

Manly Council

Minutes

Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 10 August 2009

All Minutes are subject to confirmation at a subsequent meeting.

*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*



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The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 10 August 2009. The meeting commenced at 7:40 PM.

PRESENT

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

ALSO PRESENT

Henry Wong, General Manager
 Ross Fleming, Divisional Manager Corporate Services
 Liz Rich, Minute Taker

OPENING PRAYER

The Opening Prayer was presented by Captain Brett Mitchell.

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY / CONFLICT OF INTEREST

Name	Report No.	Nature of Interest
Councillor Norek	Notice of Motion Report No.24, Mountain Bike Infrastructure	Has business interest in activity under discussion.
Councillor Whitting	Notice of Motion Report No.25, Formation of Manly Council Seaforth Tafe Site acquisition Committee	Works for Department of Education and Training

CONFIRMATION OF MINUTES

MOTION (Elder / Macdonald)

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 July 2009, 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.

98/09 RESOLVED: (Elder / Macdonald)

That copies of the Minutes of the Ordinary Meeting held on Monday, 13 July 2009, 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, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald

Against the Resolution: Nil.

SUSPENSION OF STANDING ORDERS (Heasman / Elder)

That Standing Orders be suspended to allow for consideration of an item of public interest, being Notice of Motion 24, Mountain Bike Infrastructure.

99/09 RESOLVED: (Heasman / Elder)

That Standing Orders be suspended to allow for consideration of an item of public interest, being Notice of Motion 24, Mountain Bike Infrastructure.

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

Against the Resolution: Nil.

Councillor Norek, having previously declared a Conflict of Interest in the following item, left the Chamber at 7.50pm.

NOTICES OF MOTION

Notice of Motion Report No. 24

Mountain Bike Infrastructure

Councillor Cathy Griffin moved:

That Manly Council requests as a matter of urgency that SHOROC address the issue of the lack of legitimate facilities for mountain biking on the Northern Beaches and develop a plan to defuse the increasing conflicts between mountain bikers and those opposing the construction of illegal bike trails in the National Parks on the Northern Beaches.

It is requested that SHOROC:

1. Acknowledge that mountain biking is a legitimate sport and requires Government support to facilitate the provision of infrastructure and regulation for the sport.
2. Through consultation with land owners identify appropriate areas or an area for the establishment of infrastructure for the sport of Mountain Biking on the Northern Beaches.
3. Support the NP&WS in their efforts to maintain the integrity of the existing National Parks.
4. Engage with the State Government to establish a mechanism to fund and manage the development of sustainable tracks and trails for the sport of mountain biking in appropriate areas and then fund the ongoing maintenance of the areas.

PUBLIC ADDRESSES

The following person addressed the meeting on this item:

In Support of the Recommendation: Ray Cox

MOTION (Griffin / Aird)

That Manly Council requests as a matter of urgency that SHOROC address the issue of the lack of legitimate facilities for mountain biking on the Northern Beaches and develop a plan to defuse the increasing conflicts between mountain bikers and those opposing the construction of illegal bike trails in the National Parks on the Northern Beaches.

It is requested that SHOROC:

1. Acknowledge that mountain biking is a legitimate sport and requires Government support to facilitate the provision of infrastructure and regulation for the sport.
2. Through consultation with land owners identify appropriate areas or an area for the establishment of infrastructure for the sport of Mountain Biking on the Northern Beaches.
3. Support the NP&WS in their efforts to maintain the integrity of the existing National Parks.
4. Engage with the State Government to establish a mechanism to fund and manage the development of sustainable tracks and trails for the sport of mountain biking in appropriate areas and then fund the ongoing maintenance of the areas.

100/09 RESOLVED: (Griffin / Aird)

That Manly Council requests as a matter of urgency that SHOROC address the issue of the lack of legitimate facilities for mountain biking on the Northern Beaches and develop a plan to defuse the increasing conflicts between mountain bikers and those opposing the construction of illegal bike trails in the National Parks on the Northern Beaches.

