

# Manly Council

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## Minutes

## Ordinary Meeting

Held at Council Chambers, 1 Belgrave Street Manly on:

**Monday 19 October 2009**

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

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**TABLE OF CONTENTS**

Item	Page No.
<b>PRESENT .....</b>	<b>3</b>
<b>APOLOGIES.....</b>	<b>3</b>
<b>DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST.....</b>	<b>3</b>
<b>CONFIRMATION OF MINUTES.....</b>	<b>3</b>
Planning & Strategy Meeting - 7/09/2009.....	3
Ordinary Meeting - 14/09/2009.....	3
Extraordinary Meeting of Council - 21/09/2009 .....	4
<b>GENERAL MANAGERS DIVISION.....</b>	<b>4</b>
<b>General Managers Division Report No. 19</b>	
Election of Deputy Mayor.....	4
<b>General Managers Division Report No. 20</b>	
Appointment of Chairperson and Deputy Chairperson for Planning and Strategy Committee .....	6
<b>NOTICES OF MOTION.....</b>	<b>8</b>
<b>Notice of Motion Report No. 34</b>	
Restriction of Section 94 Contribution Payments .....	8
<b>REPORTS OF COMMITTEES.....</b>	<b>8</b>
<b>Report of Committees Report No.2.....</b>	<b>8</b>
<b>PLANNING AND STRATEGY DIVISION .....</b>	<b>9</b>
<b>Planning And Strategy Division Report No. 38</b>	
Manly Local Environmental Plan 1988 (Draft Amendment 79).....	9
<b>NOTICES OF MOTION.....</b>	<b>10</b>
<b>Notice of Motion Report No. 32</b>	
Assessment of Risk of Manly being hit by a Tsunami and need for public alarm and evacuation procedures .....	10
<b>Notice of Motion Report No. 33</b>	
Preparation of plans to restore heritage aspects of Manly's Town Hall - Stage 1 .....	11
<b>ITEMS FOR BRIEF MENTION .....</b>	<b>12</b>
<b>Item For Brief Mention Report No. 21</b>	
Items for Brief Mention.....	12
<b>REPORTS OF COMMITTEES.....</b>	<b>13</b>
<b>Report Of Committees Report No. 2</b>	
Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature.....	13
<b>Report Of Committees Report No. 3</b>	
Minutes for Adoption by Council - Human Services Planning and Policy Committee Meeting - 25 August 2009.....	14

---

<b>Report Of Committees Report No. 4</b>	
Minutes for Adoption by Council - Heritage Committee - 2 September 2009 .....	15
<b>Report Of Committees Report No. 5</b>	
Minutes for Adoption by Council - Community Environment Committee Meeting - 9 September 2009 .....	18
<b>CORPORATE SERVICES DIVISION .....</b>	<b>19</b>
<b>Corporate Services Division Report No. 26</b>	
Report on Council Investments as at 31 August 2009.....	19
<b>ENVIRONMENTAL SERVICES DIVISION.....</b>	<b>19</b>
<b>Environmental Services Division Report No. 22</b>	
Development Applications Being Processed During October 2009.....	19
<b>Environmental Services Division Report No. 23</b>	
Current Legal Appeals Relating to Development Applications October 2009 .....	20
<b>Environmental Services Division Report No. 24</b>	
Compliance and Enforcement Policy 2009.....	20
<b>HUMAN SERVICES AND FACILITIES DIVISION .....</b>	<b>21</b>
<b>Human Services And Facilities Division Report No. 6</b>	
Graffiti Policy .....	21
<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>21</b>
<b>MATTERS OF URGENCY.....</b>	<b>24</b>
<b>CONFIDENTIAL COMMITTEE OF THE WHOLE .....</b>	<b>25</b>
<b>Notice of Motion Report No. 34</b>	
Restriction of Section 94 Contribution Payments .....	26
<b>General Managers Division Report No. 22</b>	
Property Matter .....	26

The Ordinary Meeting was held in the Council Chambers, Town Hall, Manly, on Monday 19 October 2009. The meeting commenced at 7:45pm.

### 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  
 Councillor A Le Surf  
 Councillor Dr P Macdonald  
 Councillor R Morrison  
 Councillor D Murphy  
 Councillor M Norek, arrived at 8pm  
 Councillor C Whitting

### ALSO PRESENT

Henry Wong, General Manager  
 Stephen Clements, Deputy General Manager, Executive Manager, Environmental Services  
 Amanda Spalding, Deputy General Manager, Strategy and Strategic Projects  
 Liz Rich, Minute Taker

### OPENING PRAYER

The Opening Prayer was presented by Fr John Hannon.

### APOLOGIES

Nil

### DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST

Name	Report No.	Nature of Interest
Councillor Griffin	General Manager's Division Report No.22, Property Matter	Lives in vicinity of property under discussion.
Councillor Elder	General Manager's Division Report No.22, Property Matter	Has personal/business relationship with residents in vicinity of property under discussion.

### CONFIRMATION OF MINUTES

#### MOTION (Whitting / Burns)

That copies of the Minutes of the Planning & Strategy Meeting held on Monday, 7 September 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.

128/09 **RESOLVED: (Whitting / Burns)**

That copies of the Minutes of the Planning & Strategy Meeting held on Monday, 7 September 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, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Nil.

**MOTION (Whitting / Burns)**

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

129/09 **RESOLVED: (Whitting / Burns)**

That copies of the Minutes of the Ordinary Meeting held on Monday, 14 September 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, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Nil.

**CONFIRMATION OF MINUTES (Extraordinary Meeting)**

**MOTION (Whitting / Burns)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 21 September 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.

