

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 21 March 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 21 March 2005. The meeting commenced at 7:42 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

OPENING PRAYER

(File A8/2)

The Opening Prayer was presented by Pastor Graham Perry.

APOLOGIES

(File A8/2)

Nil.

DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

(File A8/2)

Nil.

CONFIRMATION OF MINUTES

(File C17/23)

MOTION (Pedersen/Lambert)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 February 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.

240/05 RESOLVED: (Pedersen/Lambert)

That copies of the Minutes of the Ordinary Meeting of Council held on Monday 21 February 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
Public Forum:	<p>Clr Ian Treharne Matters Pertaining To Limited Parking Timeframes At Fairlight</p> <p>Mr George Champion Spearing of Governor Phillip at Manly Cove</p> <p>Stephen Milne Mediation practice of Falun Dafa and singage on practice site on Manly Beachfront</p>

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

NAME	SUBJECT/PUBLIC SPEAKERS
Notice of Rescission No 2	DA 449/04 – 10 Lombard Street
In support of DA449/04:	Ms Paula Morel – 10 Lombard Street
Opposed to DA449/04:	Mr Willem Clasie – 12 Lombard Street
Notice of Motion No 8	Flooding in Smith Street (South)
In support of:	Mr Mark Tamhane
Opposed to:	

NOTICES OF RESCISSION

Notice of Rescission Report No. 2

LUM Decision 7 March 2005 re: DA449/04 10 Lombard Street, Balgowlah

His Worship, The Mayor, Councillor Peter Macdonald, Councillor Barbara Aird, and Councillor Brad Pedersen will move:

“That the Council’s decision of Land Use Management Committee Meeting 7 March 2005 being Item 10 in respect of 10 Lombard Street, Balgowlah be and is hereby rescinded.”

MOTION (Macdonald/Aird)

That the Council's decision of Land Use Management Committee Meeting 7 March 2005 being Item 10 in respect of 10 Lombard Street, Balgowlah be and is hereby rescinded.

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

For the Resolution: Councillors Pedersen, Aird and Macdonald.

Against the Resolution: Councillors Hay, Heasman, Lambert, Cant, Murphy, Daley, Morrison, Evans and Norek.

NOTICES OF MOTION

Notice of Motion Report No. 8

Flooding in Smith Street (South)**MOTION (Norek/Murphy)**

1. That Council note with concern the regular flooding of Smith Street (South)
2. That Council note the widespread damage to cars and property in Smith Street (South) as a result of flooding on the weekend of 19th and 20th February 2005 and that this has been a critical issue for some time. Council has been investigating solutions to the flooding that has caused widespread damage to cars and property in Smith Street (South) and Kangaroo St escarpment on the weekend of 19th and 20th February 2005
3. That the General Manager urgently report back to council on an evaluation of ways to improve the long-standing problem of inadequate storm-water drainage in Smith Street (South) including escarpment impacts from Kangaroo St and Kangaroo Lane with a view to commencing works before the end of the current year.
4. That Council agree to a committee to begin extensive urgent consultations with residents on the most suitable storm-water drainage system for Smith Street (South)
5. That Council establish, as a matter of urgency in consultation with affected residents, an emergency management plan for future storm events in this area.
6. That Council agree to implement weekly street sweeping and regular drain clearing to assist residents and help alleviate flooding
7. That Council note that they have been aware of this outstanding and critical issue for some time.
8. That Council agree to support a budget bid for works to address the issue.

241/05 RESOLVED: (Norek/Murphy)

1. That Council note with concern the regular flooding of Smith Street (South)
2. That Council note the widespread damage to cars and property in Smith Street (South) as a result of flooding on the weekend of 19th and 20th February 2005 and that this has been a critical issue for some time. Council has been investigating solutions to the flooding that

has caused widespread damage to cars and property in Smith Street (South) and Kangaroo St escarpment on the weekend of 19th and 20th February 2005

3. That the General Manager urgently report back to council on an evaluation of ways to improve the long-standing problem of inadequate storm-water drainage in Smith Street (South) including escarpment impacts from Kangaroo St and Kangaroo Lane with a view to commencing works before the end of the current year.
4. That Council agree to a committee to begin extensive urgent consultations with residents on the most suitable storm-water drainage system for Smith Street (South)
5. That Council establish, as a matter of urgency in consultation with affected residents, an emergency management plan for future storm events in this area.
6. That Council agree to implement weekly street sweeping and regular drain clearing to assist residents and help alleviate flooding
7. That Council note that they have been aware of this outstanding and critical issue for some time.
8. That Council agree to support a budget bid for works to address the issue.