It is requested that SHOROC:

1. Acknowledge that mountain biking is a legitimate sport and requires Government support to facilitate the provision of infrastructure and regulation for the sport.
2. Through consultation with land owners identify appropriate areas or an area for the establishment of infrastructure for the sport of Mountain Biking on the Northern Beaches.
3. Support the NP&WS in their efforts to maintain the integrity of the existing National Parks.
4. Engage with the State Government to establish a mechanism to fund and manage the development of sustainable tracks and trails for the sport of mountain biking in appropriate areas and then fund the ongoing maintenance of the areas.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Griffin, Aird, Burns and Macdonald

Against the Resolution: Councillors Murphy, LeSurf and Morrison

Councillor Norek returned to the Chamber at 8.31pm.

RESUMPTION OF STANDING ORDERS (Griffin / LeSurf)

That Standing Orders be resumed.

101/09 **RESOLVED: (Griffin / LeSurf)**

That Standing Orders be resumed.

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

Against the Resolution: Nil.

MAYORAL MINUTES

Mayoral Minute Report No. 8

Agreement between North Steyne Surf Club and Surfers Action Group**MOTION (Hay)**

That the General Manager place Surf Life Saving Flags at North Steyne as follows:

1. October School holidays - Tuesday 6th October until Friday 16th October 2009.
2. Monday 30th November 2009 to Friday 5th February 2010.
3. Easter school holidays Monday to Friday 6th April 2010 – 17th April 2010.

102/09 **RESOLVED: (Hay)**

That the General Manager place Surf Life Saving Flags at North Steyne as follows:

1. October School holidays - Tuesday 6th October until Friday 16th October 2009.
2. Monday 30th November 2009 to Friday 5th February 2010.
3. Easter school holidays Monday to Friday 6th April 2010 – 17th April 2010.

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

Against the Resolution: Nil.

Councillor Whitting, having previously declared a Conflict of Interest in the following item, left the Chamber at 8.54pm.

NOTICES OF MOTION

Notice of Motion Report No. 25

Formation of Manly Council Seaforth Tafe Site Acquisition Committee

Councillor Hugh Burns moved:

That Council form a special purpose committee under section 355B of the Local Government Act for the purposes of negotiating the purchase of the Seaforth Tafe site from the NSW State government. The Committee is to:-

1. Negotiate the lowest cost outcome for the community (commensurate with any use restrictions agreed between the Council and the State)
2. Identify all proposed and potential uses for the site and existing structures on a both short and long term basis that would be compatible with the State governments permitted uses as regards the sale price and conditions.
3. Ascertain and record the current condition of the TAFE site and the existing buildings and identify any costs of making good the facilities for use by Council.
4. Produce an accurate financial impact statement detailing both the gross and expected net cost to Council (residents and ratepayers) of purchasing the property at any agreed price This is to include full identification of funding methods, sources and costs, including future annual costs.
5. Be given sufficient delegation to make all necessary inquiries and investigations, and be granted the authority be able negotiate with the relevant state government agencies on behalf of Council to the point of getting an mutually acceptable offer on the table, which is then to be brought back to the full Council for consideration and, if acceptable, formal approval granted. (For the avoidance of doubt the committee's delegation should be sufficient to negotiate on behalf of Council but it is not able to enter any binding agreement on behalf of Council without ratification/approval by the full Council.)
- 6) Have membership comprising (say 3) interested Councillors and (say 3) community representatives having association with previous Tafe campaigns, (say 2) Council staff members with demonstrated financial and property knowledge (staff nominations from the GM to be presented to the Committee for approval), an external independent local Real Estate agent, and a representative for the TAFE Teachers union. Council is to provide secretarial support (but not by the two expert officers), meeting venue and all other resources reasonably required by the Committee to perform its function.
- 7) Be formed immediately to have an expected life of 12 months with a review of continued operation at 12 months.
- 8) Meet as required, as the Committee determines, with the meeting agendas set by the Councillor members in consultation with the other Committee members and staff.
- 9) The Committee is to report back to Council monthly (via the usual methods of adoption of minutes, augmented by verbal and written reports as required)