130/09 **RESOLVED: (Whitting / Burns)**

That copies of the Minutes of the Extraordinary Meeting of Council held on Monday, 21 September 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, Griffin, Aird, Burns and Macdonald

**Against the Resolution:** Nil.

## **GENERAL MANAGERS DIVISION**

General Managers Division Report No. 19

### **Election of Deputy Mayor**

#### **SUMMARY**

Section 231 of the *Local Government Act, 1993* empowers the Council to elect one of its members to act as Deputy Mayor for the Mayoral term or for a shorter term.

A Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual

vacancy in the Office of the Mayor.

The election for Deputy Mayor was held at the Ordinary Meeting of Council on 19 October 2009.

**MOTION (Macdonald / Heasman)**

1. That Council elect a Deputy Mayor for the period to **September 2010**.
2. That Council adopt the Open Voting method for the election of Deputy Mayor for the 2009/2010 term.

131/09 **RESOLVED: (Macdonald / Heasman)**

1. That Council elect a Deputy Mayor for the period to **September 2010**.
2. That Council adopt the Open Voting method for the election of Deputy Mayor for the 2009/2010 term.

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

**Against the Resolution:** Nil.

The General Manager acting as the Returning Officer invited nominations for the office of Deputy Mayor. The Returning Officer advised that nominations were not valid unless they were made in writing by two or more Councillors and the nominee had indicated consent to the nomination also in writing.

Two nominations were received. The Returning Officer read the nominations.

1. Councillor Murphy was nominated by Councillor Heasman and Councillor Hay.  
Councillor Murphy had signed the consent to the nomination.
2. Councillor Whitting was nominated by Councillor Griffin and Councillor Whitting.  
Councillor Whitting had signed the consent to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Murphy

Councillor Hay  
Councillor Elder  
Councillor Heasman  
Councillor Murphy  
Councillor LeSurf  
Councillor Morrison

In favour of Councillor Whitting

Councillor Griffin  
Councillor Aird  
Councillor Burns  
Councillor Macdonald  
Councillor Whitting

The Returning Officer therefore declared Councillor Murphy duly elected as Deputy Mayor for the period to September 2010.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor Murphy on his election as Deputy Mayor.

Councillor Norek arrived in the Chamber at 8pm.

General Managers Division Report No. 20

**Appointment of Chairperson and Deputy Chairperson for Planning and Strategy Committee  
SUMMARY**

The purpose of this report is to appoint the Chairperson and Deputy Chairperson of the Principal Committee of Planning and Strategy.

**MOTION (Macdonald / Heasman)**

1. That Council establish a Planning & Strategy Committee as its Principal Committee with the functions and responsibilities outlined in this report.
2. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to September 2010.
3. That Council adopt the Open Voting method as applied to the election of the Deputy Mayor.
4. That in accordance with s377 of the Local Government Act Council delegates to the Principal Committee of Planning and Strategy the power to resolve on matters properly before the Principal Committee.

132/09 **RESOLVED: (Macdonald / Heasman)**

1. That Council establish a Planning & Strategy Committee as its Principal Committee with the functions and responsibilities outlined in this report.
2. That Council proceed to elect a Chairperson and a Deputy Chairperson for its Principal Committee of Planning and Strategy for the period to September 2010.
3. That Council adopt the Open Voting method as applied to the election of the Deputy Mayor.
4. That in accordance with s377 of the Local Government Act Council delegates to the Principal Committee of Planning and Strategy the power to resolve on matters properly before the Principal Committee.

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

**Against the Resolution:** Nil.

The General Manager acting as the Returning Officer invited nominations for the Office of Chair of the Principal Committee being the Planning and Strategy Committee (P&S) The following nominations were received:

1. Councillor Morrison was nominated for Chairperson of the Planning and Strategy Committee by Councillor Heasman and Councillor Hay. Councillor Morrison consented to the nomination.
2. Councillor Griffin was nominated for Chairperson of the Planning and Strategy Committee by Councillor Griffin and Councillor Whitting. Councillor Griffin consented to the nomination.
3. Councillor Aird was nominated for Chairperson of the Planning and Strategy Committee by Councillor Griffin and Councillor Aird. Councillor Aird consented to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor Morrison

Councillor Hay  
Councillor Elder

Councillor Heasman  
Councillor Murphy  
Councillor LeSurf  
Councillor Morrison  
Councillor Norek

As Councillor Morrison had the majority of the votes, the Returning Officer declared Councillor Morrison duly elected as Chairperson of the Planning and Strategy Committee for the period to September 2010.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor Morrison on his election as Chairperson of the Planning and Strategy Committee.

The General Manager acting as the Returning Officer invited nominations for the Office of Deputy Chair of the Principal Committee being the Planning and Strategy Committee (P&S). The following nominations were received:

1. Councillor LeSurf was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Heasman and Councillor Elder. Councillor LeSurf consented to the nomination.
2. Councillor Griffin was nominated for Deputy Chairperson of the Planning and Strategy Committee by Councillor Whitting and Councillor Griffin. Councillor Griffin consented to the nomination.

An Open Vote was then taken resulting as follows:

In favour of Councillor LeSurf

Councillor Hay  
Councillor Elder  
Councillor Heasman  
Councillor Murphy  
Councillor LeSurf  
Councillor Morrison  
Councillor Norek

As Councillor LeSurf had the majority of the votes, the Returning Officer declared Councillor LeSurf duly elected as Deputy Chairperson of the Planning and Strategy Committee for the period to September 2010.

The Mayor Councillor Hay and the Returning Officer congratulated Councillor LeSurf on his election as Deputy Chairperson of the Planning and Strategy Committee.