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

Against the Resolution: Nil.

Notice of Motion Report No. 9

North Steyne Surf Club Building

MOTION (Aird/Hay)

That Council ensures that the Heritage Management Plan, and repainting, upgrading and necessary repairs are funded and completed in advance of the 2006/07 season and the North Steyne Surf Life Saving Clubs 2007 Centenary celebrations. (Grant Funding also to be sought, e.g. Capital Assistance Grant from Department of Sport and Recreation)

242/05 RESOLVED: (Aird/Hay)

That Council ensures that the Heritage Management Plan, and repainting, upgrading and necessary repairs are funded and completed in advance of the 2006/07 season and the North Steyne Surf Life Saving Clubs 2007 Centenary celebrations. (Grant Funding also to be sought, e.g. Capital Assistance Grant from Department of Sport and Recreation)

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

Against the Resolution: Councillor Norek.

Councillor Murphy and Councillor Daley were not present in the Chamber when the vote was taken.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 2

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

- a. The State Emergency Services has written to the Council enclosing their annual report for 2003~2004 for information of Council and staff.

2. Minutes Of Meetings:

1. ACCESS COMMITTEE MINUTES OF MEETING HELD ON 17 FEBRUARY 2005
2. COMMUNITY SAFETY COMMITTEE MINUTES OF MEETING HELD ON 17 FEBRUARY 2005
3. MANLY YOUTH COUNCIL MINUTES OF MEETING HELD ON 14 FEBRUARY 2005
4. PUBLIC ART COMMITTEE MINUTES OF MEETING HELD ON 16 FEBRUARY 2005
5. THE MANLY MEALS ON WHEELS SERVICE COMMITTEE MINUTES OF MEETING HELD ON 2 FEBRUARY 2005
6. THE MANLY SISTER CITIES COMMITTEE MINUTES OF MEETING HELD ON 9 FEBRUARY 2005
7. MANLY VISITOR AND COMMUNITY BOARD COMMITTEE MINUTES OF MEETING HELD ON 10 FEBRUARY 2005.
8. MANLY NEIGHBOURHOOD RENEWAL PROGRAM COMMITTEE HELD ON 9 FEBRUARY 2005

MOTION (Heasman/Murphy)

1. That Council note the State Emergency Services has written to the Council enclosing their annual report for 2003~2004 for information of Council and staff.
2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being **1-8**, as listed above, be **adopted**.

243/05 RESOLVED: (Heasman/Murphy)

1. That Council note the State Emergency Services has written to the Council enclosing their annual report for 2003~2004 for information of Council and staff.
2. That the recommendations of **Minutes of Meetings, as listed in item 2**, being **1-8**, as listed above, be **adopted**.

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

Against the Resolution: Nil.

Councillor Murphy and Councillor Norek were not present in the Chamber when the vote was taken

GENERAL MANAGER'S OFFICE REPORTS

General Manager's Office Report No. 6

Manly Environment Centre Review Working Party - Appointment of Members**SUMMARY**

- Council at its meeting on 14th March, 2005 resolved to establish a Manly Environment Centre Working Party.
- This report deals with the appointment of the representatives from the groups nominated in the resolution.

MOTION (Hay/Heasman)

1. That the Terms of Reference for the Working Party be agreed between the Mayor and the General Manager, generally in accord with the objectives contained in the resolution.
2. That Council appoint to the Working Party:-
 - (a) The Mayor as Chairperson.
 - (b) The General Manager (or his nominee).
 - (c) Two Councillors representing Council being Clr Pedersen and Clr Lambert.
 - (d) Two Precinct representatives (to be selected by Mayor and General Manager following on from a "call for nominations" to be sent to all Precincts). In the interim while awaiting the nominations from Precincts two representatives from the inter-precinct forum to partake in this Working Party.
 - (e) Two representatives of the Community Environment Committee as nominated by the Committee.
 - (f) A representative from Friends of Manly Environment Centre (FOMEC).