MOTION (Burns / Griffin)

That Council form a special purpose committee under section 355B of the Local Government Act for the purposes of investigating the purchase of the Seaforth Tafe site from the NSW State government. The Committee is to:-

1. Investigate the lowest cost outcome for the community (commensurate with any use restrictions agreed between the Council and the State)
2. Identify all proposed and potential uses for the site and existing structures on a both short and long term basis that would be compatible with the State governments permitted uses as regards the sale price and conditions.
3. Ascertain and record the current condition of the TAFE site and the existing buildings and identify any costs of making good the facilities for use by Council.

4. Produce an accurate financial impact statement detailing both the gross and expected net cost to Council (residents and ratepayers) of purchasing the property at any agreed price This is to include full identification of funding methods, sources and costs, including future annual costs.
5. Be given sufficient delegation to make all necessary inquiries and investigations, and be granted the authority to be able to negotiate with the relevant state government agencies on behalf of Council to the point of getting a mutually acceptable offer on the table, which is then to be brought back to the full Council for consideration and, if acceptable, formal approval granted. (For the avoidance of doubt the committee's delegation should be sufficient to negotiate on behalf of Council but it is not able to enter any binding agreement on behalf of Council without ratification/approval by the full Council.)
- 6) Have membership comprising (say 3) interested Councillors and (say 3) community representatives having association with previous Tafe campaigns, (say 2) Council staff members with demonstrated financial and property knowledge (staff nominations from the GM to be presented to the Committee for approval), an external independent local Real Estate agent, and a representative from the TAFE Teachers union. Council is to provide secretarial support (but not by the two expert officers), meeting venue and all other resources reasonably required by the Committee to perform its function.
- 7) Be formed immediately to have an expected life of 12 months with a review of continued operation at 12 months.
- 8) Meet as required, as the Committee determines, with the meeting agendas set by the Councillor members in consultation with the other Committee members and staff.
- 9) The Committee is to report back to Council monthly (via the usual methods of adoption of minutes, augmented by verbal and written reports as required).

Councillor Burns, with the support of his seconder Councillor Griffin, **WITHDREW** the Motion.

Councillor Whitting returned to the Chamber at 9.32pm.

Notice of Motion Report No. 26

Improvements to Council Facilities on West Esplanade

Councillor Hugh Burns moved:

That the following works be undertaken by Council as soon as possible:-

Manly Art Gallery and Museum

This building is one of the most highly visited by the public and needs some urgent attention to bring it to a better presentation standard for the coming summer season.

That urgent minor repairs are carried out to the external eave soffits (replacement required), tops of external columns (due to corrosion) and various other minor external defects and the building be externally repainted in time for the coming Summer season.

Wharf Fountain

With the lifting of water restriction by Sydney Water, that Council immediately work to recommission the decorative fountain on the Manly Wharf forecourt so as to be in fully operational condition for the Summer holiday season.

Penguin Breeding Area Signage

The wharf Penguin breeding area under Manly Wharf needs better signage to inform and educate the public. There is an available empty sign frame adjacent the steps and fencing on the West Esplanade reserve walkway near the wharf.

That Council immediately prepare and erect a double sided permanent metal sign, with information content approved by the NPWS and the Penguin wardens in the available empty frame. The sign should include a life size colour picture of a male and female penguin.

MOTION (Burns / Aird)

That the following be undertaken by Council as soon as possible:-

Manly Art Gallery and Museum

That Council note the General Manager's advice that minor repairs to the external eave soffits (replacement required), tops of external columns (due to corrosion) and various other minor external defects, and the building be externally repainted in time for the coming Summer season.

Wharf Fountain

That Council bring back a report on the feasibility of recommissioning the decorative fountain on the Manly Wharf forecourt, including the assessing of any public liability risk, so as to be in fully operational condition for the Summer holiday season.

Penguin Breeding Area Signage

That Council erect a double sided permanent metal sign, with information content approved by the NPWS and the Penguin wardens. The sign should include a life size colour picture of a male and female penguin.