**SUSPENSION OF STANDING ORDERS (Hay / Elder)**

That Standing Orders be suspended to allow for consideration of items of a public interest being Notice Of Motion Report No.34, Restriction of Section 94 Contributions; Report of Committees Report No.2, Minutes for Adoption by Council – Special Purposes Committee – without recommendations of a substantial nature, vii) Sports Facilities Committee 4/9/09; and Planning and Strategy Division Report No.38, Manly Local Environmental Plan 1988 (Draft Amendment 79).

133/09 **RESOLVED: (Hay / Elder)**

That Standing Orders be suspended to allow for consideration of items of a public interest being Notice Of Motion Report No.34, Restriction of Section 94 Contributions; Report of Committees Report No.2, Minutes for Adoption by Council – Special Purposes Committee – without



recommendations of a substantial nature, vii) Sports Facilities Committee 4/9/09; and Planning and Strategy Division Report No.38, Manly Local Environmental Plan 1988 (Draft Amendment 79).

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

**Against the Resolution:** Nil.

## NOTICES OF MOTION

Notice of Motion Report No. 34

### **Restriction of Section 94 Contribution Payments**

#### **PUBLIC ADDRESSES**

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

In Support of the Recommendation: Nicolas Coombes

Discussion on the Item was **DEFERRED** until the end of the meeting when Council moved into Closed Session.

## REPORTS OF COMMITTEES

Report of Committees Report No.2

### **Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature**

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

#### **Minutes of Meetings for adoption without recommendations of a substantial nature:**

- vii) Sports Facilities Committee - 4 September 2009

#### **PUBLIC ADDRESSES**

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

In support of the Recommendation: Philip Tangney, Good Sports

#### **MOTION (Whitting / LeSurf)**

That the Minutes of the Sports Facilities Committee – 4 September 2009, be adopted, specifically Item 4, Good Sports Program feedback from Clubs:

1. The Committee recommend to the General Manager and Council that clubs who have joined the program or who wish to join the program are supported in their decision by council.
2. Those clubs that have current strategies in place to deal with underage or binge drinking, drugs or inappropriate behaviour also be supported by Council.

134/09 **RESOLVED: (Whitting / LeSurf)**

That the Minutes of the Sports Facilities Committee – 4 September 2009, be adopted, specifically Item 4, Good Sports Program feedback from Clubs:

1. The Committee recommend to the General Manager and Council that clubs who have joined

- the program or who wish to join the program are supported in their decision by council.
2. Those clubs that have current strategies in place to deal with underage or binge drinking, drugs or inappropriate behaviour also be supported by Council.

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

**Against the Resolution:** Nil.

## PLANNING AND STRATEGY DIVISION

Planning And Strategy Division Report No. 38

### Manly Local Environmental Plan 1988 (Draft Amendment 79)

#### SUMMARY

This is a report to the Council on the submissions received following the public exhibition of Draft Manly Local Environmental Plan 1988 – Amendment 79, (Draft LEP Amendment 79). It recommends that the Council defer the application to amend Manly LEP 1988 to permit a supermarket as a permissible use in the Industrial Zone on the subject site in Roseberry Street, Balgowlah, until further strategic land use and planning studies for the Industrial Zone are completed.

#### PUBLIC ADDRESSES

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

Against the Recommendation: Paul Oats, National Manager for Property Development for Woolworths

In support of the Recommendation: Nick Juradowitch, Ingham Planning

#### MOTION (Whitting / Morrison)

That Council adopts the draft Manly Local Environmental Plan 1988 (Amendment No.79) (Draft LEP No.79) as exhibited and submits the LEP to the Director General of the Department of Planning for the preparation of a report to the Minister under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 (as amended) regarding the making of the draft LEP.

#### AMENDMENT (Murphy / Heasman)

That:

1. The draft Manly Local Environmental Plan 1988 (Amendment No. 79) (Draft LEP No. 79) be deferred until further strategic land use and planning studies (including cumulative traffic impact) for the industrial zone which would inform Council of the future permitted land uses and would address any inconsistencies arising in the Assessment of Draft LEP Amendment 79;
1. The Council explore with the Department of Planning and applicant available future funding opportunities for land use studies of the Manly industrial zone as part of the preparation of the Manly Comprehensive LEP (Standard Instrument) and this Draft Amendment 79.

**For the Amendment:** Councillors Heasman, Murphy, Norek, Griffin, Aird and Burns

**Against the Amendment:** Councillors Hay, Elder, Whitting, LeSurf, Morrison and Macdonald

With the voting being equal, the Mayor Councillor Hay used her casting vote against the Amendment, which was declared **LOST**. The Motion was put.

135/09     **RESOLVED:     (Whitting / Morrison)**

That Council adopts the draft Manly Local Environmental Plan 1988 (Amendment No.79) (Draft LEP No.79) as exhibited and submits the LEP to the Director General of the Department of Planning for the preparation of a report to the Minister under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 (as amended) regarding the making of the draft LEP.

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

With the voting being equal, the Mayor Councillor Hay used her casting vote in favour of the Motion, which was declared **CARRIED**.

**Note: A Notice of Rescission was received on this item.**

#### **RESUMPTION OF STANDING ORDERS     (Whitting / Heasman)**

That Standing Orders be resumed.

136/09     **RESOLVED:     (Whitting / Heasman)**

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.

#### **NOTICES OF MOTION**

Notice of Motion Report No. 32

**Assessment of Risk of Manly being hit by a Tsunami and need for public alarm and evacuation procedures**

**Councillor Hugh Burns moved:**

That Manly Council develop (1) a tsunami warning action plan, and (2) install the necessary warning infrastructure (such as a public address system) and (3) have inundation modelling carried out.