244/05 RESOLVED: (Hay/Heasman)

1. That the Terms of Reference for the Working Party be agreed between the Mayor and the General Manager, generally in accord with the objectives contained in the resolution.
2. That Council appoint to the Working Party:-
 - (a) The Mayor as Chairperson.
 - (b) The General Manager (or his nominee).
 - (c) Two Councillors representing Council being Clr Pedersen and Clr Lambert.
 - (d) Two Precinct representatives (to be selected by Mayor and General Manager following on from a "call for nominations" to be sent to all Precincts). In the interim while awaiting the nominations from Precincts two representatives from the inter-precinct forum to partake in this Working Party.

- (e) Two representatives of the Community Environment Committee as nominated by the Committee.
- (f) A representative from Friends of Manly Environment Centre (FOMEC).

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

Against the Resolution: Nil.

Councillor Murphy was not present in the Chamber when the vote was taken

General Manager's Office Report No. 7

Confirmation of Delegation to the General Manager

SUMMARY

Under Section 380 of the *Local Government Act*, Council is required to review the General Manager's delegations within 12 month of a Council general election.

MOTION (Heasman/Cant)

That in pursuant to the powers of delegation conferred to Council by Section 377 and Section 381 of the *Local Government Act*, 1993, and pursuant to every other power it hereunto enabling, the Council of the Municipality of Manly hereby delegate to Mr Henry T Wong, the General Manager of the Council, the power to exercise all the functions, powers, duties and authorities conferred upon the Council pursuant to:

1. The NSW Local Government Act, 1993 and
2. The Environmental Planning & Assessment Act, 1979; and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, by-laws, rules and the like made by, or under any other Act referred to in 1, 2 or 3 above, and

Always subject to such delegation of powers not deemed to extend to:

1. Any of the matters expressly reserved to the Council in Section 377 of the *Local Government Act*, 1993;
2. The role of the Mayor as provided for in and determined under Section 226 of the *Local Government Act*, 1993;
3. Major unique items where no policy, practice or code of the Council exists;
4. Adoption of local environmental plans, development control plans and Section 94 contribution plans pursuant to the Environmental Planning Assessment Act 1979;
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination;
7. Items in respect of development applications which the Mayor has, or Councillors have

specifically requested the General Manager, in writing, to place before a LUM Committee for determination;

8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.

245/05 RESOLVED: (Heasman)

That in pursuant to the powers of delegation conferred to Council by Section 377 and Section 381 of the *Local Government Act*, 1993, and pursuant to every other power it hereunto enabling, the Council of the Municipality of Manly hereby delegate to Mr Henry T Wong, the General Manager of the Council, the power to exercise all the functions, powers, duties and authorities conferred upon the Council pursuant to:

1. The NSW Local Government Act, 1993 and
2. The Environmental Planning & Assessment Act, 1979; and
3. All other Acts, whatsoever under which Council has functions, powers, duties and authorities; and
4. All regulations, by-laws, rules and the like made by, or under any other Act referred to in 1, 2 or 3 above, and

Always subject to such delegation of powers not deemed to extend to:

1. Any of the matters expressly reserved to the Council in Section 377 of the *Local Government Act*, 1993;
2. The role of the Mayor as provided for in and determined under Section 226 of the *Local Government Act*, 1993;
3. Major unique items where no policy, practice or code of the Council exists;
4. Adoption of local environmental plans, development control plans and Section 94 contribution plans pursuant to the Environmental Planning Assessment Act 1979;
5. Adoption of Council policies and codes or any variation to the policies and codes;
6. Items other than development applications, in respect of which the Mayor has, or the majority of Councillors have specifically requested the General Manager, in writing, to place before Council for determination;
7. Items in respect of development applications which the Mayor has, or Councillors have specifically requested the General Manager, in writing, to place before a LUM Committee for determination;
8. Items in respect of which the Council has specifically resolved to request the General Manager to place before it for determination.

