two weeks ago to explain the reason for the new format and seek their ideas to show it could be run. Unfortunately their reaction to the change of format was not favourable. 20 restaurants were invited with 10 responding.

Discussion took place in relation to the idea of offering special menus and deals to patrons in-house and perhaps extending the outdoor dining sections.

Restaurants will soon be sent a letter providing full details and seeking their participation.

A fee of \$1000 would be charged to restaurants inside the road closure area along the beachfront and \$500 for those outside the area. A further fee of \$10 per chair per day would be charged for any additional chairs.

Committee Recommendation

That this report be received and noted.

ITEM 12 Further Business

150 Year Celebrations

The celebration of events will take place on 10th September 2005 between 1pm and 7pm. Barbara Todes, Manager Cultural and Information Services, informed the committee of some of the activities which are planned:

- Street Party for kids at Manly Library
- The James Craig will be berthed and open for tours and Kookaburra II rides
- Flotilla of ships by Sydney Amateur Sailing Club and Sydney Flying Squadron
- A program of entertainment in the Corso amphitheatre
- Future of The Corso marquee
- Horse and carriage rides
- Yea olde market stalls in front of the Town Hall
- Fireworks at Manly Cove

The committee is working closely with Sydney Ferries to encourage them to participate in the activities with entertainment on the ferries. The Chamber of Commerce will be asked to encourage businesses to decorate their shopfronts and ask their staff to dress up. Humphreys Newsagency staff were dressing up and having a display in their shop window.

Committee Recommendation

That this report be received and noted.

c) MANLY ARTS FESTIVAL COMMITTEE MINUTES OF MEETING HELD ON 31 MARCH 2005.

Item 8 Funding

The Committee was reminded that Council funding for the Arts Festival was only \$13,000 per year which had to cover costs for the printing of the program and invitation to the launch and distribution of the program. The Mayor suggested that there was a case for additional funding and as bids were still coming in for next year's budget there was still time to make a case for extra funding. Vicki McElveney agreed to officially write to the Mayor on behalf of the Committee putting forward the case for extra funding this year and in the future.

Committee Recommendation:

That this report be noted and received.

MOTION (Lambert/Macdonald)

1. That the recommendations of **Minutes of Meetings, as listed in item 1**, being **1 - 10**, as listed above, be **adopted**.
2. That the following items be received and noted:-
 - a. Item 11.1 General Business State Transit - Bus Driver concerns of the Community Safety Committee Meeting held on 17 March 2005.
 - b. Item 6 Events and Tourism Report and Item 12 Further Business 150 Years Celebrations of the Manly Visitor and Community Board Committee Meeting held on 10 March 2005.
 - c. That Item 8 Funding of the Manly Arts Festival Committee Meeting held on 31 March 2005:

259/05 RESOLVED: (Lambert/Macdonald)

1. That the recommendations of **Minutes of Meetings, as listed in item 1**, being **1 - 10**, as listed above, be **adopted**.
2. That the following items be received and noted:-
 - a. Item 11.1 General Business State Transit - Bus Driver concerns of the Community Safety Committee Meeting held on 17 March 2005.
 - b. Item 6 Events and Tourism Report and Item 12 Further Business 150 Years Celebrations of the Manly Visitor and Community Board Committee Meeting held on 10 March 2005.

- c. That Item 8 Funding of the Manly Arts Festival Committee Meeting held on 31 March 2005:

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

Against the Resolution: Councillors Morrison and Norek.

GENERAL MANAGER'S OFFICE REPORTS

General Manager's Office Report No. 10

Manly Council Customer Service Charter

MOTION (Norek/Morrison)

That the draft Manly Council Customer Service Charter be adopted and posted at Council's service delivery points and on Council's website for public viewing.