#### **MOTION     (Burns / Aird)**

That Council:

1. Develop a tsunami warning action plan;
2. Install the necessary warning infrastructure (such as a public address system); and
3. Have inundation modelling carried out.
4. Refer the matter to the Manly Warringah Pittwater Local Emergency Management Committee

**AMENDMENT (Hay / Norek)**

1. That Council refer the assessment of the risk of Manly being hit by a Tsunami and need for public alarm and evacuation procedures to the Manly Warringah Pittwater Local Emergency Management Committee.

**For the Amendment:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison and Norek

**Against the Amendment:** Councillors Griffin, Aird, Burns and Macdonald

The Amendment was declared **CARRIED** and became the Motion and was put.

**137/09 RESOLVED: (Hay / Norek)**

1. That Council refer the assessment of the risk of Manly being hit by a Tsunami and need for public alarm and evacuation procedures to the Manly Warringah Pittwater Local Emergency Management Committee.

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

**Against the Resolution:** Councillors Aird, Burns and Macdonald

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Notice of Motion Report No. 33

**Preparation of plans to restore heritage aspects of Manly's Town Hall - Stage 1  
Councillor Hugh Burns moved:**

That Council:-

1. prepare plans to enable the restoration of the two external garden beds and the four standard lights in front of the Council chambers to their original locations.
2. prepare plans to restore the interior of hall to the Councillors stairs with restoration or reinstatement of the polished stone wall finishes and uncovering of the original internal timber windows.
3. that these works are budgeted to be carried out in the 2010-2011 works program.

**MOTION (Burns / Aird)**

That Council:-

1. prepare plans to enable the restoration of the two external garden beds and the four standard lights in front of the Council chambers to their original locations.
2. prepare plans to restore the interior of hall to the Councillors stairs with restoration or reinstatement of the polished stone wall finishes and uncovering of the original internal timber windows.
3. that these works are budgeted to be carried out in the 2010-2011 works program.

Councillor Burns **WITHDREW** the Motion.

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**ITEMS FOR BRIEF MENTION**

Item For Brief Mention Report No. 21

**Items for Brief Mention****1. Correspondence from Pittwater Council:**

That the attached letter (Attachment 1) from Pittwater Council regarding Council amalgamations be received and noted.

**2. Update on a new Level 5 Northern Beaches Hospital:**

This matter has been before the Council at meetings held on 7<sup>th</sup> September 2009, 15<sup>th</sup> June 2009, 1<sup>st</sup> June 2009, and 20<sup>th</sup> October 2008, where Council has requested certain undertakings from the NSW State Government and the NSW Opposition, in relation to a commitment to build a Level 5 Northern Beaches hospital.

The most recent response from the NSW Government, received from the office of the Treasurer, indicates that Council's enquiry is being forwarded to the Minister of Health for his consideration and response. A copy of this letter is attached for the information of the Council (refer to Attachment 2).

Also, a response has been received from the NSW Opposition, following Council's recent letter to Mr Barry O'Farrell MP. In the response to Council Jillian Skinner MP, Shadow Minister for Health, on behalf of Mr Barry O'Farrell, states that... "an O'Farrell Government would begin construction of a new Northern Beaches hospital at Frenchs forest in its first term." A copy of this letter is attached for the information of the Council (refer to Attachment 3).

Following receipt of Jillian Skinner's letter, it is now proposed that the SHOROC Board be requested to invite the appropriate members of the NSW Opposition to address the Board more specifically on its policies.

**MOTION (Macdonald / LeSurf)**

1. That the letter from Pittwater Council be received and noted.
2. (a) That both the letters from the NSW Treasurer's office, and the Shadow Minister for Health, be received and noted.  
  
(b) That Mike Baird MP Member for Manly, the NSW Opposition Leader and Shadow Minister for Health be invited to formally address the SHOROC Board on the NSW Liberal Party's policies relating to the development on the new Level 5 Northern Beaches hospital at Frenchs Forest.

**138/09 RESOLVED: (Macdonald / LeSurf)**

1. That the letter from Pittwater Council be received and noted.
2. (a) It is recommended that both the letters from the NSW Treasurer's office, and the Shadow Minister for Health, be received and noted.  
  
(b) It is recommended that Mike Baird MP Member for Manly, the NSW Opposition Leader and Shadow Minister for Health be invited to formally address the SHOROC Board on the NSW Liberal Party's policies relating to the development on the new Level 5 Northern Beaches hospital at Frenchs Forest.

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

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The General Manager tabled the 2008-2009 Pecuniary Interest Register.

## REPORTS OF COMMITTEES

Report Of Committees Report No. 2

### **Minutes for Adoption by Council - Special Purpose Committees - without recommendations of a substantial nature**

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

#### **Minutes of Meetings for adoption without recommendations of a substantial nature:**

- i) Joint Services Committee – 21 May 2009
- ii) Sustainable Transport Committee – 3 June 2009
- iii) Access Committee meeting of 18 August 2009
- iv) Landscape Management and Urban Design Committee – 19 August 2009
- v) Sustainable Transport Committee – 26 August 2009
- vi) Manly Warringah Pittwater Local Emergency Management Committee–3 September 09
- viii) Sustainability & Climate Change Committee – 8 September 2009
- ix) Manly Scenic Walkway Committee – 8 September 2009
- x) Playground Committee – 10 September 2009
- xi) Community Safety Committee - September 2009
- xii) Manly Traffic Committee – 14 September 2009
- xiii) Arts and Culture Committee - 15 September 2009
- xiv) Sustainable Transport Committee - 24 September 2009

#### **MOTION (Macdonald / LeSurf)**

That the Minutes of the following Special Purpose Committee Meetings be adopted:

- i) Joint Services Committee – 21 May 2009
- ii) Sustainable Transport Committee – 3 June 2009
- iii) Access Committee meeting of 18 August 2009
- iv) Landscape Management and Urban Design Committee – 19 August 2009
- v) Sustainable Transport Committee – 26 August 2009
- vi) Manly Warringah Pittwater Local Emergency Management Committee–3 September 09
- viii) Sustainability & Climate Change Committee – 8 September 2009
- ix) Manly Scenic Walkway Committee – 8 September 2009
- x) Playground Committee – 10 September 2009
- xi) Community Safety Committee - September 2009
- xii) Manly Traffic Committee – 14 September 2009
- xiii) Arts and Culture Committee - 15 September 2009
- xiv) Sustainable Transport Committee - 24 September 2009

#### **139/09 RESOLVED: (Macdonald / LeSurf)**

That the Minutes of the following Special Purpose Committee Meetings be adopted:

- i) Joint Services Committee – 21 May 2009
- ii) Sustainable Transport Committee – 3 June 2009

- iii) Access Committee meeting of 18 August 2009
- iv) Landscape Management and Urban Design Committee – 19 August 2009
- v) Sustainable Transport Committee – 26 August 2009
- vi) Manly Warringah Pittwater Local Emergency Management Committee–3 September 09
- viii) Sustainability & Climate Change Committee – 8 September 2009
- ix) Manly Scenic Walkway Committee – 8 September 2009
- x) Playground Committee – 10 September 2009
- xi) Community Safety Committee - September 2009
- xii) Manly Traffic Committee – 14 September 2009
- xiii) Arts and Culture Committee - 15 September 2009
- xiv) Sustainable Transport Committee - 24 September 2009

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

**Against the Resolution:** Nil.

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

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Report Of Committees Report No. 3

**Minutes for Adoption by Council - Human Services Planning and Policy Committee Meeting - 25 August 2009**

These reports were dealt with at the Human Services Planning and Policy Committee meeting of 25 August 2009 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

**1. ITEM 5 REPORT – AFFORDABLE HOUSING**

In accordance with the minutes from the 23 June 2009 meeting, a general report was prepared on affordable housing schemes and funding opportunities that might benefit affordable housing provision in the Manly area.

The measures outlined in the report are designed to boost the provision of affordable housing by combined efforts from all levels of government and in partnerships with private sector developers and community housing providers. The policies aim to assist in improving housing affordability for low and medium income earners. Generally, large scale proposals for Residential Flat Buildings and boarding houses, together with DOH and housing provider partnerships are more likely to be funded by the NSW and Commonwealth Government programs discussed above.

However, recent legislative changes as contained in the SEPP (Affordable Rental Housing) 2009 will provide greater opportunities for affordable infill housing (the provision of granny flats) by changes to permit secondary dwellings throughout NSW and new generation boarding houses. The breadth of the SEPP may trigger substantial changes in the provision of low cost and affordable housing for the Manly LGA.

The role of local government in this process is considered to be limited.

**2. ITEM 7 GENERAL BUSINESS**

It was noted by the Manly Community Centre's representative that Mike Baird had released a media statement on the need to retain the local Phoenix Unit rehabilitation centre at Manly Hospital. This was in response to the Health Minister's statement in Parliament in June that the NSW government would not continue to run the unit and would appoint a new not-for-profit operator to run the centre.

**MOTION (Macdonald / LeSurf)**

That the:

**1. ITEM 5 REPORT – AFFORDABLE HOUSING**

Report on Affordable Housing be received and noted.

**2. ITEM 7 GENERAL BUSINESS**

Council notes the NSW government response about the future of the Phoenix Unit at Manly Hospital.

140/09 **RESOLVED: (Macdonald / LeSurf)**

That the:

**1. ITEM 5 REPORT – AFFORDABLE HOUSING**

Report on Affordable Housing be received and noted.

**2. ITEM 7 GENERAL BUSINESS**

Council notes the NSW government response about the future of the Phoenix Unit at Manly Hospital.

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

**Against the Resolution:** Nil.

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

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Report Of Committees Report No. 4

**Minutes for Adoption by Council - Heritage Committee - 2 September 2009**

These reports were dealt with at the Heritage Committee meeting of 2 September 2009 and were listed as a Recommendation in those minutes. These items are hereby submitted to the Ordinary Meeting for formal adoption by Council.

**1. ITEM 4 REPORT 1 – Meeting of the DA Working Group - 1 July 2009**

Discussion of the Manly Bathers Pavilion application (DA25/09 & DA26/09) took place, including the background to the current application and the openings in the southern wall, adjacent to the pedestrian walkway. Members considered that the openings should be returned to their original historic appearance and not allow patrons to impact on the pedestrian walkway.

**2. ITEM 7 REPORT 5 – Heritage Committee's Terms of Reference (TOR) – Additional matters raised by Community Member Jim Boyce, for consideration**

Community Member, Mr Jim Boyce outlined the reasons for the additional information proposed to be included in the TOR, including types of heritage, to clarify what the Committee is involved in. He also mentioned a Warringah Council booklet that members could use as a guide to producing similar information for Manly. Members agreed to Jim Boyce and Terry Metherell preparing this information. Discussion took place on communicating heritage matters such as the Cemetery; brochures; the review of the heritage list; an overview of heritage, and



a designated officer of Council to oversee heritage matters. The committee resolved to adopt the proposed changes to the TOR, including staff changes.