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

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Morrison/Murphy)

That **Standing Orders** be **suspended** to allow for consideration of item Human Services and Facilities Unit Report No. 2, Prioritising Placements for Manly Residents as a Result of Demand for Child Care.

246/05 RESOLVED (Morrison/Murphy)

That **Standing Orders** be **suspended** to allow for consideration of item Human Services and Facilities Unit Report No. 2, Prioritising Placements for Manly Residents as a Result of Demand for Child Care.

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

Against the Resolution: Nil.

HUMAN SERVICES AND FACILITIES UNIT REPORTS

Human Services and Facilities Unit Report No. 2

Prioritising Placements for Manly Residents as a Result of Demand for Child Care

SUMMARY

This report provides information requested by Council on the rationale for the priority of access arrangements for Council operated child care services. It also discusses the hosting of a forum by SHOROC to address the issue of current child care demand across the region.

MOTION (Heasman/Pedersen)

1. That Manly Council operated child care services continue to prioritise placement into those services as required by the agreements Council has entered into with both State and Federal Governments.
2. That after all other priority of access criteria as stated by State and Federal Government funding agreements have been applied the next criteria to apply to allocate a child care place be:
 - (i) date of application
 - (ii) local resident status.

These access criteria being set in this order in the interests of equity and to maintain reciprocal access arrangements for Manly residents at other Council's child care centres.

3. That the work of SHOROC Child Care Working Group be noted by Council and that feedback be provided to Councillors on the recommendation to conduct a child care forum as recommended by Council on 21st February (resolution 224/05).
4. That a report regarding the reciprocal arrangements with other local Council areas (i.e Warringah) is sought from staff.

AMENDMENT (Norek/Morrison)

1. That Manly Council operated child care services continue to prioritise placement into those services as required by the agreements Council has entered into with both State and Federal Governments.

2. That after all other priority of access criteria as stated by State and Federal Government funding agreements have been applied the next criteria to apply to allocate a child care place be:
 - (i) local resident status
 - (ii) workers in the LGA
 - (iii) date of application.

For the Amendment: Councillors Cant, Morrison and Norek.

Against the Amendment: Councillors Hay, Heasman, Lambert, Murphy, Daley, Pedersen, Aird, Evans and Macdonald.

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

247/05 RESOLVED: (Heasman/Pedersen)

1. That Manly Council operated child care services continue to prioritise placement into those services as required by the agreements Council has entered into with both State and Federal Governments.
2. That after all other priority of access criteria as stated by State and Federal Government funding agreements have been applied the next criteria to apply to allocate a child care place be
 - (i) date of application
 - (ii) local resident status.

These access criteria being set in this order in the interests of equity and to maintain reciprocal access arrangements for Manly residents at other Council's child care centres.

3. That the work of SHOROC Child Care Working Group be noted by Council and that feedback be provided to Councillors on the recommendation to conduct a child care forum as recommended by Council on 21st February (resolution 224/05).

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

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

Against the Resolution: Councillors Morrison and Norek.

RESUMPTION OF STANDING ORDERS (Morrison/Murphy)

That **Standing Orders** be resumed.

248/05 RESOLVED (Morrison/Murphy)

That **Standing Orders** be resumed.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION REPORTS

Corporate Services Division Report No. 4

Report on Council Investments 28 February 2005**SUMMARY**

Latest accounting statements for the period to 28 February, 2005.

1. Statement showing general fund bank account balance as at 28 February, 2005.
2. Cash investments as at 28 February 2005.

MOTION (Pedersen/Hay)

1. That the statement of General Fund Bank Account balance as at 28 February, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 28 February, 2005 be received and noted.

249/05 RESOLVED: (Pedersen/Hay)

1. That the statement of General Fund Bank Account balance as at 28 February, 2005 be received and noted.
2. That the certification by the Chief Financial Officer be noted.
3. That details of Council's cash investments as at 28 February, 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.

Councillor Morrison departed the meeting at 10.38pm

CORPORATE PLANNING AND STRATEGY DIVISION REPORTS

Corporate Planning and Strategy Division Report No. 15

Towards Zero Waste Strategy - Recommended for Adoption.**SUMMARY**

1. A Draft Zero Waste Strategy has been prepared by Council's Waste Management Committee.
2. The Strategy was exhibited for public comment for a period of one month.
3. Recommend that the Strategy be adopted.