103/09 **RESOLVED: (Burns / Aird)**

That the following be undertaken by Council as soon as possible:-

Manly Art Gallery and Museum

That Council note the General Manager's advice that minor repairs to the external eave soffits (replacement required), tops of external columns (due to corrosion) and various other minor external defects, and the building be externally repainted in time for the coming Summer season.

Wharf Fountain

That Council bring back a report on the feasibility of recommissioning the decorative fountain on the Manly Wharf forecourt, including the assessing of any public liability risk, so as to be in fully operational condition for the Summer holiday season.

Penguin Breeding Area Signage

That Council erect a double sided permanent metal sign, with information content approved by the NPWS and the Penguin wardens. The sign should include a life size colour picture of a male and female penguin.

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

Against the Resolution: Nil.

ITEMS FOR BRIEF MENTION

Item For Brief Mention Report No. 16

Items for Brief Mention

MOTION (Burns / Macdonald)

In relation to Item 8.05(a) to 8.05(f) inclusive of the draft record of meeting of the **Sustainable Transport committee (STC) of 3rd June 2009**, Council resolves in relation to the following:

- a) that the Chairperson may, in consultation with members of the Committee and with input from the General Manager, set the agenda for each meeting and that such be reviewed after six (6) months;
- b) note that the Chair of the STC and the General Manager have agreed to establish a meeting cycle and meeting time that best suited everyone's needs;
- c) acknowledge the role of the Secretariat in the performance of the statutory function of issuing Notices of Meetings on behalf of the General Manager;
- d) reaffirm that a Staff Officer must be in attendance at every meeting of a Special Purpose Committee;
- e) Minutes preparation and other operational matters, acknowledge the statutory role of the General Manager and request the Chair to work within the rules established for the committee, and
- f) reaffirm the Role and Objectives for the Committee, as set out in the Terms of Reference, will remain unaltered.

104/09 **RESOLVED: (Burns / Macdonald)**

In relation to Item 8.05(a) to 8.05(f) inclusive of the draft record of meeting of the **Sustainable Transport committee (STC) of 3rd June 2009**, Council resolves in relation to the following:

- a) that the Chairperson may, in consultation with members of the Committee and with input from the General Manager, set the agenda for each meeting and that such be reviewed after six (6) months;
- b) note that the Chair of the STC and the General Manager have agreed to establish a meeting cycle and meeting time that best suited everyone's needs;
- c) acknowledge the role of the Secretariat in the performance of the statutory function of issuing Notices of Meetings on behalf of the General Manager;
- d) reaffirm that a Staff Officer must be in attendance at every meeting of a Special Purpose Committee;
- e) Minutes preparation and other operational matters, acknowledge the statutory role of the General Manager and request the Chair to work within the rules established for the committee, and
- f) reaffirm the Role and Objectives for the Committee, as set out in the Terms of Reference, will remain unaltered.

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

Against the Resolution: Nil.

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 18

Report on Council Investments as at 30 June 2009**SUMMARY**

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

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

MOTION (Burns / LeSurf)

That the statement of Bank Balances and Investment Holdings as at 30 June, 2009 be received and noted.

105/09 **RESOLVED: (Burns / LeSurf)**

That the statement of Bank Balances and Investment Holdings as at 30 June, 2009 be received and noted.

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

Against the Resolution: Nil.

Councillor Elder was not in the Chamber when the voting took place.

Corporate Services Division Report No. 19

Financial Statements for the Year Ended 30 June 2009**SUMMARY**

Audit Statement pursuant to Section 413(2)(c) of the Local Government Act 1993.

MOTION (Macdonald / Griffin)

That:-

1. In respect to Council's General Purpose Financial Reports the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2009

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended).

The attached General Purpose Financial Reports for the year ended 30 June 2009, has been prepared in accordance with:-

- The Local Government Act 1993 (as amended) and the Regulations made there under;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;

To the best of Council's knowledge and belief, this Report:

- Presents fairly the Council's operating result and financial position for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of matter that would render this Report for the twelve months ending 30 June 2009, false or misleading in any way.