**MOTION (Macdonald / Griffin)**

That:

**1. ITEM 4 REPORT 1 – Meeting of the DA Working Group - 1 July 2009**

The Committee recommends to the General Manager that the Heritage Committee DA Working Group advice in relation to the Bathers Pavilion be amended by the addition of the following underlined words:

The Heritage Committee:

1. deplores the destruction of heritage fabric on the south elevation;
2. is gravely concerned at the encroachment onto the public walkway permitted by the new openings with sliding doors;
3. recommends reinstatement of the original heritage fabric of the original openings, including permanent barriers across these openings to prevent intrusions by patrons on the right of passage of the public along the walkway;
4. recommends that permanent barriers are also necessitated by the urgent need to protect the habitat of endangered little penguins which nest adjacent to the walkway.

**2. ITEM 7 REPORT 5 – Heritage Committee’s Terms of Reference (TOR) – Additional matters raised by Community Member Jim Boyce, for consideration**

The Heritage Committee recommends to the General Manager and Council that its Terms of Reference be amended under “Roles and Responsibilities” “and “Priorities for 2009 – 2012” as outlined below

(new wording added is underlined):

**Role and Objectives:**

This is a Special Purpose Committee, convened by the General Manager, to provide a forum for discussion and recommendation to Manly Council:

(a) On heritage related matters within the Manly local government area encompassing:

- Built Heritage
- Parks and Gardens
- Natural Heritage
- Indigenous Heritage
- Shipwrecks and Marine Structures
- Moveable Heritage

**Priorities for 2009-12:**

- (i) Communication: Heritage Committee Communications Working Group;
- (ii) Strategic input into the review of the current heritage list;
- (iii) Development Applications: Heritage Committee Development Applications Working Group;
- (iv) Manly Cemetery;
- (v) Liaison/advice to other committees where matters of Heritage arise;
- (vi) Strategic input into issues of moveable heritage as they arise;
- (vii) Input into the establishment of a Museum/Heritage Centre (via the Arts and Culture Committee);
- (viii) Heritage Promotion including the promotion of benefits and recognition to those

owners of properties on the Heritage list

141/09 **RESOLVED: (Macdonald / Griffin)**

That:

**1. ITEM 4 REPORT 1 – Meeting of the DA Working Group - 1 July 2009**

The Committee recommends to the General Manager that the Heritage Committee DA Working Group advice in relation to the Bathers Pavilion be amended by the addition of the following underlined words:

The Heritage Committee:

1. deplores the destruction of heritage fabric on the south elevation;
2. is gravely concerned at the encroachment onto the public walkway permitted by the new openings with sliding doors;
3. recommends reinstatement of the original heritage fabric of the original openings, including permanent barriers across these openings to prevent intrusions by patrons on the right of passage of the public along the walkway;
4. recommends that permanent barriers are also necessitated by the urgent need to protect the habitat of endangered little penguins which nest adjacent to the walkway.

**2. ITEM 7 REPORT 5 – Heritage Committee’s Terms of Reference (TOR) – Additional matters raised by Community Member Jim Boyce, for consideration**

The Heritage Committee recommends to the General Manager and Council that its Terms of Reference be amended under “Roles and Responsibilities” “and “Priorities for 2009 – 2012” as outlined below

(new wording added is underlined):

**Role and Objectives:**

This is a Special Purpose Committee, convened by the General Manager, to provide a forum for discussion and recommendation to Manly Council:

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**Priorities for 2009-12:**

- (i) Communication: Heritage Committee Communications Working Group;
- (ii) Strategic input into the review of the current heritage list;
- (iii) Development Applications: Heritage Committee Development Applications Working Group;
- (iv) Manly Cemetery;
- (v) Liaison/advice to other committees where matters of Heritage arise;
- (vi) Strategic input into issues of moveable heritage as they arise;
- (vii) Input into the establishment of a Museum/Heritage Centre (via the Arts and Culture Committee);
- (viii) Heritage Promotion including the promotion of benefits and recognition to those owners of properties on the Heritage list

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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

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Report Of Committees Report No. 5

**Minutes for Adoption by Council - Community Environment Committee Meeting - 9 September 2009**

This report was dealt with at the Community Environment Committee meeting of 9 September 2009 and was listed as a Recommendation in those minutes. The item is hereby submitted to the Ordinary Meeting for formal adoption by Council.

**1. ITEM 5.2 North Head Report - Plan of Management for Sydney Harbour National Park**

As part of the preliminary process, community ideas and feedback are being sought through a special website at: <http://sydneyharbourpom.net.au/>

It is important to encourage community participation in this process to ensure future uses and management of National Parks within the Manly LGA in particular and in the broader Sydney Harbour National Park strike the right balance between conservation and recreational values.

For this purpose, the Committee requests that:

- Council prepares a media release as well as including it in the Mayor's Message;
- This matter be placed on the Agenda for next meeting and National Parks staff (Margaret Bailey and Peter Hay) be invited to provide a presentation to the Committee;
- The Committee would appreciate a short summary of critical issues for the October Committee meeting.

**MOTION (Griffin / Burns)**

That:

**1. ITEM 5.2 North Head Report - Plan of Management for Sydney Harbour National Park**

- a) A media release on the Plan of Management for Sydney Harbour National Park be prepared by Council staff, and a related notice included in the Mayor's Message;
- b) Staff prepare a short summary of critical issues relating to the Plan of Management for Sydney Harbour National Park, for the October Environment Committee meeting.

142/09 **RESOLVED: (Griffin / Burns)**

That:

**1. ITEM 5.2 North Head Report - Plan of Management for Sydney Harbour National Park**

- a) A media release on the Plan of Management for Sydney Harbour National Park be prepared by Council staff, and a related notice included in the Mayor's Message;
- b) Staff prepare a short summary of critical issues relating to the Plan of Management for Sydney Harbour National Park, for the October Environment Committee meeting.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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

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## **CORPORATE SERVICES DIVISION**

Corporate Services Division Report No. 26

### **Report on Council Investments as at 31 August 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 / Whitting)**

That the statement of Bank Balances and Investment Holdings as at 31 August, 2009 be received and noted.