MOTION (Aird/Pedersen)

- A. That Council endorse the draft Towards Zero Waste Strategy.
- B. That the Waste Committee consider the following two matters:
 - i) a reward system for reducing dumped cars in the local area, and.
 - ii) possible solutions to alleviate dumping of waste on footpaths by tenants or land owners vacating properties

250/05 RESOLVED: (Aird/Pedersen)

- A. That Council endorse the draft Towards Zero Waste Strategy.
- B. That the Waste Committee consider the following two matters:
 - i) a reward system for reducing dumped cars in the local area, and.
 - ii) possible solutions to alleviate dumping of waste on footpaths by tenants or land owners vacating properties

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

Against the Resolution: Nil.

CIVIC SERVICES UNIT REPORTS

Civic Services Unit Report No. 3

SHOROC - Tender No T2004/23 - Hire of Plant for Period 01/01/2005 to 31/12/2007 (C17/78)

SUMMARY

1. As part of a SHOROC strategy various areas capable of joint tendering have been identified.
2. The hire of plant was one such area and a combined tender has been called.
3. Tenders have been received for the hire of plant for the two years period 01/01/2005 to 31/12/2007.
4. A priority of hire companies to be used for Council's plant hire requirements is recommended.

MOTION (Hay/Aird)

1. That the twenty four tenders listed in schedule "A" be accepted.
2. That these tenderers be included in a listing of acceptable contractors for the provision of plant hire services to Council for the period 1/1/2005 to 31/12/2007 (booklet attached).

251/05 RESOLVED: (Hay/Aird)

1. That the twenty four tenders listed in schedule "A" be accepted.
2. That these tenderers be included in a listing of acceptable contractors for the provision of plant hire services to Council for the period 1/1/2005 to 31/12/2007 (booklet attached)

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

Against the Resolution: Nil.

QUESTIONS WITHOUT NOTICE**Councillor Heasman**

1. I have recently read an article in the Telegraph regarding a court decision involving the RTA and Foster/Tuncurry Shire Council and a case whereby a person jumped off the Foster/Tuncurry bridge and became a quadriplegic. The Court awarded damages against the Council even though they had signage prohibiting diving. The case was won on the argument that even though the signage was present it did not specify that the action was 'dangerous'. Do we need to look at amending similar signage in our LGA to counter this possible defence?

At the request of the Mayor the General Manager advised that that the State of Law in 1988 or 1989 was quite different to what we have now in that the Civil Liabilities Act has come into place since then. The standard of care and the duty and standard of care tests are somewhat different because of those changes. However I understand from speaking with the insurance pool that they are going to be contesting that decision.

Clr Heasman So we do not need to alter our signs?

Signs are only as good as they are used and in so far as warning of possible dangers. I would not suggest any alteration but certainly our Risk Manager is aware of the issue.

2. What is the present situation regarding the installation of a boomgate at Little Manly Point to curtail late night activity in this carpark?

At the request of the Mayor the Director Corporate Planning and Strategy advised that recent work has been scheduled to improve the lighting levels in the top carpark area. However the option of closing the reserve with a boomgate has operational limitations with regard to staff to facilitate this closing and opening of the boomgate each day. A new garden planting has been completed at the top of the carpark and a stronger fence and bollards have also been installed to deter vehicles from accessing the point.

Councillor Lambert

I was just wanting to have an update with regard to the installation of carstoppers on the bike track on the eastern end of North Steyne (the end closest to the end of the Corso and Manly CBD). They stopped part way along and I am not sure that the rest of the job has been finished.

At the request of the Mayor the Director Corporate Planning and Strategy advised that if the section Clr Lambert was referring to was the section between Raglan and the Corso that is going to change completely and will be in the line up of the work being done now. Council are working at

the end of Raglan Street now and that kerb will be adjusted as part of that work. The reason you have not seen stoppers in that area is that it is affected by the new work and the new work will be in that area within the next week.

Councillor Murphy

1. Can a neighbour place his rubbish, be it recycling, weekly garbage, green vegetation or general cleanup in front of a neighbours property (on public land):
 - i. if he has space to do so outside his place;
 - ii. if he doesn't have space;
 - iii. what stops a neighbour putting bins out 3 or 4 days early.
2. If this is happening how does the suffering neighbour stop it?