260/05 RESOLVED: (Norek/Macdonald)

That the draft Manly Council Customer Service Charter be adopted and posted at Council's service delivery points and on Council's website for public viewing.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION REPORTS

Corporate Services Division Report No. 6

Provision of Banking and Collection Services

SUMMARY

1. Council's contract with its banker - Commonwealth Bank of Australia expires on 30th June 2005. In conjunction with the SHOROCS Councils - Mosman, Pittwater and Warringah Council, a joint tender was carried out for provision of banking and collection services for the next three (3) years with an option for a two (2) year extension available to individual SHOROC councils subject to agreement of the service provider(s)
2. The tenders were evaluated by a tender evaluation panel comprising the Finance Managers and/or their delegates of the four Councils.
3. It is recommended that Commonwealth Bank of Australia be appointed as Manly Council's banker and Cosmos Limited & Australia Post as Council's collection agencies for the period from 1st July 2005 to 30th June 2008.

MOTION (Hay/Evans)

1. That the Commonwealth Bank of Australia (CBA) be appointed to provide the banking services to Council for the period 1st July 2005 to 30th June 2008 with an option for a two (2) year extension available to Council subject to agreement of the service provider(s)
2. That Cosmos Limited (Cosmos) and Australia Post (Aust Post) be appointed to provide

collection services to Council for the period 1st July 2005 to 30th June 2008 with an option for a two (2) year extension available to Council subject to agreement of the service provider(s).

261/05 RESOLVED: (Hay/Evans)

1. That the Commonwealth Bank of Australia (CBA) be appointed to provide the banking services to Council for the period 1st July 2005 to 30th June 2008 with an option for a two (2) year extension available to Council subject to agreement of the service provider(s)
2. That Cosmos Limited (Cosmos) and Australia Post (Aust Post) be appointed to provide collection services to Council for the period 1st July 2005 to 30th June 2008 with an option for a two (2) year extension available to Council subject to agreement of the service provider(s)

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

Against the Resolution: Nil.

Corporate Services Division Report No. 7

Report on Council Investment as at 31 March, 2005 (A2/12)

SUMMARY

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

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

MOTION (Hay/Lambert)

1. That the statement of General Fund Bank Account balance as at 31 March, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That the details of Council's cash investments as at 31 March, 2005 be received and noted.

262/05 RESOLVED: (Hay/Lambert)

1. That the statement of General Fund Bank Account balance as at 31 March, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That the details of Council's cash investments as at 31 March, 2005 be received and noted.

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE

Councillor Murphy

1. I notice that Pittwater Council posts letters of objection to Development Applications on its website for public perusal. This means that in effect there are less vexatious, slanderous and time-wasting complaints for the Council to deal with. We have spoken before updating our website with DA's in particular and publishing applicants and objectors letters is a real option we are looking at. Can staff advise if this has progressed any further.

At the request of the Mayor the General Manager advised that Manly takes a precautionary approach with regard to our duty under the Privacy Act whereas Pittwater Council takes a slightly different approach to it. My colleagues in the other two SHOROC partner Councils are not doing this because of the risk of breaching someone's privacy. If this was to be done at Manly Council I would need to change the way we solicit comments from objectors. At the moment the horizon for putting this type of material on the web is approximately 6-9 months because it does mean us changing administrative procedures.

2. We have to deal with a lot of shop top residential accommodation. Can you tell me a ball park figure how much Ranger time is taken to address noise complaints etc regarding shop top places?

At the request of the Mayor the General Manager advised that most of these complaints occur after hours and are generally directed through to the Police because they take over from Council in respect of noise complaints in after hours situations. I have not received any correspondence with regard to these type of incidences. The only incidences that I am aware of in recent times involve night work in the Corso, replacing pavers dug up by Energy Australia. Councillors are also provided with monthly statistics on the different categories of complaints and the next report will be provided in the next week or so.

Councillor Morrison

1. I have in my possession a documented complaint, is there a process available whereby tender document for services and products can be independently reviewed to ensure that Council decision makers are choosing the right option when considering these tenders?