143/09 **RESOLVED: (Burns / Whitting)**

That the statement of Bank Balances and Investment Holdings as at 31 August, 2009 be received and noted.

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

Councillors Aird and Murphy were not in the Chamber when the voting took place.

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## **ENVIRONMENTAL SERVICES DIVISION**

Environmental Services Division Report No. 22

### **Development Applications Being Processed During October 2009**

#### **SUMMARY**

Development Applications being processed during the month of October 2009.

#### **MOTION (Macdonald / LeSurf)**

That the information on Development Applications being processed during October 2009 be noted.

144/09 **RESOLVED: (Macdonald / LeSurf)**

That the information on Development Applications being processed during October 2009 be noted.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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

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Environmental Services Division Report No. 23

**Current Legal Appeals Relating to Development Applications  
October 2009**

**SUMMARY**

Current Legal Appeals relating to Development Applications during October 2009.

**MOTION (Macdonald / LeSurf)**

That the information on current legal appeals relating to Development Applications during October 2009 be noted.

145/09 **RESOLVED: (Macdonald / LeSurf)**

That the information on current legal appeals relating to Development Applications during October 2009 be noted.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, LeSurf, Morrison, Norek, Griffin, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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

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Environmental Services Division Report No. 24

**Compliance and Enforcement Policy 2009**

**SUMMARY**

The Manly Council Compliance and Enforcement Policy has been formulated to provide a sound and fair basis with respect to how Manly Council, as the responsible authority, acts promptly, consistently and effectively so as to manage unlawful activities with a view to ensuring, so far as is practicable, compliance with the law and, in the case of the carrying out of unlawful development, reflecting the planning objectives of the EPAA and any EPI.

**MOTION (LeSurf / Heasman)**

1. That the report on Manly Council Compliance and Enforcement Policy be received and noted
2. That Council adopts the Compliance and Enforcement Policy.

146/09 **RESOLVED: (LeSurf / Heasman)**

1. That the report on Manly Council Compliance and Enforcement Policy be received and noted
2. That Council adopts the Compliance and Enforcement Policy.

**For the Resolution:** Councillors Hay, Elder, Heasman, Whitting, Murphy, LeSurf, Morrison, Norek, Aird, Burns and Macdonald  
**Against the Resolution:** Nil.

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

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## HUMAN SERVICES AND FACILITIES DIVISION

Human Services And Facilities Division Report No. 6

### Graffiti Policy

#### SUMMARY

This report is to seek Council's resolution on the following two policies relating to graffiti in the Manly Local Government Area.

- A. Draft Graffiti Management Policy
- B. Draft Graffiti Reward Scheme Policy

#### MOTION (Heasman / Burns)

That Council:

1. Adopt the Graffiti Management Policy and the Graffiti Reward Scheme Policy; and
2. Conduct a community awareness campaign to inform residents of Manly of the Graffiti Management Policy and the Graffiti Reward Scheme Policy.

147/09 **RESOLVED: (Heasman / Burns)**

That Council:

1. Adopt the Graffiti Management Policy and the Graffiti Reward Scheme Policy; and
2. Conduct a community awareness campaign to inform residents of Manly of the Graffiti Management Policy and the Graffiti Reward Scheme Policy.

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

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## QUESTIONS WITHOUT NOTICE

**QWN90/09 Councillor Elder** - Public holiday licensing laws in Manly

What are the licensing laws for bars in Manly when it comes to charging patrons entry fees on public holidays? Namely Henry Afrika's, Charlie Bar and the Shore Club on Manly beachfront.

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

**QWN91/09 Councillor Heasman - Parked boats causing safety hazards on roads**

Two boats are posing a safety hazard to traffic and children going home from school. One is on Griffiths Street, near the intersection with Boyle and Griffiths Street. Could the owner be contacted either by Council, or after assessment by the Police, to relocate the boat to a less hazardous parking spot?

The other is on Bareena Drive, outside Balgowlah Heights Bowling Club. Poles have been installed, but no signs as yet, which means that the boat, which is legally parked, does not need to be moved but is causing a safety hazard at after school times and at night.

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

**QWN92/09 Councillor Whitting - Replacement of sand at South Steyne**

Residents would like to have a timeline when Council will begin replacing the sand at South Steyne beach and bring it back to its former glory.

At the request of the Mayor, the General Manager advised that a timeline to replenish the sand at South Steyne has never been promised and that given time, the sand will naturally come back. A licence has to be applied for to move sand from one beach, Queenscliff for example, to another. The General Manager will take the question on notice as to a timeline for applying for such a licence.

**QWN93/09 Councillor Whitting - Indigenous Heritage Programme funds**

When will the \$48,000 Indigenous Heritage Programme funds be allocated and is there a timeline that Council is working to?

At the request of the Mayor, the General Manager advised that the project earmarked for the funding in the library is no longer being pursued and there is now an alternative proposal for a permanent installation of indigenous art and heritage to be established at the Art Gallery. Council is still waiting to find out if the funds can be transferred to this project.

**QWN94/09 Councillor Murphy - Ivanhoe Park Botanic Garden signs**

Have all the Ivanhoe Park Botanic Garden signs been installed on the entrances to the park, and have the flora signs been installed? If not, what is the expected completion date?

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

**QWN95/09 Councillor Murphy - Completion date of hit up wall at LM Graham Reserve**

What is the expected completion date of the hit up wall in Graham's Reserve now that it is nearly 6 years since it was budgeted?