At the request of the Mayor the General Manager advised that it is a matter for the two neighbours to work out. If an address is given, Council will provide a sticker so the bins can be put outside the appropriate property. If Cllr Murphy can provide the affected address the General Manager undertook to take the matter on notice.

Councillor Aird

1. The Swimming Clubhouse at Queenscliff Rock Pool that I believe comes under the jurisdiction of Warringah Council, is about to be painted as it has an undercoat of stark white on it at present. Given that it is our residents that see the impact of the building could we have some input into the colour it is to be painted so it can blend in with the green of the background scenery?

At the request of the Mayor the Director Corporate Planning and Strategy advised that he could make some representations to Warringah Council on this issue.

2. Is it correct that we have employed another Compliance Officer and if so will he/she be addressing the issues I have raised regarding illegal signage through the CBD?

At the request of the Mayor the General Manager advised that the Compliance Officer is there to assist with building and DA issues and he will be working two days a week in the Compliance area and three days a week in the Environmental Services Division. I will discuss the signage in the Corso issue with the Manager Regulatory Services and take this matter on notice.

Councillor Norek

1. I am confused about the response provided to a question I raised last month. The question was 'I have recently received email correspondence regarding short-term accommodation at 140 North Steyne and 42-44 Victoria Parade. Has any action been undertaken to inform the owners of these properties regarding restrictions on operation of short-term accommodation?' The reply was *Council's Regulatory Services Manager has progressed representations with both 140 North Steyne and 42-44 Victoria Parade seeking a written undertaking that short-term accommodation.* (This needs a bit more information) *Council is continuing to monitor these premises and various others regarding Short-term accommodation with further legal action proposed if owners do comply with Council policies.*

I would like to address it again. The process as recommended by our Short Term Accommodation Working Party was that Council's lawyers write to all unit owners in 140 North Steyne and that this should happen straight away. However the representations I have received from the residents is that there is illegal short-term accommodation occurring there, part of that Working Party recommendation was to write a letter to address the problem, has that been done?

At the request of the Mayor the Director Corporate Planning and Strategy advised that he did not recall that as a recommendation from the Short-term Working Party. The reference to the Solicitors letter circulated as part of the Working Party proceedings was, given circumstances where Council was going to take action, it would use the form of letter that had been used in relation to a particular property. However, it wasn't recommended that Council were going to use our Solicitors in each case. Council was to use the letter that we had drafted from our Solicitors in relation to a particular case.

Has that been undertaken?

At the request of the Mayor the General Manager advised that Council has sought an undertaking from these properties and will follow it up with the Compliance area.

2. It has come to my attention, and I did forward this on to Clr Heasman as the Chair of the Traffic Committee, there is parking signs on Victoria Parade and East Esp, Manly that states two hours parking is allowed to residents. The only problem is that they are parking across an access to Matthew Bligh and blocking entry to the visitor and underground carparking. I have a letter that I would like to bring to Councils attention. Is Council allowing resident parking in front of access to Matthew Bligh building and is Council aware that residents are parking there all day?

At the request of the Mayor the General Manager advised that Council as a matter of policy does not post No Standing or No Parking across driveways, that is the State law, so if we are aware of where these are occurring the General Manager is more than happy to alert infringement staff to these occurrences. The General Manager undertook to take the issue on notice.

CONFIDENTIAL ITEMS

Corporate Services Division Report No. 5

Waverley Council Vs Guy Swain

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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

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

252/05 RESOLVED (Hay/Macdonald)

That the meeting move into Closed Session to consider Item Corporate Services Division Report No. 5 Waverley Council Vs Guy Swain.

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

Against the Resolution: Nil.

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

MOTION (Macdonald/Hay)

That the Report on the implications from the Waverley Council v Swain case be received and noted.

RECOMMENDATION

That the Report on the implications from the Waverley Council v Swain case be received and noted.

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

Against the Resolution: Nil.

MATTERS OF URGENCY

Nil.

CLOSE

The meeting closed at 11.11pm

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 18 April 2005.

MAYOR

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