2. In respect to Council's Special Purpose Financial Reports, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2009

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The attached Special Purpose Annual Financial Reports for the year ended 30 June 2009, have been drawn up in accordance with:-

- The Local Government Code of Accounting Practice and Financial Reporting, and the
- NSW Government Policy Statement "*Application of National Competition Policy to Local Government*"; and
- Department of Local Government guidelines "*Pricing & Costing for Council Businesses: Guide to Competitive Neutrality*".

To the best of Council's knowledge and belief, this report:-

- Presents fairly the Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- Are in accordance with Council's Accounting and other records.

We are not aware of any matter that would render the Council's reports for the twelve months ending 30 June 2009, false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2009 be referred for audit by Council's Auditors.

106/09 **RESOLVED: (Macdonald / Griffin)**

That:-

1. In respect to Council's General Purpose Financial Reports the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

GENERAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2009

Statement by Councillors and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 (as amended).

The attached General Purpose Financial Reports for the year ended 30 June 2009, has been prepared in accordance with:-

- The Local Government Act 1993 (as amended) and the Regulations made there under;
- The Australian Accounting Standards and professional pronouncements;
- The Local Government Code of Accounting Practice and Financial Reporting;

To the best of Council's knowledge and belief, this Report:

- Presents fairly the Council's operating result and financial position for the year; and
- Are in accordance with Council's accounting and other records.

We are not aware of matter that would render this Report for the twelve months ending 30 June 2009, false or misleading in any way.

2. In respect to Council's Special Purpose Financial Reports, the following statement be provided for signature by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer:-

SPECIAL PURPOSE FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2009

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.

The attached Special Purpose Annual Financial Reports for the year ended 30 June 2009, have been drawn up in accordance with:-

- The Local Government Code of Accounting Practice and Financial Reporting, and the
- NSW Government Policy Statement "*Application of National Competition Policy to Local Government*"; and
- Department of Local Government guidelines "*Pricing & Costing for Council Businesses: Guide to Competitive Neutrality*".

To the best of Council's knowledge and belief, this report:-

- Presents fairly the Council's operating result and financial position for each of Council's declared Business Activities for the year; and
- Are in accordance with Council's Accounting and other records.

We are not aware of any matter that would render the Council's reports for the twelve months ending 30 June 2009, false or misleading in any way.

3. Council's Annual Financial Reports for the year ended 30 June 2009 be referred for audit by Council's Auditors.

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

Against the Resolution: Nil.

Councillor Elder was not in the Chamber when the voting took place.

QUESTIONS WITHOUT NOTICE

QWN68/09 Councillor Heasman - Extra funding for North Balgowlah Precinct

Could extra funding be given to North Balgowlah Precinct in order for it to print extra newsletters for distribution to the area of the former Balgowlah (Manly West) Precinct?

At the request of the Mayor, the General Manager advised that it would be resolved administratively by Council's Communication Manager.

QWN69/09 Councillor Whitting - Queenscliff SLSC's clock

When does Council plan to repair the clock at Queenscliff SLSC and will Council reinstate the Corso clock?

At the request of the Mayor, the General Manager advised that the Corso clock will not be reinstated as it is not part of the new scheme, and he will take the question on notice about the Queenscliff SLSC clock.

QWN70/09 Councillor Murphy - "S" bends west of Fairlight shops

We haven't really had any rain for the last 6 weeks yet the "S" bends west of Fairlight shops are still wet from seepage run off from the new townhouse development. Council have advised before why this is occurring yet the lack of rain puts this in doubt. When will the Body Corporate be made to resolve this issue of water from the townhouse development on the south side of the "S" bends because it is dangerous?

At the request of the Mayor, the General Manager advised that the Body Corporate has provided a compliant pump-up system. The kerb and gutter that runs downhill from the development, in the vicinity of the next intersection, has an adverse crossfall, so instead of water running in the gutter, it gets spilt over onto the pavement. According to staff, the RTA will fix the pavement and water will then be kept in the gutter and go to the next pit.