At the request of the Mayor, the General Manager advised that under the State Government's loans programme and in the proposed Commonwealth's Stimulus Programme, which is continuing, Council has submitted to the State Government a proposal for an Aquatic Centre. Once the Commonwealth releases its next round of funding, Council will submit a similar proposal to them. The hit up wall can be built at any time, but it's a question of finding a more suitable spot that won't involve its future

demolition.

**QWN96/09 Councillor LeSurf** - Progress on surfing etiquette signs

What is the progress of the surfing etiquette signs that were to highlight the surfers code, agreed on at the Ordinary Meeting of 14 September 2009.

The Mayor advised that the signs had been approved at the Surf Club Liaison Committee on 13 October 2009 and should be in position soon.

**QWN97/09 Councillor LeSurf** - Update on alcohol free zone signage

Can we have an update on the alcohol free zone signage? Are they all completed?

At the request of the Mayor, the General Manager advised that the signs are completed and Council is in negotiations with the United Services Union with regards to enforcement. Council officers are equipped and trained.

**QWN98/09 Councillor Norek** - Road sign and fence in Seaforth

What is the status of the No U-Turn sign in Sydney Road, Seaforth, opposite Hope Street? Is it being removed? And what about the fence?

At the request of the Mayor, the General Manager advised that it is a RTA road, and council has no authority over any signage. A RTA representative will be at the next Seaforth Precinct meeting to answer any questions about such traffic matters, including the fence.

**QWN99/09 Councillor Aird** - Redistribution of water bottles

Can we be updated on the progress of the redistribution of water bottles, intended for use with the bubblers?

At the request of the Mayor, the Deputy General Manager advised that a report is going to the Waste Committee. There were problems with leaking water bottles which have been sent back for the problem to be fixed.

**QWN100/09 Councillor Aird** - Signage for Code of Respect for the Environment

It's 18 months since Council resolved to install Code of Respect for the Environment signage. Is there any progress?

At the request of the Mayor, the Deputy General Manager advised that all signs are to be sent for sign-off by the General Manager this week.

**QWN101/09 Councillor Burns** - Turned off fountains

Why are some of the fountains in the Manly LGA currently turned off?

At the request of the Mayor, the General Manager advised that he thought the one in Henry Gilbert Park has a problem from the recent dust storm, but he will take the question on notice.



**QWN102/09 Councillor Burns - Rangers after hours numbers**

Are the rangers after hours numbers available for residents?

At the request of the Mayor, the General Manager advised that yes, the numbers were available on a menu choice when contacting the main switchboard number.

Councillor Burns then asked if there had been any thought given to empowering residents to act as out of hours parking rangers?

At the request of the Mayor, the General Manager advised that council cannot empower non-employees. Residents can only inform Council of transgressions and Council can then take action.

**MATTERS OF URGENCY****MATTER OF URGENCY**

The Mayor, Councillor Hay, requested that she be allowed to introduce a Matter of Urgency regarding arrangements for the 2009 LGSA Conference due to be held 25-28 October 2009.

**MOTION (Hay / Heasman)**

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the arrangements for the 2009 LGSA Conference due to be held 25-28 October 2009, be considered as a matter of urgency.

**148/09 RESOLVED: (Hay / Heasman)**

That in accordance with the provisions of Clause 20(3) of Council's Code of Meeting Practice the matter relating to the arrangements for the 2009 LGSA Conference due to be held 25-28 October 2009, be considered as a matter of urgency.

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

**Against the Resolution:** Nil.

The Mayor ruled that the item was a Matter of Urgency and the matter proceeded to debate.

**MOTION (Macdonald / Heasman)**

1. That due to the inability of the Mayor to attend the 2009 LGSA conference, Council appoint Councillor Craig Whitting as a Delegate in her place.
2. That Council confirm that Councillors Heasman, Griffin and Whitting will attend the 2009 LGSA conference as voting delegates and that Councillors LeSurf and Aird attend as Observers.

**149/09 RESOLVED: (Macdonald / Heasman)**

1. That due to the inability of the Mayor to attend the 2009 LGSA conference, Council appoint Councillor Craig Whitting as a Delegate in her place.
2. That Council confirm that Councillors Heasman, Griffin and Whitting will attend the 2009 LGSA conference as voting delegates and that Councillors LeSurf and Aird attend as Observers.

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

## CONFIDENTIAL COMMITTEE OF THE WHOLE

General Managers Division Report No. 22

### Property Matter

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (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.*

Notice of Motion Report No. 34

### Restriction of Section 94 Contribution Payments

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

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

## CLOSED SESSION

### MOTION (Macdonald / Heasman)

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

The Chairperson, 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.

150/09 **RESOLVED: (Macdonald / Heasman)**

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.

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## OPEN COUNCIL RESUMED

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

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Notice of Motion Report No. 34

**Restriction of Section 94 Contribution Payments**

The Notice of Motion as discussed in Closed Session was **LOST**.

**For the Resolution:** Councillors Murphy and Morrison

**Against the Resolution:** Councillors Hay, Elder, Heasman, Whitting, LeSurf, Norek, Griffin, Aird, Burns and Macdonald

General Managers Division Report No. 22

**Property Matter**

**MOTION (Macdonald / Heasman)**

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

151/09 **RESOLVED: (Macdonald / Heasman)**

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

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

**Against the Resolution:** Nil.

Councillors Elder and Griffin had retired from the Chamber having previously declared a Conflict of Interest in this item and did not vote on it.

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**CLOSE**

The meeting closed at 12.32am on Tuesday 20<sup>th</sup> October 2009.

The above minutes were confirmed at an **Ordinary Meeting** of Manly Council held on 9<sup>th</sup> November 2009.

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**MAYOR**

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