At the request of the Mayor the General Manager advised that a set of criteria is normally established by the Review Panel even before the tenders are called. In the tender process itself all suppliers are given a copy of Council's requirements. More often than not we do include someone on our panels external to the organisation to assist us with the review, either as external to Manly Council or external to the department in question. Unless I have a specific enquiry, it is hard to respond to the issue.

Follow up question by Cllr Morrison

- 1a. Thank you for that I guess I am asking if the tender documents would be available in Council's records for any decision made by Council staff? Would that be correct?

At the request of the Mayor the General Manager advised that there is a paper trail. In terms of advertising and signing off, they are normally done within our internal control mechanisms and certainly any tender scenario would involve two or sometimes three people.

Follow up question by Cllr Morrison

- 1b. So is there a process available to us to have a series of tender documents reviewed by yourself or someone not in the department that accepted the tender?

At the request of the Mayor the General Manager advised that he was happy to respond to a request for a review but needed to be satisfied that that review is going to justify the time put into it or that a public interest is involved if it is about competitors having an issue with Council so he would like to know what their grievance is. There is an internal process and there is also external processes if someone is not happy with the outcome of a particular matter any grievances can be referred to the Department of Fair Trading or Ombudsmans Office and he will respond to their requests should he be asked. He was not aware of any concerns regarding Council's tendering process.

Councillor Aird

1. I would like some feedback from you regarding an item of concern I have. Saturday morning I walked across Manly oval from Raglan St to Sydney Rd and I estimate that there were at least 100 beer cans strewn all around the oval where the cricket sign board is. When I got to Sydney Rd just as you exit the picket fence gate there were three large glad bags full and overflowing with beer cans. On both turnstiles for Raglan and Sydney Rd there were beer bottles stacked. I did nothing because it was early Saturday. This morning when I came across at 8 o'clock it was exactly the same position the three glad bags with the beer cans, there was a caretaker starting to pick up the beer cans and the bottles on the turnstiles were now broken glass. So I would like to know how that situation lasted from Saturday morning when I saw it probably as a result of a user group on Friday night.

At the request of the Mayor the General Manager advised that thousands of things happen within the Municipality and I would hate to think that for every incident I have to put a report back to Council. I am happy to respond to Councillors directly and will investigate and report back.

2. Could you provide some feedback on what seems to be an onslaught of vandalism. Last week it was Ivanhoe Park, a couple of weeks ago it was through the flat of Manly around Collingwood and Pine Streets. Once again I noticed No Stopping and No Through Roads signs had been ripped out and it must have taken more than one person to do this. Has Council liaised with the Police whether we have any idea if it is the same gang but also the North Steyne Surf Club had graffiti on it again this morning.

The Mayor advised that a Safety Committee meeting is scheduled for Thursday and he felt it was the time to raise the issue. Council is very concerned about this issue that occurs each school holiday period.

Councillor Norek

1. I have a resident who has sent me a letter that there is a parking spot outside 66 North Steyne that when cars park there they jut out into North Steyne.

At the request of the Mayor the General Manager advised that he would take on notice the issue to provide a No Standing sign at that address.

2. I have had a letter passed onto me from a resident that was from Council's solicitors Pike Pike and Fenwick which represented 36-38 South Steyne. He was quite upset by the handling of the solicitor in that he was rung up one week prior to attend the matter in the Land and Environment Court and was told a date and was never rung back and after the date of the hearing was changed due to representations by residents. If a resident is asked to attend a meeting like that on a particular date then the solicitors should follow through.

At the request of the Mayor the General Manager advised that he will look at the letter of complaint from the resident however he was also aware that the hearing was conducted on that day but in a different courtroom and that the resident was asked to be available, whether or not he was required to be called upon to take the stand which was still a matter for the legal counsel to decide on the day. He will send an appropriately worded letter back to the resident.

MATTERS OF URGENCY

Nil.

CLOSE

The meeting closed at 11.36pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 16 May 2005.

MAYOR

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