QWN71/09 Councillor LeSurf - Fairlight Shopping Centre Development

Will the outstanding works at Fairlight Shopping Centre be continued with the recent Federal Government Funding?

At the request of the Mayor, the General Manager advised that the \$75,000 received from the Commonwealth will be used in Stage 4 of the Development on the southern side. The southern side is not quite resolved yet as the RTA is unwilling to move on a particular issue. Work won't commence until an agreement is reached.

QWN72/09 Councillor Morrison - Risk management of published Council material

Is there risk management of published Council material to avoid issues that Council could become liable over?

At the request of the Mayor, the General Manager advised that as staff cannot anticipate what might be discussed in the course of the Council meeting or what might be published in the press, therefore each such matter needs to be handled appropriately.

Councillor Heasman declared a Conflict of Interest in the following Question Without Notice, as she lives in the area under discussion, and left the Chamber at 10.46pm.

QWN73/09 Councillor Norek - Additional parking permits in Balgowlah

Is it correct that additional permits (businesses and Stocklands residents) would be extended to owners and staff of Sydney Road and Stocklands shops and offices, and the Stocklands residential village?

At the request of the Mayor, the General Manager advised that that is not correct.

Councillor Heasman returned to the Chamber at 10.48pm.

QWN74/09 Councillor Norek - DA submissions for 24 Ponsonby Parade

Can the closing date for submissions relating to a DA for 24 Ponsonby Parade be extended?

At the request of the Mayor, the General Manager advised that late public submissions for a DA are always accepted until the time staff begin to prepare the report.

QWN75/09 Councillor Burns - Staff turnover

Can we have a report on the normal staff turnover over the last 12 months?

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

QWN76/09 Councillor Burns - Solar hot water system for Little Manly kiosk and toilets

Was there a proposal for a solar hot water system to be installed at the Little Manly toilets and kiosk, and if so, what has happened to it?

At the request of the Mayor, the General Manager advised that there was no approved plan to install hotwater at the location.

QWN77/09 Councillor Macdonald - Development Application for Hugos

Can the General Manager inform councillors regarding the Hugos application to occupy public space on the Wharf? Does Council have any jurisdiction and does Council have a clear policy on the protection of public space? Is there a role for the General Manager to represent Council, even though it is Waterways who will make the decision?

At the request of the Mayor, the General Manager advised that Waterways and the Foreshore Development Committee, which is a State Government Agency, have primary responsibility for the site in question. The only reason why Council is involved is by referral from the Maritime Authority. Council has received a significant number of objections and the Foreshore Development Committee has recommended that it not be approved. The application will eventually be heard by MIAP.

QWN78/09 Councillor Macdonald - Update on The Corso outdoor seating licences

Can the General Manager provide an update on the outdoor seating licenses on The Corso?

At the request of the Mayor, the General Manager advised that he would do that in Closed Session.

CONFIDENTIAL COMMITTEE OF THE WHOLE

Corporate Services Division Report No. 20

Purchase of Land - Lot 4 DP87076 at 92A Bower Street, Manly

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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

CLOSED SESSION**MOTION (Griffin / Murphy)**

That the meeting move into Closed Session to consider the above item.

The Mayor, Councillor Hay asked if any members of the public gallery objected to the matters being heard in Closed Session.

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

107/09 **RESOLVED: (Griffin / Murphy)**

That the meeting move into Closed Session to consider the above items.

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

Against the Resolution: Nil.

OPEN COUNCIL RESUMED

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

Corporate Services Division Report No. 20

Purchase of Land - Lot 4 DP87076 at 92A Bower Street, Manly**MOTION (Macdonald / Burns)**

That Council proceed as discussed in the Closed Session of Council.

108/09 **RESOLVED: (Macdonald / Burns)**

That Council proceed as discussed in the Closed Session of Council.

For the Resolution: Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison,

Against the Resolution: Norek, Aird, Burns and Macdonald
Councillor Griffin

CLOSE

The meeting closed at 11.16pm.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 14 September 2009.

MAYOR

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